

Review An
3/22/12

Wetlands Bureau Decision Report

Decisions Taken
03/05/2012 to 03/11/2012

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

**2007-00145 MILLS ENTERPRISES INC, DANA MILLS
WOODSTOCK Unnamed Wetland**

Requested Action:

Request permit time extension

Conservation Commission/Staff Comments:

Approved compensatory mitigation includes a payment of \$37,280.06 to of the Aquatic Resource Mitigation (ARM) Fund.

APPROVE TIME EXTENSION:

Dredge and fill 15,500 square feet of intermittent stream for road access to phase II (final) of a 33-lot subdivision on ± 72.99 acres. Perennial stream crossings include a 6-foot x 1-foot, 9.5-inch x 70-foot and 14-foot x 4-foot, 1-inch, 45-foot multi-plate arch culvert. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with plans by Associated Consulting Engineers dated October 2006, and revised through August 2007, and plans dated July 2007 and October 2007, as received by the Department on October 25, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This approval is contingent on receipt by DES of a one time payment of \$37,280.06 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
7. 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.
8. Work shall be done during low flow conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
14. 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.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Proper headwalls shall be constructed within seven days of culvert installation.

20. 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).
21. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
23. 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.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. 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.
26. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
27. A post-construction report documenting the status of the constructed stream crossings shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has 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. Phase I of this subdivision included a 9-lot subdivision with no associated wetland or surface water impacts.
6. In correspondence dated March 15, 2007, the Environmental Protection Agency (EPA) requested a function and value assessment, vernal pool survey, mitigation plan and a clear and accurate wetland delineation for the entire site.
7. In correspondence dated October 10, 2007, the EPA indicated sufficient information had been submitted and that the project could move forward as proposed.
8. Alternative road layouts with less stream impact were unable to meet town road specifications.
9. The applicant has relocated a portion of the proposed road to provide a greater upland buffer to a portion of an intermittent stream.
10. The applicant has provided open-bottomed multi-plate arch culverts that span the two (2) perennial stream crossing's bankfull widths.
11. The applicant has provided embedded culverts that span the bankfull widths of the six (6) intermittent stream crossings.
12. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
13. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
14. The payment calculated for the proposed wetland loss equals \$37,280.06.
15. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
16. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut River - John's River to Waits River watershed per RSA 482-A:29.

2011-02809 CAROLA B LEA TRUST
LYME Connecticut River

Requested Action:

Proposal to dredge and fill 17,600 square feet of riverbank and bed "Connecticut River" to stabilize the failed river bank and protect

the adjacent road. Work includes moving a section of River Road landward, stabilizing the adjacent river bank by creating a rip-rap toe to the 10-yr storm elevation along approximately 825 linear feet of the river with a planted "Envirogrid" to the 50-yr storm elevations and remaining slope matted and planted, approximately 30 linear feet of gabion basket bank stabilization with an associated stone key along each end of the proposed work and approximately 195 linear feet of stabilization with a rip-rap key and slope planted from the 10-yr storm elevation.

APPROVE PERMIT:

Dredge and fill 17,600 square feet of riverbank and bed "Connecticut River" to stabilize the failed river bank and protect the adjacent road. Work includes moving a section of River Road landward, stabilizing the adjacent river bank by creating a rip-rap toe planted with willow and alders stakes to the 10-yr storm elevation along approximately 825 linear feet of the river with a planted "Envirogrid" to the 50-yr storm elevations and remaining slope matted and planted, approximately 30 linear feet of planted gabion basket bank stabilization with an associated stone key along each end of the proposed work and approximately 195 linear feet of stabilization with a rip-rap key and slope planted from the 10-yr storm elevation.

With Conditions:

1. All work shall be in accordance with plans and narratives by Holden Engineering & Surveying, Inc., plans dated August 16, 2011 and narratives, as received by the NH Department of Environmental Services (DES) on November 3, 2011 and revised narratives, as received by DES on February 7, 2012 and revised plan sheets 2, 9 and 10 of 37 with last revision date of February 7, 2012 and plan sheet 8 of 37 with revision date of November 18, 2011, as received by DES on February 8, 2012 and plan sheet 1 of 1 dated November 2, 2011, as received by DES on March 6, 2012.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. All activities shall be in accordance with the Shoreland Water Quality 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.
4. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during low flow.
8. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after two full growing seasons.
9. The river banks plantings shall have at least 75% successful establishment after two (2) growing seasons, or it shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
10. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has indicated that during a severe storm event on April 30 and May 1, 2011 floodwaters scoured the east bank of the Connecticut River undermining multiple segments along a 1,100 foot section of River Road. This left visible tear cracks along the road resulting in the Town Select Board closing this section of the road.
4. The applicant has indicated that there are safety concerns with River Road being closed in the event the other remaining access, NH Route 10 were closed due to an accident or fire it would result in a "radically" increased response time by safety personnel to reach people and properties in the immediate area of River Road.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The project design includes moving a section of the River Road landward to create a flatter river bank that will be stabilized with a combination of a planted stone toe, planted slope, and planted stone gabions end sections to tie the stabilization project into the upstream and downstream river bank.
7. 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.
8. The project has been designed and plans stamped by a licensed New Hampshire Professional Engineer.
9. The applicant's engineer has had a second engineering firm review the proposal. The engineer/firm indicated that the design is appropriate.
10. This approval is conditioned on obtaining a DES Shoreland Permit and a DES Alteration of Terrain Bureau permit.
11. The project is for bank stabilization and to protect existing infrastructure and therefore does not require compensatory mitigation per Administrative Rule Env-Wt 302.03(c)(2)c. and d. 12. The Town has obtained a letter of authorization from the two affected property owners outside of the Town's road right-of-way.
13. The New Hampshire Fish and Game Department, Nongame Game and Endangered Wildlife Program and the New Hampshire Natural Heritage Bureau have indicated that based on the information they have received regarding the project they do not expect any impacts to the plant or animal species identified near the site.
14. The department received a comment review sheet from the United States Environmental Protection Agency ("USEPA") indicating that the project was eligible for approval under the NH Programmatic General Permit process.
15. On January 31, 2012 the department received comments from the Connecticut River Joint Commission, Upper Valley River Subcommittee ("CRJC"). The comments consisted of concerns regarding the proposed plantings to be used along the restored bank, the type of grass seed to be used and the suggestion to incorporate woody debris into the bank stabilization. The CRJC is concerned that many of the proposed plantings are facultative wetland species that may not survive the dry conditions. They suggested more native shrubs for wildlife benefit and the use of willows and alders along the river's edge. In addition, they commented that a full seed mix specification had not been provided, suggested the use of native warm season grasses that can tolerate dry conditions, do not need fertilizer and have a deep rooting system.
16. The applicant/agent has provided a response to the department and the CRJC. The agent indicated that the proposed plantings are from the department's native shoreland and riparian plantings list with a diverse list of facultative and facultative wet plant species that grow in wetlands and uplands. They removed one obligate species from the planting list, added a viburnum and added willow and alder plantings along the river's edge and within the proposed gabions. A full list of the proposed conservation/wildlife seed mix to be used on the project has been provided. The agent has indicated that they didn't feel that adding woody debris to the site was practical or prudent because the initial stabilization of the site was to remove large trees that were dragging large volumes of earth into the river and with the fluctuating water levels adding debris that may float away and damage the embankment is not prudent.
17. The department has conditioned this approval on at least 75% success of the proposed bank plantings. If the chosen plant species do not survive the applicant will be required to replant. If the lack of plant survival is due to the hydrological conditions

needed by the species it would be the expectation of the department that other appropriate native plant species would be used.

18. The seed mix specification have been provided and this approval is conditioned on obtaining a DES Shoreland permit, per RSA 483-B which regulates the types of fertilizers that can be used.

19. The department encourages and in many projects requires the use of woody materials in a project design ("bioengineering"). However, in this case the project is not a complete bioengineered design and the stabilization is to protect the adjacent infrastructure for safe passage (River Road) and provide a stable river bank.

20. The department has not received any additional comments from the CRJC.

21. The Department did not receive any comments from the Lyme Conservation Commission.

22. The department has not received any comments in objection of the proposed project.

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

**2011-03199 SCHUSSEL, GEORGE & SANDRA
MEREDITH Advent Cove/lake Winnepesaukee**

Requested Action:

Excavate 1,856 sq ft to construct a 877 sq ft single story boathouse, excavate 40 cubic yards from 555 sq ft of lakebed to provide access, install a 6 ft x 40 ft seasonal dock adjacent to the boathouse, and impact 979 sq ft to construct access stairs to the boathouse on an average of 1,778 feet of shoreline frontage along Lake Winnepesaukee, in Meredith.

Conservation Commission/Staff Comments:

Con Com submtted comments, may not be least environmentally damaging alternative for te applicant to acquire access to the water.

APPROVE PERMIT:

Excavate 1,856 sq ft to construct a 877 sq ft single story boathouse, excavate 40 cubic yards from 555 sq ft of lakebed to provide access, install a 6 ft x 40 ft seasonal dock adjacent to the boathouse, and impact 979 sq ft to construct access stairs to the boathouse on an average of 1,778 feet of shoreline frontage along Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates having the revision date of February 29, 2012, as received by the Department on March 1, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. The seasonal pier shall be removed from the lake for the non-boating season.
14. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
15. All activities shall be in accordance with the Shoreland Water Quality 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 major project per Rule Env-Wt 303.02(d), construction of a docking facility providing 5 or more boat slips and per Rule Env-Wt 303.02(g), dredge of more than 20 cu yd from public waters.
2. The Applicant has an average of 1,778 feet of frontage along Lake Winnepesaukee.
3. A maximum of 24 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility and existing docking structures will provide 7 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. The Meredith Conservation Commission submitted concerns relative to the environmental impact of the proposed project. The proposed boathouse meets the requirements of RSA 482-A and RSA 483-B, and therefore, the application is approved.

-Send to Governor and Executive Council-

2012-00011 NH DEPT OF TRANSPORTATION
PLYMOUTH Baker River

Requested Action:

Install rip rap for scour protection around two pier footings and walls where access will be through construction of a temporary causeway impacting 14,350 sq. ft. (10,200 sq. ft. temporary) of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

APPROVE PERMIT:

Install rip rap for scour protection around two pier footings and walls where access will be through construction of a temporary causeway impacting 14,350 sq. ft. (10,200 sq. ft. temporary) of riverine wetlands. NHDOT project #15882A.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 12/12/11, as received by the Department on Jan. 3, 2012.
2. Stamped engineering plans are to be submitted to the file as required per rule Env-Wt 404.04(a) and shall only include plan sheets specifically addressing the information required per Env-Wt 404.04 (b). The plans shall also show corrected top of bank lines to clarify jurisdictional areas.
3. Condition #2 shall be fully complied with prior to the scheduling of the pre-construction meeting required per condition #4.
4. 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, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit.

5. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.
6. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau at least 10 working days in advance of the meeting to be held as required by permit condition #4. Those plans shall be complete and shall include details regarding the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
7. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
8. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. 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.
10. 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.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Construction equipment shall not be located within surface waters.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. 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.
15. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
19. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
20. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
21. All activity shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.
22. Timing and method of construction shall be in accordance with the information on fish spawning submitted with the application in response to Rule Env-Wt 302.04(a)(7) and as agreed to at the Dec. 21, 2011 Natural Resource Agency Meeting.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.
4. 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.
5. A review of the application determined that impacts to jurisdiction are in areas that were previously disturbed and will improve public safety.
6. The project concepts were presented at the monthly Natural Resource Agency meeting held at the NH Dept. of Transportation on

May 19, 2010 and Dec. 21, 2011.

7. No concerns have been expressed in the file.

8. A public hearing is not required as the project impacts will not significantly impair the resources of this riverine wetland ecosystem or are these areas of a substantial public interest as defined per Administrative Rule Env-Wt 101.96.

2012-00223 SPRATT, STEVE
LACONIA Lake Winnepesaukee

Requested Action:

Modify a boathouse attached to a residential structure, repair one existing pier in-kind, remove 5 other piers, construct two new piling piers, install one seasonal docking structure, replace approximately 55 linear feet of retaining wall, and resurface an existing boat launch on a possible average of 241 feet of shoreline frontage, on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

Con Com submitted comments about vegetation and impervious surface

DENY PERMIT:

Modify a boathouse attached to a residential structure, repair one existing pier in-kind, remove 5 other piers, construct two new piling piers, install one seasonal docking structure, replace approximately 55 linear feet of retaining wall, and resurface an existing boat launch on a possible average of 241 feet of shoreline frontage, on Lake Winnepesaukee, in Laconia.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:26, I Dwellings Over Water. "No person shall construct any structure suitable for use as a dwelling if the structure or any part of the structure extends beyond the shoreline of any public water or publicly-owned water body."
2. In accordance with RSA 482-A:26, II, Dwellings Over Water. "No person shall convert or modify any existing structure in order to make the structure suitable as a dwelling if the structure or any part of the structure extends beyond the shoreline of any public water or publicly-owned water body."
3. In accordance with RSA 482-A:26, III (a) Dwellings Over Water "Existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired or reconstructed, for maintenance purposes only, using any modern technologies, provided the result is a functionally equivalent use. Such repair or reconstruction may alter the interior design or existing cribwork, but no expansion of the existing footprint or outside dimensions shall be permitted."
4. In accordance with RSA 482-A:26, III, (b) Dwellings Over Water. "Without otherwise limiting the provisions of this section, where the effect of repair or reconstruction of a structure subject to the provisions of this section represents greater protection of public water or the environment and where such repair or reconstruction does not change a recreational, water-based activity to a land-based, residential or commercial activity, the commissioner may waive the existing standards, provided that there shall be no expansion of the existing footprint, outside dimensions, and square footage of floor space; and there shall be a net reduction in the total square footage of kitchen, bathroom, shower, and toilet facilities."
5. In accordance with RSA 482-A:26, IV, "Dwelling over water" means any structure suitable for use as a dwelling which extends in any part beyond the shoreline of any public water or public-owned water body.
6. In accordance with RSA 482-A:16 Artificial Fill; Exemptions. - "No person shall place or cause to be placed any fill in any area below the mean high water level of any public waters or below the artificially-created high water level of publicly-owned bodies of water in this state with the intent or with the effect of creating or forming filled land adjacent to such bodies of water."
7. In accordance with Env-Wt 402.06 Permanent Docks, (a), "an application for a permanent dock shall be approved only when an applicant establishes that the proposed permanent dock will be located on a lake of over 1,000 acres and the proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north."

- 8. In accordance with Env-Wt 402.13 Frontage Over 75'. "To lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use."
- 9. In accordance with Env-Wt 402.21 Modification of Existing Structures. "The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."

Findings of Fact

- 1. On February 02, 2012, the Wetlands Bureau received a Standard Dredge and Fill application to "Modify a frontage with an existing boat house and 6 docking structure providing approximately 10 slips, enlarge the existing boat house landward, install 3 new permanent docking structures , install one seasonal docking structure, providing approximately 8 slips, replace 55 linear feet of retaining wall, replace 55 linear feet of retaining wall (sic), resurface an existing boat launch, on approximately an average of 241 feet of shoreline frontage, Lake Winnepesaukee, Laconia."
- 2. The existing boathouse, which extends over public water and public submerged lands, is part of the residential structure on the property and thus subject to the requirements of RSA 482-A.
- 3. The proposed modifications will expand both the footprint and outside dimensions of the boathouse including the residential portion of the structure.
- 4. The Applicant attempts to avoid the restrictions of RSA 482-A:26 by stating on the plans that a 1 inch separation will be created between the expanded boathouse and the expanded residential structure.
- 5. Features of the design, such as the doorway leading from the second floor of the residence directly into the proposed second floor of the boathouse, clearly indicate that the residence and boathouse will remain a single, integrated structure.
- 6. The proposed new docking structures will result in more construction surface area over public submerged lands than the existing structures.
- 7. The proposal includes the replacement of concrete structures and stone fill placed in the public submerged lands with retaining walls and back fill that would result in the making of land in public waters. This activity would require a Grant in Right from the Governor and Executive Council.
- 8. The Department also received a Shoreland Permit Application for impacts within the protected shoreland for the same lot on January 30, 2012. This application was denied on February 29, 2012.

Rulings in Support of Denial

- 1. The residence and boathouse would still be a single structure and the expansion of this structure is strictly prohibited pursuant to RSA 482-A:26, therefore the application is denied.
- 2. The modification of the existing 10-slip, nonconforming docking facilities fails to reduce the square feet of construction surface area over public submerged lands as required per Rule Env-Wt 402.21, and therefore the application is denied.
- 3. The Applicant has failed to show that the criteria of Rule Env-Wt 402.06, pertaining to the construction of the new permanent docking structures, have been met.

MINOR IMPACT PROJECT

2011-03106 **JOAN M RILEY REVOCABLE TRUST**
RYE Unnamed Wetland

Requested Action:

Impact a total of 7,526 square feet within the previously-developed 100-foot tidal buffer zone to include 2,909 square feet of permanent impact and 4,617 square feet of temporary impact for the construction of a garage, removal of impervious surface and construction of a rain garden for stormwater management on a single-family residential lot of approximately 4.14 acres.

Conservation Commission/Staff Comments:

See findings.

APPROVE PERMIT:

Impact a total of 7,526 square feet within the previously-developed 100-foot tidal buffer zone to include 2,909 square feet of permanent impact and 4,617 square feet of temporary impact for the construction of a garage, removal of impervious surface and construction of a rain garden for stormwater management on a single-family residential lot of approximately 4.14 acres.

With Conditions:

1. All work shall be in accordance with the 'Wetland Bureau Permit Plan' (Sheet C2) and 'Utility & Grading Plan' (Sheet C3) and plans by Ambit Engineering, Inc. dated November 2011 and revised through 2/9/12, as received by the NH Department of Environmental Services (DES) on February 13, 2012.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. DES Wetlands Bureau Southeast Region staff and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, or for any other construction activities.
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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. No more than 4.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b) Projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of Env-Wt 303.02.
2. The applicant requests to construct a detached garage on the property within the previously developed 100-foot tidal buffer zone; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A memo dated 11/22/2011 from the NH Natural Heritage Bureau (NHB) identified two (2) plant species within the vicinity of the proposed project: Beach Grass (*Ammophila breviligulata*) and Tall Wormwood (*Artemisia campestris* ssp. *caudata*).
6. In response to the aforementioned NHB memo, the NHB stated, "[the] NHB does not expect that either of the rare plant species would grow on this site as they are both species that would grow in dry sandy dune habitat rather than salt marsh habitat."

7. The applicant offered mitigation for the proposed project although mitigation is not required under DES rules. Invasive plant species found on the property will be removed and the applicant offered to plant approximately 1,890 square feet in supplemental buffer plantings.
8. This project is also under the jurisdiction of the Shoreland Water Quality Protection Act and does not require the submittal of a Shoreland Application in accordance with RSA483-B:5-bIV.
9. The applicant requests a waiver to Env-Wq 1405.03(b)(2) in accordance with Env-Wq 1413.03.
10. DES hereby waives rule Env-Wq 1405.03(b)(2) as granting the waiver will not result in an adverse effect to the nearby salt marsh or natural resources of the State, public health, or public safety.
11. Although the owner is not required to create a rain garden to manage stormwater as only 4.4% percent of the lot will be impervious, the rain garden will be constructed in accordance with RSA 483-B:9V(g)(2).
12. The Rye Conservation Commission did not comment directly to the DES speaking for or against the proposed project.
13. No Federal agencies commented on the project.

**2012-00083 PUBLIC SERVICE CO OF NH
DERRY Unnamed Wetland**

Requested Action:

Impact 13,132 sq. ft. (80 sf permanent & 13,052 sf temporary construction impacts) in palustrine scrub-shrub, wet meadow and emergent wetlands, located within the existing right-of-way, to install twenty (20) new distribution utility poles and associated overhead lines and guy wires between the Scobie Pond distribution substation and the Route 28 By-pass in Derry.

Conservation Commission/Staff Comments:

No comments were received from the Derry Conservation Commission regarding this application.

APPROVE PERMIT:

Impact 13,132 sq. ft. (80 sf permanent & 13,052 sf temporary construction impacts) in palustrine scrub-shrub, wet meadow and emergent wetlands, located within the existing right-of-way, to install twenty (20) new distribution utility poles and associated overhead lines and guy wires between the Scobie Pond distribution substation and the Route 28 By-pass in Derry.

With Conditions:

1. All work shall be in accordance with plans by TFM dated December 9, 2011, as received by the NH Department of Environmental Services (DES) on January 12, 2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow drier season or frozen winter conditions.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. As the permanent wetlands impacts for this public utility project have been minimized, there is no compensatory mitigation required.

**2012-00286 S & D RESIDENTIAL TRUST, STEVEN/DEBORAH MARCUS
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Add two 6 ft x 10 ft permanent extensions to, two existing 6 ft x 30 ft permanent docks to create two 6 ft x 40 ft permanent docks connected by a 6 ft x 12 ft permanent walkway on an average of 195 feet of shoreline frontage, on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No comments from Con Com by March 05, 2012

APPROVE PERMIT:

Add two 6 ft x 10 ft permanent extensions to, two existing 6 ft x 30 ft permanent docks to create two 6 ft x 40 ft permanent docks connected by a 6 ft x 12 ft permanent walkway on an average of 195 feet of shoreline frontage, on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated January 31, 2012.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. No portion of the docks shall extend more than 40 feet lakeward from full lake elevation of 504.32.
11. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), modification of an existing docking system that provides 3 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 195 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2012-00305 WEISENBURGER, GREG
TUFTONBORO Lake Winnepesaukee

Requested Action:

Install a 6 ft x 5 ft permanent extension to an existing permanent dock to create a 6 ft x 35 ft piling supported dock on an average of

314 feet of frontage on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com submitted comments about docks on abutters property

APPROVE PERMIT:

Install a 6 ft x 5 ft permanent extension to an existing permanent dock to create a 6 ft x 35 ft piling supported dock on an average of 314 feet of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 7, 2012, as received by the NH Department of Environmental Services (DES) on February 10, 2012.
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. No portion of the pier shall extend more than 35 feet from the shoreline at full lake elevation.
4. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a permanent docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant has an average of 314 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2012-00207 BRODY, EDWARD/JOANNA
ALTON Lake Winnepesaukee

Requested Action:

Install a 4 ft x 30 ft seasonal dock on an average of 51 feet of shoreline frontage, on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Install a 4 ft x 30 ft seasonal dock on an average of 51 feet of shoreline frontage, on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 5, 2012, as received by the NH Department of Environmental Services (DES) on January 31, 2012.
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 docking 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. All activities shall be in accordance with the Shoreland Water Quality 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 local Conservation Commission has no concerns with the proposed project.
3. The applicant has submitted information on water depth to justify the additional pier length.

FORESTRY NOTIFICATION

2012-00427 LANDRY, RYAN/JANICE
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:
Berlin Tax Map 112, Lot# 86

2012-00457 LOCH LYME LODGE INC, LIZ RYAN COLE
LYME Unnamed Stream

COMPLETE NOTIFICATION:
Lyme Tax Map 408, Lot# 22

2012-00459 SOUTHERN SPECTRUM LLC ET AL
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 247, Lot# 2

2012-00483 STEINBERG, AMY
WESTMORELAND Unnamed Stream

COMPLETE NOTIFICATION:
Westmoreland Tax Map R3, Lot# 51

2012-00526 DAHILIO, RONALD
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:
Plymouth Tax Map/Lot# 227/23, 24 & 236/6

2012-00527 HEBERT, MARK
NORTHFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Northfield Tax Map R20, Lot# 6

2012-00528 KAHN REVOC TRUST, LOUIS
MEREDITH Unnamed Stream

COMPLETE NOTIFICATION:
Meredith Tax Map R19, Lot# 13

2012-00530 EMERY, RUSSELL
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 1, Lot# 37

EXPEDITED MINIMUM

2012-00264 PLYMOUTH, TOWN OF
PLYMOUTH Unnamed Wetland

Requested Action:

Proposal to dredge and fill 312 sq. ft. of forested wetlands and associated intermittent drainage for culvert replacement, roadway upgrades and stormwater drainage improvements.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 312 sq. ft. of forested wetlands and associated intermittent drainage for culvert replacement, roadway upgrades and stormwater drainage improvements.

With Conditions:

- 1. All work shall be in accordance with plans and narratives by KVPartners, LLC plans dated January 16, 2012 and narratives, as received by the NH Department of Environmental Services (DES) on February 6, 2012.

2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2012-00264 prior to construction.
3. Work shall be done during low flow.
4. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ah) Any project that includes any new stream crossing which qualifies as minimum impact under Env-Wt 903.01(e).
2. The new crossing has been designed to comply with Env-Wt 904.02.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. The proposed work within wetlands is within the town road right-of-way and a construction easement area.

2012-00367 TOWN OF SANBORNTON
SANBORNTON Salmon Brook

Requested Action:

Dredge and fill 120 sq. ft. (40 linear ft.) of stream bank/bed (bridge abutments) to place class B rip-rap along the existing bridge abutments for scour protection and conduct grout repairs. The project also includes replacement of the existing steel deck with a new precast deck on the existing abutments which does not require any work in the bed or banks of the stream.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 120 sq. ft. (40 linear ft.) of stream bank/bed (bridge abutments) to place class B rip-rap along the existing bridge abutments for scour protection and conduct grout repairs. The project also includes replacement of the existing steel deck with a new precast deck on the existing abutments which does not require any work in the bed or banks of the stream.

With Conditions:

1. All work shall be in accordance with plans and narratives by M.A. Bean Associates, LLC plans dated February 8, 2012, narratives dated February 9, 2012, as received by the NH Department of Environmental Services (DES) on February 17, 2012 and narrative submitted by Fluet Engineering Associates, P.C., dated March 8, 2012, as received by DES on March 8, 2012.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be done during low flow.
5. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
9. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
10. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The proposed maintenance work is within a tier three watershed, however, the needed repair work within jurisdiction is minimal (120 sq. ft. for scour protection repair) and it is not practicable to require submittal of a complete analysis that complies with Administrative Rule Env-Wt 904.04 or Env-Wt 904.09.
3. The project is consistent with repairs to a stream crossing which qualifies as minimum impact under Env-Wt 903.01(e)(2) and (3).
4. The applicant has submitted a technical report stamped by a NH licensed Professional Engineer as required for an Alternative Design per Administrative Rule Env-Wt 904.09(b) and addressing compliance with the General Design Criteria of Administrative Rule Env-Wt 904.01.
5. The bridge repair purpose is consistent with Administrative Rule Env-Wt 901.01(a).
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The existing bridge deck is failing and needs to be replaced. The portion of work in the department's jurisdiction is needed to repair an abutment and provide long term scour protection.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
10. The Conservation Commission signed the application.

11. The department has not received any comments in objection of the proposed project.

GOLD DREDGE

2012-00514 LANGLEY, JEREMY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
CC Bath ConCom

2012-00515 PRESCOTT, JOHN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2012-00525 KIRST, RICHARD
WOLFEBORO Crescent Lake

COMPLETE NOTIFICATION:
Installation of a seasonal dock structure.

PERMIT BY NOTIFICATION

2012-00421 TYCO ELECTRONICS INTEGRATED CABLE SYSTEMS LLC
NEWINGTON Piscataqua River

Requested Action:
Repair or replace in-kind support timbers and steel support members over a total of 800 square feet of existing industrial docking facility.

PBN IS COMPLETE:
Repair or replace in-kind support timbers and steel support members over a total of 800 square feet of existing industrial docking facility.

2012-00479 BLY, CAROL
WOLFEBORO Lake Wentworth

Requested Action:

Construction of a seasonal pier or wharf if no more than 2 slips, including previously existing slips, are proposed, and all criteria of Env-Wt 402 are met.

Conservation Commission/Staff Comments:

Con Com signed PBN application form

PBN IS COMPLETE:

Construction of a seasonal pier or wharf if no more than 2 slips, including previously existing slips, are proposed, and all criteria of Env-Wt 402 are met.

With Findings:

Construction of a seasonal pier or wharf if no more than 2 slips, including previously existing slips, are proposed, and all criteria of Env-Wt 402 are met.

2012-00481 SILVER SANDS MOTEL & MARINE INC, CHRIS & CATHERINE
GILFORD 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 signed PBN application 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

000A-00001 DUMMY RECORD LANDOWNER
WASHINGTON Ammonoosuc River

**2010-00259 FODEN, PAUL
WINDHAM Cobbetts Pond**

Requested Action:

Request name change to Paul Foden and Maria Giakoumakis to: Impact 7,194 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and installing a new septic system.

APPROVE NAME CHANGE:

Change name to Paul Foden and Maria Giakoumakis at their address; 17 Armstrong Road in Windham, NH 03060 to: Impact 7,194 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Association., dated January, 2010 and received by the Department of Environmental Services ("DES") on February 16, 2010 and revised planting plans dated January, 2010, and received by the Department of Environmental Services ("DES") on March 25, 2010.
2. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
3. No more than 24.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

**2011-01099 CARLISLE, DON
MUNSONVILLE Granite Lake**

Requested Action:

Owner proposes to amend the plan by including reconstructing the deck within the same footprint and winterizing the cottage.

Impact 2,153 sq ft in order to construct parking area and improve access to existing building.

APPROVE AMENDMENT:

Revised plans dated February 10, 2012 to impact an additional 1,784 sq ft for the purpose of winterizing the cottage with the approved 2,153 sq ft to construct parking area and improve access to existing building.

With Conditions:

1. All work shall be in accordance with plans by Jeremy Hamilton dated February 10, 2012 and received by the NH Department of Environmental Services (DES) on February 17, 2012.
2. No more than 11.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,675 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.

2012-00364 FLEMING, ELIZABETH/MICHAEL
NEW HAMPTON Winona Lake

Requested Action:

Amend Shoreland Permit to revise project description.

APPROVE AMENDMENT:

Amend permit description to read: Impact 4,790 sq ft (2,830 sq ft permanent impacts) to construct a second residence with attached garage, modify existing swale, and install a proposed septic system.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated February 2, 2012 and received by the NH Department of Environmental Services (DES) on February 17, 2012.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 18.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 1,425 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. 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 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.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2012-00380 PHYLLIS F SANBORN IRREV TRUST
NORTHWOOD Pleasant Lake

Requested Action:

Impact 586 sq ft for the purpose of razing an existing 9 ft x 20 ft 8 inch bedroom wing off a non-conforming structure and constructing a replacement bedroom wing measuring 14 ft x 26 ft.

APPROVE PERMIT:

Impact 586 sq ft for the purpose of razing an existing 9 ft x 20 ft 8 inch bedroom wing off a non-conforming structure and constructing a replacement bedroom wing measuring 14 ft x 26 ft.

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (DES) on March 2, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau and the installation of new onsite septic system approved by Shoreland Impact Permit #2012-00369.
3. No more than 6.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 12,284 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. 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 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.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to 43.2 from the reference line at the nearest point, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the Surface Water Quality Protection Act.
2. The proposed replacement addition will be located 42.6 ft from the reference line, a slight increase to the pre-construction setback.
3. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.

2012-00389 DELEAULT, ROBERT
NEW HAMPTON Lake Pemigewasset

Requested Action:

Impact 478 sq ft for the purpose of razing an existing cottage with deck and constructing a new larger cottage with deck in the same location.

APPROVE PERMIT:

Impact 478 sq ft for the purpose of razing an existing cottage with deck and constructing a new larger cottage with deck in the same location.

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (DES) on March 6, 2012.
2. The applicant is responsible for achieving and maintaining compliance with all applicable NH DES Subsurface Regulations.
3. No more than 14.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project will not impact any areas of the Natural Woodland Buffer currently existing in an unaltered state beyond the primary building setback.
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 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.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

UTILITY NOTIFICATION

2012-00512 PSNH
PORTSMOUTH Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount

COMPLETE NOTIFICATION:
Vegetative maintenance

2012-00513 PSNH
RANDOLPH Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file # 12-192 for fee amount

COMPLETE NOTIFICATION:
Vegetative maintenance

2012-00537 NELSON, KURT
RAYMOND Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00538 **NELSON, KURT**
RICHMOND Unnamed Stream Unnamed Wetland

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00540 **NELSON, KURT**
RINDGE Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00541 **NELSON, KURT**
ROCHESTER Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00545 **NELSON, KURT**
SANDOWN Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See fil 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00546 **NELSON, KURT**
SANDWICH Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:

See file 12-192 for fee amount

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00547 NELSON, KURT
SEABROOK Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00550 NELSON, KURT
SOUTH HAMPTON Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12 -192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00552 NELSON, KURT
SPRINGFIELD Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12 -192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00553 NELSON, KURT
STARK Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00554 NELSON, KURT
STODDARD Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00558 NELSON, KURT
STRAFFORD Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

2012-00559 CASEY, JOHN
STRATHAM Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

2012-00560 NELSON, KURT
SUGAR HILL Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-192 for fee amount.

COMPLETE NOTIFICATION:
Vegetative maintenance.

