

Wetlands Bureau Decision Report

Review by
MAZ 5/15/12

Decisions Taken
05/07/2012 to 05/13/2012

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

**2009-02602 PALMER GROUP PROPERTIES LLC, MICHAEL PALMER
CARROLL Ammonoosuc River**

Requested Action:

Deny request to permit impact 2942 sq. ft. of wetlands for a river bank stabilization using riprap

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to permit impact 2942 sq. ft. of wetlands for a river bank stabilization using riprap

With Findings:

1. A request for additional information dated 01/26/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2012-00035 MANCHESTER, CITY OF
MANCHESTER Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 45,591 sq. ft. of wetlands (includes 36,014 sq. ft. of temporary impacts and 9,577 of permanent impacts) for the installation of approximately 20,000 linear feet of gravity sewer line. Work in wetlands and streams consists of temporary and permanent dredging and filling impacts for construction access, future maintenance access, installation of the new sewer line and replacement of two perennial stream crossings within the path of the new sewer line on Wellington Road and Lakeside Drive.

APPROVE PERMIT:

Dredge and fill 45,591 sq. ft. of wetlands (includes 36,014 sq. ft. of temporary impacts and 9,577 of permanent impacts) for the installation of approximately 20,000 linear feet of gravity sewer line. Work in wetlands and streams consists of temporary and permanent dredging and filling impacts for construction access, future maintenance access, installation of the new sewer line and replacement of two perennial stream crossings within the path of the new sewer line on Wellington Road and Lakeside Drive.

With Conditions:

1. All work shall be in accordance with plans narratives by Hoyle, Tanner & Associates, Inc., plans dated December 19, 2012, as received by the NH Department of Environmental Services (DES) on January 6, 2012 and plans and narratives April 18, 2012 as received by DES on April 19, 2012 and revised plan sheets "A" and "C" revision date of May 2, 2012 as received by DES on May 2, 2012.
2. The City shall obtain 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. 2012-00035 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plan for the permanent and temporary stream crossing work. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Orange construction fencing shall be placed at the limits of construction when directly adjacent to wetlands or surface waters to prevent accidental encroachment.
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. Native material removed from the streambed and stream banks during the sewer line and culvert installations, shall be stockpiled separately and reused to emulate a natural channel and bottom within the work area. Any new materials used to restore the stream shall be similar to the natural stream substrate and shall not include angular rip-rap.
9. All temporary impacts to stream banks, streambeds and wetlands shall be restored to their original grades (unless part of the natural grade stream bed restoration at the two upgraded culverts in Spring Valley Brook).
10. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after each of the following two growing seasons.
11. The post-construction report shall document the status of the restored streambed, banks and wetlands.
12. The stream and wetland restoration 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.
13. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found within the work area during this same period.
14. 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.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. 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.
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. 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.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
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. The applicant shall notify in writing DES Wetlands Bureau and the Manchester Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has indicated that the project "Cohas Brook Sewer Project-Contract No. 2" is designed to eliminate subsurface disposal systems to help protect Lake Massabesic, Manchester's primary drinking water supply and will service approximately 450

homes in the Wellington Road and Candia Road Region of Manchester.

6. The project includes replacing two Tier 3 perennial stream crossings within Spring Valley Brook on Wellington Road and Lakeside Drive.
7. The crossing are inline with the proposed sewer line and the City is proposing to upgrade the crossing while they are installing the new line.
8. The applicant has submitted the crossing designs as Alternative Design Per Env-Wt 904.09.
9. The crossings were submitted as an Alternative Design because it was found by the applicant that installing new Tier 3 crossing would not to be practicable due to cost, existing technology and logistics of the overall project purpose.
10. The stream crossing on Wellington Road, Lakeside Drive both consist of undersized twin 48 inch diameter culverts.
11. The applicant has addressed the required stream rules per Chapter Env-Wt 900.
12. The Wellington Road culvert will be upgraded to a 3 ft. high x 20 ft. wide open bottom span culvert and the Lakeside Drive culvert will be upgraded to a 4 ft. high x 7 ft. wide pre-cast concrete box culvert.
13. The new crossing will accommodate the 100 year storm event.
14. The NH Natural Heritage Bureau ("NHB") commented that "It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/2/2011, and cannot be used for any other project."
15. The department received a comment sheet from the United States Environmental Protection Agency ("EPA") indicating that the project is eligible for the NH Programmatic General Permit process.
16. DES has not received any comments in opposition to the project.
17. 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 palustrine and riverine resources, as identified under RSA 482-A:1.

2012-00434 BEDFORD, TOWN OF
BEDFORD Unnamed Wetland

Requested Action:

Proposal to dredge and fill 12,571 sq. ft. of wetlands (includes 345 linear ft. of intermittent stream channel, forested wetlands, scrub-shrub wetlands and pond bank) for improvements to Meetinghouse Road and construction of a roundabout at the intersection with Gault Road and Patten Road. Work in jurisdiction consists of impacts associated with side slope filling, filling for alignment of the new roundabout, in-kind replacement of a Tier 1 stream crossing, upgrading of a Tier 2 stream crossing, and replacement of multiple wetland cross culverts. Compensatory mitigation for the jurisdictional impacts consists of the restoration a perennial stream channel and aquatic organism passage through removal of an existing dam and culvert crossing structure located on Jenkins Road and McQuade Brook. The structure will be replaced with a 28-foot clear span bridge.

APPROVE PERMIT:

Dredge and fill 12,571 sq. ft. of wetlands (includes 345 linear ft. of intermittent stream channel, forested wetlands, scrub-shrub wetlands and pond bank) for improvements to Meetinghouse Road and construction of a roundabout at the intersection with Gault Road and Patten Road. Work in jurisdiction consists of impacts associated with side slope filling, filling for alignment of the new roundabout, in-kind replacement of a Tier 1 stream crossing, upgrading of a Tier 2 stream crossing, and replacement of multiple wetland cross culverts. Compensatory mitigation for the jurisdictional impacts consists of the restoration a perennial stream channel and aquatic organism passage through removal of an existing dam and culvert crossing structure located on Jenkins Road and McQuade Brook. The structure will be replaced with a 28-foot clear span bridge.

With Conditions:

1. All work shall be in accordance with plans by Bedford Public Work dated February 23, 2012 and plans by Knowles Design dated February 8, 2012 and narratives by McFarland Johnson, as received by the NH Department of Environmental Services (DES) on February 27, 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. 2012-00434 prior to construction.

3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plan for the stream crossing and stream relocation work. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. 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.
8. The stream bank and wetland 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.
9. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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.
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. 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).
16. 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.
17. 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.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Compensatory Mitigation wetland/stream crossing restoration construction:

19. This permit is contingent upon the restoration a perennial stream channel and aquatic organism passage through removal of an existing dam and culvert crossing structure (replacement with a 28-foot span bridge) located on Jenkins Road and McQuade Brook. (Wetlands Bureau File #2012-00941). The culvert replacement and associated restoration shall be conducted concurrent with the approved stream and wetland impacts and/or completed no longer than one year from the issuance date of this approval or alternative mitigation shall be required.
20. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plan and subsequent permit.
21. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation area is constructed in accordance with the final approved mitigation plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.

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. The Compensatory Mitigation for the jurisdictional impacts consists of the restoration of a perennial stream channel and aquatic organism passage through removal of an existing dam and culvert crossing structure located on Jenkins Road and McQuade Brook.
6. The structure will be replaced with a Tier 3/Alternative Design clear span bridge Per Env-Wt 904.04 and Env-Wt 904.09.
7. The department has determined that the proposed compensatory mitigation complies with Administrative Rules Part Env-Wt 803.
8. An alternative mitigation proposal shall be required if the proposed mitigation is not completed within 1 year of the date of this permit or a time agreed on by the department.
9. The department received a comment sheet from the United States Environmental Protection Agency ("EPA") indicating that the project is eligible for the NH Programmatic General Permit process.
10. The Town of Bedford Conservation Commission voted to support the application.
11. DES has not received any comments in opposition to the project.
12. 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 palustrine, lacustrine and riverine resources, as identified under RSA 482-A:1.

2012-00668 PERRY STREAM LAND AND TIMBER CO INC
PITTSBURG Moose Pond Brook

Requested Action:

Dredge and fill 224 square feet within palustrine scrub-shrub wetland to construct a commercial drinking water/bottling plant with associated roadways and parking; impact 1,838 square feet of scrub-shrub wetland in a man-made depression to re-configure existing gravel roadways and to restore an existing boat launch and vegetated buffer along Moose Pond; and dredge and fill 450 square feet (impacting 144 linear feet) within 2 perennial streams to replace and upgrade existing culverts that provide access to the borehole water source. In addition, 215 square feet of temporary construction impact within the 2 perennial streams is necessary to install the proposed culvert upgrades. Finally, as part of the water withdrawal permitting, the applicant is proposing to install a weir and stream gauge on an existing culvert on Indian Stream Road within the Moose Pond Brook drainage.

Conservation Commission/Staff Comments:

The NH Natural Heritage Bureau ("NHB") commented that "It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project".

APPROVE PERMIT:

Dredge and fill 224 square feet within palustrine scrub-shrub wetland to construct a commercial drinking water/bottling plant with associated roadways and parking; impact 1,838 square feet of scrub-shrub wetland in a man-made depression to re-configure existing gravel roadways and to restore an existing boat launch and vegetated buffer along Moose Pond; and dredge and fill 450 square feet (impacting 144 linear feet) within 2 perennial streams to replace and upgrade existing culverts that provide access to the borehole water source. In addition, 215 square feet of temporary construction impact within the 2 perennial streams is necessary to install the proposed culvert upgrades. Finally, as part of the water withdrawal permitting, the applicant is proposing to install a weir and stream gauge on an existing culvert on Indian Stream Road within the Moose Pond Brook drainage.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates dated March 9, 2012, as received by the NH Department of Environmental Services (DES) on March 22, 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. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. Prior to construction of the proposed stream gauge on Indian Stream Road, the applicant shall obtain written permission from the

affected landowner (NH Dept. of Resources & Economic Development), and the applicant shall coordinate with the NH Fish & Game Dept. to ensure that the attached culvert weir and stream gauge do not further restrict fish passage, sediment transport characteristics, and hydraulic capacity.

5. The final stream gauge proposal on Indian Stream Road shall be reviewed and approved by the DES Drinking Water & Groundwater Bureau and DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All stream work shall be done during low flow conditions.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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).
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. 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 NH Administrative Rule Env-Wt 903.01(g), as the project proposes to replace a Tier 3 perennial stream crossing, and a Tier 2 perennial stream crossing.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule 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 Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The Tier 3 crossing design was submitted as an Alternative Design per Rule Env-Wt 904.09 because it was found by the applicant that replacing the existing crossing with a full-span Tier 3 crossing would not be practicable due to cost, and because the Borehole Access Road will only be used for routine maintenance access and not for daily travel.
6. The existing stream crossings on the Borehole Access Road are both undersized (the Tier 2 stream has a 12" and 22" culvert, and the Tier 3 stream has a 24" and 36" culvert), but both have been there for several decades without failure due to the dam control at Moose Pond, which is directly adjacent to the crossings.
7. The applicant has addressed the required stream crossing rules per Chapter Env-Wt 900.
8. The Borehole Access Road culverts will be upgraded to a single 48" x 20' culvert for the Tier 2 crossing, and an 8' x 4' pre-cast concrete box culvert that is 28' in length for the Tier 3 crossing.
9. The applicant requested a waiver to the requirements of vegetated banks within the new structure per Administrative Rule 904.05(c).
10. DES approved the waiver request due to noted constraints, existing conditions and restoration and preservation of a natural stream channel.
11. A New Hampshire Licensed Professional Engineer conducted a hydrological analysis of the existing conditions and proposed replacement, and the new crossing will accommodate the 100-year storm event.
12. The NH Natural Heritage Bureau ("NHB") commented that "It was determined that, although there was a NHB record (e.g., rare

wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project.

13. DES did not receive any public comments, for or opposed to the project.

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

MINOR IMPACT PROJECT

2006-03026 GILBERT, RICK & JOHN MCQUADE
LACONIA Lake Winnepesaukee

Requested Action:

Request name change to 246-250 Paugus Park Road Condo Association, Attn: Timothy James
Construct a 6 ft by 33 ft permanent piling supported dock, intall two seasonal boatlifts adjacent to the dock and install two personal watercraft lifts on an average of 208 ft of frontage on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:
Con Com has numerous concerns

APPROVE NAME CHANGE:

Change name to: 246-250 Paugus Park Road Condo Association, Attn: Timothy James
55 Riverfront Drive #108
Manchester, NH 03102
Construct a 6 ft by 33 ft permanent piling supported dock, intall two seasonal boatlifts adjacent to the dock and install two personal watercraft lifts on an average of 208 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated November 06, 2006, revision date April 02, 2007, as received by DES on May 02, 2007.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The dock shall not extend more than 33 ft lakeward at full lake elevation of 504.32.
9. The minimum clear spacing between piles shall be 12 feet.
10. Boatlifts and personal watercraft lifts shall be of seasonal construction type which shall be removed for the non-boating season.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

Requested Action:

Request permit time extension.

APPROVE TIME EXTENSION:

Construct a 6 ft by 33 ft permanent piling supported dock, install two seasonal boatlifts adjacent to the dock and install two personal watercraft lifts on an average of 208 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated November 06, 2006, revision date April 02, 2007, as received by DES on May 02, 2007.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The dock shall not extend more than 33 ft lakeward at full lake elevation of 504.32.
9. The minimum clear spacing between piles shall be 12 feet.
10. Boatlifts and personal watercraft lifts shall be of seasonal construction type which shall be removed for the non-boating season.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.
2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

**2010-01739 NH DEPT OF TRANSPORTATION
WALPOLE Houghton Brook**

Requested Action:

Request 2nd amendment to include 40 linear feet of rip rap, 134 linear feet of toe wall and 280 sq. ft. of temporary impacts.

Conservation Commission/Staff Comments:

Cons. Comm. requests the repaired project maintain access as a recreational trail.

APPROVE AMENDMENT:

SECOND AMENDMENT to:

Repair a portion of a 19 ft. x 19 ft. stone arch culvert which partially collapsed by placing a concrete section in the top, removing the fill inside and constructing 134 linear feet of toe walls (65 ft. to be 2 ft. wide) and 40 linear feet of bank rip rap, impacting 2,434 sq. ft. of stream and banks (1,909 sq. ft. temporary) NHDOT project #66017J.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit revised 8/25/10, additional information as received by the Department on Aug. 26, 2010, amendment received on July 1, 2011 and amendment / plans received on March 14, 2012.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. 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.
6. 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.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. 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.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.
12. Stabilization of swale shall be stone to the top of bank.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. Relative to the first amendment, during construction it was found that portions of the walls were undermined and 71 sq. ft. of toe walls are needed within the previously permitted temporary impact area.
3. Relative to the second amendment, after repairs to the top of the arch and further assessment in the spring of 2012, it was determined two new areas at the inlet end needed work and one of the previously permitted toe walls needed an additional 1 ft. of width.

2011-02629 MUNRO, DAVID
HILL Needle Shop Brook

Requested Action:

Deny permit request to impact 39 linear feet of stream to reinforce streambank with natural stone riprap to prevent further erosion

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to impact 39 linear feet of stream to reinforce streambank with natural stone riprap to prevent further erosion

With Findings:

1. A request for additional information dated November 19, 2011, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2011-03141 GROUSBECK, PETER
WOLFEBORO Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration on the basis that the Reconsideration Request contains the previously missing, required information.

APPROVE RECONSIDERATION:

Reconsider and approve the permit to: Remove 11 cu yd of rock fill from 199 sq ft of lakebed, construct a 6 ft x 36 ft piling pier to be attached to an existing 6 ft x 59 ft pier by a 6 ft x 12 ft walkway, drive one tie-off piling, three and 3-piling ice clusters, install a 14 ft x 30 ft seasonal canopy, and impact 135 sq ft of bank along 16 ft of shoreline to construct a perched beach on an average of 547 ft of frontage along Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work on the docking structures shall be completed in accordance with plans by Watermark Marine Construction dated November 8, 2011, as received by the NH Department of Environmental Services (DES) on December 16, 2011.
2. All work to construct the perched beach shall be completed in accordance with plans by Watermark Marine Construction dated February 10, 2012, as received by the NH Department of Environmental Services (DES) on May 9, 2012.
3. 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.
4. This permit to modify 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. Rock removal from the lakebed shall be limited to those rocks located above the surrounding lake bed contours.
10. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau's jurisdiction.
11. No stone is to be placed along the beach front for the purpose of retaining sand. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
12. The steps installed for access to the water shall be located completely landward of the normal high water line.
13. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
14. This permit shall be used only once, and does not allow for annual beach replenishment.
15. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. 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.
17. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
18. 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(g), dredge of less than 20 cu yd of material from public water and Administrative Rule Env-Wt 303.03(d), modification of a permanent docking structure providing not more than 4 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 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.

2012-00169 BRESLIN, FRANK/PATRICIA
RYE Atlantic Ocean

Requested Action:

Impact a total of 2,300 square feet within the previously developed tidal buffer zone for work associated with the repair and/or reconstruction of the existing large stone rip-rap revetment/seawall, along 116+/- linear feet of shoreline frontage on the Atlantic Ocean, including the installation of one (1) set of stone stairs to provide safe water access.

Conservation Commission/Staff Comments:

See findings.

Inspection Date: 05/08/2012 by Eben M Lewis

APPROVE PERMIT:

Impact a total of 2,300 square feet within the previously developed tidal buffer zone for work associated with the repair and/or reconstruction of the existing large stone rip-rap revetment/seawall, along 116+/- linear feet of shoreline frontage on the Atlantic Ocean, including the installation of one (1) set of stone stairs to provide safe water access.

With Conditions:

1. All work shall be in accordance with the 'Revetment Plan' (Sheet C-3) and the 'Detail Sheet' (Sheet C-4) by Altus Engineering, Inc. dated and revised through April 9, 2012, as received by the NH Department of Environmental Services (DES) on April 9, 2012.
2. NH DES Wetlands Bureau Southeast Region staff (Portsmouth office) shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau may require a new application and/or further permitting by the Bureau.
4. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.
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. No work shall occur below the highest observable tide line.
7. No concrete is to be used anywhere in the construction of the revetment, including in the installation of the one (1) proposed stone stairway.
8. All work shall be dry laid or placed stone underlain with filter fabric.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a) Projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.
2. The existing concrete and stone seawalls are susceptible to erosion; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. By using a 2:1 slope or slightly steeper at the terminus of construction activity all impacts will take place landward of the highest

observable tide line (HOTL); therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 8, 2012. Field inspection determined the following: a.) Work proposed is needed to repair & reconstruct this deteriorated/storm damaged revetment; b.) Stone stairs are added to provide safe access to the water; and, c.) The plans accurately reflect existing conditions on site and the location of the HOTL.
6. In accordance with Env-Wt 304.04(a), the applicant has obtained written concurrence from both abutters within 20-feet of the proposed work. The abutters are identified as SC Frost & Sidney Revocable Trust of Rye Tax Map 8.4 Lot 107 and Penelope D. Carbee Revocable Trust of 1993 of Rye Tax Map 8.4 Lot 104.
7. The application and plans as proposed satisfy Env-Wt 404.04.
8. A memo dated 1/4/2012 from the NH Natural Heritage Bureau (NHB) states, "We [NHB] currently have no recorded occurrences of sensitive species near this project area."
9. No comments were received from the Rye Conservation or any Federal agencies speaking for or against the project.

2012-00422

SHULMAN, ROBERT

PLAINFIELD

Requested Action:

Dredge and fill 1,602 square feet (includes 129 square feet of temporary impacts) of wetlands and an intermittent stream to construct two access driveways as part of a five lot subdivision. Work in jurisdiction includes the installation of a four foot diameter culvert and a five foot squashed culvert.

APPROVE PERMIT:

Dredge and fill 1,602 square feet (includes 129 square feet of temporary impacts) of wetlands and an intermittent stream to construct two access driveways as part of a five lot subdivision. Work in jurisdiction includes the installation of a four foot diameter culvert and a five foot squashed culvert.

With Conditions:

1. All work shall be in accordance with the plans by Rollins Land Surveying dated December 29, 2011 revised January 31, 2012 as received by DES May 01, 2012 and plans by Beaver Tracks LLC dated February 09, 2012 as received by DES February 24, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during periods of non-flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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 #5 of this approval.
7. Culverts shall be laid at original grade.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. 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).
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. 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. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor project per Administrative Rule Env-Wt 303.03 (I) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04 Requirements for Application Evaluation, has been considered in the design of the project.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.

2012-00458 TOWN OF AMHERST
AMHERST Unnamed Stream

Requested Action:

Impact 200 sq. ft. within the flow channel & embankments of an unnamed stream for work associated with the replacement of the two (2) existing 28"x42" CMP culverts with a 4' x 9' steam simulation bottom precast concrete box culvert under Lyndeborough Road, including headwalls and riprap scour protection.

Conservation Commission/Staff Comments:

No report or comments on this project were received from the Amherst Conservation Commission.

APPROVE PERMIT:

Impact 200 sq. ft. within the flow channel & embankments of an unnamed stream for work associated with the replacement of the two (2) existing 28"x42" CMP culverts with a 4' x 9' steam simulation bottom precast concrete box culvert under Lyndeborough Road, including headwalls and riprap scour protection.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated January 20, 2012, as received by the NH Department of Environmental Services (DES) on February 29, 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/or further permitting by the Bureau.
3. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. 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).
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. 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.

7. 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.
8. Temporary cofferdams shall be entirely removed immediately following construction.
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. 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.
11. Work shall be done during low flow.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
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.

**2012-00702 LIGUORI SEP PROPERTY TRUST, THOMAS
FREEDOM Ossipee Lake**

Requested Action:

Replace 82 linear feet of existing retaining wall "in kind" on an average of 797 feet of frontage on Ossipee Lake, in Freedom.

Conservation Commission/Staff Comments:

Con Com did not submit comments by May 07 2012

APPROVE PERMIT:

Replace 82 linear feet of existing retaining wall "in kind" on an average of 797 feet of frontage on Ossipee Lake, in Freedom.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co. dated January 11, 2012, as received by the NH Department of Environmental Services (DES) on March 27, 2012.
2. 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.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

6. 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(j), repair of existing retaining walls that requires work in the water.
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.

2012-00740 JAY, ANDREW/IRENE
WOLFEBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 12 ft x 23 ft dock supported by a full crib, construct two 6 ft x 30 ft piling piers connected by a 6 ft 12 ft walkway in "U" shaped configuration, install 4 tie off piles and two, 3 pile ice clusters on an average of 193 feet of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com does not have concerns with the proposed project

APPROVE PERMIT:

Permanently remove an existing 12 ft x 23 ft dock supported by a full crib, construct two 6 ft x 30 ft piling piers connected by a 6 ft 12 ft walkway in "U" shaped configuration, install 4 tie off piles and two, 3 pile ice clusters on an average of 193 feet of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 02, 2012, as received by the NH Department of Environmental Services (DES) on March 30, 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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
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. 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.
7. This permit does not allow for maintenance dredging. The crib shall be removed to the same elevation as the existing adjacent lakebed.
8. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
9. The minimum clear spacing between piles shall be 12 feet.
10. 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 docking system that exceeds the criteria for minimum impact docks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 193 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2010-01738 STARK, TOWN OF
STARK Unnamed Stream

Requested Action:

Deny request to permit 340 sq. ft. for the removal of a failed 48" culvert and replace with same size and location

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to permit 340 sq. ft. for the removal of a failed 48" culvert and replace with same size and location

With Findings:

1. A request for additional information dated 09/10/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2011-00990 FANNING, STUART
HAMPTON Atlantic Ocean

Requested Action:

Request for reconsideration of Wetlands and Non-Site Specific Permit 2011-00990 approval issued on 11/07/2011.

Conservation Commission/Staff Comments:

see findings.

DENY RECONSIDERATION:

Deny request for reconsideration of Wetlands and Non-Site Specific Permit 2011-00990 to relocate and regrade approximately 8' by 20' of existing stone and beach sand within the previously disturbed 100-foot upland tidal buffer zone to provide safe pedestrian access and egress to and from the beach from an existing right-of-way.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The appellant alleges that the applicant does not own the right-of-way (ROW).
2. The appellant alleges that the work occurring within close proximity to abutting properties may adversely impact the land owners and abutters. As a result, the appellant requests that a bond be posted to cover the cost of restoration and repair in the event that the adjacent properties are damaged.
3. The appellant requests that the rocks moved within the ROW in 2009 be incorporated into the permit and the placement of those rocks be documented.
4. The appellant alleges that the abutters were not notified of the application.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration that a permit approval was erroneous, then the result is that the permit originally requested would be denied.

C. Findings of Fact and Rulings of Law

1. Env-Wt 302.04 (d) establishes the requirements for application evaluations for minimum impact projects.
2. Env-Wt 302.04(d)(1)-(3) establishes the criteria under which DES shall not grant a permit.
3. On May 18, 2011 DES received a complete wetlands application to regrade and existing right-of-way for safe access to and from the beach.
4. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
5. On 7/12/2011, DES issued a 'Request for More Information' (RFMI) for clarification of the proposed plan.
6. On 9/9/2011, DES received correspondence from the applicant satisfying the aforementioned RFMI.
6. On 11/07/2011 DES issued permit 2011-00900 to relocate and regrade approximately 8' by 20' of existing stone and beach sand within the previously disturbed 100-foot upland tidal buffer zone to provide safe pedestrian access and egress to and from the beach from an existing right-of-way.
7. This approval was based on 6 findings. Finding 6 stated "DES did not receive any correspondence from abutters or the general public speaking for or against the proposed work."
8. On 12/01/2011 DES received a request for reconsideration from the appellant, Duncan Mellor, PE, Waterfront Engineers LLC.
9. With regard to the appellant's allegation that that applicant does not own the ROW, the DES finds that Rockingham County Registry of Deeds Book 1265 Page 278 and Book 1414 Page 170 confirms that the applicant is indeed the owner of the ROW.
10. With regard to the appellant's allegation that the work occurring within close proximity to abutting properties may adversely impact the land owners and abutters, DES finds the relocation of small stones and sand within the ROW will not directly affect either abutting property as these materials do not provide any structural support to the existing riprap revetments and do not provide protection to either abutter.
11. With regard to the appellant's allegation that the rocks moved within the ROW in 2009 be incorporated into the permit and the placement of those rocks be documented, DES finds that the issuance of another permit for this action is not needed and the DES acknowledges that this work occurred by way of this letter.
12. With regard to the appellant's allegation that the abutters were not notified of the application, DES finds that the abutters were indeed notified via USPS Certified Mail receipt 7010 1670 0001 6882 9099. The letter sent to the abutter was sent back to the

applicant as the letter had been unclaimed.

12. DES further finds that the appellant has provided no specific evidence to support the allegations, has failed to establish that the allegations are within the jurisdiction of the DES Wetlands Bureau to regulate, and has failed to present any new evidence not previously considered by the department when DES approved the application.

13. DES finds that the applicant has adequately met the criteria specified in Env-Wt 302.04(b) for issuance of a minimum impact permit.

14. DES finds that the appellant has not met their burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

1. Based on the foregoing, the Department affirms the decision to approve the subject application, file number 2011-00990.

You are hereby informed that further appeal of this decision is to the New Hampshire Wetlands Council. Appeal must be made within 30 days of the date of this letter, in accordance with RSA 482-A:10, IV. Filing of the appeal shall be made by certified mail to the chairperson of the council, with a copy to DES, and shall set forth fully every ground upon which it is claimed that DES's decision is unlawful or unreasonable.

**2012-00208 CASE, ALEXANDER/AMY
NORTH HAMPTON Unnamed Stream Unnamed Wetland**

Requested Action:

Dredge and fill 475 sq. ft. of palustrine scrub-shrub/forested wetlands to relocate existing driveway to allow fire apparatus to cross the bridge to access the property.

Conservation Commission/Staff Comments:

No report or comments on this application were received from the North Hampton Conservation Commission.

APPROVE PERMIT:

Dredge and fill 475 sq. ft. of palustrine scrub-shrub/forested wetlands to relocate existing driveway to allow fire apparatus to cross the bridge to access the property.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 12/20/2011, as received by the NH Department of Environmental Services (DES) on January 31, 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/or further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

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

2012-00898 **NH DEPT OF TRANSPORTATION**
SUTTON Unnamed Wetland

Requested Action:

Fill 837 sq. ft. of a palustrine wetland swale to meet the setback for a leachfield replacement.

Conservation Commission/Staff Comments:

Cons. Comm. - signed expedited application

APPROVE PERMIT:

Fill 837 sq. ft. of a palustrine wetland swale to meet the setback for a leachfield replacement.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 4, 2012 as received by the Department on April 13, 2012.
2. For invasive species encountered during construction, the contractor will follow the appropriate procedures outlined in NHDOT's Best Management Practices for Roadside Invasive Plants, dated 2008 to ensure proper handling and disposal.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; 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.
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. 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.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching 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.
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. 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.
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft of swamp or wet meadow.
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. It has been determined that the wetland formed after the construction of a septic system in an upland setting.
6. The project does not meet the criteria for an expedited Minimum Impact project as it does not meet the Expedited Permit Conditions rule Env-Wt505.03 (e), fill for septic setback.

EXPEDITED MINIMUM

2011-03181 MANCHESTER HOUSING & REDEVELOPMENT AUTHORITY
MANCHESTER Unnamed Wetland

Requested Action:

Deny request to permit to impact 1680 sq. ft. of forested wetlands for the construction of a driveway and proposed building

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to permit to impact 1680 sq. ft. of forested wetlands for the construction of a driveway and proposed building

With Findings:

1. A request for additional information dated 01/19/12, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2012-00897 MOUNTAIN WEST CONDOMINIUM
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair and maintain an existing major docking facility consisting of seven, 2 ft by 24 ft finger dock attached to a 4 ft by 227 ft wharf along the shoreline, repair an 4 ft by 72 ft wharf with three, 2 ft by 24 ft finger docks, and repair two, 7 ft 10 in by 33 ft docks in a "U" shaped configuration supported by four, 7 ft by 7 ft cribs, on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:
Con Com signed application

APPROVE PERMIT:

Repair and maintain an existing major docking facility consisting of seven, 2 ft by 24 ft finger dock attached to a 4 ft by 227 ft wharf along the shoreline, repair an 4 ft by 72 ft wharf with three, 2 ft by 24 ft finger docks, and repair two, 7 ft 10 in by 33 ft docks in a "U" shaped configuration supported by four, 7 ft by 7 ft cribs, on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated March 28, 2012, as received by the NH Department of Environmental Services (DES) on April 13, 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. 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 minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2012-00931 MARIETTE FACQUES TRUST
GILFORD Lake Winnepesaukee

Requested Action:

Repair "in kind" an existing 70 ft long breakwater with a 4 ft x 58 ft cantilevered dock, on Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com signed application

APPROVE PERMIT:

Repair "in kind" an existing 70 ft long breakwater with a 4 ft x 58 ft cantilevered dock, on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 30, 2012, as received by the NH Department of Environmental Services (DES) on April 17, 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. 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 minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2012-00960 CARLSON, REBECCA/STEVEN
HAMPTON FALLS

Requested Action:

Dredge approximately 6,800 square feet of palustrine forested wetland for the creation of a pond for agricultural purposes and fire suppression.

Conservation Commission/Staff Comments:

See findings.

APPROVE PERMIT:

Dredge approximately 6,800 square feet of palustrine forested wetland for the creation of a pond for agricultural purposes and fire suppression.

With Conditions:

1. All work shall be in accordance with plans by Rockingham County Conservation District dated 9/11, as received by the NH Department of Environmental Services (DES) on April 19, 2012.
2. 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.
3. DES Southeast Region staff (Portsmouth office) shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall occur during seasonal low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, 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 and nesting areas shall be avoided.
9. No fill shall be done for lot development.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

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

2012-01014
HOLLIS

MARCHANT, RONALD

Requested Action:

Dredge and fill approximately 168 square feet of palustrine forested wetland for the installation of a 12-inch HDPE culvert for the improvement of an existing woods road.

Conservation Commission/Staff Comments:
See findings.

APPROVE PERMIT:

Dredge and fill approximately 168 square feet of palustrine forested wetland for the installation of a 12-inch HDPE culvert for the improvement of an existing woods road.

With Conditions:

1. All work shall be in accordance with 'Wetland Crossing Plan' by Meridian Land Services, Inc. dated February 16, 2012, as received by the NH Department of Environmental Services (DES) on April 23, 2012.
2. DES Southeast Region staff (Portsmouth office) shall be notified in writing prior to commencement of work and upon its completion.
3. 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.
4. Work shall be done during seasonal low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, 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 and nesting areas shall be avoided.
9. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
10. No fill shall be done for lot development.
11. No fill shall take place in Atlantic white cedar swamps.
12. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

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

GOLD DREDGE

2012-00531 GRAY, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConComm

2012-01057 STAFFORD, BRIAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-01096 BONIN, GERALD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-01097 GRAHAM, MONTRIVILLE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-01141 KIRK, JAMES
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-01217 HOOVER, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2012-00651 DEMERS, SHELAGH
WINDHAM Canobie Lake

COMPLETE NOTIFICATION:
Windham Tax Map 18, Lot# 11 Canobie Lake

2012-01169 WELLS TRUST, HEATHER
SUTTON Kezar Lake

COMPLETE NOTIFICATION:
Installation of a seasonal docking structure

ROADWAY MAINTENANCE NOTIF

**2012-01132 NH DEPT OF TRANSPORTATION
COLEBROOK Unnamed Stream**

COMPLETE NOTIFICATION:
Replace an existing 15"x 50' culvert in kind

**2012-01133 NH DEPT OF TRANSPORTATION
NORTHUMBERLAND Unnamed Wetland Unnamed Stream**

COMPLETE NOTIFICATION:
Replace an existing 15"x 40' culvert in kind

**2012-01152 NH DEPT OF TRANSPORTATION
ALTON Unnamed Stream**

COMPLETE NOTIFICATION:
Extend an existing 3' RCP 10 feet on the inlet and outlet ends

**2012-01193 NH DEPT OF TRANSPORTATION
WENTWORTH Unnamed Stream Unnamed Wetlands**

COMPLETE NOTIFICATION:
Replace 50' of 18" GMP with 50' of 18" PEP.

**2012-01199 NOTTINGHAM DPW, TOWN OF
NOTTINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Replace 48" x 30' culvert and headwall

**2012-01200 NOTTINGHAM DPW, TOWN OF
NOTTINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Replace a 12"x 30' culvert and headwall

**2012-01201 NOTTINGHAM DPW, TOWN OF
NOTTINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Replace 48"x 40' culvert and headwall

**2012-01202 NOTTINGHAM DPW, TOWN OF
NOTTINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Replace a 15"x 18' culvert and headwall

PERMIT BY NOTIFICATION

**2012-01129 BADER, JAMIE/THEA
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

Conservation Commission/Staff Comments:
Con Com signed PBN form

PBN IS COMPLETE:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (c) repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

CSPA PERMIT

**2009-02617 ORR III, ANN/JAMES
ALTON Lake Winnepesaukee**

Requested Action:

Applicant requests to amend the permit to reroute drainage swales away from the proposed boathouse stairs.

APPROVE AMENDMENT:

Impact 6,204 sq ft to construct a 2,569 sq ft footprint building, paved driveway, and small patio area with landscape walls.

With Conditions:

1. All work shall be in accordance with revised plans by Beckwith Builders dated April 2, 2012 and received by the Department of Environmental Services ("DES") on April 8, 2012.
2. No more than 22.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,183 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,181 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2012-00196 SPRATT, STEVE
LACONIA Lake Winnepesaukee

Requested Action:

The Applicant requests consideration of an amended proposal that would separate the house from the boathouse.

APPROVE PERMIT:

Impact 9,500 sq ft to raze an existing garage and a cottage with an attached boathouse, construct a new residence and attached garage, and complete landscaping.

With Conditions:

1. All work shall be in accordance with revised plans by Pollock Land Planning, LLC, revision date March 27, 2012 and received by the NH Department of Environmental Services (DES) on April 10, 2012.
2. No more than 28% 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.

With Findings:

1. The proposed residence will conform with RSA 482-A:26 as it will be completely detached from the boathouse.
2. The setback of the proposed residence from the reference line will be increased by approximately 3.5 feet.

2012-00633 MARALDO, CAROL/JOSEPH
SUNAPEE Mountain View Lake

Requested Action:

Correct the post-construction impervious surface percentage as cited in the permit conditions.

APPROVE AMENDMENT:

Impact 3500 sq ft to replace a non-conforming residential structure with a more nearly conforming structure, conduct landscaping, and implement a stormwater management plan.

With Conditions:

Correct conditions to read:

1. All work shall be in accordance with plans and materials received by the NH Department of Environmental Services (DES) on March 19, 2012.
2. No more than 29% 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.

2012-00873 CDB CORPORATION
LACONIA Winnisquam Lake

Requested Action:

Impact 79,518 sq ft in order to expand an existing manufacturing facility with shipping and receiving, parking area, and implement a stormwater management plan.

APPROVE PERMIT:

Impact 79,518 sq ft in order to expand an existing manufacturing facility with shipping and receiving, parking area, and implement a stormwater management plan.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated May 3, 2012 and received by the NH Department of Environmental Services (DES) on May 8, 2012.
2. No more than 37% 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 14,925 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
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 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 Alteration of Terrain Bureau.

2012-00915 CITY OF ROCHESTER
ROCHESTER Cocheco River

Requested Action:

Impact 27,995 sq ft in order to make improvements to the drainage, sewer, intersection, sidewalk, and pavement located along Brock Street.

APPROVE PERMIT:

Impact 27,995 sq ft in order to make improvements to the drainage, sewer, intersection, sidewalk, and pavement located along Brock Street.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated April 1, 2012 and received by the NH Department of Environmental Services (DES) on April 16, 2012.
2. No more than 62.1% 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 9,757 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2012-00965 HOLCOMBE, CLAIRE/ROGER
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 1,470 sq ft in order to replace existing decks and stairs, expand the deck area by 214 sq ft, construct a 48 sq ft walkway, and replace 280 sq ft of gravel driveway with sod.

APPROVE PERMIT:

Impact 1,470 sq ft in order to replace existing decks and stairs, expand the deck area by 214 sq ft, construct a 48 sq ft walkway, and replace 280 sq ft of gravel driveway with sod.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated April 12, 2012 and received by the NH Department of Environmental Services (DES) on April 19, 2012.
2. No more than 32.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,360 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2012-00991 GOODRICH, FREEMAN
NEW DURHAM Merrymeeting Lake**

Requested Action:

Impact 3,607 sq ft in order to construct an addition to existing residence and install a new septic system.

APPROVE PERMIT:

Impact 3,607 sq ft in order to construct an addition to existing residence and install a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corp. dated March 1, 2012 and received by the NH Department of Environmental Services (DES) on April 20, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 12% 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 4,126 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2012-01004 NORBURY, PAUL
WINDSOR White Pond

Requested Action:

Impact 9,541 sq ft in order to construct a 2 bedroom residence and a septic system.

APPROVE PERMIT:

Impact 9,541 sq ft in order to construct a 2 bedroom residence and a septic system.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services Inc. dated February 8, 2012 and received by the NH Department of Environmental Services (DES) on April 23, 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 7.9% 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 4,363 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

UTILITY NOTIFICATION

2012-01148 NATIONAL GRID
LONDONDERRY Unnamed Wetland

Conservation Commission/Staff Comments:
See file 12-1098 for fee amount

COMPLETE NOTIFICATION:
ROW along N214/O215 lines.

2012-01149 NATIONAL GRID
PELHAM Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-1098 for fee amount.

COMPLETE NOTIFICATION:
ROW on tower structures along N214/o215 transmission lines.

2012-01150 NATIONAL GRID
WINDHAM Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 12-1098 for fee amount.

COMPLETE NOTIFICATION:
ROW on tower structures along N214/O215 transmission lines.

RETURNED

2011-00835 KLOPFER, EDWARD
MILFORD Great Brook

Requested Action:
Deny request to permit repair drainage pipe from under drain from building.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Deny request to permit repair drainage pipe from under drain from building.

With Findings:
1. A request for additional information dated 04/21/11, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2011-02013 PAPERMILL VILLAGE INC
ALSTEAD Unnamed Wetland

Requested Action:
Deny request to permit to construct an amenity pond to service the elderly housing facility located on the subject property impact will include 2,200 sq ft. to PEM1EX AND 2,900 sq ft. to PEM1B

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Deny request to permit to construct an amenity pond to service the elderly housing facility located on the subject property impact will include 2,200 sq ft. to PEM1EX AND 2,900 sq ft. to PEM1B

With Findings:
1. A request for additional information dated 08/19/11, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.

2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2011-03001 STRAFFORD RIVERS CONSERVANCY
BARRINGTON Stonehouse Brook

Requested Action:

Deny request to permit implementation of a 1000 feet of woody debris in Stonehouse Brook for fish habitat

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to permit implementation of a 1000 feet of woody debris in Stonehouse Brook for fish habitat

With Findings:

1. A request for additional information dated 12/08/11, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.