

Wetlands Bureau Decision Report

*Reviewed
by WBS
1/4/12*

Decisions Taken
05/28/2012 to 06/03/2012

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

2011-00672 **GOODHUE HAWKINS NAVY YARD LLC**
WOLFEBORO Lake Winnepesaukee

Requested Action:

Amend permit to increase canopy length from 20 ft to 30 ft, extend three finger docks from 20 ft to 30 feet and change the distance between the docks.

APPROVE AMENDMENT:

Reconfigure an existing dock with in a major docking system providing 2 less slips and less sq feet of permanent dock impact over public waters, install two 23 ft x 30 ft seasonal canopies, one 21 ft x 30 ft seasonal canopy, and one 21 ft x 20 ft seasonal canopy, over the created slips within an existing marina providing 79 slips on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co dated May 11, 2012, as received by the NH Department of Environmental Services (DES) on May 11, 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 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.
4. Repairs of the main dock shall maintain the size, location and configuration of the pre-existing structures.
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. 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.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a major docking facility.
2. The proposal is a reconfiguration of an existing docking structure within the existing footprint.
3. The applicant has an average of 481 feet of frontage along Lake Winnepesaukee.
4. A maximum of 19 slips may be permitted on this frontage per Rule Env-Wt 402.16, 'Marinas'.
5. The proposed docking facility will provide 79 slips as defined per RSA 482-A:2, this is 2 less slips than previously existed within the major docking facility, and the proposal provides less sq ft of dock surface area over public waters than the existing structures, thus meeting Env-Wt 402.21.

-Send to Governor and Executive Council-

2012-00167 ✓

NH DEPT OF TRANSPORTATION
CHICHESTER Unnamed Stream Sanders Brook

Requested Action:

Construct a concrete invert between the abutments placing stream bed stone on top and repair/ replace abutments and wingwalls impacting 1,212 sq. ft. (673 sq. ft. temporary) of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. recommends finished elevations of stream bed have a smooth transition.

Inspection Date: 04/06/2012 by Gino E Infascelli

APPROVE PERMIT:

Construct a concrete invert between the abutments placing stream bed stone on top and repair/ replace abutments and wingwalls impacting 1,212 sq. ft. (673 sq. ft. temporary) of riverine wetlands. NHDOT project #16432.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 1/5/12, as received by the Department on Jan. 25, 2012.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction except material for stream bed simulation.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. 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.
5. 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.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. 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.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. 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.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching 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.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. 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.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. 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.
16. Finished elevations of stream bed shall have a smooth transition at each end of the construction.
17. Any excess concrete shall be disposed of out of jurisdiction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), replacement of a stream crossing which meets the

criteria of a tier 3 stream.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project was discussed at the monthly Natural Resource Agency (NRA) meeting held at the NH Dept. of Transportation on January 18, 2012 to coordinate the project.
6. Inspection of the project by DES on April 6, 2012 found the design to be suitable for the area of concern and can be considered a test case for this type of stream bed simulation.
7. Information from the Natural Heritage Bureau indicates that although there was a record in the vicinity it is not expected to be impacted by the project.
8. The recommendation submitted by the Conservation Commission is incorporated as a permit condition.

2012-00336

NH DEPT OF TRANSPORTATION

LEBANON Tributary To Connecticut River

Requested Action:

Replace a 3 ft. x 4 ft. x 76 ft. concrete box culvert and headers with a 60 in. diameter culvert impacting 7,550 sq. ft. (1,835 sq. ft. temporary) of riverine and palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. recommends approval.

River Comm. - has no concerns.

APPROVE PERMIT:

Replace a 3 ft. x 4 ft. x 76 ft. concrete box culvert and headers with a 60 in. diameter culvert impacting 7,550 sq. ft. (1,835 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #15717.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design and NHDOT Bureau of Environment revised 5/21/2012, as received by the Department on May 24, 2012.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. 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.
5. 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.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. 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.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. 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.

11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching 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.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. 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.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. 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.
16. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rules Wt 303.02(p), any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has demonstrated that the alternative design is appropriate and has addressed the requirements of rule Env-Wt 904.09, Alternative Designs.
6. The applicant has submitted a written request to the department regarding the alternative design, accompanied by a technical report which shows that installing the structure specified in the applicable rule is not practicable, how the proposed alternative meets the criteria specified in Env-Wt 904.05 to the maximum extent practicable and the alternative design meets the general design criteria specified in Env-Wt 904.01.
7. The project was discussed at the monthly Natural Resource Agency meetings held at the NH Dept. of Transportation on May 19, 2010 to coordinate the project.
8. The Conservation Commission recommends approval.
9. The Local River Advisory Committee has no concerns.
10. The plan set received on May 24, 2012 have consistent dates and include the Erosion Control Strategies.
11. DES finds that this project will not have a significant impact on these riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

2012-00418

NH DEPT OF TRANSPORTATION

EAST KINGSTON Tributary To Powwow River

Requested Action:

Replace a 72 in. culvert with twin 72 in. culverts including headwalls and with wingwalls at the inlet impacting 3,845 sq. ft. (3,230 sq. ft. temporary) of riverine and palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 04/06/2012 by Gino E Infascelli

APPROVE PERMIT:

Replace a 72 in. culvert with twin 72 in. culverts including headwalls and with wingwalls at the inlet impacting 3,845 sq. ft. (3,230 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #16059.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 02/2012, as received by the Department on Feb. 24, 2012
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. 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.
10. 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.
11. 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.
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 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.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. 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.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. 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.
17. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), replacement of a stream crossing which meets the criteria of a tier 3 stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project was discussed at the monthly Natural Resource Agency (NRA) meeting held at the NH Dept. of Transportation on July 20, 2011 to coordinate the project.
6. Inspection of the project by DES on April 6, 2012 found the delineated wetland line shown on the plan to be the approximate location of the edge of marsh with wooded wetland adjacent.

7. Information from NH Fish and Game Dept. recommends relocation of species, if found.
8. Information from the Natural Heritage Bureau indicates that although there was a record in the vicinity it is not expected to be impacted by the project as long as construction does not occur in June or July.

MINOR IMPACT PROJECT

2012-00511 36 OLD BEACH ROAD LLC
RYE Atlantic Ocean

Requested Action:

Impact a total of 1,185 square feet within the previously developed tidal buffer zone for the reconstruction of the existing residential dwelling and work associated with the repair and/or reconstruction of the existing large stone rip-rap revetment/seawall, along 78+/- linear feet of shoreline frontage on the Atlantic Ocean.

Conservation Commission/Staff Comments:

The Rye Conservation Commission did not comment directly to the DES speaking for or against the proposed project.

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

APPROVE PERMIT:

Impact a total of 1,185 square feet within the previously developed tidal buffer zone for the reconstruction of the existing residential dwelling and work associated with the repair and/or reconstruction of the existing large stone rip-rap revetment/seawall, along 78+/- linear feet of shoreline frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with the 'Standard Dredge & Fill Wetlands Permit Grading Plan' (Sheet C-2) and the 'Standard Dredge & Fill Wetlands Permit Detail Sheet' (Sheet C-3) by Altus Engineering, Inc. dated and revised through April 13, 2012, as received by the NH Department of Environmental Services (DES) on April 16, 2012.
2. NH DES Wetlands Bureau Southeast Region staff (Portsmouth office) and the Rye Conservation Commission 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 conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No more than 13.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. No work shall occur below the highest observable tide line.
11. No concrete is to be used anywhere in the construction of the revetment and all work shall be dry laid or placed stone underlain with filter fabric.
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(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 seawall is 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. Furthermore, all work will be performed in the previously disturbed tidal buffer zone.
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; and, b.) The plans accurately reflect existing conditions on site and the location of the HOTL.
6. The applicant is not required to implement stormwater management measures as the impervious surface area will not exceed 20 percent pursuant to RSA 483-B:9 V(g)(2).
7. This project is also under the jurisdiction of the Shoreland Water Quality Protection Act and does not require the submittal of a Shoreland Application in accordance with RSA 483-B:5-bIV.
8. The Rye Conservation Commission did not comment directly to the DES speaking for or against the proposed project.
9. No Federal agencies commented on the project.
10. In accordance with Env-Wt 304.04(a) the applicant sent, via US Postal Service certified mail, letters to both abutters whose properties are within 20-feet of the proposed impacts.
11. The applicant requested a waiver of Env-Wt 304.04(a) as the applicant did not received written concurrence from the abutters.
12. DES hereby grants the waiver of Env-Wt 304.04(a) in accordance with Env-Wt 204.04(a) as granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety; or an impact on abutting properties that is more significant than that which would result from complying with the rule. Furthermore, granting the request is consistent with the intent and purpose of the rule being waived. Strict compliance with the rule will provide no benefit to the public and will cause an economic hardship to the applicant.
13. An abutter, identified as Joseph DiPilato, 34 Old Beach Road, Rye Tax Map 8.4 Lot 109, raised several concerns regarding the proposed project. The DES has reviewed Mr. DiPilato's comments, has taken those comments into consideration, and thereafter consulted with and reviewed Mr. DiPilato's comments with the applicant's agent, Altus Engineering, Inc.. Subsequently, the DES finds it reasonable and prudent to reaffirm findings for approval #s 11 & 12.

2012-00809 ✓

MULLIGAN, DONALD/MARY

ALTON Lake Winnepesaukee

Requested Action:

Repair "in kind" an existing 58 linear feet of retaining wall, Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Requested Action:

Confirm emergency authorization issued on March 28, 2012, to divert an unnamed intermittent stream, replace a fire suppression system water line and restore streambed.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued on March 28, 2012, to divert an unnamed intermittent stream, replace a fire suppression system water line and restore streambed.

With Conditions:

1. The site shall be monitored to confirm successful vegetative stabilization.
2. Photographs of the stable site shall be submitted to the DES Wetlands Bureau by the end of the 2012 growing season.

With Findings:

1. This project is classified as a minimum impact project per Env-Wt 303.04(0), projects deemed minimum by the Department.
2. The project was necessary to restore operational integrity of the fire suppression and sprinkler system.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on March 16, 2012 and amended on March 28, 2012.
4. Review of the information submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2012-00822 75 LEEWARD SHORES ROAD REALTY TRUST
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove an existing 4 ft x 40 ft seasonal dock, install a 6 ft x 48 ft seasonal dock, install a seasonal boatlift, install 2 PWC lifts adjacent to the shoreline, install 6 ft wide access stairs over the bank, on an average of 99 feet of shoreline frontage, Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Remove an existing 4 ft x 40 ft seasonal dock, install a 6 ft x 48 ft seasonal dock, install a seasonal boatlift, install 2 PWC lifts adjacent to the shoreline, install 6 ft wide access stairs over the bank, on an average of 99 feet of shoreline frontage, Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Walker MaGrauth dated March 27, 2012, as received by the NH Department of Environmental Services (DES) on April 06, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This 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.
4. The existing seasonal dock shall be completely removed prior to the installation of the new docking system.
5. This shall be the only structure on this water frontage and all portions of the dock and lifts shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 48 feet from the shoreline at full lake elevation.
8. The seasonal boatlift shall be removed from the lake for the non-boating season.

9. The seasonal PWC lifts shall be removed from the lake for the non-boating season.
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 minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 99 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2012-01124

BEACH HILL OF KEENE LLC

KEENE Unnamed Wetland

Requested Action:

Dredge and fill 900 square feet of palustrine forested wetlands to install twin 10-inch x 20- foot culverts for driveway access to the back portion of an existing lot.

APPROVE PERMIT:

Dredge and fill 900 square feet of palustrine forested wetlands to install twin 10-inch x 20- foot culverts for driveway access to the back portion of an existing lot.

With Conditions:

1. All work shall be in accordance with plans by Michael Finley dated 04-30-2012, as received by the Department on May 04, 2012.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
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. 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.

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

FORESTRY NOTIFICATION

2012-01209 HATCH, ELIZABETH
EATON Unnamed Stream

COMPLETE NOTIFICATION:
Eaton Tax Map R9, Lot# 3

2012-01243 BUOTE, JASON & JEFF
FARMINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Farmington Tax Map R59, Lot# 15

2012-01264 NH DRED, FOREST & LANDS
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:
Wilmot Tax Map 14, Lot# 1

2012-01265 NH DRED, FOREST & LANDS
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Springfield Tax Map 2, Lot# 375

2012-01266 NH DRED, FOREST & LANDS
ORANGE Unnamed Stream

COMPLETE NOTIFICATION:
Orange Tax Map 7, Lot# 1

2012-01269 FLANDERS, MARGARETA
LANDAFF Unnamed Stream

COMPLETE NOTIFICATION:
Landaff Tax Map 9, Lot# 25

EXPEDITED MINIMUM

2007-01873 SPINNAKER COVE YACHT CLUB
LACONIA Lake Winnepesaukee

Requested Action:
Request permit time extension.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE TIME EXTENSION:
Repair and maintain existing tie off piles located in a major 142 slip docking facility on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Lakes Region Marine dated December 08, 1998, as verified by Lynn LeClair on August 22, 2007, as received by DES on August 22, 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 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 shall maintain existing size, location and configuration of all structures.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. 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.
7. 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.

2011-03189 SELLARS REALTY TRUST
TILTON Unnamed Wetland

Requested Action:
Dredge and fill a total of 82 square feet to install an 18" diameter x 20' long HDPE culvert under Bittersweet Lane, removal of two 5" pipes, installation of a stone trench to drain a seep area, and replacement of an existing 12" x 40' long CMP culvert with a 18" x 40' long HDPE culvert at the entrance of Bittersweet Lane.

DENY PERMIT:
dredge and fill a total of 82 square feet to install an 18" diameter x 20' long HDPE culvert under Bittersweet Lane, removal of two 5" pipes, installation of a stone trench to drain a seep area, and replacement of an existing 12" x 40' long CMP culvert with a 18" x 40' long HDPE culvert at the entrance of Bittersweet Lane

With Findings:

Standard for Approval:

1. This project is classified as minimum impact pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. Pursuant to RSA 482-A:11, II DES may require reasonable proof of ownership by a private land owner-applicant. No permit to dredge or fill shall be granted if it shall infringe on property rights, or unreasonably affect the value or enjoyment of property of abutting owners.
4. Pursuant to Env-Wt 502.02(b), permits shall be issued to land owners on whose land the project is located or attached, or to party(ies) having financial or other legal interest in the property when the permitted project is proposed to be performed after transfer of title or when legal authority has been granted.
5. Pursuant to Env-Wt 302.04(b)(4), the applicant shall consider the impact of the proposed project upon abutting owners pursuant to RSA 482-A:11, II.
6. Pursuant to Env-Wt 304.04(a), DES shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water, unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interest.
7. Pursuant to Env-Wt 302.01, the need for the proposed impacts shall be demonstrated by the applicant prior to DES approval of any alteration of non-tidal wetlands.
8. Pursuant to Env-Wt 302.03, the applicant must provide evidence which demonstrates that his/her proposal avoids and minimizes impacts to the maximum extent practicable.
9. Pursuant to Env-Wt 302.04(b)(5), Requirements for Application Evaluation, the applicant shall demonstrate lack of alternatives with lesser wetlands impacts.
10. Pursuant to Env-Wt 302.04(d), DES shall not grant a permit if the applicant fails to document that there is a practicable alternative that would have less adverse impact to areas and environments under DES jurisdiction.
11. Procedures and criteria for granting waivers is established under Env-Wt 204, Waivers.

Findings of Fact:

1. On December 21, 2011 DES received a Minimum Impact Expedited Application from Sellars Realty Trust ("Sellars"), to dredge and fill wetlands on the property of Aaron Hughes, to correct an (alleged) encroachment and drainage impoundment issue thought to be affecting the Sellars property, as a result of 2009 work on the Hughes driveway. The impacts Sellars requested included installing a new culvert under Bittersweet Lane (Hughes driveway), removal of two 5" pipes and installation of a stone trench to drain a seep area, and replacing an existing 12" x 40' long CMP culvert with a 18' x 40' long HDPE culvert at the entrance of Bittersweet Lane at Lancaster Hill Road in Tilton.
2. The minimum impact expedited application was not signed by the Tilton Conservation Commission.
3. On December 21, 2011 DES accepted the application as administratively complete.
4. On December 27, 2011 DES received a letter dated December 20, 2011 from the Tilton Conservation Commission to DES stating that they had reviewed the application, and had the following concerns:
 - a. Significant issues are before the courts which would impact the project and which needed to be resolved before final plans are reviewed and approved;
 - b. Plans need to show the impact of water being directed to abutting properties;
 - c. Existing and proposed culvert location/size/condition need to be confirmed;
 - d. Photographs in application are not representative of site conditions and need to be updated;
 - e. Abutters questioned the accuracy of project proposal the at the December 19th Conservation Commission meeting;
 - f. The Commission would like to conduct a site walk in the spring and was uncomfortable being asked to support an "expedited permit" given all of the above issues.
5. On January 3, 2012 DES received an email from Aaron Hughes requesting to review the application submitted to DES by Sellars.
6. On January 10, 2012, DES sent the applicant a Request for More Information ("RFMI") letter, requesting response to the following outstanding issues:
 - a. Review of the application finds that work is proposed on tax map R4 Lot 13B which owned by Aaron R. Hughes. DES requested that the applicant obtain written owner authorization from Aaron R. Hughes for the Sellars Realty Trust to submit the application or

- other documentation that allows Sellars Realty Trust to apply for, and receive a wetlands permit to alter land owned by Hughes.
- b. The Conservation Commission did not sign the Minimum Impact Expedited application, therefore the application would not be subject to expedited review.
 - c. Review of the application finds that work is proposed to occur within 20 feet of abutter (Francis Dami) located at tax map R4 lot 14. DES requested the applicant obtain written concurrence from this affected abutter in accordance with Env-Wt 304.04(a).
 - d. Review of the plans finds that the proposal is to replace culverts at three locations. The plans only calculated wetland impacts at the inlets/outlets of the culverts. DES requested that the applicant re-calculate the square footage impact to include the culverts, revise the plans, and re-submit the revised plans.
7. On January 27, 2012, DES received materials dated January 24, 2012 from Shauer Environmental Consultants, LLC ("SEC"), in response to items (a) through (d) of the RFMI letter.
 8. In response to RFMI item a, SEC states that Sellars Realty Trust has a deeded easement on the (Hughes) property to access agricultural lands on the (Sellars) property, and attached a copy of a deed. The response further states that the fields are used as a source of income for the Sellars Realty Trust and directly tie them financially to the proposed project. The response states that the purpose of this application is to prove to Belknap County Superior Court that the relief being sought (through the permit) is legal...practical... and obtainable.
 9. DES review of the quitclaim deed document submitted by SEC as the "easement deed" finds that Sellars has only a right of way for access over the Hughes property. The document does not represent an executed easement nor does it provide any language that allows Sellars to alter the property of Hughes for any purpose.
 10. In researching the field access assertion, review of the tax map and aerial photography of the Sellars property by DES finds that the Sellars property is one large contiguous lot containing the dwelling, outbuildings and agricultural field land, and that access throughout the Sellars property is completely available within the bounds of that 56+ acre property. Aerial photos depict farm roads throughout the property. The property also has 1,400+ linear feet of road frontage on two roads without going onto the Hughes property for access.
 11. In response to RFMI item b, SEC states that the Tilton Conservation Commission refused to sign the minimum impact expedited application due to the history of the case and that the case is in Superior Court. SEC attached the Minutes of the December 19, 2011 meeting of the Tilton Conservation Commission. In addition to the comments submitted to DES previously by the commission, the Minutes reflect that SEC stated that Mr. Sellars had submitted the wetlands application in order to determine costs of drainage work for court purposes. The commission felt that the project purpose was to divert water from Sellars' land to Hughes, and that the plan should include the impact of the drainage on abutters.
 12. In response to RFMI item c, SEC states that the abutter (Francis Dami) is hostile, and will not sign off allowing work within the 20' abutter setback to the Hughes property, as required by Env-Wt 304.04. SEC made a one sentence request for DES to waive Rule Env-Wt 304.04(a), but did not include the required information specified in Rule Env-Wt 204, Waivers.
 13. In response to RFMI item d, SEC re-calculated the square footage of wetland impact and submitted revised plans. Review of these plans finds that part of the work proposed at the junction of Lancaster Hill Road and Bittersweet Lane is also proposed to be within the State of NH road Right-of-Way, in addition to that proposed for Hughes property. No authorization was provided for this work from NHDOT.
 14. On March 20, 2012, DES received an email from Aaron R. Hughes, the property owner, following his review of SEC's January 27, 2012 response to DES. Mr. Hughes stated that he had major concerns with the proposal, that the facts were inaccurate and misleading, and that SEC had not included or considered either a hydrological report that Mr. Hughes had completed for his property by H.L. Turner Group dated January 12, 2012, Inc., nor a wetlands report completed for his property by Oak Hill Environmental dated June 13, 2011. Copies of both documents were attached to the email.
 15. Both the H.L. Turner Group report and the Oak Hill Environmental report describe potential negative impacts to the Hughes driveway by the directing of flow from the Sellars property.
 16. On March 21, 2012 DES sent a email statement to SEC describing that, due to the fact that the deed submitted only provided access for Sellars across the Hughes property, and that Hughes did not give his permission to Sellars to apply for this permit or conduct the work, and in fact, opposed it, DES would not approve the application.
 17. DES review finds that, other factors notwithstanding, if the matter of ownership authorization was resolved, and the need to redesign the drainage at the Hughes property was properly demonstrated through qualified technical analysis and field evidence to be necessary to correct an impoundment problem, and that it was clearly demonstrated that there would be no negative affect to abutting property owners, the project would be approvable.

Findings in Support of Denial:

1. DES finds that the applicant has failed to demonstrate ownership or written authorization from the property owner pursuant to RSA 482-A:11, II, or pursuant to Env-Wt 502.02(b), as the property on which the project is proposed is owned by Aaron R. Hughes, who does not authorize, and objects to, this application. The applicant, Sellars Realty Trust, has an access right-of-way to cross the Hughes property, but the applicant has failed to demonstrate to DES that he has ownership rights sufficient to alter the property of others over the objection of the underlying property owner Hughes. The applicant also fails to provide authorization from NHDOT to install a culvert in the right-of-way of a State-owned road.
2. DES finds that the applicant has failed to receive written concurrence from the affected abutter, Francis Dami, to work within 20 feet of an abutting property line pursuant to Env-Wt 304.04(a).
3. DES finds that the applicant has failed to consider the impact to abutters, pursuant to Env-Wt 302.04(b)(4), as the applicant did not consider the hydrological report and drainage improvement recommendations completed by H.L. Turner Group and wetlands report completed by Oak Hill Environmental, and therefore the application is denied pursuant to RSA 482-A:11,II, and Env-Wt 302.04(e)(2).
4. DES finds that the applicant has failed to demonstrate need, pursuant to Env-Wt 302.01, as the applicant has failed to substantiate that his own property is being impacted by impounded drainage as claimed. With respect to the issue of access to the Sellars farm fields, DES finds that the applicant's property is one contiguous parcel throughout which access is available without leaving the property.
5. DES finds that the applicant has failed to demonstrate avoidance and minimization of impacts pursuant to Env-Wt 302.03, or to demonstrate lack of alternatives with lesser wetlands impacts pursuant to Env-Wt 302.04(b)(5) as no direct evidence of impoundment was presented, and the applicant has access throughout his own property separate from the Hughes property, therefore the application is denied pursuant to Env-Wt 302.04(d)(1).
6. Based on findings 4 and 5, DES finds that the proposal as proposed may cause unnecessary destruction of wetlands, therefore the application is denied pursuant to Env-Wt 302.04(d)(3).
7. The applicant's request to waive Rule Env-Wt 304.04(a), Setback From Property Lines, failed to meet the requirements for Waiver submission pursuant to Rule Env-Wt 204, Waivers, and is therefore denied.

2012-01311 PACE, ALBERT
NEW DURHAM Merrymeeting Lake

Requested Action:

Repair in kind an existing 18 ft by 12 ft retaining wall within the bank on Merrymeeting Lake, New Durham.

APPROVE PERMIT:

Repair in kind an existing 18 ft by 12 ft retaining wall within the bank on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans by Albert Pace dated April 13, 2012, as received by the NH Department of Environmental Services (DES) on May 22, 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/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. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

GOLD DREDGE

2012-01359 CUSA, FRANK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-01389 HIRSCHFELD, BRUCE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

TRAILS NOTIFICATION

2012-01236 UNH OFFICE OF WOODLANDS OFFICE
DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
Durham Tax Map 14, Lot# 40-UNH

ROADWAY MAINTENANCE NOTIF

2012-01354 MASON HIGHWAY DEPARTMENT
MASON Unnamed Stream

COMPLETE NOTIFICATION:
Replace an existing 12" CMP culvert with a 15" x 50' HDPE culvert and rebuild the headwalls

2012-01355 MASON HIGHWAY DEPARTMENT
MASON Unnamed Stream

COMPLETE NOTIFICATION:

Replace a 12"x 36" CMP with a 15"x 36 HDPE and a 15" CMP with an 18"x 36' HDPE and rebuild headwalls

2012-01396 **BEDFORD, TOWN OF**
BEDFORD Unnamed Stream

COMPLETE NOTIFICATION:

Replace 10 failed clogged culverts

2012-01397 **BEDFORD, TOWN OF**
BEDFORD Unnamed Stream

COMPLETE NOTIFICATION:

Replace 13 failed clogged culverts

2012-01398 **BEDFORD, TOWN OF**
BEDFORD Unnamed Stream

COMPLETE NOTIFICATION:

Replace an existing 12" CMP with an 18" CMP

PERMIT BY NOTIFICATION

2012-01325 **COEN, RICHARD**
GILFORD Lake Winnepesaukee

Requested Action:

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

PBN IS COMPLETE:

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

With Findings:

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

2012-01363 **PRATT, TERRY & CAROLYNN**
GILFORD Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration, and install 2 seasonal PWC lifts and a seasonal boatlift.

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

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration, and install 2 seasonal PWC lifts and a seasonal boatlift.

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, and install 2 seasonal PWC lifts and a seasonal boatlift.

CSPA PERMIT

2011-01546 BRADY, ROBERT
LACONIA Lake Winnepesaukee

Requested Action:

Impact 156 sq ft in order to retain 408 sq ft for Tiki Bar, 212 sq ft for beach and horse shoe pits, remove bocci court, and add plantings to waterfront buffer.

APPROVE PERMIT:

Impact 156 sq ft in order to retain 408 sq ft for Tiki Bar, 212 sq ft for beach and horse shoe pits, remove bocci court, and add plantings to waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Robert Brady dated May 1, 2012 and received by the NH Department of Environmental Services (DES) on May 23, 2012.
2. No more than 22% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 428 sq ft of plantings within the waterfront buffer shall be established in order to retain proposed accessory structures.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2012-00529 CHOROSZY, JOHN/LOIS
LOUDON Clough Pond

Requested Action:

Language correction: 3 bedroom

Impact 10,500 to construct a 2 bedroom residence, effluent disposal system, and driveway adjacent to Clough Pond, in Loudon.

APPROVE AMENDMENT:

Impact 10,500 to construct a 3 bedroom residence, effluent disposal system, and driveway adjacent to Clough Pond, in Loudon.

With Conditions:

1. All work shall be in accordance with plans by Matthew Moore Civil Engineering dated April 23, 2012, and received by the NH Department of Environmental Services (DES) on April 24, 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 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 3,350 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2012-00586

MAVERICK DEVELOPMENT CORP

MERRIMACK Horseshoe Pond

Requested Action:

Amend permit to include an addition to the house.

APPROVE AMENDMENT:

Impact 8,025 sq ft to construct a new residence on the same foundation as the existing residence, add a garage, add an addition, and conduct associated lot modifications.

With Conditions:

1. All work shall be in accordance with amendment plans by Meridian Land Services revision dated May 08, 2012 and received by the NH Department of Environmental Services (DES) on May 23, 2012.
2. No more than 18.6% 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 2,507 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation 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.

**2012-01221 MCDONOUGH, JOHN
CARROLL Ammonoosuc River**

Requested Action:

Impact 7,026 sq ft in order to construct a 3 bedroom house and septic system.

APPROVE PERMIT:

Impact 7,026 sq ft in order to construct a 3 bedroom house and septic system.

With Conditions:

1. All work shall be in accordance with plans by Daniel E. Webb dated January 2012 and received by the NH Department of Environmental Services (DES) on May 14, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 4.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 26,710 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.

**2012-01262 HOWLAND, DAVID
SUNAPEE Lake Sunapee**

Requested Action:

Impact 1,100 sq ft in order to add a foundation under existing primary structure.

APPROVE PERMIT:

Impact 1,100 sq ft in order to add a foundation under existing primary structure.

With Conditions:

1. All work shall be in accordance with plans by Thomas C. Dombroski LLS dated May 4, 2012 and received by the NH Department of Environmental Services (DES) on May 16, 2012.
2. No more than 17.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,644 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. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

2012-01289 E KEITH SABA TR
ALTON Lake Winnepesaukee

Requested Action:

Impact 10,738 sq ft in order to construct a new driveway with parking area.

APPROVE PERMIT:

Impact 10,738 sq ft in order to construct a new driveway with parking area.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc dated April 24, 2012 and received by the NH Department of Environmental Services (DES) on May 17, 2012.
2. No more than 13.6% 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 6,651 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.

2012-01290 BECKER, BRIAN
WAKEFIELD Lovell Lake

Requested Action:

Impact 1,895 sq ft in order to replace existing deteriorated foundation under cottage.

APPROVE PERMIT:

Impact 1,895 sq ft in order to replace existing deteriorated foundation under cottage.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated May 1, 2012 and received by the NH Department

of Environmental Services (DES) on May 17, 2012.

2. No more than 13.4% 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 1,578 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.

2012-01292 CRONES, MICHAEL/SARAH
WAKEFIELD Pine River Pond

Requested Action:

Impact 1,706 sq ft in order to construct pervious walkways, replace rock walls, install plantings and incorporate a stormwater management plan.

APPROVE PERMIT:

Impact 1,706 sq ft in order to construct pervious walkways, replace rock walls, install plantings and incorporate a stormwater management plan.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated April 25, 2012 and received by the NH Department of Environmental Services (DES) on May 17, 2012.
2. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 1,969 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.

2012-01302 PACE, ALBERT
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 1050 sq ft to construct a wall and add loam and seed to prevent run off of stormwater into the waterbody.

APPROVE PERMIT:

Impact 1050 sq ft to construct a wall and add loam and seed to prevent run off of stormwater into the waterbody.

With Conditions:

1. All work shall be in accordance with plans by Albert Pace dated April 13, 2012, as received by the NH Department of Environmental Services (DES) on May 21, 2012.
2. No more than 18.2% 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 2175 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.

**2012-01309 CATTLE LANDING ROAD NOMINEE TRUST
MEREDITH Lake Winnepesaukee**

Requested Action:

Impact 5,575 sq ft in order to construct an addition to the north side of existing non-conforming residence, add 400 sq ft to an existing shed, and install a contemporary septic system.

APPROVE PERMIT:

Impact 5,575 sq ft in order to construct an addition to the north side of existing non-conforming residence, add 400 sq ft to an existing shed, and install a contemporary septic system.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated May 1, 2012 and received by the NH Department of Environmental Services (DES) on May 22, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 15.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 6,649 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.

2012-01310 GROOM, CRAIG
NEW DURHAM Meerymeeting Lake

Requested Action:

Impact 3,015 sq ft in order to construct a garage, expand driveway, and modify stairs.

APPROVE PERMIT:

Impact 3,015 sq ft in order to construct a garage, expand driveway, and modify stairs.

With Conditions:

1. All work shall be in accordance with plans by Paul F. Zuzgo LLS dated April 2, 2012 and received by the NH Department of Environmental Services (DES) on May 22, 2012.
2. No more than 20.6% 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 3,020 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.

2012-01369 KOSSACK, NANCY
MEREDITH Winnisquam Lake

Requested Action:

Impact 4,690 sq ft in order to construct a walkway toward reference line, retaining wall, patio and a stone wall.

APPROVE AMENDMENT:

Impact 4,690 sq ft in order to construct a walkway toward reference line, retaining wall, patio and a stone wall.

With Conditions:

1. All work shall be in accordance with plans by Susan Linnemayr dated May 1, 2012 and received by the NH Department of Environmental Services (DES) on May 29, 2012.
2. No more than 5% 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 13,750 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.

Requested Action:

Impact 4,690 sq ft in order to construct a walkway toward reference line, retaining wall, patio and a stone wall.

APPROVE PERMIT:

Impact 4,690 sq ft in order to construct a walkway toward reference line, retaining wall, patio and a stone wall.

With Conditions:

1. All work shall be in accordance with plans by Susan Linnemayr dated May 1, 2012 and received by the NH Department of Environmental Services (DES) on May 29, 2012.
2. No more than 4% 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 13,750 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.