

Review by WAC
7/16/12

Wetlands Bureau Decision Report

Decisions Taken
07/09/2012 to 07/15/2012

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2007-00566 RAVINIA COLD STORAGE LLC
HOOKSETT Unnamed Wetland

Requested Action:

Request permit time extension.

Conservation Commission/Staff Comments:

Applicant has agreed to contribute funds to secure over 260 acres of land in the Clay Pond headwaters.

APPROVE TIME EXTENSION:

Dredge and fill 76,275 square feet of palustrine forested wetland for construction of a 340,000 square foot cold storage facility, associated access, parking, and loading docks. Compensatory mitigation includes providing funds that complete the financing for 266 acres of wetland and uplands providing protection within the Clay Pond headwater area.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated March 2, 2007, as received by the Department on March 23, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. No work shall occur within 50 feet of the delineation line along the edge of the existing beaver pond as illustrated on the approved plan set.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Prior to the commencement of construction the permittee shall install orange construction fencing to define the natural upland buffer zone around the designated prime wetlands.
6. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
7. Work shall be conducted during low water conditions.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. 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.
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. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

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

18. The formal agreement between Ravinia Cold Storage, LLC and the Town of Hooksett relative to the payment of funds into an escrow account shall be adhered to relative to the contribution required to be held in escrow.
19. The contribution shall be made by Ravinia Cold Storage, LLC in accordance with the escrow agreement signed by the Town of Hooksett and the department on November 2, 2007 prior to construction.
20. Ravinia Cold Storage, LLC shall provide DES confirmation that the Town of Hooksett account has received the deposit for the Clay Pond Headwaters Project.
21. Ravinia Cold Storage, LLC shall provide DES a post construction report that notes the status of the escrow account in terms of expenditures of the funds as described in the escrow agreement received by DES on November 2, 2007.
22. If the funds have not been spent within one year following the submittal of the post construction report, Ravinia Cold Storage, LLC shall notify DES to discuss alternatives for compliance to mitigation requirements.

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.

2012-00768 MASTORAN CORPORATION
LACONIA Lake Winnepesaukee

Requested Action:

Construction of a 50 slip permanent docking system with a 270 linear ft breakwater to be constructed underneath the outermost dock surfaces, on an average of 229 feet of shoreline frontage on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

No comments from Con Com by May 16, 2012

DENY PERMIT:

Construction of a 50 slip permanent docking system with a 270 linear ft breakwater to be constructed underneath the outermost dock surfaces, on an average of 229 feet of shoreline frontage on Lake Winnepesaukee, in Laconia.

With Findings:

Standards for Approval

1. Pursuant to RSA 482-A:3, XIII, all boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters unless the owner of the boat docking facility obtains the written consent of the abutting property owner. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services.
2. In accordance with RSA 482-A:11, II, no permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. Rule Env-Wt 402.13 Frontage Over 75' states "To lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use."
4. Pursuant to Rule Env-Wt 402.15, Commercial Use - Municipal Review, (a), any new docking facility or additional docking or similar improvement, excluding repairs or replacements without expansion, that has any portion under commercial use shall comply with all local land-use controls for marinas, or appropriate non-residential land-use classification.

5. Pursuant to Rule Env-Wt 402.15, Commercial Use - Municipal Review, (b), the applicant shall submit a copy of the local permit or approval, or a letter from the applicable local land use board or local governing body indicating that a permit or approval is not required under local regulations..
6. In accordance with Env-Wt 402.06, Permanent Docks, an application for a permanent dock shall be approved only when an applicant establishes the proposed site for the dock is exposed to at least an established minimum required fetch or has documented through that the site is exposed to persistent 1 ft high wave activity.
7. In accordance with Env-Wt 402.07 Breakwaters, breakwaters shall only be approved when an applicant establishes that the proposed site for the breakwater is exposed to a single radial fetch of at least 4 miles between compass headings 300 and 330 degrees as measured from true north or the applicant provides evidence that the proposed site is exposed to persistent 2 ft high wave activity, and the breakwater is located in an area with no significant sand migration
8. Pursuant to Rule Env-Wt 101.12 "Breakwater" means a structure extending generally perpendicular from the shore into surface waters of the state that is designed to protect sections of shoreline, docks, wharves or anchorage areas from erosion or damage from waves or currents.
9. In accordance with Rule Env-Wt 101.56, "major docking system" means a large and complex docking facility that requires utilization of more than 100 feet of waterfront or provides a total of 5 or more boat slips, including those previously existing and proposed.
10. This project is classified as a major project per Rule Env-Wt 303.02, Major Projects, (d), construction or modification of major docking system defined by Rule Env-Wt 101.56, and any dock adjacent or attached to a breakwater.

Findings of Fact

1. On January 2, 1974 the predecessor to the Wetlands Bureau, the Special Board voted to approve docking facilities providing 52 boat slips on contiguous parcels 325-220-2 and lot 325-220-3.
2. This approval was issued to a corporation leasing the two properties, not the fee owner of the properties.
3. The Applicant was neither the fee owner of the property nor the lessee of the property when the approval for the docking structure was granted.
4. The original approval considered the combined frontage of the two properties equaling an average of 602 feet of shoreline frontage.
5. On April 3, 1974 the Governor and Executive Council voted to approve the docking facility on a one year trial basis but further limited the number of slips to 26.
6. On April 16, 1975 the Governor and Executive Council voted to reaffirm its original recommendation on to approve the docking facility. No mention is made in the decision of removing the limit 26 slips.
7. On March 23, 2012, the Wetlands Bureau received a Standard Dredge and Fill application to construct a 50 slip permanent docking system with a 270 linear ft breakwater to be constructed underneath the outermost dock surfaces on individual lot 325-220-2 having an average of only 229 feet of shoreline frontage.
8. The abutting property owner has already applied for and obtained permission for a separate docking structure on lot 325-220-3 consisting of 15 slips.
9. The permit issued for the construction of the docking structure was not recorded at the Belknap County Registry of Deeds nor did the Wetlands Bureau or its predecessor, the Special Board, approve any transfer of the prior permit to the fee owner of the property.
10. Nevertheless, the Applicant asserts that the docks were transferred to the fee owner of the property on April 30, 2008, under the clause within the lease which states "ownership and possession of all buildings and appurtenances located on the premises as of such date of termination shall pass to the lessor."
11. The Applicant purchased the property December 29, 2010.
12. In the first paragraph of the Supplement to Wetlands Permit Application Re: Tax Lots 325-220-2 & 325-220-3 the Applicant states the docking facility was "removed in the fall of 2007"
13. The proposed 270 ft wave attenuator to be constructed under the outermost docking structures is designed to dissipate wave action and protect sections of the shoreline and other proposed piers and wharves from waves or currents. This structure is a breakwater as defined per Rule Env-Wt 101.12.
14. The proposed docking system would extend approximately 35 feet over the imaginary extension of the property line onto the property now covered by Wetlands Approval # 2012-00072.
15. The proposal includes approximately 9 boat slips which would be located in front of the abutting property now covered by Wetlands Approval # 2012-00072.

- 16. The proposal includes approximately 6 additional boat slips which would be located within the abutter's 20 foot setback.
- 17. The Applicant did not submit evidence supporting the need for a permanent docking structure on this frontage as required pursuant to Rule Env-Wt 402.06.
- 18. The Applicant did not submit information supporting the need for a breakwater on this frontage as required pursuant to Rule Env-Wt 402.07.
- 19. The Applicant has an average of 229 feet frontage along Lake Winnepesaukee. This is only sufficient frontage for 4 slips pursuant to Rule Env-Wt 402.13.
- 20. The Applicant proposes to construct docking facilities providing 50 slips.

Rulings in Support of Denial

- 1. The rights to a permit of a lessee do not automatically revert to the fee owner upon expiration of a lease especially in cases like this one, where there are multiple fee owners of multiple lots.
- 2. The clause in the lease cited by the Applicant may pertain to ownership of the physical structure; however, it does not pertain to the rights found within the prior permit.
- 3. Neither the Wetlands Bureau, nor its predecessor the Special Board, approved the transfer of the permit to the fee owner of the property.
- 4. Therefore, the applicant does not have right to the authorization contained in the previously issued permit.
- 5. In addition, the proposed docking structure far exceeds the scope of the previous permit.
- 6. Finally, the applicant controls only an average of 229 feet of frontage along Lake Winnepesaukee - approximately one third of that considered part of the prior permit and far below that needed for the number of slips requested.
- 7. Therefore, any dock install on this frontage shall be considered a new facility and shall meet all current rules and laws pertaining to dock installation.
- 8. The Applicant failed to submit the required, notarized, abutter permission letter for the encroachment of the proposed docking facility on the abutter's 20-foot setback pursuant to RSA 482-A:3 and Env-Wt 304.04; therefore, in accordance with RSA 482-A:11 the application is denied.
- 9. There is no waiver provision within RSA 482-A:3 for docking structures to cross property lines and be located in front of an abutter's frontage that is not a part of the application, especially where the abutter objects to any encroachment on or encumbrance of its property. The application has, therefore, been denied.
- 10. The proposed docking facilities would provide 46 slips more than would be otherwise be allowed pursuant to Rule Env-Wt 402.13; therefore, the application is denied.
- 11. The Applicant proposes to construct a breakwater in an area not identified as one where breakwaters are allowed and failed to provide any supporting evidence of the need for the requested breakwater; therefore, the application is denied.
- 12. The Applicant failed to submit the information required by Rule Env-Wt 402.15 indicating that the project shall comply with all local land-use controls for marinas, or appropriate non-residential land-use classifications. The application has, therefore, been denied.

MINOR IMPACT PROJECT

2008-01289

MON PLAISIR REALTY TRUST, MICHAEL & NINA EMELIANOF

FREEDOM Ossipee Lake

Requested Action:

Amend permit to widen the access ramp 2 feet.

Conservation Commission/Staff Comments:

No comments from Con Com by Sept 18, 2008.

APPROVE AMENDMENT:

Amend permit to read: Expand an existing 363 sq ft dry storage boathouse to be a 900 sq ft dry storage boathouse, with a 10 ft x 15 ft access ramp on an average of 201 ft of frontage on Ossipee Lake, in Freedom.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental dated October 09, 2008, as received by DES on January 16, 2009 and cross section plans by John Neil as received by DES on July 11, 2008 and amended plans revision dated December 08, 2011 as received by the Department on June 04, 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. Area shall be regraded to original contours following completion of work.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This 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 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.
3. The proposed boathouse provides dry storage of boats and equipment.

**2012-00306 OSSEO HOMEOWNERS ASSOCIATION
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Construct 45 linear feet of retaining wall to control stormwater runoff and plant a combination of shrubs and ground covers landward of the wall to reduce the beach size to 798 sq ft, replenish the remaining beach with less than 12 cubic yards of sand, and install additional stormwater controls around its perimeter on 100 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

No comments from Con Con by March 13, 2012

APPROVE PERMIT:

Construct 45 linear feet of retaining wall to control stormwater runoff and plant a combination of shrubs and ground covers landward of the wall to reduce the beach size to 798 sq ft, replenish the remaining beach with less than 12 cubic yards of sand, and install additional stormwater controls around its perimeter on 100 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Ilex Wetlands Consultants as revised June 8 2012 and received by the NH Department of Environmental Services (DES) on June 12, 2012.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 12 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. 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.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. 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(f), replenishment of a beach that exceeds the criteria for minimum impact beach replenishment.
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 proposed work will provide better stormwater protection to the waterbody, reduce the existing beach area, and reduce the amount of sand on the frontage.

2012-00788 FAMILY AFFAIR REALTY TRUST
ALTON Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft x 30 ft seasonal dock and install a 6 ft x 40 ft seasonal dock in the same location on an average of 187 feet of shoreline frontage along Lake Winnepesaukee in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns but indicate they submitted comments, no comments in file

APPROVE PERMIT:

Permanently remove an existing 6 ft x 30 ft seasonal dock and install a 6 ft x 40 ft seasonal dock in the same location on an average of 187 feet of shoreline frontage along Lake Winnepesaukee in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated May 23, 2012, as received by the NH Department of Environmental Services (DES) on June 20, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water except as authorized by the abutting property owner, in writing, on June 16, 2012.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. 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), installation of a seasonal dock that exceeds the criteria for minimum impact docking structures.
2. The proposed 6 ft x 40 ft seasonal dock is replacing a 6 ft x 30 ft seasonal dock.
3. The applicant submitted a notarized abutter permission letter for the dock located within the abutter's 20 ft setback.

**2012-00838 MARKARIAN, PETER/VALERIE
CENTER HARBOR Squam Lake**

Requested Action:

Impact 840 sq ft of bank and shorelands along 40 linear feet of shoreline and dredge 1.5 cubic yards from 70 sq ft of lakebed to construct a 23.3 ft x 34 ft dug-in boathouse adjacent to an existing 3-slip, seasonal "U" shaped docking structure on an average of 247 ft of frontage on Squam Lake, in Center Harbor.

Conservation Commission/Staff Comments:

No comments from Con Com by May 31, 2012

APPROVE PERMIT:

Impact 840 sq ft of bank and shorelands along 40 linear feet of shoreline and dredge 1.5 cubic yards from 70 sq ft of lakebed to construct a 23.3 ft x 34 ft dug-in boathouse adjacent to an existing 3-slip, seasonal "U" shaped docking structure on an average of 247 ft of frontage on Squam Lake, in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 18, 2012, as received by the NH Department of Environmental Services (DES) on June 19, 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 prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 16 ft 6 in height (Elev. 579.5) above normal high water (Elev. 563).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently

than once every 6 years, and that a new permit shall be required for each dredge activity.

12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.

13. 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.

14. 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), removal of no more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. 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 247 feet of shoreline frontage along Squam Lake.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2012-01131 WINDWARD HARBOR HOMEOWNERS ASSOCIATION
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Replenish 1600 sq ft of beach with less than 20 cubic yards of sand on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Replenish 1600 sq ft of beach with less than 20 cubic yards of sand on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by David Dolan Associates dated April 27, 2012, as received by the NH Department of Environmental Services (DES) on May 04, 2012.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. No more than 20 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
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(f), replenishment of a beach with less than 20 cubic yards of sand.
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.

MINIMUM IMPACT PROJECT

2011-02443 WINNISQUAM REGIONAL SCHOOL DIST #59
TILTON Unnamed Wetland

Requested Action:

Install a replacement 36" x 60' Tier I stream crossing culvert and construct a proper outlet plunge pool, impacting 420 square feet; maintenance dredge approximately 400 square feet of wetland drainage path.

APPROVE PERMIT:

Install a replacement 36" x 60' Tier I stream crossing culvert and construct a proper outlet plunge pool, impacting 420 square feet; maintenance dredge approximately 400 square feet of wetland drainage path.

With Conditions:

1. All work shall be in accordance with revised plans by Matthew Moore Civil Engineering, PLLC dated 6/26/2012, as received by the NH Department of Environmental Services (DES) on 6/27/2012.
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. Work shall be done during low flow.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minimum impact Tier I stream crossing replacement project per Administrative Rule Env-Wt 903.01(e)(3) and Env-Wt 904.07(c); and minimum impact per Env-Wt 303.04(f), projects impacting less than 3,000 square feet of swamps and wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is set at the wrong angle and has no stable discharge point.
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. The project involves replacement in-kind of the same culvert size and is limited to the existing footprint of disturbance.

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. There were no species of concern reported as occurring in the project area by the NH Natural Heritage Inventory.

5. The Tilton Conservation Commission has reviewed the project extensively, and does not object to the current plans.

**2012-01536 GOLDEN KS LLS
NORTH HAMPTON Unnamed Wetland**

Requested Action:

Dredge and fill a total of 430 square feet of palustrine wet meadow to include 310 square feet of permanent impact and 120 square feet of temporary impact for the installation of a 12-inch HDPE culvert for the construction of a driveway to a single family residential lot on approximately 2.0 acres as part of a three-lot subdivision of 7.017 acres.

APPROVE PERMIT:

Dredge and fill a total of 430 square feet of palustrine wet meadow to include 310 square feet of permanent impact and 120 square feet of temporary impact for the installation of a 12-inch HDPE culvert for the construction of a driveway to a single family residential lot on approximately 2.0 acres as part of a three-lot subdivision of 7.017 acres.

With Conditions:

1. All work shall be in accordance with the following plans by James Verra & Associates, Inc. as received by the NH Department of Environmental Services (DES) on June 13, 2012:
 - a.) 'Subdivision of Land' Plan (Sheet 1 of 1) dated May 6, 2012; and,
 - b.) 'Detailed Wetland Impact Plan' dated May 25, 2012.
2. DES Southeast region staff (Portsmouth Office) shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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 wet meadow.
2. The impacts are necessary to access buildable upland; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts will occur at the narrowest portion of wetlands; 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(b) Requirements for Application Evaluation, has been considered in the design of the project.

EXPEDITED MINIMUM

2011-02668 CHESLEY HILL PARTNERS
ROCHESTER Unnamed Wetland

Requested Action:
Withdraw request for reconsideration.

WITHDRAW APPLICATION:
Withdraw request for reconsideration to dredge and fill 1,152 sq. ft. of wetland for the construction of a new driveway.

With Findings:
1. The Agent for the Applicant submitted an email request to withdraw the request for reconsideration on July 3, 2012.

2012-00724 GOOD, JAMES
WAKEFIELD Lovell Lake

Requested Action:
Repair an existing 140 linear feet of retaining wall in kind on Lovell Lake, Wakefield.

Conservation Commission/Staff Comments:
Con Com signed application

APPROVE PERMIT:
Repair an existing 140 linear feet of retaining wall in kind on Lovell Lake, Wakefield.

With Conditions:
1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on June 11, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Repair shall maintain existing size, location and configuration.
6. Work shall be done during drawdown.
7. This permit does not allow for the removal of any trees on this frontage.
8. 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 wall that is performed in the dry during draw down.

2012-01547 PALTRINERI, SHERRIE
CENTER BARNSTEAD Locke Lake

Requested Action:

Construct a 363 sq ft perched beach with less than 10 cubic yards of sand and 5 ft wide access steps to Locke Lake, Barnstead.

Conservation Commission/Staff Comments:

Con Com signed Wetlands application

APPROVE PERMIT:

Construct a 363 sq ft perched beach with less than 10 cubic yards of sand and 5 ft wide access steps to Locke Lake, Barnstead.

With Conditions:

1. All work shall be in accordance with plans by G2 Landscape Architecture dated May 29, 2012, as received by the NH Department of Environmental Services (DES) on June 14, 2012.
2. 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.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 639). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. 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.
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(d), construction of a beach with less than 10 cubic yards of sand.

**2012-01560 PUBLIC SERVICE CORP OF NH
ROLLINSFORD Fresh Brook**

Requested Action:

Temporarily impact 2,557 square feet of wetlands to install swamp maps for access, and permanently impact 33 square feet of wetlands for installation of new utility poles.

APPROVE PERMIT:

Temporarily impact 2,557 square feet of wetlands to install swamp maps for access, and permanently impact 33 square feet of wetlands for installation of new utility poles.

With Conditions:

1. All work shall be in accordance with plans by Tighe & Bond dated 3/9/2012, as received by the NH Department of Environmental Services (DES) on 6/15/2012.
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. The permittee shall coordinate with the NH Natural Heritage Bureau ("NHB") to execute a field survey at the direction of the NHB, for the fringed gentian prior to construction, and as further directed by the NHB.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. 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), projects involving impacts of less than 3,000 square feet to swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Work will be performed under dry conditions with temporary impacts from swamp mats, and permanent impact is limited to footprint of new utility poles.
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. The applicant has agreed to coordinate a plant survey with NHB relative to the reported species of concern, and the permit is further conditioned to require this coordination; the NH Fish & Game Department reports that it does not expect impacts to the reported New England Cottontail as a result of this project.
5. The Rollinsford Conservation Commission signed the expedited application.

2012-01621 KWA LLC
NEWINGTON Unnamed Wetland

Requested Action:

Impact 1,405 square feet of wetlands to install a municipal sewer line associated with the redevelopment of a commercial lot.

APPROVE PERMIT:

Impact 1,405 square feet of wetlands to install a municipal sewer line associated with the redevelopment of a commercial lot.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering dated 6/8/2012, as received by the NH Department of Environmental Services (DES) on 6/20/2012.
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. 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.
5. 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 swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project area.
5. The Newington Conservation Commission signed the expedited application.

2012-01649 GEORGE, PAUL
HENNIKER Unnamed Wetland

Requested Action:

Fill 1,923 sq. ft. of wetland and installation of a 38' long x 36" x 24" squash culvert with a rip-rap outlet to construct a driveway to serve a single-family residential lot.

APPROVE PERMIT:

Fill 1,923 sq. ft. of wetland and installation of a 38' long x 36" x 24" squash culvert with a rip-rap outlet to construct a driveway to serve a single-family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated May 30, 2012 and by Promised Land Survey, LLC dated May 15, 2012, as received by the NH Department of Environmental Services (DES) on June 25, 2012.
2. 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.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. 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).
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be done during low flow conditions.

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 in swamps and wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that wetland impact is necessary to access uplands.
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. The applicant has demonstrated that the wetland crossing is located at the most narrow location.
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. The NH Natural Heritage Bureau (NHB) has no record of a rare wildlife, plant, and/or natural community present within the vicinity of the project area.

GOLD DREDGE

2012-01857 BOTBYL, ALFRED
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2012-01825 WHITNEY, LYMAN
RINDGE Emerson Pond

COMPLETE NOTIFICATION:
Installation of a seasonal docking structure.

2012-01827 HOWE, JOHN/JUDITH
NOTTINGHAM Pawtuckaway Pond

COMPLETE NOTIFICATION:
Installation of a seasonal docking structure.

2012-01828 GATELY, SUSAN
WEARE Horace Lake

COMPLETE NOTIFICATION:
Installation of a seasonal docking structure.

2012-01830 MUSTAPHA, MAUREEN
MOULTONBOROUGH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Installation of a seasonal docking structure.

PERMIT BY NOTIFICATION

2012-01564 BELLAVANCE, JOSEPH & MARY
GILFORD Lake Winnepesaukee

Requested Action:

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

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

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

With Findings:

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

2012-01693 LEGG, DEXTER/ELLEN
PORTSMOUTH Little Harbor

Requested Action:

Impact 220 square feet of developed upland tidal buffer zone to install 220 linear feet of residential gas line.

Conservation Commission/Staff Comments:

Portsmouth Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 220 square feet of developed upland tidal buffer zone to install 220 linear feet of residential gas line.

2012-01808 PATTERSON, BRENDA
PETERBOROUGH Cranberry Meadow Pond

Requested Action:

Dredge 6 cubic yards of accumulated material from the upstream side of the Cranberry Meadow Pond dam.

PBN IS COMPLETE:

Dredge 6 cubic yards of accumulated material from the upstream side of the Cranberry Meadow Pond dam.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), Maintenance dredging that meets the criteria in Env-Wt 303.04(k).
3. No comments of concern were submitted.
4. The application states that debris removal was requested by the NHDES Dam Bureau.

2012-01838 NEEDHAM, ROBERT
SUNAPEE Sunapee Lake

Requested Action:

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

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

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

With Findings:

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

**2012-01852 LAVALLIERE REVOCABLE TR, LORRAINE
GILFORD Lake Winnepesaukee**

Requested Action:

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

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

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

With Findings:

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

CSPA PERMIT

**2011-01094 L LAKEHOUSE LLC
MEREDITH Lake Winnepesaukee**

Requested Action:

Owner proposes to amend the permit for the following: boundary/limits of temporary impacts, relocate fence for erosion control as necessary, and increase total impact area from 147,000 sq ft to 151,800 sq ft.

APPROVE AMENDMENT:
AMENDMENT DESCRIPTION:

Impact 151,800 sq ft in order to remove existing dwelling, driveway and portions of retaining wall. Construct a a new dwelling with attached terrace construct a detached garage with concrete apron, install dry hydrant within the boathouse, construct paved drives and walks and closed drainage system for storm water management-Per NH-DES AOT File No.

20110328-039: relocate a playhouse. Relocate silt fence/erosion control in order to accommodate final grading that increased the limits of temporary and permanent impacts.

With Conditions:

1. All work shall be in accordance with revised plans by David M. Dolan Associates, PC dated June 12, 2012 and received by the NH Department of Environmental Services (DES) on June 15, 2012.
2. No more than 15% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 15,300 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-02976 RHUDA, RICHARD
WOODSTOCK Moosilauke Brook

Requested Action:

2nd Amendment Description: Language change to include a 15ft x 43ft pervious patio located on the southside of structure and a 54ft x 5ft pervious walkway located on the eastside of structure.

Amendment Description: Applicant proposes to extend impervious area into the waterfront by 225 sq ft and a 127 sq patio in the woodland buffer.

Impact 10,240 sq ft for the purpose of constructing a new commercial structure, parking area and installing stormwater controls.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: July 10, 2012, revised description to plans submitted April 2, 2012 to impact 10,592 sq ft for the purpose of constructing a new commercial structure with a 15ft x 43ft pervious patio located on south side of structure and a 5ft x 54ft pervious walkway located on the east side of structure, construct a parking area with 225 sq ft within the waterfront buffer, and install stormwater controls.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering Inc. dated March 1, 2012 and received by the Department of Environmental Services ("DES") on April 2, 2012
2. No more than 30.4% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals and completing the lot line adjustment.
4. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts shall occur to natural ground covers within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.
16. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

CSPA PERMIT W/WAIVER

**2012-01416 CITY OF MANCHESTER
MANCHESTER Merrimack River**

Requested Action:

Impact 157,500 sq ft in order to maintain and expand gravel access roads along sewer mains to comply with required part of CMOM program (Capacity, Management, Operation, and Maintenance) and NPDES permit.

APPROVE PERMIT:

Impact 157,500 sq ft in order to maintain and expand gravel access roads along sewer mains to comply with required part of CMOM program (Capacity, Management, Operation, and Maintenance) and NPDES permit.

With Conditions:

1. All work shall be in accordance with plans by TF Morgan, Inc. dated June 1, 2012 and received by the NH Department of Environmental Services (DES) on June 13.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.

2. No more than 30% 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. 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.
5. 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.
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.