

Wetlands Bureau Decision Report

Rev. h
11/13/12

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

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

2008-02627 BLAKE & SON DESIGN BUILD LLC
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Applicant a change of name from Blake & Son Design Build LLC to Michael & Pamela Joyce and further requests the permit be amended to relocate three of the approved docks and allow construction of a seasonal canopy.

Conservation Commission/Staff Comments:

No comments from Con Com by Feb 03, 2009

Inspection Date: 04/22/2009 by Dale R Keirstead

APPROVE AMENDMENT:

Change name to Michael & Pamela Joyce, 125 Partridge Landing, Glastonbury CT 06033 on amended permit to: Remove an existing 4 ft x 40 ft seasonal dock, an existing 4 ft x 3 ft concrete pad and the associated seasonal dock, and remove an existing 9 ft x 3 ft concrete pad and restore the shoreline. Replace an existing "L" shaped dock with three 6 ft x 40 ft seasonal docks connected by two 6 ft x 12 ft seasonal walkways in a "W" shaped configuration with a 23 ft x 30 ft seasonal canopy, and retain an existing 3 ft x 40 ft seasonal dock on an average of 476 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revision dated October 6, 2012, as received by DES on November 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. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of any of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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.
8. 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.
9. 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 project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 476 feet of frontage along Lake Winnepesaukee.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facilities will provide 7 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.
6. The proposed docks will be placed in locations previously impacted by the existence of prior docking structures. No new impacts

will occur with the placement of the proposed docking structures.

7. DES Staff conducted a field inspection of the proposed project on April 22, 2009. Field inspection determined the proposed impacts will not adversely affect the frontage.

-Send to Governor and Executive Council-

2011-00667 CANOBIE LAKE REALTY CORP
SALEM Canobie Lake

Requested Action:

Amend permit to add 6 inch refacing of dock sides with a stone veneer.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE AMENDMENT:

Repair and reconfigure existing T shaped commercial docking facilities, including the relocation of the maintenance dock to the southeast extension of the "T", reface the side of the concrete dock no more than 6 inches, on an average of 2200 ft of frontage on Canobie Lake, in Salem.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership Inc dated March 18, 2011, as received by the NH Department of Environmental Services (DES) on April 1, 2011 and amendment request plans received November 01, 2012 indicating refacing no more than 6 inches lakeward.
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 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 repairs shall maintain the size, location and configuration of the pre-existing structures.
5. 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.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. 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.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Seasonal piers shall be removed from the lake for the non-boating season..
11. No portion of the pier shall extend more than 129 feet from the shoreline at full lake elevation.
12. The existing T shapes docking structure and maintenance dock shall be permanently removed from the waterbody prior to the installation of the new docking system.
13. 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), construction of a major docking facility.
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 2,200 feet of frontage along Canobie Lake.
6. A maximum of 30 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 8 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
8. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Canobie Lake.
9. The proposed docking structure provides 188 sq ft less impact to the waterbody than repairing the existing docking structure in kind.

-Send to Governor and Executive Council-

2012-00768 MASTORAN CORPORATION
LACONIA Lake Winnepesaukee

Requested Action:

The Appellant requests reconsideration of the Department's July 10, 2012 decision to deny the request for a permit to construct a new major docking system.

Conservation Commission/Staff Comments:

No comments from Con Com by May 16, 2012

DENY RECONSIDERATION:

Reconsider and reaffirm the July 10, 2012 decision to deny the permit to construct 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:

Grounds for Reconsideration

1. The Appellant maintains that the State of NH granted permanent docking rights to an entity that had been leasing two contiguous properties and that those rights supersede the long term rights of the fee simple owners of the properties in question after the leases had been terminated.
2. The Appellant maintains that unconditional approval for the transfer of docking rights was granted to the aforementioned entity by the owners of the two contiguous properties by letter dated September 28, 1973. These letters were submitted to the Wetlands Bureau's predecessor, the Special Board, as part of Erin Foods' application for a dock permit first approved by the Governor and Executive Council (G & C) on April 3, 1974.
3. The Appellant maintains that because the conditions of the lease, and subsequent affidavit, failed to specify that upon termination of the lease the lessee's rights to install a structure on Paugus Bay immediately adjacent to the subject property were also terminated, the Lessee retained, and continues to retain, the docking rights on this portion of Paugus Bay.
4. The Appellant alleges that is unreasonable for the Department to make a finding that "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" on the basis that the G & C "made what amounts to a grant of right to Erin Food Services, Inc."
5. The Appellant alleges that the Department unreasonably cites and applies various sections of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 pertaining to the granting of permits for the construction of docking structures in a manner appropriate to new docking structure construction rather than as would be appropriate to reconstruction or reconfiguration of a pre-existing legal structure.
6. The Appellant states that evidence supporting the need for a permanent docking facility as required pursuant to Rule Env-Wt 402.06, Permanent Docks, "will be" provided.

7. The Appellant states that evidence supporting the need for a breakwater as required pursuant to Rule Env-Wt 402.07, Breakwaters, "will be" provided.
8. The Appellant alleges that the use of the term "spaces" by the Special Board and the G & C when discussing limitations on the use of the docking structure is vague and should not be interpreted to mean a limit on the number of boat slips allowed.
9. The Appellant maintains that the Department improperly approved a 15 slip commercial docking facility on the abutting property identified as Laconia Tax Parcel 325-220-3.
10. The Appellant maintains that the proposed docking facility will not extend 35 ft beyond the property line extension of Laconia Tax Parcel 325-220-3 nor will it locate 9 slips in front of that property because the owners of that property will agree to a future property line adjustment that would alter the extension of the property line over public waters in a manner that would eliminate any encroachment by the Appellant's proposed docking facility.
11. The Appellant alleges the Department's finding that the proposed docking facility will adversely affect the abutting property is unreasonable because the Department contributed to the impacts of the proposed facility on the abutter by issuing a permit allowing said abutter to construct their own docking structure.
12. The Appellant maintains that the Appellant's property has an average of 234 ft of frontage rather than the average of 229 ft as stated in the Department's findings.
13. The Appellant maintains that 266 ft of breakwater are proposed rather than 270 ft as stated in the Department's findings.
14. The Appellant maintains the Department incorrectly ruled that the proposed docking structure far exceeds the scope of the previous permit.
15. The Appellant maintains the Department incorrectly ruled that the amount of frontage controlled by the Appellant is insufficient for the requested docking facility.
16. The Appellant maintains the Department's finding that the property only has sufficient property for 4 boat slips is unreasonable because the pre-existing structure provided 52 boat slips.
17. The Appellant maintains the Department incorrectly ruled that a signed notarized waiver for encroachment within 20 of the extension of the property line is required on the grounds that the Appellant retains the docking rights for the abutting property.
18. The Appellants maintain the Department incorrectly ruled that the Appellant failed to provide evidence of the need for both permanent docking structures and a breakwater on the grounds that the abutting properties have permanent docks and breakwaters in addition to the claim that the Appellants will provide the required evidence.
19. The Appellants maintain that the Department incorrectly applied the requirements of Rule Env-Wt 402.15, Commercial Use - Municipal Review, on the grounds that the docking structure is not to be expanded nor will it be commercially used.

Standards for Approval

1. Pursuant to RSA 482-A:10, Appeals, II, A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. Pursuant to RSA 482-A:10, Appeals, III, On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration.
3. Pursuant to RSA 482:41-e, Artificial Fill, as in effect in 1973 and 1974, "The provisions of this subdivision shall apply to wharves or piers."
4. Pursuant to RSA 482:41-f, Grant of Right, as in effect in 1973 and 1974, "The governor and council, upon petition and upon the recommendation of the water resources board, may, for just consideration, grant to an owner of shoreline on public waters, the right to place fill in the bed of such pond before his shoreline."
5. Pursuant to RSA 482:41-f, Grant of Right, as in effect in 1973 and 1974, "The grant of the governor and council shall be evidenced by an instrument in writing, executed by the governor and council and attested by the secretary of state and recorded in the county where the right is to be exercised."
6. In accordance with Rule Env-Wt 101.89 "Shoreline frontage" means the average of the distances of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the normal high water line.
7. 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.
8. 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 the request of Erin Food Services, Inc., the "Erin Foods", to install floating docking facilities providing 52 boat slips on contiguous parcels now identified as City of Laconia lot 325-220-2 and lot 325-220-3.
2. Erin Foods was a corporation that held leases on the two properties and was not the fee owner of those properties.
3. The fee owner of what is now lot 352-220-2 was Agnes McLellan.
4. The fee owners of what is now lot 352-220-3 were William and Pauline Rudzinski.
5. On September 28, 1973, the Special Board received a letter which stated "As abutters of the property directly to the west of the proposed Burger King dock, we state that we have no objection to this modular floating dock." This letter was signed by George and Agnes McLellan.
6. On September 28, 1973, the Special Board received a second letter which stated "As abutters of the property directly to the east of the proposed Burger King dock, we state that we have no objection to this modular floating dock." This letter was signed by William Rudzinski.
7. Both abutter letters were read into the public hearing record on December 26, 1973. There is no evidence that the Special Board received a letter stating that the owner of the property on which the Burger King dock was to be installed stated that they intended to grant permanent and severable docking rights to the Lessee.
8. The tax map submitted with Erin Food's application, E-54, identifies the lot to which the dock would be attached as "Burger King" and the abutting lots with "McLellan" and "Rudzinski". The tax map does not identify the fee owner of the lot from which the docks would be attached.
9. The original approval considered the combined frontage of the two properties equaling an average of 602 feet of shoreline frontage.
10. The Appellant now controls only one of the two properties.
11. This property has a shoreline frontage of only 229 ft.
12. In contrast, the Appellant claims that it has 234ft of shoreline frontage.
13. However, the shoreline frontage length submitted by the Appellant incorrectly uses an actual frontage measurement that includes the perimeter of fill placed within Lake Winnepesaukee in its calculation. See Rule Env-Wt 101.89 (referring to the "natural" shoreline).
14. Nevertheless, the maximum number of slips that could be permitted on 234 ft of frontage is 4; the same that could be permitted on 229 ft of frontage. Pursuant to Rule Env-Wt 402.13 minimum of 300 ft of frontage is required before a fifth slip could be approved.
15. The breakwater as shown on the plan submitted with Application #2012-768 measures 270 linear ft when measured using the stated scaled of 1 inch equals 20 ft.
16. On April 3, 1974 the Governor and Executive Council voted to approve the installation of a docking facility providing 26 "spaces" on a one year trial basis. On April 16, 1975 the Governor and Executive Council voted to reaffirm its original recommendation which had included the specific limitation that the facility would only provide 26 "spaces."
17. The term "space" as used in the approval most closely resembles what later became defined as a "boatslip"; i.e., it refers to the place where a boat would be when docked, not to the dock itself.
18. In accordance with both RSA 482-A:2, Definitions, VIII, and previously, Rule Env-Wt 101.08, Boatslip, a slip is "a volume of water...located adjacent to structure to which a watercraft may be secured."
19. The docking facility that had been installed by the Lessee was to be seasonal, limited to 26 "spaces" for watercraft, and was not to extend more than 66 ft lakeward of the normal high water line.
20. In contrast, the docking facility proposed by the Appellant would be permanent, includes a breakwater, provides 50 slips, and would extend 199 ft lakeward of the normal high water line plus an additional 12 ft extension beyond the piers for protective ice cluster pilings.
21. On April 11, 2012, the Department issued Wetlands Approval # 2012-00072 to the lessee of the property adjacent to the Appellant's property.
22. This property had formerly been one of the two properties included in the Erin Foods permit.
23. The Appellant did not file an appeal of the Department's decision to issue Wetlands Approval # 2012-00072 pursuant to RSA 482-A:10.
24. Review of the online records of the Belknap County Registry of Deeds finds that the permit issued to the Erin Foods for the construction of the docking structure was not recorded at the Belknap County Registry of Deeds

25. The current owner of the subject property (Lot # 325-220-2) as listed on the deed recorded at Page 112 of Book 2685 in the Belknap County Registry of Deeds is Mastoran Corporation. This deed was signed and notarized on December 29, 2010 and recorded at the Registry on December 30, 2010.
26. The Appellant did not submit any additional evidence supporting the need for a permanent docking structure on this frontage as required pursuant to Rule Env-Wt 402.06 with this Request for Reconsideration.
27. The Appellant did not submit any additional evidence supporting the need for a breakwater on this frontage as required pursuant to Rule Env-Wt 402.07 with this Request for Reconsideration.
28. The Appellant was neither the fee owner of the property nor the lessee of the property when the approval for the docking structure was granted.
29. The Appellant assumes that it is the successor to permit E-54; however, the information submitted by the Appellant has not demonstrated that the Appellant succeeded to the rights granted under permit E-54 especially given that the permit was premised on control of the combined frontage of two lots, only one of which passed to the Appellant.

Rulings in Support of the Decision

1. The G & C, under the language of RSA 482:41-f, as effective in 1973 and 1974, could not make a grant of right, nor could it have made "what amounts to a grant of right" to Erin Food Services, Inc as they were the lessee, and not the owner of the property. See former RSA 382:41-f (stating that G & C may provide a "grant to an owner").
2. The fact that no such right was granted to Erin Foods is further evidenced by the absence of a written instrument executed by the G & C, attested to by the Secretary of State, and recorded at the Belknap County Registry of Deeds formalizing this alleged action.
3. The language of the lease agreements between Erin Foods and the prior fee owners of City of Laconia lots 325-220-2 and 325-220-3 did not specify any granting of docking rights as part of the lease. Therefore, the absence of specific language stating that upon termination of lease the docking rights would revert to the fee owner of the property in no way indicates that Erin Foods retained those rights after termination.
4. The letters from the abutting property owners dated September 28, 1973, pertaining to the initial installation of the "Burger King dock," were specific in stating that the abutters did not object to the installation of "this modular floating dock." The Department has seen no evidence that the abutters ever granted, or intended to grant, permanent and unconditional docking rights to Erin Foods.
5. The Appellant did not appeal the issuance of Wetlands Approval # 2012-00072.
6. The docking facility requested by Erin Foods, as the owner of a restaurant, was to serve a function on the water synonymous with that of the parking lot constructed to serve that facility on land. The G & C's use of the term "spaces" when imposing limitations on the use of the docking facility was not accidental and was consistent with the wording one would expect to be used in conditions imposed on the use of a parking area. The definition of a boatslip, both under the rules as had been adopted by the Department in the past and the current definition in RSA 482-A:2, VIII, continues to use a spatial term, "volume," to define what a slip is; a space "located adjacent to structure to which a watercraft may be secured." In other words, the G & C granted authorization for 26 boatslips or docking locations, not 26 docking structures capable of supporting two spaces each.
7. The reconfiguration of docking facilities is limited to shifting the piers or the angle of piers in an existing facility within the bounds of the pre-existing facility footprint. The conversion of docking facilities from seasonal to permanent, the expansion of docking facilities beyond the bounds of the pre-existing structure, and increases in the number slips provided are not reconfigurations of docking facilities. These projects are considered to be either the construction of new facilities or expansion of facilities because they result in new additional impacts beyond the scope of the pre-existing structure and as such they must meet the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 as in effect at the time of application.
8. The project as proposed by the Appellant will extend more than 15 ft further lakeward of the normal high water line than the pre-existing structure thus having greater potential impacts on navigation and public rights of passage. The conversion of the structure from seasonal to permanent will result in additional impacts to public safety associated with the weakening of ice during the winter months as well as impact rights of passage during those months which had not previously been impacted. The addition of the breakwater to the docking facility will have potential impacts of littoral currents and movement of sediment that were not posed by the pre-existing floating piers. The increase in the number of spaces for watercraft from 26 to 50 will increase the impacts to safety and navigation, and through the effects of prop wash and wake generation will increase impacts related to water quality and shoreline stability. Because the docking facility proposed by the Appellant will result in these increased impacts it cannot be reviewed as a reconfiguration of the pre-existing structure and instead must be reviewed as a new docking facility subject to all current requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900.

9. As described in the Department's decision to deny Application # 2012-768 on July 10, 2012, the docking facility proposed by the Appellant failed to submit evidence of need as required per Rules Env-Wt 402.06 and Env-Wt 402.07. While the Appellant stated in the Request for Reconsideration that this evidence would be provided, it was not included, and to date has not been submitted to the file. Therefore the Department reaffirms its July 10, 2012 findings relative to these rules and its determination that the application should be denied.
10. The Department reaffirms its July 10, 2012 findings relative to the determination that the docking facility proposed by the Appellant should be denied because it will exceed the number of slips allowed on the frontage.
11. RSA 482-A:3, XIII requires that new docking facilities not cross existing property lines. The docking facility proposed by the Appellant will cross the extension of the property line shared with City of Laconia lot 325-220-3 as it currently exists. This encroachment is prohibited by RSA 482-A:3, XIII. The Department reaffirms its July 10, 2012 ruling that "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 denial of the application has, therefore, been reaffirmed.
12. The Department reaffirms Ruling #8 of the July 10, 2012 decision which stated "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."
13. The Appellant proposes to construct a new, larger docking facility in the location of a previously existing commercial docking facility. The Department reaffirms Ruling #12 of the July 10, 2012 decision which stated "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."
14. The Appellant has not demonstrated that the Appellant succeeded to the rights granted under permit E-54.
15. All former reasons for denial are hereby incorporated by reference. The Appellant should note that any one of the reasons enumerated would have independently served as grounds for denial.

2012-01144 L LAKEHOUSE LLC
MEREDITH Lake Winnepesaukee

Requested Action:

Dredge 60 cu. yd. from 1,393 sq. ft. of submerged lands to remove accumulated sediment from an existing dug-in boathouse and approach channel, install a dry hydrant intake within the boathouse, install stoplogs in the lakebed across the boathouse entrance and fill 143 sq. ft. to construct a 26 ft. groin to stabilize littoral sediment transport, and restore 900 sq. ft. of beach along 130 linear ft. of shoreline with 32 cu yd of the reclaimed sand on an average of 1,622 ft of frontage along Lake Winnepesaukee.

Conservation Commission/Staff Comments:

No comments from Con Com by June 29, 2012

APPROVE PERMIT:

Dredge 60 cu. yd. from 1,393 sq. ft. of submerged lands to remove accumulated sediment from an existing dug-in boathouse and approach channel, install a dry hydrant intake within the boathouse, install stoplogs in the lakebed across the boathouse entrance and fill 143 sq. ft. to construct a 26 ft. groin to stabilize littoral sediment transport, and restore 900 sq. ft. of beach along 130 linear ft. of shoreline with 32 cu yd of the reclaimed sand on an average of 1,622 ft of frontage along Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Waterfront Engineers LLC dated or revised October 11, 2012, as received by the NH Department of Environmental Services (DES) on October 22, 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. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with

sediment trapping logs or another acceptable sediment trapping liner.

5. All dredged material, with the exception of 32 cu yd of sand to be used to restore the beach, shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
6. 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.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. This groin is permitted to correct alterations of littoral sediment transport the resulted from the boathouse construction allowed under prior Permit# 1999-2285. Future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years and a new permit shall be required for each dredge activity.
9. The owner understands and accepts that if the construction of the groin fails to correct the alteration of littoral sediment transport caused by the construction of the dug-in boathouse the boathouse shall be subject to removal as required by the Specific Conditions of Permit# 1999-2285.
10. No more than 32 cu yd of sand may be used to restore the beach area and all portions of the beach area shall be in the dry at the time of the restoration.
11. All sand used in the restoration shall be free of silts and fines.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(g), dredge of more than 20 cu. yd. of materials 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 prior owner of this property supplied data to the Department as part of File# 1999-2285 indicating that the boathouse construction should not have adverse impacts to the movement of currents or sediment along the shoreline.
5. The boathouse construction altered the littoral sediment transport along this section of shoreline resulting in the accumulation of sediment within the boathouse and the erosion of the shoreline to the south.
6. The new owners of the property have submitted evidence that the construction of the proposed groin will restore the normal littoral sediment transport along the affected shoreline.
7. Public hearing is waived with the finding that the project impacts shall restore impacts to the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2009-00297 FERBERT, FREDERICK
ALTON Lake Winnepesaukee

Requested Action:

Request name change from Frederick Ferbert to Bruce and Dorothy Brown on permit to repair and reconfigure existing shoreline structures.

APPROVE NAME CHANGE:

Change name to Bruce & Dorothy Brown, 1950 North Oakwood Drive, Arlington Heights, IL 60004 on permit to: Repair and reconfigure existing shoreline structures resulting in 12 ft of rock retaining wall, a 14 ft 9 in x 31 ft partial dug-in boathouse, with a 3 ft x 14 ft walkway over a stone base along the north side and a 12 ft 3 in x 23 ft 8 in concrete pier along the south side, reset 6 ft wide granite steps to the water and repair 14 sq ft of shoreline. No work or modifications are proposed to the two existing seasonal personal watercraft lifts, the 6 ft x 20 ft seasonal pier, and concrete hinge pad.

With Conditions:

1. All work on the 100 ft of frontage shall be in accordance with plans by Watermark Marine Construction dated February 12, 2009, as received by DES on February 18, 2009.
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. All construction related debris and materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation and erosion 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. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit does not allow dredging for any purpose.
9. Seasonal piers and lifts shall be removed for the non-boating season.
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. 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(d), alteration of docking facilities providing 4 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project as proposed meets the requirements of Rule Env-Wt 204.04, Criteria, for a waiver of Rule Env-Wt 402.21, Modification of Existing Structures.

2011-00541 CASALE FAMILY TRUST
TUFTONBORO Lake Winnepesaukee

Requested Action:

Applicant request that the permit be amended to include the installation of a seasonal canopy.

APPROVE AMENDMENT:

Amend permit to read: Dredge 9.2 cu yd from 324 sq ft of lake bed within the center slip of a U-shaped docking facility consisting of two 6 ft x 40 ft seasonal pier connected by a 6 ft x 12 ft walkway and install a 14 ft x 30 ft seasonal canopy on an average of 154

ft of frontage on Little Bear Island in Tuftonboro, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 10, 2011, as received by the NH Department of Environmental Services (DES) on March 18, 2011.
2. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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.
5. 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.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), dredge of less than 20 cu yd of material from public waters.
2. The need for the proposed impacts to allow for adequate safe access to this property, which is accessible only by boat, has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2012-02658 MARIE E SOCHA FAMILY IRREV TRUST
CANDIA Socha Pond

Requested Action:

Impact a total of 2,108 square feet within the bed and banks of Socha Pond to include 1,515 square feet of permanent impact and 593 square feet of impact to rebuild the existing man-made concrete and earthen dam (Dam#37.03).

APPROVE PERMIT:

Impact a total of 2,108 square feet within the bed and banks of Socha Pond to include 1,515 square feet of permanent impact and 593 square feet of impact to rebuild the existing man-made concrete and earthen dam (Dam#37.03).

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. dated August 2012, as received by the NH Department of Environmental Services (DES) on October 1, 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 approval by DES.
3. Southeast Region staff (Portsmouth Office) shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. Work shall be done during drawdown and seasonal low flow conditions. Drawdown shall not occur after October 1 as recommended by NHFG.
6. 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).
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. Prior to commencing work on a substructure located within Socha Pond, a cofferdam shall be constructed to isolate the substructure work area from Socha Pond.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. On April 6, 2010 and September 8, 2012, DES personnel inspected the above-referenced property in accordance with RSA 482:12 and Env-Wt 302.02. Following the inspection, on December 21, 2010 DES issued Letter of Deficiency DSP#10-079(LOD) to request that deficiencies be remedied with respect to the dam.
2. This application has been submitted to satisfy items of the LOD.
3. This is a minor impact project per Administrative Rule Env-Wt 303.03(k) Projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
4. The impacts are necessary to repair the existing dam to avoid structural failure of the dam; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The repairs will be done in accordance with the DES Dam Bureau; 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.
6. 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.
7. The application included a memo from the NH Natural Heritage Bureau dated 5/11/2012 (the "Memo"). The Memo identified one (1) threatened vertebrate species within the vicinity of the project, the Spotted Turtle (*Clemmys guttata*).
8. In response to the Memo, NH Fish and Game, Nongame and Endangers Species Program (NHFG) stated, "As long as the drawdown does not occur after October 1, we [NHFG] do not expect impacts to spotted turtle."
9. The Candia Conservation Commission did not comment on the application.

MINIMUM IMPACT PROJECT

2007-01419 WOOD, KEATH/PATRICIA
PITTSFIELD Unnamed Stream

Requested Action:
Request permit time extension.

APPROVE TIME EXTENSION:

Dredge and fill 2808 square feet of palustrine forested wetland in four locations for a common driveway in the subdivision of 8 acres into two single family lots.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering dated April 12, 2007, and revised through September 21, 2007, as received by the Department on September 27, 2007, and Subdivision Plans by David Vincent dated September 21, 2007, and revised through November 1, 2007 as received by the Department on November 27, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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.
10. Silt fencing must be removed once the area is stabilized.

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.

2012-01364 REMICK, RON
HAMPTON Unnamed Wetland

Requested Action:

Temporary construction impact of 128 sq. ft. to a grass lined drainage swale for work associated with constructing a driveway supported, in part, by a retaining wall in the side slope of the drainage swale in a drainage easement. The proposed driveway will access lot 49 from lot 50-A-1, which has frontage on Esker Road. Existing access to lot 49 off Winnacunnet Road will be abandoned to allow for an addition to the existing residence on this lot. Deny request to waive Env-Wt 304.04(a), Setback From Property Lines, included in this application.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission unanimously opposes the granting of the wetlands permit The Conservation Commission met with [the applicant], his lawyer and Gove Environmental on June 26, 2012 ..."

Inspection Date: 01/11/2012 by Frank D Richardson

DENY PERMIT:

Temporary construction impact of 128 sq. ft. to a grass lined drainage swale for work associated with constructing a driveway

supported, in part, by a retaining wall in the side slope of the drainage swale in a drainage easement. The proposed driveway will access lot 49 from lot 50-A-1, which has frontage on Esker Road. Existing access to lot 49 off Winnacunnet Road will be abandoned to allow for an addition to the existing residence on this lot. Deny request to waive Env-Wt 304.04(a), Setback From Property Lines, included in this application.

With Findings:

1. This is a Minimum Impact Project per NH Code of Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. RSA 482-A:11,II states, in part: "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."
4. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
5. The applicant states that the existing access off Winnacunnet Road will be abandoned to create buildable upland to construct an 830 sq. ft. addition to the existing dwelling. The practicable alternative would be to construct an addition on another side of the dwelling.
6. As there is a practicable alternative to the proposed impact, the applicant is purporting a self-induced hardship as justification for avoidable impacts.
7. The applicant must provide evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
8. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project. (1)Type of wetland to be impacted: Man-made vegetated drainage swale; (2)Surface area of wetlands impacted: 128 sq. ft.; (3)Relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters: The swale transfers and provides treatment for storm water runoff which eventually reaches the tidal marsh on the southerly side of Winnacunnet Road. However, the swale does not directly outlet to the tidal marsh; (4)The impact upon abutting property owners pursuant to RSA 482-A:11,II which states "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."; (5)Lack of alternatives with lesser wetlands and surface water impacts: A no impact alternative exists as set forth in findings # 5 & 6 above.
9. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
10. The Hampton Conservation Commission is opposed to this application stating " ... this application does not contain sufficient evidence to support the need or practicality of altering an existing drainage swale and impacting a wetland for the construction of a driveway on the Esker Road parcel."
11. In their letter of August 2, 2012, in addition to the above, the Hampton Conservation Commission goes on to state: " The applicant is proposing an addition to the existing home as justification for the abandonment of the driveway to Winnacunnet Road. However the Conservation Commission is not convinced (nor have we been shown) that the only way to construct or position the addition mandates that the existing driveway be abandoned."
12. The applicant has provided no evidence to show that the proposal to abandon the driveway off Winnacunnet Road, construct an addition to the existing dwelling at 436 Winnacunnet Road and construct a driveway off Esker Road on Hampton Tax Map 208/Lot No. 50-A-1, which would effectively change the street address of the dwelling now occupying Hampton Tax Map 208/Lot No. 49 has been requested, reviewed or approved by the Town of Hampton.
13. At the request of the DES, the Hampton DPW has inspected the swale relative to local drainage issues and in a report submitted on September 13, 2012 characterize the "densely developed" Esker Road neighborhood, find that "The swale is stable and has a high function" and "To remove any portion of it at this time without further analysis would not be prudent."
14. On April 11, 2012 the Hampton Planning Board voted to deny a lot line adjustment for the relocation of existing lot lines for Lots 49 and 50-A-1 stating: "Failure to conform to the Zoning Ordinance requirements for lot frontage (Article 4.2) and lot width (Article 4.3).
15. RSA 482-A:31V(b) states that work in man-made nontidal drainage ditches (the swale on this property) may only be done if "... the work does not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners"
16. The request to waive Env-Wt 304.04(a) as requested under RSA 482-A:26 III(b)[Dwellings Over Water] does not apply in this application.

17. The request to waive Env-Wt 304.04(a), Setback From Property Lines, does not meet the Criteria set forth in Env-Wt 204.04(a)(1) Granting the request will not result in: b. An impact on abutting properties that is more significant than that which would result from complying with the rule.

18. In the subject application, the applicant has not satisfied Env Wt 204.04(b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement. In this case, RSA 482-A:11,II, as cited above.

2012-02377
UNITY

UNITY, TOWN OF

Requested Action:

Dredge and fill 2,160 square feet of palustrine emergent excavated wetlands for construction of the access roads, parking, stormwater management and utilities for a new elementary school building and athletic fields.

APPROVE PERMIT:

Dredge and fill 2,160 square feet of palustrine emergent excavated wetlands for construction of the access roads, parking, stormwater management and utilities for a new elementary school building and athletic fields.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated 10/17/11, and revised through 08/03/12, as received by the DES Wetlands Bureau on AUG 31 2012.
2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
3. 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.
4. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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.
10. 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.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The wetlands are part of a man-made drainage system.
3. The project design minimizes impacts to the larger wetland areas located to the northwest and west of the site and to an unnamed tributary to the Little Sugar River.
4. The Natural Heritage Bureau Report indicated there are no recorded occurrences for sensitive species near the project area.
5. The stormwater management and conveyance functions lost by filling the wetlands will be replaced by a more positive drainage from the Second NH Turnpike allowing the stormwater to be collected, treated and properly infiltrated into the subsurface or discharged off-site.

6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. 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.
8. 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

**2012-02943 ANDORRA FOREST, PAUL CROSBY
STODDARD Unnamed Stream Unnamed Wetland**

COMPLETE NOTIFICATION:
Stoddard, Tax map 410, Lot #6

**2012-02944 PELHAM, TOWN OF
PELHAM Unnamed Stream Unnamed Wetland**

COMPLETE NOTIFICATION:
Pelham, Tax map 31, Lots #11-26 and 12-42

**2012-02947 WOODBURY FOREST INC
FRANCESTOWN Unnamed Stream Unnamed Wetland**

COMPLETE NOTIFICATION:
Francestown, Tax map 9, Lot #12

**2012-02951 GRANT, DONALD
BELMONT Unnamed Stream Unnamed Wetland**

COMPLETE NOTIFICATION:
Belmont, tax map 215, lot #21

**2012-02953 KINCAID, MARGARET
BRADFORD Unnamed Stream Unnamed Wetland**

COMPLETE NOTIFICATION:
Bradford, tax map 10, lots #7 & 10

**2012-02963 BAMFORD, THOMAS
PETERBOROUGH Unnamed Stream Unnamed Wetland**

COMPLETE NOTIFICATION:

Peterborough, tax map R10, lot #9
Hancock, tax map R2, lot #28

EXPEDITED MINIMUM

2012-02708 DEHNEY, CHRISTINE/THOMAS
PELHAM Little Island Pond

Requested Action:

Dredge and fill 600 square feet of forested wetland to install a 30-inch by 20-foot HDPE culvert and construct a driveway crossing for access to construct a new dwelling after razing the existing dwelling on a single family residential lot of approximately 2.5 acres.

APPROVE PERMIT:

Dredge and fill 600 square feet of forested wetland to install a 30-inch by 20-foot HDPE culvert and construct a driveway crossing for access to construct a new dwelling after razing the existing dwelling on a single family residential lot of approximately 2.5 acres.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated June 12, 2012, as received by the NH Department of Environmental Services (DES) on October 9, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work shall be done during seasonal low flow conditions.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
10. No fill shall be done for lot development.
11. No fill shall take place in Atlantic white cedar swamps.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The impacts are necessary to access the rear of the property; 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.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.

**2012-02718 WESTMORELAND, TOWN OF
WESTMORELAND**

Requested Action:

Dredge and fill 600 square feet of unnamed intermittent stream to replace a failed stone box culvert with a 48-inch x 20-foot culvert at Hartwell Road (Class VI town road).

APPROVE PERMIT:

Dredge and fill 600 square feet of unnamed intermittent stream to replace a failed stone box culvert with a 48-inch x 20-foot culvert at Hartwell Road (Class VI town road).

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated 7/30/12, as received by the Department on OCT 11 2012.
2. All work shall occur within the town's right-of-way.
3. Work shall be done during low flow conditions and in the dry.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. There shall be no excavation or operation of construction equipment in flowing water.
6. 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.
7. 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.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. 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).
12. 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(x), maintenance, repair or replacement.
2. The proposed work qualifies for approval under Env-Wt 303.05, Notification of Routine Roadway and Railway Maintenance Activities.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2012-02755 WULLBRANDT, AMY/BLAKE
WALPOLE**

Requested Action:

Dredge and fill 885 square feet of palustrine forested wetlands to install a 24-inch x 20-foot driveway culvert for access to a single lot of a proposed two lot residential subdivision.

APPROVE PERMIT:

Dredge and fill 885 square feet of palustrine forested wetlands to install a 24-inch x 20-foot driveway culvert for access to a single lot of a proposed two lot residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design LLC dated 9-17-2012, and plans by David A. Mann, Land Surveyor dated June 19, 2012, and revised through August 6, 2012, as received by the Department on OCT 15 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. 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.
6. 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.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. 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).
11. 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 wetlands.
2. The Natural Heritage Bureau report states that there are no recorded occurrences of sensitive species near the project area.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2012-02799

BREWSTER ACADEMY

WOLFEBORO Unnamed Wetland

Requested Action:

Dredge and fill 150 sq. ft. of wetlands to repair and replace 32 ft. of an existing culvert and remove accumulated silt and debris from an existing/associated drainage swale.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 150 sq. ft. of wetlands to repair and replace 32 ft. of an existing culvert and remove accumulated silt and debris from an existing/associated drainage swale.

With Conditions:

1. All work shall be in accordance with plans and narratives submitted by Daniel P. Noyes, as received by the NH Department of Environmental Services (DES) on October 18, 2012.
2. Work shall be done during low flow.
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. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. 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.
8. 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.
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. 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.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. 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.
13. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2012-02802
CORNISH

NEIL, JAMES

Requested Action:

Dredge and fill 898 square feet of an intermittent stream to install a 5-foot x 23-foot culvert for access to the western portion of an existing lot.

APPROVE PERMIT:

Dredge and fill 898 square feet of an intermittent stream to install a 5-foot x 23-foot culvert for access to the western portion of an existing lot.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks, LLC dated October 3, 2012, as received by the Department on OCT 18 2012.
2. Work shall be done during low flow conditions and in the dry.
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. The channel at the culvert inlet and outlet/the recreated stream channel bed must maintain the natural and a consistent streambed elevation.
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(z), installation of a stream crossing and associated fill to permit vehicular access to a piece of property for a single family building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations
2. The submitted Natural Heritage Bureau (NHB) report stated, "We currently have no recorded occurrences for sensitive species near this project area."
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2012-02964 TREAMER, JASON
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

TRAILS NOTIFICATION

2012-02661 USDA FOREST SERVICE, WHITE MTN. NAT'L FOREST
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:
Berlin Tax Map 416 lot 1.

PERMIT BY NOTIFICATION

2012-02723 POLIN, ANNE
CENTER HARBOR Squam Lake

Requested Action:
Install a 6 ft. x 30 ft. seasonal dock.

Conservation Commission/Staff Comments:
Con Com signed PBN form

PBN IS COMPLETE:
Install a 6 ft. x 30 ft. seasonal dock.

With Findings:

1. Agent submitted information indicating pre-existing crib material has been removed from the waterbody prior to submittal of PBN application. PBN was disqualified in error.

2012-02852 DEPT OF TRANSPORTATION BUREAU OF RAIL & TRANS
WINDHAM Golden Brook

Requested Action:
Impact 300 square feet of perennial stream for installation of temporary scaffolding within the stream bed to repair existing culvert headwall.

PBN IS COMPLETE:
Impact 300 square feet of perennial stream for installation of temporary scaffolding within the stream bed to repair existing culvert headwall.

2012-02959 HUTCHINS, GLEN & JACQUELINE
ALTON BAY 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

2012-02729 GUGLIELMINO, PETER
LACONIA Winnisquam Lake

Requested Action:

Impact 11,927 sq. ft. to remove an existing non-conforming residence and construct a new conforming residence, associated driveway and walkways.

APPROVE PERMIT:

Impact 11,927 sq. ft. to remove an existing non-conforming residence and construct a new conforming residence, associated driveway and walkways.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated September 19, 2012 and received by the NH Department of Environmental Services (DES) on October 18, 2012.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 18.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 3,667 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.

2012-02790 MARVIN, KURT/RUTH
NORTHFIELD Sandogardy Pond

Requested Action:

Impact 2,385 to permanently remove an existing non-conforming dwelling and construct a new dwelling with associated driveway,

walkways and subsurface disposal system.

APPROVE PERMIT:

Impact 2,385 to permanently remove an existing non-conforming dwelling and construct a new dwelling with associated driveway, walkways and subsurface disposal system.

With Conditions:

1. All work shall be in accordance with plans by David Krause dated October 10, 2012 and received by the NH Department of Environmental Services (DES) on October 17, 2012.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 28.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. 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.

2012-02801 GUTIERREZ, ALINA
ALTON Bear Pond

Requested Action:

Impact 5,625 sq. ft. of protected shoreland to remove an existing dwelling and construct a new dwelling and associated, decks, walkways, driveway and subsurface disposal system.

APPROVE PERMIT:

Impact 5,625 sq. ft. of protected shoreland to remove an existing dwelling and construct a new dwelling and associated, decks, walkways, driveway and subsurface disposal system.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering LLC dated October 5, 2012 and received by the NH Department of Environmental Services (DES) on October 18, 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 8.5% 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 5,907 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.

2012-02804 CHAPMAN, JIM/LESLIE
BELMONT Lake Winnisquam

Requested Action:

Impact 2,254 to remove 330 sq. ft. of impervious surface and conduct landscaping activities.

APPROVE PERMIT:

Impact 2,254 to remove 330 sq. ft. of impervious surface and conduct landscaping activities.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants LLC dated September 25, 2012 and received by the NH Department of Environmental Services (DES) on October 18, 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. This permit does not allow for the removal of any trees on the frontage within the Waterfront Buffer.
4. Upon completion of this project, no more than 36.36% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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.

2012-02806 GAGNON, JEAN
DERRY Adams Pond

Requested Action:

Impact 2,900 sq. ft. within the protected shoreland to construct a dwelling and associated subsurface disposal system.

APPROVE PERMIT:

Impact 2,900 sq. ft. within the protected shoreland to construct a dwelling and associated subsurface disposal system.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell dated August 16, 2012, and received by the NH Department of Environmental Services (DES) on October 18, 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 0.60% 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 8,516 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.

2012-02821 CALVINO FAMILY TRUST
SALEM Arlington Mills Reservoir

Requested Action:

Impact 4,800 sq. ft. to remove an existing non-conforming dwelling and construct a garage and associated driveway.

APPROVE PERMIT:

Impact 4,800 sq. ft. to remove an existing non-conforming dwelling and construct a garage and associated driveway.

With Conditions:

- 1. All work shall be in accordance with plans by SFC Engineering Partnership Inc. dated October 16, 2012, and received by the NH Department of Environmental Services (DES) on October 22, 2012.
- 2. No more than 16.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
- 5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2012-02824 MORTON, SUSAN
PITTSBURG Back Lake

Requested Action:

Impact 2,204 sq ft to replace an existing camper with a larger camper and upgrade the subsurface disposal.

APPROVE PERMIT:

Impact 2,204 sq ft to replace an existing camper with a larger camper and upgrade the subsurface disposal.

With Conditions:

- 1. All work shall be in accordance with plans by North Country Septic Design dated October 14, 2012 and received by the NH Department of Environmental Services (DES) on October 22, 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 21.26% 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 3,644 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).
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.

2012-02826 NEW HAMPSHIRE REALTY LLC
CENTER HARBOR Squam Lake

Requested Action:

Impact 6,845 sq. ft. to expand an existing residence and garage.

APPROVE PERMIT:

Impact 6,845 sq. ft. to expand an existing residence and garage.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated October 9, 2012 and received by the NH Department of Environmental Services (DES) on October 22, 2012.
2. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 15,266 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

FORESTRY W/PRIME WETLAND

2010-03115 SIMONSEN, EDWIN
DERRY Unnamed Stream

Requested Action:

Request permit time extension.

APPROVE TIME EXTENSION:

Approve prime wetland waiver request.

With Conditions:

1. All work shall be in accordance with plans by Richard Lewis dated 11-15-10, as received by the NH Department of Environmental Services (DES) on 11-15-10.
2. All work shall be done in accordance with the Best Management Practices for Timber Harvesting.
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. A 100- 150 foot un-cut buffer shall be maintained around the Town of Derry designated prime wetlands.

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.