

Wetlands Bureau Decision Report

*Review G.M.
2/4/13*

Decisions Taken
01/28/2013 to 02/03/2013

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

**2012-02021 PSNH
PORTSMOUTH Unnamed Wetland**

Requested Action:

Temporarily impact 100,391 square feet of wetlands for construction access and permanently impact 126 square feet of wetlands, including 18,493 square feet of temporary impact and 30 square feet of permanent impact in Greenland, and 81,898 square feet of temporary impact and 96 square feet of permanent impact in and adjacent to the Great Bog prime wetland in Portsmouth, for addition of new power poles and lines in existing ROW for the 3111 and 3171 electric utility transmission line extending from the Ocean Road substation in Greenland to the 477 ACSR conductor in Portsmouth.

APPROVE PERMIT:

Temporarily impact 100,391 square feet of wetlands for construction access and permanently impact 126 square feet of wetlands, including 18,493 square feet of temporary impact and 30 square feet of permanent impact in Greenland, and 81,898 square feet of temporary impact and 96 square feet of permanent impact in and adjacent to the Great Bog prime wetland in Portsmouth, for addition of new power poles and lines in existing ROW for the 3111 and 3171 electric utility transmission line extending from the Ocean Road substation in Greenland to the 477 ACSR conductor in Portsmouth.

With Conditions:

1. All work shall be in accordance with plans by TF Moran dated 7/26/2012, as received by DES on 7/31/2012, and according to supporting materials by TF Moran dated 12/12/2012, as received by DES on 12/13/2012 and 12/20/2012.
2. This permit applies to the the Portsmouth portion only of the utility line project, and is subject to the prime wetlands process, including an appeal period prior to the issuance of the posting permit. Work to be conducted on the Greenland portion of the project is permitted under permit 2012-2072.
3. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
4. A wetland biologist or similarly qualified professional shall be on-site during the project to oversee safe relocation of Blanding's and spotted turtles for any project work that will occur between the months of April and October, pursuant to the recommendations of NH Fish and Game Department, and the permittee shall document to DES in writing at the commencement of the project work the details of compliance with this condition.
5. A land resource professional shall regularly inspect the project to insure compliance with appropriate "Best Management Practices for Utility Maintenance In and Adjacent to Wetlands and Waterbodies in NH" guidance, approved plans and permit conditions, and prior to completion of the project. A report photo-documenting a before, during and after view of the use of the pre-fabricated mats, and of the completed project shall be submitted to the NH Natural Heritage Bureau and DES within 30 days of the completion of construction.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
8. 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.
9. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Work shall be done during frozen conditions or low flow.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

- 13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 15. All refueling of equipment shall occur outside of surface waters or wetlands.
- 16. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
- 17. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.

With Findings:

- 1. This is a major project pursuant to Env-Wt 303.02 (c) projects which involve alteration of non-tidal wetlands in excess of 20,000 square feet, and per Env-Wt 303.02 (f), projects in or adjacent to designated prime wetlands.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The utility needs to install new additional transmission line poles to increase power transmission at this location to the public.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The work is limited to temporary impact for access in the existing utility easement and a total of 126 square feet of permanent impact distributed over 1.2 miles and two towns.
- 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, as well as the criteria for approval for projects in or adjacent to prime wetlands pursuant to Env-Wt 703.01.
- 5. Portsmouth Prime Wetlands 3A (the "Great Bog") was designated with primary functions of largest size wetland at 542 acres, and as rare plant species habitat (exemplary natural community).
- 6. The applicant has demonstrated that the project represents temporary disturbance in an existing utility easement for necessary installation of a public utility electricity transmission lines, and that the project it will not affect the size of the Great Bog prime wetland, primary function number one.
- 7. The NH Heritage Bureau ("NHB") reports that the project is occurring within the utility easement, and not within the exemplary community, primary function #2. NHB recommends conditions to protect the direct hydrologic connection that have been included as permit conditions.
- 8. NHB also reports the presences of Blandings and spotted turtles in the project vicinity. The recommendations of NH Fish & Game Department relative to turtle protection have been included in the permit conditions.
- 9. The Portsmouth Conservation Commission reviewed, and recommends approval of the project.
- 10. Based on findings #1-9 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

2012-02027

PSNH

BOW

Requested Action:

Temporarily impact 164,104 square feet of wetlands for construction access and permanently impact 46 square feet of wetlands for upgrade reconstruction and expansion of the H-137 electric utility transmission line. Approve as mitigation in-lieu fee payment to the Aquatic Resources Mitigation ("ARM") fund of \$55,017.85, for 44,854 square feet of federally recognized secondary impacts including riparian impacts, conversion of forested wetlands by cutting, and for temporary impacts outside of the maintained utility right-of-way.

APPROVE PERMIT:

Temporarily impact 164,104 square feet of wetlands for construction access and permanently impact 46 square feet of wetlands for upgrade reconstruction and expansion of the H-137 electric utility transmission line. Approve as mitigation in-lieu fee payment to the Aquatic Resources Mitigation ("ARM") fund of \$55,017.85, for 44,854 square feet of federally recognized secondary impacts

including riparian impacts, conversion of forested wetlands by cutting, and for temporary impacts outside of the maintained utility right-of-way.

With Conditions:

1. All work shall be in accordance with plans by GZA Environmental Inc. dated May 2012, as received by DES on 7/31/2012.
2. This permit is contingent upon compensatory mitigation by in-lieu fee payment to the Aquatic Resource Mitigation ("ARM") fund of \$55,017.85, for 44,854 square feet of federally recognized secondary impacts including riparian impacts, conversion of forested wetlands by cutting, and for temporary impacts outside of the maintained utility right-of-way.
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. A wetland biologist or similarly qualified professional shall be on-site during the project to oversee safe relocation of Blanding's and spotted turtles for any project work that will occur between the months of April and October, pursuant to the recommendations of NH Fish and Game Department, and the permittee shall document to DES in writing at the commencement of the project work the details of compliance with this condition.
5. A land resource professional shall regularly inspect the project to insure compliance with appropriate "Best Management Practices for Utility Maintenance In and Adjacent to Wetlands and Waterbodies in NH" guidance, approved plans and permit conditions, and prior to completion of the project. A report photo-documenting a before, during and after view of the use of the pre-fabricated mats, and of the completed project shall be submitted to the NH Natural Heritage Bureau and DES within 30 days of the completion of construction.
6. The permittee shall notify and coordinate with NH Fish and Game Department to that agency's satisfaction encounters with any of the eight wildlife species reported in the NHB report for this project, and the contractors shall avoid moving or disturbing the species. The permittee shall document to DES in writing that they have done so.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. 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.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Only native plant species seed mix shall be used for re-stabilizing disturbed areas once direct project work is completed.
11. Work shall be done during frozen conditions or low flow.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands.
16. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
17. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
18. Prior to installation, new wood-pole structures; and upon removal, old wood-pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau, but may remain in the ROW as potential cover for snakes, per the request of NH Fish and Game Department.

With Findings:

1. This is a major project pursuant to Env-Wt 303.02 (c) projects which involve alteration of non-tidal wetlands in excess of 20,000 square feet, and per Administrative Rule Env-Wt 303.02(k), projects in a wetland that has documented occurrences of state or federally listed Endangered or Threatened species.
The project requires expansion by adding new lines and extends into uncleared portions of the utility ROW, and exceeds the criteria of Env-Wt 303.04 (af) for minimum impact utility maintenance projects.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The utility needs to install new

additional transmission line poles to increase power transmission at this location to the public.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The work involves temporary impact for access in the existing utility easement and a total of 46 square feet of permanent impact distributed over 2.7 miles. The applicant has provided compensatory mitigation by in-lieu fee payment to the Aquatic Resources Mitigation ("ARM") fund of \$55,017.85, for 44,854 square feet of federally recognized secondary impacts including riparian impacts, conversion of forested wetlands by cutting, and for temporary impacts outside of the maintained utility right-of-way.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau ("NHB") identified two exemplary natural communities, and a listed plant species, all on the opposite side of the Merrimack River from the project, and stated on 11/29/2012 that they had no further comment. The NHB review further found nine wildlife species in the project vicinity. Comments relative to the protection of these species have been provided by NH Fish & Game Department, and have been incorporated into the permit conditions.

5. The Bow Conservation Commission did not report.

6. In response to items raised by the Upper Merrimack River LAC, review of the record finds that there were no abutter comments submitted to the application file, and that any historic resource protection will occur as part of the NH Division of Historic Resources and Army Corps of Engineers review.

**2012-02072 PSNH
GREENLAND Unnamed Wetland**

Requested Action:

Temporarily impact 100,391 square feet of wetlands for construction access and permanently impact 126 square feet of wetlands, including 18,493 square feet of temporary impact and 30 square feet of permanent impact in Greenland, and 81,898 square feet of temporary impact and 96 square feet of permanent impact in and adjacent to the Great Bog prime wetland in Portsmouth, for addition of new power poles and lines in existing ROW for the 3111 and 3171 electric utility transmission line extending from the Ocean Road substation in Greenland to the 477 ACSR conductor in Portsmouth.

APPROVE PERMIT:

Temporarily impact 100,391 square feet of wetlands for construction access and permanently impact 126 square feet of wetlands, including 18,493 square feet of temporary impact and 30 square feet of permanent impact in Greenland, and 81,898 square feet of temporary impact and 96 square feet of permanent impact in and adjacent to the Great Bog prime wetland in Portsmouth, for addition of new power poles and lines in existing ROW for the 3111 and 3171 electric utility transmission line extending from the Ocean Road substation in Greenland to the 477 ACSR conductor in Portsmouth.

With Conditions:

1. All work shall be in accordance with plans by TF Moran dated 7/26/2012, as received by DES on 7/31/2012, and according to supporting materials by TF Moran dated 12/12/2012, as received by DES on 12/13/2012 and 12/20/2012.
2. This permit applies to the the Greenland portion only of the utility line project. Work to be conducted on the Portsmouth portion of the project is permitted under permit 2012-2072, and is subject to the prime wetlands process requirements.
3. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
4. A wetland biologist or similarly qualified professional shall be on-site during the project to oversee safe relocation of Blanding's and spotted turtles for any project work that will occur between the months of April and October, pursuant to the recommendations of NH Fish and Game Department, and the permittee shall document to DES in writing at the commencement of the project work the details of compliance with this condition.
5. A land resource professional shall regularly inspect the project to insure compliance with appropriate "Best Management Practices for Utility Maintenance In and Adjacent to Wetlands and Waterbodies in NH" guidance, approved plans and permit conditions, and prior to completion of the project. A report photo-documenting a before, during and after view of the use of the pre-fabricated mats, and of the completed project shall be submitted to the NH Natural Heritage Bureau and DES within 30 days of the completion of

construction.

6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
8. 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.
9. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Work shall be done during frozen conditions or low flow.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands.
16. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
17. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.

With Findings:

1. This is a major project pursuant to Env-Wt 303.02 (m) projects which are related to other applications or permits in the wetland complex such that if the proposed action were considered in a single application the combined impact would be considered major.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The utility needs to install new additional transmission line poles to increase power transmission at this location to the public.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The work is limited to temporary impact for access in the existing utility easement and a total of 126 square feet of permanent impact distributed over 1.5 miles and two towns.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Heritage Bureau ("NHB") reports that the project is occurring within the utility easement, and not within the exemplary community. NHB recommends conditions to protect the direct hydrologic connection to the exemplary community that have been included as permit conditions.
6. NHB also reports the presence of Blandings and spotted turtles in the project vicinity. The recommendations of NH Fish & Game Department relative to turtle protection have been included in the permit conditions.
7. The Greenland Conservation Commission did not report to DES.

**2012-02080 MT ATTITASH LIFT CORPORATION
BARTLETT Thorn Pond**

Requested Action:

Dredge 169,000 square feet of accumulated sediment from Thorne Pond to restore 1994 bottom contours and re-establish the snowmaking water storage capacity of the pond. Dredge 8,150 square feet of accumulated sediment over 500 linear feet of a conveyance ditch connecting the Saco River with Attitash Pond. Waive Administrative Rule Env-Wt 301.01(g)(1) relative to the requirement that plans be stamped by a Certified Wetland Scientist for the Thorne Pond portion of the project.

Inspection Date: 12/05/2012 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge 169,000 square feet of accumulated sediment from Thorne Pond to restore 1994 bottom contours and re-establish the snowmaking water storage capacity of the pond. Suspend action relative to the dredge of 8,150 square feet of sediment removal from 500 linear feet of conveyance ditch between the Saco River and Attitash Pond until unauthorized impacts in the bed and bank of the Saco at the confluence of the ditch are addressed, and the applicant resolves water withdrawal issues and receives appropriate authorization from DES. Waive Administrative Rule Env-Wt 301.01(g)(1) relative to the requirement that plans be stamped by a Certified Wetland Scientist for the Thorne Pond portion of the project.

With Conditions:

1. All work shall be in accordance with revised plans by H.E. Bergeron Engineers, Inc. dated 11/14/2012, as received by the NH Department of Environmental Services (DES) on 11/16/2012.
3. This approval is for the dredge of Thorne Pond only. Dredging of 8,150 square feet over 500 linear feet of the conveyance ditch from the Saco River to Attitash Pond shall be processed under separate cover.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. There shall be no diminishment of the functions or values for which Thorne Pond was accepted as mitigation for impacts authorized under previous file 93-1452.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading, 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. Silt fencing must be removed once the area is stabilized.
10. Discharge from dewatering of dredge spoils shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be disposed of outside of the jurisdiction of the DES Wetlands Bureau in a properly authorized location.
12. Work shall be done during low flow.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
14. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. 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.
16. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands or surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The natural contours and flood/snowmaking water storage capacity of Thorne Pond has been significantly diminished by sediment deposition over time and as a result of Tropical Storm Irene.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project will not exceed the original bottom contours, and will not impact the value of the habitat which was developed around the edges of the pond for purposes of providing compensatory mitigation for previous impacts.

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. The NH Natural Heritage Bureau reported that there are currently no recorded occurrences for sensitive species near the Thorne Pond part of the project.
5. NH Fish & Game Department, as mitigation conservation easement holder associated with Thorne Pond, has been notified of the request to dredge the interior of the pond, and has no objection to the sediment removal dredge, per letter dated 11/8/2012.
6. The Bartlett Conservation Commission did not report.
7. The Saco River Local Advisory Committee is currently listed as "inactive", and no comments on this application were received.
8. DES Staff conducted a field inspection of the proposed project on 12/5/2012. Field inspection determined that there were no issues associated with the Thorne Pond site. Field inspection did document approximately 200 square feet of unauthorized dredge within the bed of the Saco River, and approximately 1,600 square feet of unauthorized dredge in the adjacent banks of the Saco River at its confluence with the conveyance ditch which ultimately connects to Attitash Pond, as well as installation of a large intake pump structure in the river.
9. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.
10. Pursuant to Env-Wt 204, Waivers, DES finds that the request to waive Env-Wt 301.01(g)(1), with respect to the Certified Wetlands Scientist delineation and plan stamp, meets the criteria of Env-Wt 204.04(a)(1)-(2). Thorne Pond was enhanced as a compensatory mitigation site in 1994. Subsequent monitoring reports clearly describe the limits of jurisdiction relative to the pond, and, as the work is well within the pond itself, delineation of wetland boundaries is unnecessary at this location.
11. Pursuant to RSA 482-A:3, XIV (g), the department may suspend review of an application for a project on a property with respect to which the department has commenced enforcement action.
12. The request to dredge the conveyance ditch connecting the Saco River to Attitash Pond is directly related to unauthorized impacts documented on 12/5/2012, involving dredging in the bed and on the banks of the Saco at the confluence of the ditch and the Saco, placement of a pump structure in the Saco, and unresolved DES water withdrawal issues associated with withdrawing water for snowmaking from the Saco to feed the ditch and supply Attitash Pond, therefore permit action on the ditch dredge request is suspended at this time, and the conveyance ditch dredge request is not approved herein.

**2012-02746 NH DEPT OF TRANSPORTATION
WOLFEBORO Willey Brook**

Requested Action:

Install a 6" concrete toe wall on the undermined easterly abutment and repair 33 linear feet of rip rap impacting 352 sq. ft. (204 sq. ft. temporary) of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. has no objections

APPROVE PERMIT:

Install a 6" concrete toe wall on the undermined easterly abutment and repair 33 linear feet of rip rap impacting 352 sq. ft. (204 sq. ft. temporary) of riverine wetlands. NHDOT project #23759.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 8/8/12, as received by the Department on Oct. 12, 2012.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam

is fully effective, confined work can proceed without restriction.

5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The placement of riprap shall be minimized where possible
17. The edge of wetlands including the Designated Prime Wetlands shall be flagged in the field prior to construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), a replacement of a stream crossing structure in a tier 3 stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Natural Heritage Bureau indicates that although a record was found the project is not expected to be impacted by the project.
6. The project does not propose any impacts to the adjacent Prime Wetlands.
7. The Conservation Commission has no objections to the plan as submitted.

2012-02919 NH DEPT OF TRANSPORTATION
SWANZEY Martin Brook

Requested Action:

Widen bridge over existing wings and abutments replacing the deck; place riprap to protect the wings and abutments and widen roadway slopes impacting 2,580 sq. ft. (843 sq. ft. temporary) of riverine and palustrine wetlands.

Conservation Commission/Staff Comments:

LAC concern with knotweed management

APPROVE PERMIT:

Widen bridge over existing wings and abutments replacing the deck; place riprap to protect the wings and abutments and widen roadway slopes impacting 2,580 sq. ft. (843 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #23417

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 10/24/12, as received by the Department on Oct. 31, 2012.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. Invasive species shall be located and flagged prior to construction and managed in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants.
17. The edge of wetlands shall be re-flagged in the field prior to construction.
18. The placement of riprap shall be minimized where possible.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), a replacement of a stream crossing structure in a tier 3 stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project is essentially the same as file 2003-00547 and previously permitted on July 18, 2003.

MINOR IMPACT PROJECT

**2012-02731 O'NEILL, PATRICIA
ALTON Lake Winnepesaukee**

Requested Action:

Construct a 6 ft. x 33 ft. piling pier with 4 tie-off pilings, 2 three piling ice clusters, a seasonal boat lift, and two seasonal personal watercraft lifts on an average of 137 ft of frontage along Lake Winnepesaukee in Alton.

Conservation Commission/Staff Comments:

Con Com requests 40 day hold

APPROVE PERMIT:

Construct a 6 ft. x 33 ft. piling pier with 4 tie-off pilings, 2 three piling ice clusters, a seasonal boat lift, and two seasonal personal watercraft lifts on an average of 137 ft of frontage along Lake Winnepesaukee in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 17, 2012, as received by the NH Department of Environmental Services (DES) on October 11, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. 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.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. These shall be the only docking 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.
8. All seasonal structures shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 33 feet from the shoreline at full lake elevation.
10. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 2 slip permanent docking structure.
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 submitted information to address the requirements of Rule Env-Wt 402.06, Permanent Docks.

**2012-02798 CHAPMAN, JAMES/LESLIE
BELMONT Winnisquam Lake**

Requested Action:

Impact 146 sq. ft. to repair 14 linear feet of existing retaining wall and construct 75 linear feet of new retaining wall on property having approximately 105 feet of shoreline frontage along Lake Winnisquam, in Belmont.

Conservation Commission/Staff Comments:

Con Com did not sign Wet application

DENY PERMIT:

Impact 146 sq. ft. to repair 14 linear feet of existing retaining wall and construct 75 linear feet of new retaining wall on property having approximately 105 feet of shoreline frontage along Lake Winnisquam, in Belmont.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permit; (b), "The permit application fee for minor and major shoreline structure projects shall be \$200 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$200."
2. Applications for shoreline stabilization shall meet the requirements of Rule Part Env-Wt 404, Criteria for Shoreline Stabilization within Chapter Env-Wt 400, Shoreline Structures.
3. Pursuant to Rule Env-Wt 401.01, Purpose, (c), the purpose of this chapter is to protect the public trust and other interests of the state of New Hampshire, by ensuring that all projects are constructed using the least impacting alternatives, in a manner that meets the requirements of RSA 483-B and shoreline and bank alteration or stabilization requirements.

Findings of Fact

1. On October 22, 2012, the Department of Environmental Services Wetlands Bureau received a complete Wetlands Permit Application requesting a permit to impact 146 sq. ft. to repair 14 linear feet of existing retaining wall and construct 75 linear feet of new retaining wall along Lake Winnisquam in Belmont.
2. 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 are classified as minor impact projects pursuant to Env-Wt 303.03.
3. The photographs submitted with the application indicate approximately 14 linear feet of existing retaining wall on this frontage, there is no evidence of an existing wall on the remaining 75 linear feet of proposed impact area as indicated by the Applicant.
4. On November 20, 2012 the Department issues a Request for More Information letter to the applicant and agent. This letter requested outstanding filing fees required for the proposed impacts associated with shoreline structures.
5. Item # 2 of the Request for More Information letter also informed the Applicant the request for a new wall on this frontage did not appear to be approvable and requested the least impacting alternative to stabilize the frontage pursuant to Env-Wt 404.05.
6. Item # 3 of letter requested documentation that vegetative stabilization methods would not effectively stabilize the shoreline, or revised plans showing any necessary regrading in combination with the planting of native vegetation to stabilize the alleged erosion.
7. The Applicant submitted a response to the Request for More Information letter on January 18, 2013. The Applicant maintains the proposed structure is not a shoreline structure and did not include the required fee for the proposed shoreline structure impacts.
8. The response indicates the a wall once existed on this frontage and was abandoned or removed by the applicant "over the years to clean up the water front", however no supporting documentation was submitted indicating an existing wall on this frontage.
9. Item # 3 of the response states adding plantings would disturb more frontage since all of the existing vegetation would have to be removed, however item # 2 of the same response indicates plantings will be added to the disturbed areas, no plantings are indicated on the proposed plans.

Rulings in Support of Denial

1. Pursuant to Chapter 400, retaining walls are shoreline structures. The Applicant did not submit the required fee for the requested shoreline structure impacts, therefore the application is denied.
2. The Applicant failed to demonstrate to the Department the construction of a new wall on this frontage would be the least impacting alternative to stabilize the frontage or that vegetation would not effectively stabilize this frontage as required in Part Env-Wt 404, therefore the application is denied.

MINIMUM IMPACT PROJECT

2012-02856 ENDERSON JR, BRUCE
BATH Ammonoosuc River

Requested Action:

Dredge and fill 160 square feet (20 linear feet) of an intermittent stream and associated wetland for the construction of a driveway to a single family home. Work in jurisdiction includes installing a 36" culvert.

APPROVE PERMIT:

Dredge and fill 160 square feet (20 linear feet) of an intermittent stream and associated wetland for the construction of a driveway to a single family home. Work in jurisdiction includes installing a 36" culvert.

With Conditions:

1. All work shall be done in accordance with plans by Harry J. Burgess dated October 2012 as received by DES on October 24, 2012 with a revision changing the proposed culvert size to 36 inches as recieved January 25, 2013.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during non-flow.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The culvert shall be laid at original grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
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.
12. 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.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will

require a new application and approval by the Bureau.

With Findings:

1. This is a Minimum Impact Project per NH 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 need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Ammonoosuc River LAC reviewed the application and stated that the proposed project is consistent with the "community river" classification. The development is not expected to alter resource characteristics for which the river was designated.
6. In a correspondence dated November 11, 2012 the Bath Conservation Commission submitted comments concerning projects regarding the crossing location, hydric soils on the USDA NRCS Soils Survey map, and the culvert sizing.
7. With regard to the crossing location the applicant stated that the NH Department of Transportation found that a driveway from West Bath Road would not be safe and that moving the proposed crossing upstream would not allow for the required DOT visibility for safety.
8. With regard to the hydric soils the plans by Harry J. Burgess state that the wetlands were delineated according to Env-Ws 1014.03 (a) on October 05, 2012. Env-Ws 1014.03 (a) states that wetlands shall be delineated in accordance with RSA 482-A and Env-Wt 100 et seq. More specifically, per Env-Wt 301.01 wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January, 1987.
9. With regard to culvert sizing the culvert size has been upgraded to 36". A three foot culvert is greater than 1.2 times the 2 foot wide stream channel; A culvert downstream of the proposed crossing is 36" and has a larger contributing watershed.
10. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2012-02877 FLORIDA TOWER PARTNERS
FREEDOM Unnamed Wetland

Requested Action:

Retain approximately 75 square feet of impacts to a palustrine forested wetland for access to a cell tower

APPROVE AFTER THE FACT:

Retain approximately 75 square feet of impacts to a palustrine forested wetland for access to a cell tower

With Conditions:

1. All work shall be in accordance with plans by A + D Klumb Environmental, LLC dated 10/24/12, as received by the NH Department of Environmental Services (DES) on 1/16/13.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional wetlands.
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.

**2012-03019 OMNI MT WASHINGTON RESORT
CARROLL Unnamed Stream**

Requested Action:

Repair/Replace 3 ft x 60 ft culvert and inlet headwall on Coos Caper ski Trail.

CONFIRM EMERGENCY AUTHORIZATION:

Repair/Replace 3 ft x 60 ft culvert and inlet headwall on Coos Caper ski Trail.

With Conditions:

1. Work was completed in accordance with the Emergency Authorization issued on November 16, 2012 and follow up report and plans by Horizons Engineering, Inc., as received by the NH Department of Environmental Services (DES) on January 7, 2013.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(X).
2. The project was necessary to repair a failed culvert in an unnamed stream in order to prevent damage to a ski slope.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on November 16, 2012.
4. Review of the follow up report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2012-03327 FATHER & SON REALTY TRUST
NEWTON**

Requested Action:

Applicant requests to retain impacts to jurisdictional wetlands as a result of forestry activities.

APPROVE AFTER THE FACT:

Retain 600 square feet of impact to forested wetlands as a result of forestry activities.

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (DES) on December 24, 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.

With Findings:

1. October 25, 2012, personnel from DES inspected the above-referenced property, more specifically identified on Town of Newton Tax Map 13 Lot 2-15 (the "Property") and documented deficiencies within jurisdictional wetlands.
2. On November 1, 2012, DES issued a letter to the owner of the property requesting actions be taken to correct the deficiencies noted during the inspection by December 31, 2012.
3. On December 24, 2012, DES received a wetlands permit application (the "application") as requested.

4. This is a minimum impact project per Administrative Rule Env-Wt 303.04(g) Installation of a structure and associated fill to cross wetlands, including streams, to allow vehicular access to a piece of property for forest management, including the transportation of forest products.
5. The impacts are necessary to access portions of the property for timber harvesting; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. 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.
7. 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.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
9. No comments were received from the Newton Conservation Commission.

FORESTRY NOTIFICATION

2012-03059 PETER N AMES TRUST
GILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Gilford, Tax Map #266, Lot #030

2013-00213 TEDDER, JEAN
AMHERST Unnamed Stream

COMPLETE NOTIFICATION:
Amherst, Tax Map #007, Lot #044

2013-00310 PHANEUF, NICHOLAS
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington, Tax Map #114, Lot #3

2013-00311 MAJOR WALDRON SPORTSMENS ASSOCIATION
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington, Tax Map #237, Lot #4

2013-00312 SACKS, NANCY
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Springfield, Tax Map #24, Lot #640,510

2013-00330 **ADAMS, ERNEST**
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock, Tax Map #R15, Lot #30, 30B, 30C

2013-00332 **SMITH, MATT**
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock, Tax Map #16, Lot #8, 9B

2013-00333 **LIVE FREE VENTURES LLC**
DALTON Unnamed Stream

COMPLETE NOTIFICATION:
Dalton, Tax Map #408, Lot #94

2013-00335 **YANKEE FOREST LLC**
CAMBRIDGE Unnamed Stream

COMPLETE NOTIFICATION:
Cambridge, Tax Map #1618, Lot #3

2013-00336 **BAYROOT LLC**
ATK GIL GRANT Unnamed Stream

COMPLETE NOTIFICATION:
Atkinson Gilmanton Grant, Tax Map #1628, Lot #2

2013-00337 **WOODWARD, STEPHEN**
DUMMER Unnamed Stream

COMPLETE NOTIFICATION:
Dummer, Tax Map #R17, Lot #24

2013-00339 **THOMSON, ROBB**
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford, Tax Map/Lot #7-32-4, 7-32-10

2013-00340 **SCHWAEGLER, SARAH**
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford, Tax Map #8-29, Lot #61, 91

2013-00342 **TOWN OF MONT VERNON**
MONT VERNON Unnamed Stream

COMPLETE NOTIFICATION:
Mont Vernon, Tax Map #7, Lot #74

2013-00343 **CHAPMAN SANCTUARY/VISNY WOODS**
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich, Tax Map #R14, Lot #6,7,13

2013-00350 **ALLEN, JOHN**
PIERMONT Unnamed Stream

COMPLETE NOTIFICATION:
Piermont, Tax Map #R5, Lot #14

2013-00351 **ADAMS STREET TRUST**
JACKSON Unnamed Stream

COMPLETE NOTIFICATION:
Jackson, Tax Map #R8 & R18, Lot #46 & 52

2013-00360 **MOCKLER, JOANNA**
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:
Grafton, Tax Map #7, Lot #645

EXPEDITED MINIMUM

2012-02356 **NH WATER RESOURCES BOARD**
DUMMER Androscoggin River

Requested Action:

Deny permit request to place approximately 50 cubic yards of rip-rap (stone) on the slope of the Pontook Canal where the natural earthen embankment has slumped. The area impacted is <50'x 20'.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to place approximately 50 cubic yards of rip-rap (stone) on the slope of the Pontook Canal where the natural earthen embankment has slumped. The area impacted is <50'x 20'.

With Findings:

1. A request for additional information dated September 28, 2012, addressed to the applicant or agent of record, clearly identified the requirement that the applicant submit additional information to DES within 60 days of the request. A time extension was issued to allow applicant additional time to January 26, 2013 (60 days) to respond to request for additional information.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied. Applicant sent DES an e-mail on January 29, 2013 explaining that the project's scope and budget have expanded and they would have to postpone the project until a later date. Further, applicant understands that they will need to file a new application in the future for work within DES jurisdiction.

2012-03311 AW TOWNE REALTY TRUST
CANTERBURY Unnamed Wetland

Requested Action:

Dredge and fill 602 sq. ft. of forested wetlands within and adjacent to an existing woods road for access to a proposed single family building lot. Work includes installation of a 24 in. x. 30 ft. culvert associated grading and filling.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 602 sq. ft. of forested wetlands within and adjacent to an existing woods road for access to a proposed single family building lot. Work includes installation of a 24 in. x. 30 ft. culvert associated grading and filling.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants, LLC dated November 29, 2012, as received by the NH Department of Environmental Services (DES) on January 7, 2013.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All driveway side slopes and swales adjacent to wetlands or surface waters shall be appropriately stabilized with vegetation or maintained as a vegetated buffer.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, 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. 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. 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.
14. 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(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the expedited application waiving their right to intervene, however, they did provide a comment letter questioning if it would be less wetland impact to move the crossing further towards uplands away from the existing standing water rather than staying within the existing woods road footprint.
6. Upon review of the application information the department approved the project as designed because moving the proposed crossing further upslope would require similar direct wetland impacts and further disturbance of the adjacent forested side slope.
7. The permit is conditioned on all driveway side slopes and swales adjacent to wetlands and surface waters being appropriately stabilized with vegetation or maintained as a vegetated buffer.

2013-00269 OSULLIVAN, ROBERT
MEREDITH Lake Winnepesaukee

Requested Action:

Construct a 520 sq. ft. perched beach with less than 10 cubic yards of sand on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Wet application

APPROVE PERMIT:

Construct a 520 sq. ft. perched beach with less than 10 cubic yards of sand on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated January 06, 2013, as received by the NH Department of Environmental Services (DES) on January 22, 2013.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be located completely landward of the normal high water line.

5. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

2013-00298 LAKESIDE AT WINNIPESAUKEE ASSOCIATION
ALTON Lake Winnepesaukee

Requested Action:

Replenish an existing beach with no more than 10 cubic yards of sand, repair a previously permitted stone swale, and place 85 sq. ft of stone adjacent to the beach to control runoff over the beach, on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Wet application

APPROVE PERMIT:

Replenish an existing beach with no more than 10 cubic yards of sand, repair a previously permitted stone swale, and place 85 sq. ft of stone adjacent to the beach to control runoff over the beach, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Advantage NH Lakes dated December 12, 2012, as received by the NH Department of Environmental Services (DES) on January 24, 2013.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of a beach.

GOLD DREDGE

2013-00331 HOOVER, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConComm

2013-00345 DORVAL, JOHN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2013-00346 FRENETTE, ARTHUR
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2013-00347 LACROIX, MATT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2013-00366 JENSEN, JONATHAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2013-00367 JENSEN, PETER
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2013-00369 JENSEN, JASON
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

TRAILS NOTIFICATION

2012-02668 SOUTHEAST LAND TRUST OF NEW HAMPSHIRE
KINGSTON Unnamed Stream

COMPLETE NOTIFICATION:
Exeter, Tax Map#R41 Lot#2, and Tax Map#R33 Lot#30

2013-00253 SAU 88
LEBANON Unnamed Stream

COMPLETE NOTIFICATION:
Lebanon Tax Map 109 Lot# 30

ROADWAY MAINTENANCE NOTIF

2013-00334 NH DEPT OF TRANSPORTATION
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Embankment stabilization with topsoil, seed & hay.
Replace sections of 18" RCP Culvert.
Replace sections of 30" RCP Culvert.

2013-00338 NH DEPT OF TRANSPORTATION
DOVER Unnamed Stream

COMPLETE NOTIFICATION:
Replace sections of 18" RCP Culvert and place stone outlet protection.
Replace sections of 30" RCP Culvert and place stone outlet protection.
Replace existing headwalls.
Replace sections of 15" culvert and place stone outlet protection.

PERMIT BY NOTIFICATION

**2012-02813 DEPT OF TRANSPORTATION BUREAU OF RAIL & TRANS
OSSIPPEE Pine River**

Requested Action:

Place scaffolding to catch debris from concrete deck replacement temporarily impacting 2,219 sq. ft. of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

PBN IS COMPLETE:

Place scaffolding to catch debris from concrete deck replacement temporarily impacting 2,219 sq. ft. of riverine wetlands. NHDOT project #24437

**2012-03223 NH DEPT OF TRANSPORTATION
OSSIPPEE Pine River**

Requested Action:

Install scaffolding to facilitate the removal and replacement of the west coping on Br. No. 238/112 temporarily impacting 528 sq. ft. of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

PBN IS COMPLETE:

Install scaffolding to facilitate the removal and replacement of the west coping on Br. No. 238/112 temporarily impacting 528 sq. ft. of riverine wetlands. NHDOT project #23820

CSPA PERMIT

**2011-01954 GREEN ACRES DESIGN LLC
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Amended Description: Revised plans dated January 11, 2013 proposing to change location of walkway to the water, modify house design, driveway, and garage.

Impact 13,555 sq ft in order to construct a new residence, detached garage, driveway, and patio.

APPROVE AMENDMENT:

Impact 13,555 sq ft in order to construct a new residence, detached garage, driveway, and patio.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 11, 2013 and received by the NH Department of

Environmental Services (DES) on January 17, 2013.

2. No more than 25.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,620 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2013-00138 PUGLIESE, LYNN
WINDHAM Canobie Lake

Requested Action:

Retain impacts associated with the redevelopment of a single family residential property.

APPROVE AFTER THE FACT:

Retain impacts associated with the redevelopment of a single family residential property.

With Conditions:

1. Structures on this property shall be maintained as shown on the as-built plans by Benchmark Engineering, Inc. dated December 17, 2012 and received by Department of Environmental Services (DES) on January 9, 2013
2. All future activities on this property shall be conducted in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner shall be 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.

2013-00202 HEBREW TEACHERS COLLEGE CAMP & SUMMER SCHOOL INC
NORTHWOOD Lucas Pond

Requested Action:

Impact 3,140 sq ft in order to remove an existing structure with associated stairs and construct a new structure in the same area.

Conservation Commission/Staff Comments:

2/1/13 DHR reports no historic properties affected.

APPROVE PERMIT:

Impact 3,140 sq ft in order to remove an existing structure with associated stairs and construct a new structure in the same area.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveyors, Inc. dated January 7, 2013 and received by the NH Department of Environmental Services (DES) on January 14, 2013.
2. 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.

3. At least 75,180 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2013-00204 CARTER, KEVIN
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 2,165 sq ft in order to expand porch, expand foundation under house, and modify landscape along walkway to control erosion.

APPROVE PERMIT:

Impact 2,165 sq ft in order to expand porch, expand foundation under house, and modify landscape along walkway to control erosion.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated January 10, 2012 and received by the NH Department of Environmental Services (DES) on January 14, 2013.
2. No more than 23.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,841 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2013-00205 GIBBAS, MICHAEL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 4,575 sq ft in order to construct a covered entry way (no living space/no heat source) on the south wall of the existing residence, construct a carport and covered storage area along the east and west walls of the existing garage.

APPROVE PERMIT:

Impact 4,575 sq ft in order to construct a covered entry way (no living space/no heat source) on the south wall of the existing residence, construct a carport and covered storage area along the east and west walls of the existing garage.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated November 14, 2012 and received by the NH Department of Environmental Services (DES) on January 14, 2013.
2. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,594 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2013-00209 **MILES, DOROTHY/RUSSELL**
GRANTHAM Stocker Pond

Requested Action:

Impact 14,982 sq ft in order to construct a detached garage with new driveway and replace a sono-tube supporting an existing deck.

APPROVE PERMIT:

Impact 14,982 sq ft in order to construct a detached garage with new driveway and replace a sono-tube supporting an existing deck.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc. dated January 3, 2013 and received by the NH Department of Environmental Services (DES) on January 14, 2013.
2. No more than 18.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 5,460 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

