

# Wetlands Bureau Decision Report

Reviewed by  
WAZ  
2/28/13

Decisions Taken  
02/18/2013 to 02/24/2013

## 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**

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**2012-02887                      BAKMAN, ALEXANDER/ALEXANDRA**  
**DURHAM Oyster River**

**Requested Action:**

Expand an existing tidal docking structure with the addition of a 8 ft. x 60 ft. float connected to the existing float, providing a total of five slips on 463.5 ft. of frontage on the Oyster River.

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Inspection Date: 02/14/2013 by David A Price

**APPROVE PERMIT:**

Expand an existing tidal docking structure with the addition of a 8 ft. x 60 ft. float connected to the existing float, providing a total of five slips on 463.5 ft. of frontage on the Oyster River.

**With Conditions:**

1. All work shall be in accordance with revised plans by MSC Civil Engineers & Land Surveyors, Inc. dated January 18, 2013, as received by the Department on January 31, 2013.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford 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.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. 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.
6. Expansion of this existing tidal docking structure consisting of the addition of a 8 ft. x 60 ft. float connected to the existing float, providing a total of five slips on 463.5 ft. of frontage on the Oyster River shall be the only dock structure on this water frontage.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently two structures on the property; a single family home and a structure being converted to a four unit condominium. The float expansion will accommodate each owner with one boat slip and meets the requirements of Env-Wt 402.13.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The contractor will be constructing the new floats at an off-site location, launching them at a nearby marina, and floated to the site to minimize impacts to wetland resources on-site.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau (NHB) has record of Natural Communities within the vicinity of the project, but NHB does not expect impacts to these Natural Communities. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 11/19/2012.

6. This dock expansion is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspections on 2/14/2013 found that the site is accurately represented in the application.
8. The Durham Conservation Commission did not submit comments on this application.
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 estuarine resource, as identified under RSA 482-A:1.

**2012-03125                      PSNH**  
**LONDONDERRY   Merrimack River**

Requested Action:

Temporarily impact a total of 89,322 sq. ft. of palustrine scrub-shrub and wet meadow wetlands including temporary spanning of ephemeral, intermittent and perennial streams and permanently impact 40 sq. ft. to replace two transmission structures for work associated with the PSNH Thermal Uprate project for their 326 transmission line along an 18.5 mile ROW from Londonderry to Hudson.

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Conservation Commission/Staff Comments:

12/17/2012 Con. Com. recommends approval.

07/31/2012 Pre-application meeting held at Pease Field Office

APPROVE PERMIT:

Temporarily impact a total of 89,322 sq. ft. of palustrine scrub-shrub and wet meadow wetlands including temporary spanning of ephemeral, intermittent and perennial streams and permanently impact 40 sq. ft. to replace two transmission structures for work associated with the PSNH Thermal Uprate project for their 326 transmission line along an 18.5 mile ROW from Londonderry to Hudson.

With Conditions:

1. All work shall be in accordance with plans by Normandeau Associates, Inc. dated 10/3/2012 and November 2012, as received by the NH Department of Environmental Services (DES) on November 30, 2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Temporary wetland impacts and stream crossings will utilize timber mats and appropriate BMPs.
6. Work shall be done during low flow.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. 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.
10. 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), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a pre-application meeting on the proposed project on July 31, 2012.

**2012-03157                      YEVICH, STEPHEN**  
**NEWFIELDS   Squamscott River**

**Requested Action:**

Construct a tidal docking structure consisting of a 4 ft. x 21 ft. access ramp within the developed upland tidal buffer zone to a 4 ft. x 39 ft. permanent pier to a 3 ft. x 30 ft. ramp connecting to a 8 ft. x 15 ft. float , providing one slip on 108.75 ft. of frontage on the Squamscott River.

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Inspection Date: 02/13/2013 by David A Price

**APPROVE PERMIT:**

Construct a tidal docking structure consisting of a 4 ft. x 21 ft. access ramp within the developed upland tidal buffer zone to a 4 ft. x 39 ft. permanent pier to a 3 ft. x 30 ft. ramp connecting to a 8 ft. x 15 ft. float , providing one slip on 108.75 ft. of frontage on the Squamscott River.

**With Conditions:**

1. All work shall be in accordance with revised plans by Riverside & Pickering Marine Contractors dated February 15, 2013, as received by the Department on February 15, 2013.
2. There shall be no impact to the freshwater wetland along the shoreline at this location.
3. A coastal wetlands ecologist shall be on-site during construction to minimize impacts to aquatic resources.
4. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
5. This permit shall not be effective until recorded at the Rockingham 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.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
7. 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.
8. Construction of this tidal docking structure consisting of a 4 ft. x 21 ft. access ramp within the developed upland tidal buffer zone to a 4 ft. x 39 ft. permanent pier to a 3 ft. x 30 ft. ramp connecting to a 8 ft. x 15 ft. float , providing one slip on 108.75 ft. of frontage on the Squamscott River shall be the only dock structure on this water frontage.
9. Work shall be done during low tide.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
12. Construction of the dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
13. The decking of the dock shall have a minimum of 4 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for

the repair of existing structures pursuant to Wt 303.04(v).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The decking of the dock will have a minimum of a 1:1 ratio of deck height to width as appropriate, and will have 3/4-inch spacing between the decking planks. Further, the applicant will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the wetland resource.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau (NHB) has record of Natural Communities and state-endangered species within the vicinity of the project. The applicant has coordinated with NHB to minimize impacts to these species and the permit is conditioned with NHB recommendations. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 1/24/2013.
5. The U.S. Environmental Protection Agency (EPA) review of the project on 1/17/2013 suggests that the applicant use the Town of Newfields dock on the abutting property rather than constructing a dock on the applicant's property. The applicant's agent explained that the town dock has not been installed for the past two seasons due to disrepair. EPA advised following NHB recommendations and having a coastal wetlands ecologist on site during construction of the dock. The permit is conditioned that reflect comments from the joint Federal review of the project on 1/17/2013.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspections on 2/13/2013 found that the site is accurately represented in the application.
8. The Newfields Conservation Commission did not submit comments on this application.
9. The Exeter River Local Advisory Committee reviewed the application and had no objections with the proposal.
10. 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 estuarine resource, as identified under RSA 482-A:1.

2012-03255

HABIG, JOHN

RYE Sagamore Creek

Requested Action:

Reconfigure one (1) 6'x20' and one (1) irregular width x 20'-9" existing floats, eliminate one (1) 3'x12' existing float section, install one (1) 10'-6"x20' float, and reconfigure/redrive four (4) existing piling locations on Little Harbor with approximately 325.5-feet of shoreline frontage.

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Inspection Date: 01/17/2013 by Eben M Lewis

APPROVE PERMIT:

Reconfigure one (1) 6'x20' and one (1) irregular width x 20'-9" existing floats, eliminate one (1) 3'x12' existing float section, install one (1) 10'-6"x20' float, and reconfigure/redrive four (4) existing piling locations on Little Harbor with approximately 325.5-feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated 11/15/2012, as received by the NH Department of Environmental Services (DES) on December 19, 2012.
2. This permit shall not be effective until it has been recorded with the Rockingham 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. DES Southeast Region (Portsmouth office) staff shall be notified in writing prior to commencement of work and upon its completion.

4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. 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.
8. 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(a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
2. The applicant requests to reconfigure the existing docking structures to allow a more useable configuration throughout the tide cycle; therefore, 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) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on January 17, 2013. Field inspection determined the location and configuration of the docking structures is consistent with the previous DES approvals. No work was observed that was not consistent with the plans submitted with the application.
6. 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 marine resource, as identified under RSA 482-A:1.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
8. The Rye Conservation Commission (the "Commission") submitted a letter to DES dated December 27, 2012 and stated, "The Commission has no concerns or issues with the propose, as long as, all regulation of DE and the NH Port Authority are met."
9. In a letter dated January 3, 2013, the NHPDA, Division of Ports and Harbors, Chief Harbor Master ("DPH") stated, "We [DPH] examined the proposed site and found that the structure will have no negative effect on navigation in the channel."
10. The agent, Riverside & Pickering Marine, had surveyed the area of impact for eel grass (*Zostera marina*) and did not find any evidence of its presence.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2008-00129                      MILLER, THOMAS**  
**ROCHESTER    Unnamed Wetland**

Requested Action:  
Request permit time extension.

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**APPROVE TIME EXTENSION:**

Dredge and fill a total of 7,800 sq. ft. of wetlands, including installation of one 24" x 34' culvert and one 36" x 34' embedded culvert with naturalized bottom in intermittent stream, to upgrade old existing woods road to construct a driveway to access upland for new

building to be constructed as expansion of existing manufacturing facility.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates dated September 2007, as received by the Department on 1/28/2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Proper headwalls shall be constructed within seven days of culvert installation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Work shall be done during low flow.

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.

**2012-02686                      DARTMOUTH COLLEGE, TRUSTEES OF  
HANOVER Connecticut River**

Requested Action:

Dredge and fill 9,900 square feet of wetland to allow the regrading of the fairway and to construct a gently sloped landing area at the Hanover Country Club.

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Conservation Commission/Staff Comments:

10/15/12 Letter rec'd with Con. Com. concerns/comments.

APPROVE PERMIT:

Dredge and fill 9,900 square feet of wetland to allow the regrading of the fairway and to construct a gently sloped landing area at the Hanover Country Club.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting dated September 26, 2012, and revised through December 19, 2012, as received by the Department on January 22, 2013.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater

Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

- 6. 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.
- 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. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

- 1. This is a Minor Project per NH Administrative Rule Env-Wt 303.03 (h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
- 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(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The wetland is in an area that was constructed to collect stormwater from adjacent steeper slopes and fairways. The area was constructed with an underdrain system and over time sediment and organics have settled in the area and the underdrain system has become ineffective, causing water to pond.
- 6. No chemicals or fertilizers will be applied within 75 feet of the underdrain area or the drainage swale.
- 7. The Hanover Conservation Commission submitted comments in a letter dated October 11, 2012. The applicant responded to the Hanover Conservation Commission regarding changes to the plan to address the commissions comments and have approval from the Hanover Zoning Board of Adjustments. No additional comments have been received from the Conservation Commission.
- 8. The NH Natural Heritage Bureau commented that although there was a NHB record present in the vicinity, they do not expect that it will be impacted by the proposed project.

**2012-02915                      CAMBROSE LLC**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 6 ft. x 20 ft. crib supported docking structure, construct two 6 ft. x 40 ft. seasonal docks connected by a 6 ft. x 12 ft. seasonal walkway in a "U" configuration, install two seasonal boat lifts adjacent to the "U" shaped docking structure, install a 6 ft. x 40 ft. wharf along the shoreline, install two seasonal PWC lifts adjacent to the wharf, and construct a 700 sq. ft. perched beach on an average of 255 feet of shoreline frontage along Lake Winnepesaukee, in Moultonborough.

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Conservation Commission/Staff Comments:

11/13/12 Con.Com. made site visit and recommends a plan which shows the trees which will remain once the site work is complete.

DENY PERMIT:

Permanently remove an existing 6 ft. x 20 ft. crib supported docking structure, construct two 6 ft. x 40 ft. seasonal docks connected by a 6 ft. x 12 ft. seasonal walkway in a "U" configuration, install two seasonal boat lifts adjacent to the "U" shaped docking structure, install a 6 ft. x 40 ft. wharf along the shoreline, install two seasonal PWC lifts adjacent to the wharf, and construct a 700 sq. ft. perched beach on an average of 255 feet of shoreline frontage along Lake Winnepesaukee, in Moultonborough.

With Findings:

### Standards for Approval

1. In accordance with Env-Wt 302.04 Requirements for Application Evaluation, (a), (1), for any major or minor project, the applicant shall demonstrate the need for the proposed impact to areas and environments under the department's jurisdiction by plan and example.
2. In accordance with Env-Wt 302.04 Requirements for Application Evaluation, (a), (2), for any major or minor project, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

### Findings of Fact

1. On October 31, 2012, the Department of Environmental Services Wetlands Bureau received a complete Wetlands Permit Application to permanently remove an existing permanent, crib supported docking structure, construct two 6 ft. x 40 ft. seasonal docks connected by a seasonal walkway in a "U" configuration with a 6 ft. x 40 ft. wharf along the adjacent shoreline, install two seasonal boat lifts adjacent to the "U" shaped docking structure, install two seasonal personal watercraft lifts adjacent to the wharf, and construct a 700 sq. ft. perched beach on an average of 255 feet of shoreline frontage along Lake Winnepesaukee, in Moultonborough.
2. This project is classified as a minor impact project pursuant to Env-Wt 303.03, Minor Projects (d), construction or modification of a docking system that provides 4 boat slips and (k), disturbance of between 50 and 200 linear feet, measured along the shoreline of a lake or pond.
3. On December 5, 2012, the Department of Environmental Services issued a Request for More Information letter to the Applicant. This letter explained that the Department does not consider the construction of a wharf along the shoreline as the least impacting alternative to provide slips along a frontage and requested that the Applicant submit revised plans for a less impacting docking facility.
4. The Applicant submitted a response to the Department on January 31, 2013. This response included plans indicating the same docking structure as originally submitted on the frontage.
5. The submittal on January 31, 2013 indicated the wharf was required along the frontage due to the presence of ledge 70 feet from the shoreline.
6. The plans submitted indicate that the sole purpose of the proposed wharf is to provide access to the 2 personal watercraft lifts located along the wharf.
7. The applicant has 255 feet of average shoreline frontage along Lake Winnepesaukee.
8. The proposed docking system will impact 74 linear feet of shoreline along the frontage.
9. There is sufficient frontage to locate the dock in an area which will avoid the area of ledge indicated on the plan.

### Rulings in Support of Denial

1. The Applicant has failed to document by plan and example that there is a need to construct a 6 ft. x 40 ft. wharf for the sole purpose of providing access to 2 personal watercraft lifts as required pursuant to Env-Wt 302.04, (a), (1), therefore, the application is denied.
2. The Applicant has failed to document by plan and example that the construction of a 6 ft. x 40 ft. wharf is the least impacting method of providing access to the 2 personal watercraft lifts as required pursuant to Env-Wt 302.04, (a), (2), therefore, the application is denied.

2012-03135

20 KEEFE AVE REALTY TRUST

HAMPTON Atlantic Ocean

### Requested Action:

Impact a total of 14,950 sq. ft. (6,145 permanent & 8,805 sq. ft. temporary construction impacts) in the previously developed tidal buffer zone (a gravel parking lot) for work associated with the construction of an 8-unit condominium complex with appurtenant pervious parking areas, utilities installation and landscaping. Remove 1,330 sq. ft. of historic fill from adjacent tidal marsh and construct a retaining wall and drainage structures.

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Conservation Commission/Staff Comments:

"the [Hampton] Conservation Commission does not oppose the granting of the wetlands permit."

Inspection Date: 02/06/2013 by Frank D Richardson

APPROVE PERMIT:

Impact a total of 14,950 sq. ft. (6,145 permanent & 8,805 sq. ft. temporary construction impacts) in the previously developed tidal buffer zone (a gravel parking lot) for work associated with the construction of an 8-unit condominium complex with appurtenant pervious parking areas, utilities installation and landscaping. Remove 1,330 sq. ft. of historic fill from adjacent tidal marsh and construct a retaining wall and drainage structures.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 7/13/12 (last revised 1/16/13), as received by the NH Department of Environmental Services (DES) on January 18, 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/or further permitting by the Bureau.
3. 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.
4. DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
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. Existing gravel surface on site shall be entirely removed and proper receiving materials shall be placed under all areas where vegetation is to be planted and/or pervious pavers are to be installed.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. An annual site monitoring report, containing photographs of the adjacent tidal marsh, with the intent of documenting whether or not this site development and related drainage becomes associated with the occurrence of the invasive plant *Phragmites australis*, shall be submitted to the DES Wetlands Bureau and the Hampton Conservation Commission on or before December 1st of each year over the 5-year duration of this permit.
9. If there is any indication that the drainage from this site fosters the growth & development of *Phragmites* adjacent to the site, the permittee or property owner shall be responsible for the long term maintenance & eradication of *Phragmites* in the vicinity of the site.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a salt marsh that do not meet the criteria of Env-Wt 303.02.
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. DES Staff conducted a field inspection of the proposed project on February 06, 2012. Field inspection determined the entire area of proposed work is currently a gravel parking lot. The edges are directly adjacent to the salt marsh. This is an area of historic fill as is most of the surrounding developed land. There will be no direct impacts to the marsh and drainage improvements will abate contaminated runoff from entering the marsh.

**MINIMUM IMPACT PROJECT**

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**2012-03233                      TRENDENZA LLC**  
**BRENTWOOD   Unnamed Wetland**

Requested Action:

Dredge and fill 1,280 sq. ft. in palustrine forested wetlands on an existing woods road to install a culvert crossing for a new roadway to access a 10-unit single family residential development on a 17 acre parcel of land.

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Conservation Commission/Staff Comments:

No report or comments were received from the Brentwood Conservation Commission on this application

APPROVE PERMIT:

Dredge and fill 1,280 sq. ft. in palustrine forested wetlands on an existing woods road to install a culvert crossing for a new roadway to access a 10-unit single family residential development on a 17 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates, PLLC dated November 2012, as received by the NH Department of Environmental Services (DES) on December 17 & 21, 2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham 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.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
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.

With Findings:

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

**FORESTRY NOTIFICATION**

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**2012-02022                      PRICE, RICHARD**  
**GILMANTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilmanton, Tax Map #415, Lot #45

**2013-00377**                    **HELEN H BATES TRUST**  
**SANDWICH** Unnamed Stream

COMPLETE NOTIFICATION:  
Sandwich, Tax Map #R13, Lot #1

**2013-00420**                    **THE CONSERVATION FUND**  
**SUCCESS** Unnamed Stream

COMPLETE NOTIFICATION:  
Success, Tax Map #1613, Lot #10

**2013-00469**                    **MERRILL, GERALD**  
**CORNISH** Unnamed Stream

COMPLETE NOTIFICATION:  
Cornish, Tax Map #17, Lot #1

**2013-00504**                    **BAYROOT LLC**  
**ATK GIL GRANT** Unnamed Stream

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

**2013-00505**                    **LAKEVILLE SHORES INC**  
**FITZWILLIAM** Unnamed Stream

COMPLETE NOTIFICATION:  
Fitzwilliam, Tax Map #9, Lot #4

**2013-00506**                    **GROVER, ARUELLA**  
**RAYMOND** Unnamed Stream

COMPLETE NOTIFICATION:  
Raymond, Tax Map #45, Lot #47

**EXPEDITED MINIMUM**

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**2008-00418 ISLAND MARINA ASSOCIATION  
ALTON Lake Winnepesaukee**

Requested Action:

Request permit time extension.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE TIME EXTENSION:

Replace 6 piles within a major docking facility on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 12, 2008, as received by DES on March 21, 2008.
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 it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. This permit does not allow for maintenance dredging.
6. Repairs shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/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 there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2012-03149 JOHN J FLATLEY COMPANY  
MERRIMACK Merrimack River**

Requested Action:

Impact 690 square feet of palustrine scrub/shrub wetland to construct an access drive to a warehouse and distribution center.

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**APPROVE PERMIT:**

Impact 690 square feet of palustrine scrub/shrub wetland to construct an access drive to a warehouse and distribution center.

**With Conditions:**

1. All work shall be in accordance with plans by Hayner/Swanson, Inc. dated 3 November 2012 and revised 1/14/13, as received by the NH Department of Environmental Services (DES) on January 24, 2013.
2. This permit is contingent on approval by the DES Alteration of Terrain 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during seasonal low flow conditions.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No fill shall be done for lot development.
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. 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).

**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 for access; therefore, 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 application waiving their right to intervene pursuant to RSA 482-A:11.
6. A memo dated 4/20/2012 from the NH Natural Heritage Bureau (NHB) identified the following species in the vicinity of the project: one (1) invertebrate species, Brook floater (*Alasmodonta varicosa*); one (1) plant species, bird-foot violet (*Viola pedata*); and four (4) vertebrate species: Bald Eagle (*Haliaeetus leucocephalus*), Eastern Hognose Snake (*Heterodon platirhinos*), New England Cottontail (*Sylvilagus transitionalis*), and Wood Turtle (*Glyptemys insculpta*).
7. In response to aforementioned NHB memo, the NHB stated, "NHB does not need to conduct a site visit." NH Fish and Game, Nongame and Endangered Species Program stated, in summary, "We do not expect impacts to the New England cottontail, wood turtle, brook floater mussel, and Eastern hognose snake."

**2013-00297 LIBERTY UTILITIES  
LONDONDERRY**

**Requested Action:**

Impact a total of 728 square feet of palustrine emergent wetland to construct a parking lot and stormwater treatment structure.

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**APPROVE PERMIT:**

Impact a total of 728 square feet of palustrine emergent wetland to construct a parking lot and stormwater treatment structure.

With Conditions:

1. All work shall be in accordance with plans by Northpoint Engineering, LLC dated Jan 2013, as received by the NH Department of Environmental Services (DES) on January 24, 2013.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. 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. 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.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. No fill shall be done for lot development.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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).

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 impact to a wet meadow.
2. The impacts are necessary to develop the remaining portion of the site as permitted by DES in 1992 (1992-1661); therefore, 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. 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.

2013-00427

**FAIRVIEW REALTY CORP**

**GILFORD Lake Winnepesaukee**

Requested Action:

Repair an existing boathouse over public waters with no change in location or configuration on Lake Winnepesaukee, Gilford.

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Conservation Commission/Staff Comments:

Con Com signed Wet Application

APPROVE PERMIT:

Repair an existing boathouse over public waters with no change in location or configuration on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors, as received by the NH Department of Environmental Services (DES) on February 08, 2013.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

**2013-00466**  
**BARTLETT**

**GAGNE, PETER**

Requested Action:

Dredge and fill 191 square feet of a forested wetland for the construction of a driveway to a proposed single family residence. Work in jurisdiction includes the installation of a 15" culvert and the installation of a waterline.

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APPROVE PERMIT:

Dredge and fill 191 square feet of a forested wetland for the construction of a driveway to a proposed single family residence. Work in jurisdiction includes the installation of a 15" culvert and the installation of a waterline.

With Conditions:

1. All work shall be done in accordance with plans by Ammonoosuc Survey Company, Inc. entitled Wetlands Impact Plan Property of: Peter Gagne, as received by DES on February 14, 2013.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The culvert shall be laid at original grade.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. 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.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. 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.
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.
12. 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.

13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

14. 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 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 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 Requirements for Application Evaluation, has been considered in the design of the project.
5. The driveway must be a minimum of 100 feet from the intersection per the Town's Street Regulations.
6. The proposed access drive has been designed with 2:1 fill slopes in order to minimize the wetland impacts.
7. A report by a Certified Wetland Scientist stated that the majority of the wetland area had been apparently created by excavating into the seasonal high water table.
8. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
9. No comments were submitted from the NHPG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**AGRICULTURE MINIMUM**

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**2012-03033  
BATH**

**ROY, PHILIP**

Requested Action:

Proposal to dredge and fill (Re-grade and seed) 1940 linear ft. (15,400 sq. ft.) of emergent wetlands/drainage swale for improvements to an existing agriculture field.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill (Re-grade and seed) 810 linear ft. (12,798 sq. ft.) of emergent wetlands/drainage swale for improvements to an existing agriculture field.

With Conditions:

1. All work shall be done in accordance with plans by NRCS, dated September 2012 and February 9, 2012 and narratives by Grafton County Conservation District dated January 22, 2013, as received by the NH Department of Environmental Services (DES) on January 28, 2013. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. NRCS shall monitor the project during construction to assure the work is completed in accordance with the approved plans and that no water quality violations occur.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u) Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The Ammonoosuc River Local Advisory Committee (LAC) reviewed the application and commented "that BMPs be adhered to, that spoil from the regrading not be allowed to enter the River and wetlands, and that appropriate measures be taken to ensure that no soils disturbed during the proposed project enter the river."
3. The department's permit conditions address the LAC comments.

2012-03205

PORTER, CARL/MAGHAN

LEBANON Unnamed Wetland

Requested Action:

Proposal to dredge and fill (Re-grade and stone line) 365 linear ft. (1600 sq. ft.) of wetlands/drainage way for improvements to an existing agriculture field. Work includes installation of a base flow under drain, regrading and lining an eroded drainage way and installing a level spreader.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill (Re-grade and stone line) 365 linear ft. (1600 sq. ft.) of wetlands/drainage way for improvements to an existing agriculture field. Work includes installation of a base flow under drain, regrading and lining an eroded drainage way and installing a level spreader.

With Conditions:

1. All work shall be done in accordance with plans and narratives by NRCS, as received by the NH Department of Environmental Services (DES) on December 12, 2012, January 22, 2013 and February 15, 2013. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. NRCS shall monitor the project during construction to assure the work is completed in accordance with the approved plans and that no water quality violations occur.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow or no flow.
10. Extreme precautions shall be taken within and near riparian areas to limit unnecessary removal of vegetation for access and construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u) Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The Lebanon Conservation Commission recommended NHDES approve the application and recommended a level lip spreader at the end of the under drain, reconfirmation of the drainage area and pipe diameter, and that major vegetation not be disturbed particularly down by Blodgett Brook.
3. NRCS indicated that the plunge pool is designed to work as a level spreader, the 6 inch pipe is designed to handle base flows and the outlet is to be set back 75 feet from the brook to serve as an adequate buffer.

**GOLD DREDGE**

\*\*\*\*\*

**2013-00507                   LANE, PAUL**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2013-00521                   DESJARDINS, KENNETH**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**LAKES-SEASONAL DOCK NOTIF**

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**2013-00467                   DEANGELIS, ROBERT**  
**DALTON Connecticut River**

Requested Action:  
Install a seasonal dock on the Connecticut River, Dalton.  
\*\*\*\*\*

**DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN:**  
Install a seasonal dock on the Connecticut River, Dalton.

With Findings:

1. The application indicates the seasonal dock notification will be on tax map 411, lot 15. The tax map indicates the frontage along the river is tax map 411, lot 12. Lot 15 does not have frontage on the river.
2. The Seasonal Dock Notification for Lakes and Ponds can not be used to install a seasonal dock on a river.

**2013-00493**                    **CLARK-DAWE, JAMES**  
**WEBSTER** Winnepocket Lake

Requested Action:  
Install a seasonal dock.

\*\*\*\*\*

COMPLETE NOTIFICATION:  
Install a seasonal dock.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), Install a seasonal dock.

**PERMIT BY NOTIFICATION**

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**2013-00463**                    **BLINN, HARRY**  
**GILFORD** Lake Winnepesaukee

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

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed PBN form

PBN IS COMPLETE:  
Repair of existing docking structures with no change in size, location or configuration.

With Findings:

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

**CSPA PERMIT**

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**2013-00274**                    **BINGHAM LUMBER COMPANY**  
**BROOKLINE** Nissitissit River

Requested Action:  
Impact 29,583 sq ft in order to replace structure that previously burned down, extend paved area, and restore portions of the shoreland buffer with native plants.

\*\*\*\*\*

APPROVE PERMIT:

Impact 29,583 sq ft in order to replace structure that previously burned down, extend paved area, and restore portions of the shoreland buffer with native plants.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated December 21, 2012 and received by the NH Department of Environmental Services (DES) on January 22, 2013.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.  
Impact 29,583 sq ft in order to replace structure that previously burned down, extend paved area, and restore portions of the shoreland buffer with native plants.
3. No more than 46.5% 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 32,684 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

No findings

**2013-00279 OAS, RICHARD/SUZANNE  
PITTSBURG First Connecticut Lake**

Requested Action:

Impact 16,826 sq ft in order to demolish existing 3 bedroom house, build a new 3 bedroom house with state approved septic system, and relocate water lines.

\*\*\*\*\*

APPROVE PERMIT:

Impact 16,826 sq ft in order to demolish existing 3 bedroom house, build a new 3 bedroom house with state approved septic system, and relocate water lines.

With Conditions:

1. All work shall be in accordance with plans by Karen Dickson dated January 16, 2013 and received by the NH Department of Environmental Services (DES) on January 23, 2013.
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 4.3% 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 23,209 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

- 6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2013-00286                      CARLISLE, GLORIA**  
**WEBSTER   Blackwater River**

Requested Action:

Impact 4,756 sq ft in order to construct a new house, driveway, and a state approved septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 4,756 sq ft in order to construct a new house, driveway, and a state approved septic system.

With Conditions:

- 1. All work shall be in accordance with plans by Beaver Brook Environmental Consultants, LLC dated January 2, 2013 and received by the NH Department of Environmental Services (DES) on January 23, 2013.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. No more than 10% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 4. At least 4,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2013-00300                      BARWELL, JAMES/LOUISE**  
**NEW DURHAM   Merrymeeting Lake**

Requested Action:

Impact 8,848 sq ft in order to demolish existing cottage and build a new house, garage, septic system, and install a well in the waterfront buffer.

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APPROVE PERMIT:

Impact 8,848 sq ft in order to demolish existing cottage and build a new house, garage, septic system, and install a well in the waterfront buffer.

With Conditions:

- 1. All work shall be in accordance with plans by Varney Engineering, LLC dated January 16, 2013 and received by the NH

Department of Environmental Services (DES) on January 24, 2013.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 1,831 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 controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2013-00302                      MARLBOROUGH, TOWN OF**  
**MARLBOROUGH   Minnewawa Brook**

Requested Action:

Impact 9,450 sq ft in order to bring a water supply pump into compliance with NHDES regulations by installing 2 new wells, new pump, and associated appurtenances.

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APPROVE PERMIT:

Impact 9,450 sq ft in order to bring a water supply pump into compliance with NHDES regulations by installing 2 new wells, new pump, and associated appurtenances.

With Conditions:

1. All work shall be in accordance with plans by Edward C Goodrich, Jr dated October 15, 2009 and received by the NH Department of Environmental Services (DES) on January 24, 2013.
2. No more than 4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. 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.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No 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.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. 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.

**2013-00303                      DEMERS, ERIC/MONICA**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Impact 3,580 sq ft in order to replace concrete foundation with a poured concrete foundation; construct a 71 sq ft addition; replace the existing existing deck and stairs in the same size, location and configuration; install two drwells; remove 100 sq ft of gravel driveway; regrade around existing dwelling.

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**APPROVE PERMIT:**

Impact 3,580 sq ft in order to replace concrete foundation with a poured concrete foundation; construct a 71 sq ft addition; replace the existing existing deck and stairs in the same size, location and configuration; install two drwells; remove 100 sq ft of gravel driveway; regrade around existing dwelling.

**With Conditions:**

1. All work shall be in accordance with plans by David M Dolan dated January 9, 2013 and received by the NH Department of Environmental Services (DES) on January 24, 2013.
2. No more than 35.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. 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 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. 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.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. 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.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee, and therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the SWQPA.
2. In accordance with RSA 483-B:11, I, nonconforming primary structures may be altered or expanded provided the structure is not expanded closer to public waters and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property.
3. The applicant has proposed to decrease the impervious area within the protected shoreland by 100 sq ft.
4. The applicant has proposed to install two drywells and therefore, is more nearly conforming in accordance with RSA 483-B:11, I.

**2013-00309                      PESANDO, JOHN/PATRICIA**  
**NEW LONDON Little Sunapee Lake**

**Requested Action:**

Impact 4,130 sq ft in order to demolish existing cottage and construct a new cottage in approximately the same location with site improvements.

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**APPROVE PERMIT:**

Impact 4,130 sq ft in order to demolish existing cottage and construct a new cottage in approximately the same location with site improvements.

**With Conditions:**

1. All work shall be in accordance with plans by Keyland Enterprises, LLC dated January 4, 2013 and received by the NH Department of Environmental Services (DES) on January 23, 2013.
2. No more than 10.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,420 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.

**UTILITY NOTIFICATION**

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**2013-00480                      LIBERTY ENERGY UTILITES**  
**SALEM    Unnamed Wetland**

COMPLETE NOTIFICATION:  
Equipment repair and maintenance in ROW.

**FORESTRY W/PRIME WETLAND**

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**2013-00321                      ANNIS, CRAIG**  
**HAMPTON FALLS    Unnamed Wetland**

Requested Action:  
Clean out approximately 8,000 sq. ft. of drainage area and associated impact in and adjacent to the Winkley Brook Complex prime wetland.

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APPROVE WETLAND WAIVER:  
Hampton Falls, Tax Map #1, Lot #47-1

