

*Reviewed by  
WAC 8/31/15*

# Wetlands Bureau Decision Report

Decisions Taken  
08/24/2015 to 08/30/2015

## **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:**

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or at [appeals@des.nh.gov](mailto:appeals@des.nh.gov). The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

**MAJOR IMPACT PROJECT**

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**2015-00084                      LACONIA, CITY OF**  
**LACONIA   Winnisquam Lake & Durkee Brook**

**Requested Action:**

Proposal to dredge and fill 2,980 sq. ft. of wetlands and Durkee Brook (includes 549 sq. ft. of forested wetlands, 2,030 sq. ft. of scrub-shrub wetlands and 410 sq. ft., 50 ln. ft. of stream) for construction of the "W.O.W. Trail - Phase II" trail project consisting of approximately 7.4 miles of shared-use path from the Belmont town line to the Meredith town line. Work in wetlands jurisdiction consists of grading and filling impacts for drainage and the trail, replacement and modification to an existing culvert, boardwalk supports and construction of a 26 ft. span bridge (Tier 3 crossing) over Durkee Brook.

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**APPROVE PERMIT:**

Dredge and fill 3,205 sq. ft. of wetlands and Durkee Brook (includes 540 sq. ft. of forested wetlands, 2,435 sq. ft. of scrub-shrub wetlands and 230 sq. ft., 57 ln. ft. of stream) for construction of the "W.O.W. Trail - Phase II" trail project consisting of approximately 7.4 miles of shared-use path from the Belmont town line to the Meredith town line. Work in wetlands jurisdiction consists of grading and filling impacts for drainage and the trail, replacement and modification to an existing culvert, boardwalk supports and construction of a 26 ft. span bridge (Tier 3 crossing) over Durkee Brook.

**With Conditions:**

1. All work shall be in accordance with plans by HEB Engineers dated 01/09/2015 revised through 5/27/15, Figure 1 sheet dated 05/15/2015 and Figure 2 sheet dated 5/27/2015, as received by the NH Department of Environmental Services (DES) on May 29, 2015 and revised plan C1.12 (sheet 4 of 17) revision date of 07/20/15 and Sk-1 sheet dated 07/24/2015, as received by DES on July 24, 2105.
2. This permit is contingent on approval by the New Hampshire Department of Transportation ("NHDOT").
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. The trail project must fully comply with the Permit by Rule requirements of NH Administrative Rule Env-Wq 1503.03(c) or (d) under the Alteration of Terrain Bureau.
5. Work shall be done during low flow.
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. 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.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation for access.
10. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
11. The stream bed surface shall be restored with natural rounded stone and/or natural stream bed materials.
12. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
13. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
14. 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.
15. 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.
16. Temporary cofferdams shall be entirely removed immediately following construction.

17. 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.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. 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.
20. 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.
21. 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.
22. 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).
23. 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 immediately.
24. 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.
25. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02 (p) Any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The wetland impacts are needed to keep the alignment of the shared-use path within the existing railroad right-of-way.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The trail/path location is limited by the need to stay within the railroad right-of-way.
6. The wetland impacts have been minimized by the use of piers with elevated boardwalks and a spanning bridge.
7. 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.
8. The applicant indicated that the project is for construction of Phase II of the "W.O.W. Trail" consisting of an approximately 7.4 miles of shared-use path from the Belmont town line to the Meredith town line. Phase I was constructed in 2010, and consisted of roughly 7,210 ft. of paved pathway, within the State of NH railroad corridor from Main Street to Elm Street in Laconia. Phase II is approximately 5,500 ft. of paved pathway, and begins at the Belmont town line in Laconia, where there is an existing path, and connects to the end of Phase I near the railroad station at Main Street in Laconia.
9. On March 30, 2015 the department requested more information ("RFMI") about the proposed project (see file RFMI letter dated March 30, 2015).
10. On May 29, 2015 the department received a response to the RFMI letter from the applicant's agent.
11. The applicant's agent/New Hampshire licensed professional engineer ("PE") working on the project evaluated Durkee Brook for design of the proposed bridge crossing and classified the stream as a Rosgen Type F with a bankfull width of 20 feet, bankfull depth of 0.7 feet, flood prone width of 26 ft., entrenchment ration of 1.3 and a sinuosity of 1.08.
12. The PE designed the proposed bridge in accordance with the New Hampshire Stream Crossing Guidelines per Administrative Rule Env-Wt 904.05.
13. The proposed bridge is a 26-foot span structure.
14. The PE indicated that the railroad bridge located approximately 20 feet upstream of the proposed bridge acts as a constriction in the stream channel because it is only a 12.5 foot wide span.
15. The PE indicated that the proposed bridge will pass the 100-year flood as determined by FEMA.
16. The PE addressed the stream crossing design consideration per Administrative Rule Env-Wt 904.01.
17. The application submittal and approved plan sheets S1.11 and S5.01 (sheets 16 and 17 of 17) were stamped by the PE.
18. The design meets the criteria for a Tier 3 Stream crossing (Env-Wt 904.05) to the extent practicable.
19. The applicant addressed comment's (see file e-mail dated December 18, 2014) from the New Hampshire Fish and Game Department, Nongame and Endangered Species Program.
20. On May 19, 2015 the department received comments from Robert J. Dietel of Gallagher, Callahan & Gartrell on behalf of

Lawrence J. Joyce in objection to proposed project.

21. Mr. Joyce is a trustee of the Lawrence J. Joyce revocable Trust which owns property directly abutting the proposed W.O.W. Trail.

22. Mr. Dietel stated "As is shown on the attached exhibits, Mr. Joyce's property and residence area in close proximity to the existing State of NH railroad corridor, where the W.O.W. Trail will be located. The northwestern corner of Mr. Joyce's residence sits on the boundary line between his property and the State's land. Further, the shore side boundary of Mr. Joyce's land is roughly 10 yards from the shore of Winnisquam Lake. Consequently, Mr. Joyce is likely to experience negative impacts from the proposed W.O.W Trail, which have not been addressed in the Applicant's permit application.

These anticipated adverse impacts include:

- Drainage: The Applicant's plan calls for the construction of a paved trail system in place of an existing pervious railroad bed. Those changes are likely to increase run-off into Winnisquam Lake and also onto Mr. Joyce's property. Under existing conditions, the drainage in this area routinely impacts Mr. Joyce's property, and changing those areas to an impervious surface is likely to exacerbate the problem. Further, increased run-off into the Lake is likely to have a negative impact on the quality of the waters in those areas.
- Access to Winnisquam Lake: Mr. Joyce's property currently has access to Winnisquam Lake across the State of New Hampshire rail corridor. Construction of the W.O.W Trail is anticipated to include a chain-link fence along Mr. Joyce's boundary line, which will cut off existing access.
- Safety and Security: The W.O.W. Trail system is anticipated to increase public foot and bike traffic directly to Mr. Joyce's residence with foreseeable negative impacts to the safety and security on his property.
- Aesthetics and Privacy: Mr. Joyce's property currently enjoys an open view across the length of Winnisquam Lake, and there is limited traffic on the abutting State railroad corridor. In contrast, the features of the W.O.W. Trail - including a chain link fence - will materially alter those views and intrude on the privacy of Mr. Joyce's residence.

The cumulative effect of the above factors is self-evident. The Applicant's proposed work will likely impair Mr. Joyce's property values and enjoyment of his land, including his ability to seek and retain tenants for both the commercial and residential areas in his building.

For these reasons, Mr. Joyce requests that the Wetlands Bureau deny the Applicant's permit with respect to the work proposed in the 20-foot setback along his property, consistent with Env-Wt 304.04. In the alternative, if the Department intends to allow work in the 20-foot setback, the result should only be considered after review of a waiver request pursuant to Env-Wt 204. At a minimum, the procedural step is necessary to ensure that Mr. Joyce is entitled to full process under the Department's rules, and so that he may pursue appellate remedies if ultimately warranted. Based on recent review of the Department's file, the Applicant has not supplied any such waiver application. Thank you for your consideration of this matter."

23. On June 17, 2015 the applicant's agent provides a response to the abutter's objection letter.

24. The agent provided the following response: "HEB provides the following responses to Mr. Joyce's concerns:

- Drainage: In general, the railroad corridor was constructed using imported gravel material, which is considered by the New Hampshire Department of Environmental Services (NHDES) as an impervious surface cover. The increase in run-off from an impervious gravel surface to an impervious paved surface is negligible.

Currently, the existing topography slopes towards the building located on Mr. Joyce's property, which as outlined in the objection letter, routinely causes issues. Under the proposed conditions, the trail is designed to slope away from Mr. Joyce's property and into a stone-lined ditch which will collect and convey runoff to an appropriate discharge location. The combination of the path grading away from Mr. Joyce's property and the construction of a ditch to convey runoff in this area to an appropriate discharge location will improve drainage conditions near Mr. Joyce's property.

The increased runoff to a waterbody as large as Lake Winnisquam will be negligible. Additionally, changing the gravel to pavement generally decreases the amount of erosion and sedimentation experienced in runoff, which will be a benefit to surrounding surface

waters.

- Access to Winnisquam Lake: Mr. Joyce's property does not have rights or permission to utilize the State of New Hampshire railroad corridor to access Winnisquam Lake. The New Hampshire Department of Transportation (NHDOT) has confirmed that the railroad corridor is owned by the State of New Hampshire in fee. As such, Mr. Joyce would need to apply and pay for a lease and crossing to use the corridor to access Winnisquam Lake, NHDOT has confirmed that no such process has been completed to date.
- Safety and Security: A fence is proposed on the lake side of the trail as required by NHDOT Bureau of Rail. A fence can be added along the property line to improve safety and security for Mr. Joyce's property. This will, however, likely detract from the aesthetics of Mr. Joyce's property, which has also been noted as a concern. The WOW Group is currently pursuing a more aesthetic option than the standard chain link fence.
- Aesthetics and Privacy; The WOW Group is currently pursuing a split rail wood fence with mesh alternative that would be more aesthetically pleasing. The proposed trail is to be contained wholly within the State of New Hampshire corridor in the vicinity of Mr. Joyce's property, and no easements are requested from him at this time. Sincerely HEB Engineers, Inc."

25. On June 25, 2015, (see file e-mail to agent) the department requested additional details regarding the applicant's response to the RFMI letter and the applicant's response to the abutter's objection letter.

26. The department requested the following additional information relative to the abutter's objection letter:

"1. In the original application submittal information there is an unsigned permission letter that was sent to Mr. Lawrence J. Joyce for work within 20-feet of the abutting property line as required per Administrative Rule Env-Wt 304.04, however, as noted in the "Objection Letter" , dated, May 19, 2015, from Mr. Joyce's attorney, permission was not granted and no waiver request has been submitted. The department is hopeful that the applicant and Mr. Joyce can discuss this matter further and reach an agreement. However, if that is not possible the department will need a complete waiver request submitted in accordance with Administrative Rule PART Env-Wt 204 in order to make a final decision on the pending application.

2. Have you received permission from other abutters with property lines within 20-feet of work in jurisdiction (wetlands, surface waters and banks of surface waters). Please provide the written agreements. If the affected abutters will not grant permission or are non-responsive a waiver request will be required."

27. On June 26, 2015 the department issued an application review time extension to provide additional time for the applicant to address the department's questions and provide adequate time for the department to review the response.

28. On July 24, 2015 the department received a response from the applicant's agent.

29. The response included the additional project details, signed abutter consent forms and two waiver requests.

30. Two waivers were submitted in accordance with Administrative Rule Part Env-Wt 204 to address work in wetlands that is within 20 feet of two abutting properties per Administrative Rule Env-Wt 304.04.

31. The applicant attempted to obtain an agreement from the affected abutter (Eric B, & Karen Joyce, Tax Map and Lot 454-54-04)

but the abutter was non-responsive.

32. The applicant's agent indicated in the waiver for Tax Map and Lot 454-54-04 that "Granting this waiver has no adverse impacts on abutters, the environment, nature resources of the state, or public health and safety, as the applicant's purpose of the impacts are to construct a public multi-use pathway within the NHDOT Bureau of Rail railroad corridor with appropriate runoff considerations. No disturbances are proposed on T/L 454-54-04 other than moving a children's playset off NHDOT right-of-way and onto the subject property, and no easements are requested at this time.

33. Through review of the application information the department determined that there is no work in wetlands or surface waters in front of T/L 454-54-04 and the closest work in wetlands is approximately 14 feet from the property corner.

34. The permit is contingent on approval from NHDOT for work on the NHDOT property.

35. The department has not received any objections or comments from the abutter/owner of Tax map and lot "T/L" 454-54-04 regarding the proposed work in wetlands less than 20 feet from the property line.

36. The proposed wetland impacts are 740 square feet to create the trail surface and an adjacent drainage swale.

37. The impacts are associated with a multi-use path that will be open to the public.

38. The proposed trail is within an existing railroad corridor and right-of way.

39. The department approves the waiver request in accordance with Administrative Rule Env-204.05(a); The department shall grant a waiver to a rule in Env-Wt 200 through Env-Wt 900 that will not extend the duration of a wetlands permit if:

(1) Granting a waiver will not result in:

- a. An avoidable adverse impact on the environment or natural resources of the state, public health, or public safety;
- b. An impact on abutting properties that is more significant than that which would result from complying with the rule; or
- c. A statutory requirement being waived; and

(2) Any benefit to the public or the environment from complying with the rule is outweighed by the operational or economic costs to the applicant.

40. As noted in previous findings the abutter/owner, Lawrence J. Joyce, of property identified as Tax Map and Lot 467-54-29 has objected to the proposed project and work within 20 feet of the property line, therefore, the applicant was unable to receive the required permission per Administrative Rule Env-Wt 304.04 and has submitted the required waiver request.

41. The applicant included the response to the abutter's objection letter as described in finding #24 above.

42. The applicant noted in the waiver request that alternative fencing options are being submitted to NHDOT for review and approval.

43. The applicant's agent indicated in the waiver for Tax Map and Lot 467-54-29 that "Granting this waiver has no adverse impacts on abutters, the environment, natural resources of the state, or public health and safety, as the applicant's purpose of the impacts are to construct a public multi-use pathway within the NHDOT Bureau of Rail railroad corridor with appropriate runoff considerations. No disturbances are proposed on T/L 467-54-29 and no easements are requested from Mr. Joyce at this time."

44. Through review of the application information the department determined that there is no work in wetlands or surface waters in front of T/L 467-54-29 and the closest work in wetlands and surface waters ("jurisdiction") is approximately 18 feet from the property corner.

45. The department only applies Administrative Rule Env-Wt 304.04 to the portion of a project that is within jurisdiction.

46. The proposed work in jurisdiction is for modification to an existing drainage area and associated culverts.

47. The associated wetland impact is approximately 30 square feet with an associated 25 linear feet of stream impact.

48. The applicant provided a complete response to the concerns listed in the abutter's objection letter.

49. The department provided the applicant's response(s) to the abutter's representative.

50. No additional comments were received from the abutter.

51. The permit is contingent on approval from NHDOT for work on the NHDOT property.

52. The impacts are associated with a multi-use path that will be open to the public.

53. The proposed trail is within an existing railroad corridor and right-of-way.

54. Due to the previous wetland impacts and surface water impacts it does not appear practicable to redesign the impacts or span the wetland and surface water area that is within 20 feet of the abutter's property line.

55. The department approves the waiver request in accordance with Administrative Rule Env-204.05(a)The department shall grant a waiver to a rule in Env-Wt 200 through Env-Wt 900 that will not extend the duration of a wetlands permit if:

(1) Granting a waiver will not result in:

- a. An avoidable adverse impact on the environment or natural resources of the state, public health, or public safety;
- b. An impact on abutting properties that is more significant than that which would result from complying with the rule; or
- c. A statutory requirement being waived; and

(2) Any benefit to the public or the environment from complying with the rule is outweighed by the operational or economic costs to the applicant.

56. The department has reviewed the abutter's objection letter submitted by Robert J. Dietel on behalf of Lawrence J. Joyce, as well as the applicant's (agent) response(s).

57. The section of the proposed path located between the abutter's property and the lake does not require any impacts to wetlands and surface waters.

58. As noted in finding #45 the department only applies Administrative Rule Env-Wt 304.04 to the portion of a project that is within jurisdiction.

59. As noted in previous findings due the previous wetland impacts and surface water impacts it does not appear practicable to redesign the impacts or span the wetland and surface water area within 20 feet of the abutter's property line.

- 60. The applicant has requested, and DES granted the waiver approvals for work in wetlands that is within 20 feet of the abutter's property line per Administrative Rule Env-Wt 304.04.
- 61. The existing path currently starts on City of Laconia property along abutter's west property boundary.
- 62. The applicant provided a complete response to the concerns listed in the abutter's objection letter.
- 63. The project was designed and submitted by a licensed PE.
- 64. The project has received a Shoreland Permit by Notification approval File #2015-00024.
- 65. The applicant indicated on the submitted Wetlands Permit Application that the Alteration of Terrain work is under "AOT Permit By Rule".
- 66. The permit is conditioned on compliance with Permit by Rule requirements of NH Administrative Rule Env-Wq 1503.03(c) or (d) under the Alteration of Terrain Bureau.
- 67. The department has not received any additional comments from the abutter or the abutter's representative.
- 68. The project is the second phase of the public trail/path project. The first phase of the project was constructed in 2010.
- 69. The department has not received any other abutter or public comments in objection to the proposed project.
- 70. Based on findings #1 through #69 the department approved the pending application.
- 71. 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, lacustrine and riverine resource, as identified under RSA 482-A:1.

**2015-00267                      DUBLIN, TOWN OF**  
**DUBLIN   Charcoal Brook**

Requested Action:

Dredge and fill 13,049 sq. ft. (including 8,358 sq. ft. permanent impact) of perennial stream (Charcoal Brook) and forested wetland to replace the existing deteriorated 18 ft. arch span with a 70 ft. steel girder bridge on abutments. The project also includes removal of an existing 36 inch RCP culvert (Sta. 403+40), and replacement with extension of an existing CMP culvert pipe (Sta. 400+00) within associated 800 ft. roadwork section.

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APPROVE PERMIT:

Dredge and fill 13,049 sq. ft. (including 8,358 sq. ft. permanent impact) of perennial stream (Charcoal Brook) and forested wetland to replace the existing deteriorated 18 ft. arch span with a 70 ft. steel girder bridge on abutments. The project also includes removal of an existing 36 inch RCP culvert (Sta. 403+40), and replacement with extension of an existing CMP culvert pipe (Sta. 400+00) within associated 800 ft. roadwork section.

With Conditions:

- 1. All work shall be in accordance with revised plans by CLD Consulting Engineers titled Proposed Bridge Replacement Charcoal Road over Charcoal Brook (Br. No. 085/103) dated August 2015, as received by the Department on August 21, 2015.
- 2. Work within the stream shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
- 3. The permittee shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau prior to the start of construction.
- 4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
- 7. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A monitoring report shall be submitted to DES within 60 days

of completion of the crossing.

8. 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.
9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Materials used to emulate a natural channel bottom must be consistent with the streambed materials identified in the reference reach and shall not include angular riprap or gravel, except where identified on approved plans.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
19. 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.
20. 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.
21. Any further alteration of areas on the properties that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), Any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposed bridge replacement is needed to provide safe access for the public because the existing bridge structure is undersized and severely deteriorated.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. A New Hampshire Licensed Professional Engineer (PE) conducted a hydrological analysis ("HEC-RAS") of the existing conditions, proposed replacement and stream channel restoration.
7. The existing structure is a cast in-place concrete jack arch with cast in-place concrete abutments. It has a span of 18 feet with a total bridge width of 22.8 feet and is skewed 30 degrees.
8. The proposed structure consists of a 70 ft. steel girder bridge on concrete stub abutments and piles with existing natural stream bed.
9. The project engineer indicates the proposed work is expected to maintain the current flow of Charcoal Brook for normal flows, and will increase capacity for flood flows, decreasing headwater and flooding upstream of the structure. The agent indicated the downstream reach is heavily wooded and free of structures, preventing any damage or hazards from occurring as a result of the increased capacity of the structure.
10. The applicant's agent determined the average bank full width of Charcoal Brook was estimated at 22 feet with a B4c Rosgen Classification.
11. The existing structure does not pass the 100-year storm event.
12. The applicant's agent indicates the crossing is designed to meet requirements for a 50-year design flood with 1-foot of freeboard, and accommodates the 100-year design flood without overtopping. The span also accommodates the required opening area based on the bankfull width as noted in the wetland permit application, but is not excessive for the project location given the shallow channel slope and wetland conditions.

13. The applicant's agent determined the average bed material upstream at the crossing consists of sand and gravel with a very small amount of round stones ranging from 3 to 6 inches in diameter and downstream of the crossing is sand and gravel dominated with 4 to 6 inch round stones at the outlet. Sand and gravel make up the remainder of the bed approximately 20 feet beyond the outlet with 0.5 to 3 inch stone at a lesser amount. The agent indicates the existing material beneath the existing culvert will be retained to maintain natural sediment transport.
14. The USFWS and NH-NHB record reviews did not indicate any recorded occurrences for sensitive species near this project area.
15. The Dublin Conservation Commission has requested that the Charcoal Road Bridge replacement project will not negatively affect the stream, pond, and other wetlands between the two culverts, and will not negatively impact Charcoal Brook north of the project per letter dated April 1, 2011.
16. The applicant addressed Administrative Rule Env-Wt 904.01.
17. The applicant has provided a revised impact area plan, stream bed detail information, a hydraulics report and addendum, a bank stabilization planting plan, a revised erosion control plan, and abutter permission letters per the Request for More Information dated April 14, 2015. The revised and supplemental information was received by the Department on July 27, 2015 and August 21, 2015.
18. The total proposed permanent impacts have been reduced to 8,358 sq. ft. and the bridge span has been increased and therefore compensatory mitigation was not required.
19. The approved plan set has been stamped by a PE.
20. DES has not received any abutter or public comments in objection to the proposed project.
21. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2015-00720                      CONCORD, CITY OF**  
**CONCORD   Unnamed Wetland**

**Requested Action:**

Proposal to dredge and fill 38,277 sq. ft. (includes 17,620 sq. ft. of temporary wetland impacts) of forested wetlands for construction of a new distribution substation and associated infrastructure. Compensatory mitigation for permanent and secondary wetland impacts for US Army Corps of Engineers consists of a one-time payment of \$124,301.29 dollars into the Aquatic Resource Mitigation Fund ("ARM").

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**APPROVE PERMIT:**

Dredge and fill 38,277 sq. ft. (includes 17,620 sq. ft. of temporary wetland impacts) of forested wetlands for construction of a new distribution substation and associated infrastructure. Compensatory mitigation for permanent and secondary wetland impacts for US Army Corps of Engineers consists of a one-time payment of \$124,301.29 dollars into the Aquatic Resource Mitigation Fund ("ARM").

**With Conditions:**

1. All work shall be in accordance with plans by TF Moran Inc., dated March 18, 2015 (with revisions through 3/25/15, as received by the NH Department of Environmental Services ("DES") on April 1, 2015 and Wetland Impact Overview Plan sheet 1 dated July 8, 2015, plan sheet 5 (C1.1) revision date 7/15/15, and plan sheet 9 (C1.3) revision date of 7/15/15, as received by DES on July 28, 2015.
2. This approval is contingent on receipt by DES of a one-time payment of \$124,301.29 dollars into the Aquatic Resource Mitigation Fund ("ARM"). The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted within 60-days of completion of the project.

5. All work conducted in the area of the potential vernal pool will be done outside of the anticipated vernal pool breeding season (March 1st to May 1st).
6. The proposed drainage culvert inverts will be set at a height that does not drain the potential vernal pool.
7. Erosion and sedimentation control best management practices shall be installed and maintained as necessary to protect water quality of the potential vernal pool and will be promptly removed upon final stabilization of the area.
8. During amphibian migration periods, measures will be maintained to facilitate unencumbered amphibian access to and from the potential vernal pool.
9. Future vegetative maintenance associated with the ROW will be done outside of the anticipated vernal pool breeding season (March 1st to May 1st) and during frozen conditions whenever feasible.
10. The applicant shall coordinate with the NH Natural Heritage Bureau ("NHB") to address any concerns with the location and identification of the threatened and endangered plant species in the vicinity of the project (as noted in the applicant's meeting with NHB on August 15, 2014).
11. 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.
12. 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.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching with straw during the growing season, or if not within the growing season, by mulching with straw or coco matting (NO netting) and pinning on slopes steeper than 3:1.
15. 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 with straw.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching with straw and tack. Slopes steeper than 3:1 shall be stabilized by coco matting and pinning (NO netting).
17. 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).
18. 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.
19. 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 substation is needed to meet the expected load growth requirements of the City of Concord.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The project includes a land swap with the City of Concord.
6. The applicant investigated two potential substation sites.
7. The applicant deemed the site chosen as the least impactful to wetlands and surface waters on the site while also meeting the needs of the City of Concord to preserve other areas under consideration for siting of the new substation (see file for applicant's/agent's response dated July 15, 2015, as received by the department on July 28, 2015).
8. 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.
9. The applicant's agent provided a wetland impact comparison for both sites. The alternative site off of Curtisville Road is a 132.8 acre parcel. The agent indicated that wetland impacts on the property would consist of 87,791 sq. ft. of wetland conversion, 10,291 sq. ft. of permanent wetland impacts, 38,750 sq. ft. of temporary wetlands impact with a total direct impact of 49,041 sq. ft. (which includes only temporary and permanent dredge and fill impacts). The chosen site is a 45 acre parcel off of Portsmouth Street. The agent indicated that wetland impacts on the property consist of 50,068 sq. ft. of wetland conversion, 20,657 sq. ft. of permanent wetland impacts, 17,620 sq. ft. of temporary wetland impact with a total direct impact of 38,277 sq. ft. (which includes only

temporary and permanent dredge and fill impacts).

10. DES Staff conducted a field inspection of the proposed project site and alternative development site on July 2, 2015.

11. The applicant is providing compensatory mitigation for direct wetland impacts and conversion (cutting) of wetlands as required by the US Army Corps of Engineers ("Corps").

12. Compensatory mitigation for wetland impacts consists of a one-time payment of \$124,301.29 dollars into the Aquatic Resource Mitigation Fund ("ARM").

13. The US Environmental Protection Agency ("EPA") commented that the project was ineligible for State Programmatic General Permit ("PGP") because mitigation was needed for direct, temporary and secondary impacts.

14. The applicant addressed the EPA comments and revised the ARM fund payment to include the noted impacts.

15. The applicant addressed United States Fish and Wildlife Service ("USFWS") and Corps' concerns regarding the Northern Long-Eared Bat.

16. The New Hampshire Fish and Game Department, Nongame Endangered Wildlife Program ("NHFGD") noted (see file e-mail date June 11, 2015) a possible impact (proposed) to a vernal pool near the entrance to the substation. Additionally, NHFGD noted suitable habitat at the site for two state listed endangered species, Eastern Hognose Snake and Blanding's Turtle.

17. The mitigation payment includes compensation for the impacts to the potential vernal pool.

18. The applicant proposed the following information to address the NHFGD concerns (see agent e-mail dated July 14, 2015):

"Given that the evaluation shows significantly more wetland impacts with an alternate line and or road geometry, including temporary, permanent and conversion impacts, we set about trying to address your concerns by other means as identified in the following bulleted items. In order to avoid and minimize potential adverse impacts on the possible vernal pool we would propose to implement the following;

Work in the area of the possible vernal pool will be done outside of the anticipated vernal pool breeding season (March 1st to May 1st).

- The proposed drainage culvert inverts will be set at a height that does not drain the possible vernal pool.
- Except within the footprint of the actual driveway construction, the existing scrub-shrub vegetation and vegetation that will not exceed 8 feet in height within the possible vernal pool and surrounding area will not be removed, and will otherwise be consistent with Unitil's right-of-way (ROW) maintenance program.
- Hazard trees defined as a tree or limb that contains a defect rendering it structurally unstable or biologically unhealthy and posing a risk to a target shall be removed at the owners discretion as directed by an arborist.
- Large tree species that must be removed from the possible vernal pool due to their potential to grow into the overhead lines shall be pruned to a height of no less than 8 feet and will not be intentionally felled into the possible vernal pool but removed with automated equipment from upland areas or by hand tools. If a tree is inadvertently felled into the possible vernal pool, and removal is likely to cause adverse impacts, the tree or parts of the tree may be left in place.
- Erosion and sedimentation control best management practices will be installed and maintained as necessary to protect water quality of the possible vernal pool and will be promptly removed upon final stabilization of the area.
- During amphibian migration periods, measures will be maintained to facilitate unencumbered amphibian access to and from the possible vernal pool.
- Future vegetative maintenance associated with the ROW will be done outside of the anticipated vernal pool breeding season (March 1st to May 1st) and during frozen conditions whenever feasible.

We hope you find this information useful in weighing the pros and cons of the proposal. We also find it important to note that as our wetland evaluation did not identify the area in question as a vernal pool, we are trying to be sensitive to the nature of your request but also mindful that the wetlands on the alternate site evaluated (Broken Ground) expressed similar characteristics to this wetland complex. Given the similar characteristics both wetland areas share, it would appear the Broken Ground site might also contain possible vernal pools in the area of wetland impact."

19. The NHFGD provided the following response: "I still recommend that there be no further road expansion into the vernal pool, any road widening should occur on the south side of the current road to preserve habitat for spotted and Blanding's turtle. Also, I still recommend that the overhead wires be shifted southerly independent of the road position to maintain mature tree canopy cover over the vernal pool to the fullest extent possible. No erosion control fabric with netting, coco matting okay to avoid impacts to the state endangered hognose snake.

These practices are okay:

- Work in the area of the possible vernal pool will be done outside of the anticipated vernal pool breeding season (March 1st to May 1st).
- " The proposed drainage culvert inverts will be set at a height that does not drain the possible vernal pool.
- Erosion and sedimentation control best management practices will be installed and maintained as necessary to protect water quality of the possible vernal pool and will be promptly removed upon final stabilization of the area.
- During amphibian migration periods, measures will be maintained to facilitate unencumbered amphibian access to and from the possible vernal pool.
- Future vegetative maintenance associated with the ROW will be done outside of the anticipated vernal pool breeding season (March 1st to May 1st) and during frozen conditions whenever feasible.

We still have not seen any analysis showing that the proposed site was the least impacting to wetlands among the alternatives. We recommend that other alternatives to the project location be explored and if not feasible, that design modifications are made to reduce wetland and potential vernal pool impacts."

- 20. The applicant has provided a complete evaluation of the two sites and alternative line route (see file for agent's response dated July 15, 2015, as received by the department on July 28, 2015).
- 21. The overall project includes protection of a 132-acre parcel and compensatory mitigation for wetland impacts.
- 22. The permit approval contains conditions for practices "okay" with NHFGD as noted in finding #19 and additional conditions to help address the NHFGD concerns.
- 23. The department has not received any abutter or public comments in opposition to the project.
- 24. 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.
- 25. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the ARM Fund.
- 26. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
- 27. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack River watershed per RSA 482-A:29.

**2015-01287 NH DEPT OF TRANSPORTATION  
DEERFIELD Lamprey River**

Requested Action:

Repair the existing toe walls and place riprap to protect the 31 ft. span structure impacting 5,204 sq. ft. (4,454 sq. ft. temporary) of riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comments

LAC cautions lane closures during Deerfield Fair.

APPROVE PERMIT:

Repair the existing toe walls and place riprap to protect the 31 ft. span structure impacting 5,204 sq. ft. (4,454 sq. ft. temporary) of riverine wetlands. NHDOT project #29759

With Conditions:

- 1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 11/18/14, as received by the Department on May 29, 2015.

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. Lane closures and diversion of traffic shall be avoided during the Deerfield Fair.

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 River Advisory Comm. notes the only concern is traffic control during Deerfield Fair.

**2015-01301 NH DEPT OF TRANSPORTATION  
FRANCONIA Coppermine Brook**

Requested Action:

Repair the north abutment, install a toe wall on the south abutment and place riprap to protect the 19 ft. span structure impacting 2,954 sq. ft. (2,298 sq. ft. temporary) of riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Repair the north abutment, install a toe wall on the south abutment and place riprap to protect the 19 ft. span structure impacting 2,954 sq. ft. (2,298 sq. ft. temporary) of riverine wetlands. NHDOT project #40272

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 3/12/15, as received by the Department on May 29, 2015.
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.

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.

Requested Action:

Proposal to dredge and fill 16,940 sq. ft., 310 linear feet (includes 7,355 sq. ft. of temporary impacts) of the river bank and river bed ("Mascoma River") for stabilization and restoration of the river bank adjacent to an existing commercial/retail shopping plaza.

Work consists of reconstruction of the existing river bank including creation of a new floodplain bench constructed and stabilized with coarse natural granular materials, encapsulated soil ("FES"), live brush layering, containerized plantings, root wad structures, single rock vane deflector, channel grading and associated erosion, turbidity and sedimentation controls.

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APPROVE PERMIT:

Proposal to dredge and fill 16,940 sq. ft., 310 linear feet (includes 7,355 sq. ft. of temporary impacts) of the river bank and river bed ("Mascoma River") for stabilization and restoration of the river bank adjacent to an existing commercial/retail shopping plaza.

Work consists of reconstruction of the existing river bank including creation of a new floodplain bench constructed and stabilized with coarse natural granular materials, encapsulated soil ("FES"), live brush layering, containerized plantings, root wad structures, single rock vane deflector, channel grading and associated erosion, turbidity and sedimentation controls.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated 5/28/15 and revised through 08/05/15 and narratives, as received by the NH Department of Environmental Services (DES) on August 10, 2015.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. 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.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. The project's professional engineer (PE) shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and an annual report each of the following 5 years.
8. The river bank plantings shall have at least 75% successful establishment after two (2) growing seasons, or it shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
10. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching with straw during the growing season, or if not within the growing season, by mulching straw and 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 with straw.
14. 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).
15. 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 immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. 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 major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The work is needed to stabilize the ongoing river bank erosion and protect the adjacent property, access road and buildings associated with an existing commercial/retail shopping plaza.
4. The applicant's agent indicated that the bank has eroded 12 to 40 feet on the outside of the river bend.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The applicant's agent(s) investigated several design options including "no-build", stabilization of shorter bank sections, longer bank sections, stabilizing 250 linear feet of bank including a floodplain bench, stone armoring, fabric encapsulated soil ("FES"), brush layering and plantings.
8. The design chosen includes a 310 linear foot of section of bank restoration and stabilization consisting of a new floodplain bench constructed and stabilized with coarse natural granular materials, FES, live brush layering, containerized plantings, root wad structures, a single rock vane deflector and channel grading.
9. The applicant's agent submitted the original design for 250 linear feet of stabilization while a full Stream Geomorphic Assessment ("assessment") was being conducted.
10. It was confirmed through the assessment (see file for Stream Geomorphic Assessment and Bank Stabilization Design Mascoma River at K-Mart Plaza, Lebanon, NH, dated August 5, 2015, prepared by Headwaters Hydrology PLLC) that the channel is vertically unstable because it does not have the ability to transport its sediment load without aggrading. The agent indicated that instability was found to be generally due to the wide, shallow cross-section in the areas experiencing active bank erosion. "Evidence of the sediment transport impairment is found in the high bankfull channel width to depth ratios which were measured and the extensive in-stream sediment deposits which were observed (see Figure 1)." Additionally, it was confirmed through the assessment that the channel is laterally unstable. The agent indicated "the channel is laterally unstable due to several factors including the highly erodible bank materials, height of the eroding bank, insufficient vegetation rooting depth, and the very tight meander bend at the erosion site."
11. The applicant adjusted the original design to incorporate the recommendation of the assessment.
12. The applicant's agent informed the department that the City was notified as an abutter during the application process, has a complete application and the latest resubmission materials, on file for review. The agent also noted the they have been in contact with the City Planning Department regarding work that will take place within several local zoning overlay districts.
13. The department has not received any abutter or public comments in objection to the proposed project
14. The Lebanon Conservation Commission provided the following comments to the department:

"On June 11, 2015 the Lebanon Conservation Commission reviewed the above referenced application. The above referenced application was modified with new/additional information

and on August 13, 2015 the Conservation Commission reviewed the revised application and after a presentation and discussion the Commission rendered the following motion:

Susan Almy moved that the Lebanon Conservation Commission upholds its recommendation of approval of the Windalier West Lebanon, LLC c/o Dead River Properties, Kmart Bank Restoration Project NHDES Standard Review Wetland Application for the restoration and stabilization of 310 feet of failing Mascoma River bank, with approximately 9,585 square feet of permanent impacts, located along the south bank of the Mascoma River at 200 Main Street, West Lebanon, Tax Map 114, Lot 5, having seen the fluvial geomorphology report, with the following conditions:

1. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Silt fences must be removed once the area is stabilized.

2. There should be no introduction or spread of invasive species and where encountered, removal or treatment of Knotweed.
3. 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.
4. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
5. 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
6. Conservation Mix shall be used in the event of reseeding, and straw as opposed to hay for proposed mulching."

15. The approval conditions and applicant's response addresses the Conservation Commission's comments.

16. The applicant's agent provided the following response to the Conservation Commission's comments (see file e-mail dated August 18, 2015):

"We attended a second meeting of the City Conservation Commission on August 13, 2015 to review the resubmission materials and latest changes to the application. Similar to the first meeting on June 11, 2015, the Commission unanimously approved a motion to recommend approval of the application and included several conditions in the motion. On August 14, 2015, we forwarded to you a copy of the draft letter from the Commission. The same conditions included in the June motion from the Commission were included in the August motion, with one exception. Condition no. 6 stating that "Dredged material shall be placed outside of the jurisdictional wetland area" was removed from the August motion because the Commission recognized the fact that some material will be dredged from the river bed and banks, and it would be appropriate to use this natural material as fill for the new floodplain bench, as long as this fill is placed within the permitted wetland limits and adequate measures are in place to contain sediment and turbidity during the work. We agree with all of the conditions included in the latest motion from the Commission and will incorporate them into the construction plans by adding appropriate notations.

Here are a few additional responses relative to these comments:

- The application plans already depict several containment, dewatering, stream diversion, and standard sediment and erosion control measures (i.e., cofferdam, turbidity barrier, dewatering treatment basin, silt fence, etc.) to address concerns for sediment and erosion controls during construction.
- Addition notes will be added to the construction plans to address concerns related to the spread of invasive species within the impacted areas.
- Additional notes will be added to the construction plans to highlight the responsibilities of the Contractor related to spill containment during operation of machinery within or near the river and refueling during construction.
- We assume that the NHDES approval will contain standard conditions for timing and minimum measures for stabilization.
- The plans already include adequate notes pertaining to the use of straw mulch and conservation seed mixes (or similar) for restoring vegetation.

17. The applicant met with the Upper Valley River Subcommittee ("UVRS") on June 15, 2015 and the department received the UVRS comments on July 1, 2015.

18. The applicant met with the UVRS and the Mascoma River Local Advisory Committee ("MRLAC") on August 17, 2015.

19. The agent addressed the UVRS comments (see file for agent's e-mail dated August 18, 2015) and the UVRS and MRLAC unanimously approved the project.

20. The approved project is for infrastructure protection and incorporates bioengineering techniques and does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c)(2).

21. The approved plan set is stamped by a New Hampshire licensed professional engineer.

22. 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 riverine resource, as identified under RSA 482-A:1.

Requested Action:

Temporarily impact 18,000 square feet and permanently impact 8,600 square feet at the outlet of Mendum's Pond to conduct necessary repairs on a high hazard dam, including construction of temporary upstream earthen coffer dam, and permanent construction of a new low level outlet, a new primary spillway with concrete retaining walls and rip rap outlet stabilization, and embankment reconstruction of downstream face.

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APPROVE PERMIT:

Temporarily impact 18,000 square feet and permanently impact 8,600 square feet at the outlet of Mendum's Pond to conduct necessary repairs on a high hazard dam, including construction of temporary upstream earthen coffer dam, and permanent construction of a new low level outlet, a new primary spillway with concrete retaining walls and rip rap outlet stabilization, and embankment reconstruction of downstream face.

With Conditions:

1. All work shall be in accordance with plans by NHDES dated July 2015, as received by the NH Department of Environmental Services (DES) Wetlands Bureau on August 3, 2015, with respect to impacts in wetlands jurisdiction. The permit is further contingent upon receipt of final design plans for completion of the record, and which do not change the wetlands impact approved herein.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during drawdown, and drawdown must not exceed October 15, unless otherwise specified by NH Fish & Game Department, in order to ensure protection of State-listed aquatic species, particularly Blandings and Spotted turtles.
4. This permit is contingent upon coordination with NH Natural Heritage Bureau relative to water levels and protection of the State-listed plant species ovoid spike sedge.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Appropriate siltation, erosion, and 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. 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 in place until suspended particles have settled and the water at the work site has returned to normal clarity.
8. 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.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. 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.
20. 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 greater than 20,000 square feet in the aggregate of non-tidal wetlands.
2. Compensatory mitigation is not required for this project, pursuant to Env-Wt 302.02(c)(2)c., and Env-Wt 302.02(d).
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This high hazard dam, built 175 years ago, has leakage and stability issues, and the project represents necessary repairs and reconstruction to ensure the structure's safety and functionality.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The permanent impacts are confined to the general footprint of the existing dam; the earthen coffer dam structure will be temporary and removed upon completion of work.
5. 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 applicant has coordinated with NH Fish & Game Department and the Loon Preservation Committee to address State-listed aquatic and waterfowl species; the permit is further conditioned with water drawdown timing requirements and coordination requirements with NH Natural Heritage Bureau with respect to the listed plant species.
6. DES Dam Bureau Staff have conducted field inspections of the dam in the course of evaluating the condition of the dam and engineering the repair solutions.
7. 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 resource, as identified under RSA 482-A:1.

**MINOR IMPACT PROJECT**

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**2009-01687                      JESANIS, MICHAEL**  
**SUNAPEE   Lake Sunapee**

Requested Action:

Request permit time extension.

Repair an existing 12 ft x 18 ft permanent dock supported by an 8 ft x 12 ft crib in kind, dredge to remove remnants of an abandoned 10 ft x 10 ft crib and a 10 ft x 7 ft abandoned crib, install a 6 ft x 40 ft seasonal dock attached to a 4 ft x 7 ft concrete pad, install a seasonal boatlift between the seasonal dock and the permanent dock with a 13 ft x 28 ft seasonal canopy, and install two seasonal personal watercraft lifts south of the permanent docking structure on an average of 314 feet of frontage on Lake Sunapee, in Sunapee.

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Conservation Commission/Staff Comments:

Con Com submitted comments

APPROVE TIME EXTENSION:

Repair an existing 12 ft x 18 ft permanent dock supported by an 8 ft x 12 ft crib in kind, dredge to remove remnants of an abandoned 10 ft x 10 ft crib and a 10 ft x 7 ft abandoned crib, install a 6 ft x 40 ft seasonal dock attached to a 4 ft x 7 ft concrete pad, install a seasonal boatlift between the seasonal dock and the permanent dock with a 13 ft x 28 ft seasonal canopy, and install two seasonal personal watercraft lifts south of the permanent docking structure on an average of 314 feet of frontage on Lake Sunapee, in Sunapee.

With Conditions:

1. All work shall be in accordance with dock plans by Pellettieri Associates Inc dated October 12, 2010, and beach plans by Pellettieri Associates Inc dated October 13, 2010, as received by the NH Department of Environmental Services (DES) on October 15, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The permanent dock shall be repaired in kind with no expansion, as indicated on the approved plans.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
11. The seasonal boat lift shall be removed from the lake for the non-boating season.
12. The seasonal personal watercraft lifts shall be removed from the lake for the non-boating season.
13. 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 1093.15). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
14. The steps installed for access to the water shall be located completely landward of the normal high water line.
15. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
16. This permit shall be used only once, and does not allow for annual beach replenishment.
17. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
18. 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.
19. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. 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.

**2014-01253                      PAMELA J CORREIA REVOCABLE TRUST**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Install two seasonal watercraft lifts adjacent to an existing 6 ft. x 40 ft. seasonal pier with a 9 ft. x 21 ft. canopy on an average of 105 ft. of frontage along Lake Winnepesaukee in Meredith.

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APPROVE PERMIT:

Install two seasonal watercraft lifts adjacent to an existing 6 ft. x 40 ft. seasonal pier with a 9 ft. x 21 ft. canopy on an average of 105 ft. of frontage along Lake Winnepesaukee in Meredith.

With Conditions:

1. All work shall be in accordance with revised plans by Watermark Marine Construction dated August 19, 2015, as received by the NH Department of Environmental Services (DES) on August 19, 2015.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These structures and the three existing personal watercraft lifts shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the docking structures shall extend more than 40 ft. from the shoreline at full lake elevation.
6. The canopy shall remain of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
7. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), alteration of seasonal docking structures proving not more than 2 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2015-01119                      UNIVERSITY OF NEW HAMPSHIRE**  
**DURHAM   Pettee Brook**

Requested Action:

Impact a total of 1,150 square feet of Pettee Brook for construction of a re-designed replacement for the UNH Outdoor Pool, including 930 square feet of surface water impact (155 linear feet) associated with installation of a 60" diameter x 155' long HDPE corrugated culvert; 200 square feet of wetland impact associated with inlet headwall replacement; 260 square feet of bank impact associated with grading and stabilization around the inlet headwall; 120 square feet of bank grading and stabilization at the outlet.  
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APPROVE PERMIT:

Impact a total of 1,150 square feet of Pettee Brook for construction of a re-designed replacement for the UNH Outdoor Pool, including 930 square feet of surface water impact (155 linear feet) associated with installation of a 60" diameter x 155' long HDPE corrugated culvert; 200 square feet of wetland impact associated with inlet headwall replacement; 260 square feet of bank impact associated with grading and stabilization around the inlet headwall; 120 square feet of bank grading and stabilization at the outlet.

With Conditions:

1. All work shall be in accordance with plans by HG Architects and Oak Point Associates dated 8/17/2015, as received by the NH Department of Environmental Services (DES) on 8/20/2015.
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 upon submission by the permittee, and approval by DES, of final dewatering plan that adequately protects water quality within Pettee Brook prior to, during and following construction activities at the project site.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources

Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

5. Work shall be done during low flow.
6. Appropriate siltation, erosion, and 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. Relative to the protection of the Norther Black Racer snake, there shall be no use, either temporary or permanent, of any type of mesh-type material (whether nylon, plastic, string or other), including, but not limited to as a component of stabilization matting or fencing, that could entrap this species. All personnel shall be made able and aware to visually recognize this snake species, and any sightings of the species shall be reported to the NHFG Non-game and Endangered Wildlife section immediately following the encounter.
8. 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 in place until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
10. 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.
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. Silt fencing must be removed once the area is stabilized.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that disturb less than 200 linear feet of a perennial stream, and per Rule Env-Wt 903.01(f)(1)c, as a Tier 2 replacement crossing.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project proposes to upgrade an existing conveyance of Pettee Brook associated with construction of the University's new (replacement) outdoor pool, to a degree that will prevent storm event stream flows from flooding into the pool.
3. The applicant has provided evidence to support that their proposal is a practicable alternative given timing and cost constraints, and which also achieves adequate storm flows and aquatic species passage for the American Eel.
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. Passage for the State-listed species of special concern, the American Eel has been addressed in the culvert design by the applicant in coordination with NH Fish & Game Department. Two listed species reported by the NH Natural Heritage Bureau, the swamp darter and banded sunfish, were not considered to be present on the project site; and conditions have been included in the permit to protect the listed northern black racer.
5. DES Staff conducted a field inspections of the proposed project on 4/10/2015, 4/23/2015.

Requested Action:

Remove 6 piling, repair or replace two tie off piling and a 6 ft. x 43 ft. 5 in. pier on six remaining support piling, and relocate 5 rocks currently within the approach to the dock on approximately 100 ft. of frontage along Lake Winnepesaukee, in Alton.

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APPROVE PERMIT:

Remove 6 piling, repair or replace two tie off piling and a 6 ft. x 43 ft. 5 in. pier on six remaining support piling, and relocate 5 rocks currently within the approach to the dock on approximately 100 ft. of frontage along Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with revised plans by Watermark Marine Construction dated August 15, 2015, as received by the NH Department of Environmental Services (DES) on August 17, 2015.
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. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit allows for the relocation of not more than 5 rocks. This permit does not allow for any other dredging for any purpose.
9. The personal watercraft lift shall be removed for the non-boating season.
10. Rocks to be relocated within the lake bed shall only be placed in the area designated on the approved plan and in a manner that does not impede the flow of water.
11. No rocks shall be deposited within 20 ft. of an abutting property line or the imaginary extension of that line into the water.
12. 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 in place until suspended particles have settled and the water at the work site has returned to normal clarity.
13. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), dredge of less than 20 cu. yd. from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The removal of the extra six piling will bring the frontage into compliance with previous Permit #2000-02272.

2015-02142  
COLEBROOK

COLEBROOK, TOWN OF

Requested Action:

Proposal to dredge and fill 1,390 square feet, 191 linear feet, (stream bank) of Dyer Brook, a perennial stream, to stabilize an eroding stream bank and associated road slope, Aldrich Road. Work in jurisdiction includes installation of temporary sediment and erosion controls, slope reconstruction, installation of three sections of gabion wall, replacement of an existing culvert, geo-web

matting, loaming and seeding.

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APPROVE PERMIT:

Dredge and fill 1,390 square feet, 191 linear feet, (stream bank) of Dyer Brook, a perennial stream, to stabilize an eroding stream bank and associated road slope, Aldrich Road. Work in jurisdiction includes installation of temporary sediment and erosion controls, slope reconstruction, installation of three sections of gabion wall, replacement of an existing culvert, geo-web matting, loaming and seeding.

With Conditions:

1. All work shall be in accordance with plans by RJB Engineering, LLC (Sheets 1-4 of 4) dated July 30, 2015 and narratives by Beaver Brook Planning and Design, LLC, as received by DES on August 13, 2015.
2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2015-02142 prior to construction.
3. Construction in the stream/stream bank shall not occur between October 1 and May 31 to minimize impacts to the fishery resource during spawning season. If work in the stream is needed after October 1 the applicant shall contact the New Hampshire Fish and Game Department, Coldwater Fisheries Program (Lancaster, Region 1) to address any concerns with timing of the proposed work.
4. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and to assure no water quality violations occur.
5. Work shall be done during low flow conditions.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. 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.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
10. Any new materials used to emulate a natural river channel bottom must be rounded and smooth stones similar to the natural stream substrate and shall not include angular riprap or gravel.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. 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 immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. 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.
18. 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.
19. 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.
20. 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 Minor Project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear

- feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. Dyer Brook is eroding portions of Aldrich Road. In sections the road is 11.5 feet wide with an 11 foot drop to the stream. The current erosion of Aldrich Road is creating a large buildup of sediment in Dyer Brook. The project is needed for public safety and to protect water quality.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04 Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The applicant investigated four design options. The option chosen minimizes impacts to the stream to the maximum extent practicable.
- 6. There will be no permanent alteration of the stream bed.
- 7. The applicant provided a letter from the owner of property located at Town of Colebrook tax map 210 lot 4 and 5 waiving the NH Wetlands Bureau requirement of maintaining a 20 foot setback per Administrative Env-Wt 304.04.
- 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.
- 9. The Conservation Commission voted in favor of the project and waived their right to intervene pursuant to RSA 482-A:11.
- 10. The approved plans are stamped by a NH licensed professional engineer.
- 11. The department has not received any comments in opposition to the project.

**MINIMUM IMPACT PROJECT**

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**2015-01150                      NICHOLS, TUCKER**  
**EPPING   Unnamed Pond**

**Requested Action:**

Retain and impact a total of 1,350 sq. ft. of surface water impact to dredge an existing man-made pond, install outlet pipe, install spillway, and removal of dredge spoils to an upland location and stabilize exposed soil.

Waive Env-Wt 304.04 limiting the location of a project to at least 20 ft. from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.

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**Conservation Commission/Staff Comments:**

6/1/15 No Historic Properties Affected as per DHR

**APPROVE AFTER THE FACT:**

Retain and impact a total of 1,350 sq. ft. of surface water impact to dredge an existing man-made pond, install outlet pipe, install spillway, and removal of dredge spoils to an upland location and stabilize exposed soil.

Waive Env-Wt 304.04 limiting the location of a project to at least 20 ft. from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.

**With Conditions:**

- 1. All work shall be in accordance with plans by Earle Chase, NH certified wetland scientist, dated May 5, 2015, as received by the

NH Department of Environmental Services (DES) on July 14, 2015.

2. A NH certified wetland scientist shall supervise and be on-site during construction to insure work is in accordance with the approved plan.
3. There shall be no environmental impact to abutting properties.
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. Dredged material 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, 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. 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 in place until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be done during drawdown.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. 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.
12. 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(k), maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.
2. In accordance with Administrative Rule Env-Wt 302.03, 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. The work was minimized by only maintenance dredging the outside perimeter of the pond.
3. In accordance with Env-Wt 303.04(k), the work is done within the original bounds of a legally-constructed project, the project is not located in or adjacent to prime wetlands, the work does not exceed 20,000 square feet; and the pond has not been abandoned as defined in Env-Wt 101.02.
4. Unauthorized work in jurisdiction related to blockage of the stream along the property line will be addressed under separate cover.
5. In accordance with Env-Wt 204, the applicant requested a waiver from Env-Wt 304.04(a) regarding DES limiting the location of a project to at least 20 ft. from an abutting property line unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interest. The applicant sent written notices to abutter Gagnon requesting written concurrence for work within 20 ft. to the abutter's property line with no response. The applicant has demonstrated that there will be no environmental impact to the abutter and the work is conditional on no environmental impact to abutters.
6. The NH Natural Heritage Bureau ("NHB") has no record of sensitive species within the project vicinity.
7. The Epping Conservation Commission did not submit comments to DES on the application.

**2015-01478                      UNITIL**  
**EXETER    Unnamed Wetland**

Requested Action:

Retain approximately 646 square feet of fill within wetlands for the construction of a natural gas valve station within the Granite State Gas Transmission pipeline easement.

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APPROVE AFTER THE FACT:

Retain approximately 646 square feet of fill within wetlands for the construction of a natural gas valve station within the Granite State Gas Transmission pipeline easement.

With Conditions:

1. 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.
2. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. DES personnel inspected the project on May 8, 2015. During the inspection DES viewed the impacts and concluded the impacts could be retained through the submittal of an after-the-fact application as they were necessary for the project.
2. 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
3. The impacts are necessary to allow proper earth coverage for the new pipes; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
7. The Exeter Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
8. Until has received written permission for the impacts located on the property of Daniel S. Knowles, more specifically referenced as Exeter Tax Map 63 Lot 9.

**FORESTRY NOTIFICATION**

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**2015-02235                    MARQUIS, DIANE/JON**  
**CONWAY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Conway, Tax Map #272, Lot #10

**2015-02236                    SCHWARTZ, MARY/THOMAS**  
**EFFINGHAM   Unnamed Stream**

Requested Action:  
Effingham, Tax Map #408, Lot #50

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**2015-02238                    MURPHY, MICHAEL**  
**FRANCESTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Francestown, Tax Map #3, Lot #s 29-1 & 30

**2015-02239                    HARDWICK, DAVID**  
**BENNINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bennington, Tax Map #19, Lot #21B

**2015-02240                    ROY, JOHN**  
**BATH   Unnamed Stream**

Requested Action:  
Bath, Tax Map 17, Lot 7  
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**2015-02241                    LAROZA, ELIZABETH**  
**RICHMOND   Unnamed Stream**

COMPLETE NOTIFICATION:  
Richmond, Tax Map #403, Lot #15

**2015-02243                    S & P REALTY**  
**BELMONT   Unnamed Stream**

Requested Action:  
Belmont, Tax map 225, Lot 19  
\*\*\*\*\*

**2015-02248                    HERTEL, VAN**  
**DEERFIELD   Unnamed Stream**

**2015-02252                    NEW ENGLAND FORESTRY FOUNDATION**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sanbornton, Tax Map #M1, Lot #11-2

**2015-02253                    BARNES, SIDNEY**  
**ENFIELD   Unnamed Stream**

**2015-02254                    WHATMOUGH, DAVID/HAROLD**  
**DEERFIELD   Unnamed Stream**

Requested Action:

Deerfield, Tax Map 410, Lot 86

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**2015-02257                    KNOX MT LLC**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Sanbornton, Tax Map# M7, Lot #005

**2015-02260                    KLAUS BIEMANN REV TR & VERA BIEMANN FAMILY TR**  
**WAKEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Wakefield, Tax Map #10, Lot #006

**2015-02265                    HARTNETT, KATHERINE**  
**DEERFIELD   Unnamed Stream**

Requested Action:

Deerfield, Tax Map 413, Lot 95

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**2015-02267                    BRADBURY, JO ANNE**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Deerfield, Tax Map #414, Lot #s 143, 145, 147, 148

**2015-02278                    HUNTER, STEPHEN**  
**MOULTONBOROUGH   Unnamed Stream**

Requested Action:

Tuftsboro, Tax Maps 153/ 154/ 157 Lots 2 & 3/ 3/ 1

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**2015-02279                    ROGERS, GAYLE**  
**GOSHEN   Unnamed Stream**

COMPLETE NOTIFICATION:

Goshen, Tax Map# 206, Lot #22

**2015-02280 TICHY, TED  
MILAN Unnamed Stream**

Requested Action:

Milan, Tax Map 131, Lots 1, 58

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**EXPEDITED MINIMUM**

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**2015-01929 MOORE, DR RICHARD  
LACONIA Opechee Bay**

Requested Action:

Proposal to dredge and fill 73 sq. ft. of wetlands to replace and upgrade an existing storm drain outlet.

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Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 73 sq. ft. of wetlands to replace and upgrade an existing storm drain outlet.

With Conditions:

1. All work shall be in accordance with plans by Loureiro Engineering Associates, Inc. dated July 23, 2015, as received by the NH Department of Environmental Services (DES) on July 27, 2015.
2. Work shall be done during low flow.
3. The ADS (or similar) water quality unit shall be installed and functioning in conjunction with the culvert/outlet upgrade.
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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.
8. 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.
9. 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.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.
14. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for

obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a 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 stormwater improvement project includes an ADS water quality structure.
6. The applicant provided permission from the associated landowner.

2015-01986

ALTON, TOWN OF

ALTON

Requested Action:

Proposal to dredge and fill 165 sq. ft. (temporary impact) of intermittent stream, Tier One, to replace a 45 in. x 66 in. x 30 ft. squashed round culvert with a 45 in. x 66 in. x 30 ft. embedded pipe arch culvert on Cook Road in Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 165 sq. ft. (temporary impact) of intermittent stream, Tier One, to replace a 45 in. x 66 in. x 30 ft. squashed round culvert with a 45 in. x 66 in. x 30 ft. embedded pipe arch culvert on Cook Road in Alton.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental, LLC dated 7/28/15, as received by the NH Department of Environmental Services (DES) on July 30, 2015.
2. Work shall be done during low flow.
3. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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.
8. 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.
9. 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.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater

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

11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

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

2015-01993  
MEREDITH

SOUSCO LLC

Requested Action:

Proposal to dredge and fill 1,735 of wetlands for construction of a driveway, sewer and utility lines for a proposed two family dwelling. Work in wetlands consists installation of a 18 in. x 30 ft. HDPE culvert, associated grading, filling and culvert headwalls and utilities.

\*\*\*\*\*

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 1,735 of wetlands for construction of a driveway, sewer and utility lines for a proposed two family dwelling. Work in wetlands consists installation of a 18 in. x 30 ft. HDPE culvert, associated grading, filling and culvert headwalls and utilities.

With Conditions:

1. All work shall be in accordance with plans by Advance Land Surveying Consultants, P.L.L.C., dated March 21, 2015, as received by the NH Department of Environmental Services (DES) on July 31, 2015.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
4. Work shall be done during low flow.
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.

**TRAILS NOTIFICATION**

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**2015-02249                    LAMPLIGHTER MOBILE HOME PARK**  
**NORTH CONWAY   Unnamed Stream**

COMPLETE NOTIFICATION:

Trail Notification, Conway Tax Map/Lot 262/84 to replace an existing crossing and drainage improvements.

**ROADWAY MAINTENANCE NOTIF**

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**2015-02251                    NH DEPARTMENT OF TRANSPORTATION DISTRICT 4**  
**STODDARD   Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace a 15" with an 18" pipe.

Repalce an 18" with a 24" pipe.

-Send to Governor and Executive Council-

**2015-02261                    NH DEPT OF TRANSPORTATION**  
**NASHUA   Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace three 12" pipes near mile marker 2.5.

**PERMIT BY NOTIFICATION**

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**2015-02019                      TOUSLEY, TOBY**  
**KEENE    Unnamed Wetland**

Requested Action:

Permit by Notification complete for Maintenance of a non-docking structure; Maintenance, repair or replacement of a non-docking structure.

\*\*\*\*\*

PBN IS COMPLETE:

Permit by Notification complete for Maintenance of a non-docking structure; Maintenance, repair or replacement of a non-docking structure.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7) The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).

**2015-02046                      LOG CABIN ASSOCIATION, FRED JOHNSON**  
**FRANKLIN    Webster Lake**

Requested Action:

Replenishment of sand on an existing beach, provided no sand shall be placed below the high water line or full pond elevation and no more than 10 cubic yards of sand shall be used.

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PBN IS COMPLETE:

Replenishment of sand on an existing beach, provided no sand shall be placed below the high water line or full pond elevation and no more than 10 cubic yards of sand shall be used.

**2015-02063                      SHIN, BRIAN/NANA**  
**MEREDITH    Lake Winnepesaukee**

Requested Action:

Repair or replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location, or configuration in accordance with plans dated July 9, 2015. If a wall is to be refaced such additional width shall not exceed 6 inches.

\*\*\*\*\*

PBN IS COMPLETE:

Repair or replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location, or configuration in accordance with plans dated July 9, 2015. If a wall is to be refaced such

additional width shall not exceed 6 inches.

**CSPA PERMIT**

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**2011-00416                    DEGREGORY, LISA/RICHARD**  
**LACONIA   Winnisquam Lake**

Requested Action:

Amendment Description: Plans revised in order to propose a attached garage, install one patio, and remove propose walkway.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Impact 6,895 sq ft in order to construct an attached garage, modify existing driveway, add a patio, remove and repair retaining walls within the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated August 10, 2015 and received by the NH Department of Environmental Services (DES) on August 11, 2015.
2. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,100 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. 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.

**2011-01688                    GUARALDI, LEONARD/SANDRA**  
**LEBANON   Mascoma Lake**

Requested Action:

Amended Permit Description: Plans revised to relocate the structure.

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**APPROVE AMENDMENT:**

Revised plans in order to relocate the approved structure. Impact 2,629 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing stormwater controls.

With Conditions:

1. All work shall be in accordance with revised plans by Pathways Consulting, LLC, dated August 5, 2015 and received by the Department of Environmental Services ("DES") on August 17, 2015.
2. No more than 12.3% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.

3. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
4. No impacts shall occur to natural ground covers within the waterfront buffer.
5. The vegetation planted within the bio-retention areas shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction.
6. The vegetation planted within the bio-retention areas shall not be removed without the written approval of DES.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

**2014-00737                      TOMMY B RIVER VIEW LLC**  
**HILLSBOROUGH    Contoocook River**

Requested Action:

Amendment Description: Revise the plans to increase temporary impacts and reduce overall impervious area from 29.9% to 23.0%.

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APPROVE AMENDMENT:

Impact 55,284 sq ft in order to replace existing barn with 5,086 sq ft dental office and parking area.

With Conditions:

1. All work shall be in accordance with revised plans by Moser Engineering dated July 20, 2015 and received by the NH Department of Environmental Services (DES) on July 23, 2015.
2. No more than 23.07% 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 pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
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.

**2015-01912                      EMERSON, ANNE/RANDALL**  
**STODDARD   Highland Lake**

Requested Action:

Impact 5,812 sq. ft. to demolish existing house, construct a new house, expand driveway, replace an existing culvert and remove two trees from the natural woodland buffer in order to replace the existing septic system.

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APPROVE PERMIT:

Impact 5,812 sq. ft. to demolish existing house, construct a new house, expand driveway, replace an existing culvert and remove two trees from the natural woodland buffer in order to replace the existing septic system.

Waiver Approved: RSA 483-B:9,V(b)(2)(A) is waived with respect to maintaining 25% of the area within the natural woodland buffer in an unaltered state.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design, LLC dated July 15, 2015 as revised in response to a More Information Request issued by the Department on August 19, 2015, and received by the NH Department of Environmental Services (DES) on August 21, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
11. 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 Applicant requested a waiver of RSA 483-B:9,V(b)(2)(A) pursuant to RSA 483-B:9,V(i).
2. The Department finds that the proposal is needed in order to replace the existing septic system because there is no other location on the property where the new system could be placed due to surface water and domestic well setback requirements; therefore, the requested waiver is granted.

**2015-01926                      GUSTAFSON, COLLEEN/PAUL**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Impact 2,858 sq ft in order replace impervious patio with new pervious patio and replace other deteriorating accessory structures

within the waterfront buffer.

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**APPROVE PERMIT:**

Impact 2,858 sq ft in order replace impervious patio with new pervious patio and replace other deteriorating accessory structures within the waterfront buffer.

**With Conditions:**

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants LLC dated July 14, 2015 and received by the NH Department of Environmental Services (DES) on July 31, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 19.9% 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 7,745 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
11. 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.

**2015-01930                      PANARELLO, JOSEPH**  
**WASHINGTON   Halfmoon Pond**

**2015-01932                      STEPHENS, DAVID/SUE**  
**UNITY   Crescent Lake**

**Requested Action:**

Impact 2,323 sq ft in order to raze existing residence and construct a new residence, modify existing driveway, parking areas, and walkways.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 2,323 sq ft in order to raze existing residence and construct a new residence, modify existing driveway, parking areas, and walkways.

**With Conditions:**

1. All work shall be in accordance with plans by WM Evans Engineering, LLC dated July 21, 2015 and received by the NH

Department of Environmental Services (DES) on July 27, 2015.

2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 10.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 7,498 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. 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.

**2015-01950                      CFF CHILDRENS TRUST**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Impact 23,868 sq. ft. to raze an existing house and construct a new house and garage/workshop; reconfigure and expand the existing driveway; install retaining walls, a rain garden, infiltration trenches and a new septic system.

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APPROVE PERMIT:

Impact 23,868 sq. ft. to raze an existing house and construct a new house and garage/workshop; reconfigure and expand the existing driveway; install retaining walls, a rain garden, infiltration trenches and a new septic system.

With Conditions:

1. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
2. All work shall be in accordance with plans by White Mountain Survey & Engineering, Inc. dated July 23, 2015 and received by the NH Department of Environmental Services (DES) on July 28, 2015.
3. No more than 28% of the area of Lot 21 within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES and no new impervious area is permitted on Lot 22 unless additional approval is obtained from DES.
4. At least 5,845 sq. ft. of the Natural Woodland Buffer beyond the primary building setback on Lot 21 must remain in an unaltered state in order to comply with RSA 483-B:9,V(b)(2). The Natural Woodland Buffer on Lot 22 must not be disturbed under this approval.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater

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

11. 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.

**2015-01967                      SOMERSWORTH, CITY OF**  
**SOMERSWORTH   Salmon Falls River**

**Requested Action:**

Project for the construction of a hand carry boat launch within the Shoreland jurisdiction includes, the resurfacing of an existing driveway, construction of a pavilion, regrading a gravel area, and adding a 6 ft wide path to a boat launch under a separate Wetlands Application.

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**Conservation Commission/Staff Comments:**

8/17/15 Con Com does not object to project.

**APPROVE PERMIT:**

Project for the construction of a hand carry boat launch within the Shoreland jurisdiction includes, the resurfacing of an existing driveway, construction of a pavilion, regrading a gravel area, and adding a 6 ft wide path to a boat launch under a separate Wetlands Application.

**With Conditions:**

1. All work shall be in accordance with plans by CMA Engineers dated June 2015 and received by the NH Department of Environmental Services (DES) on July 29, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 7.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 10,225 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
12. 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.

**2015-02014                      MANDIGO, WILLIAM**  
**WOLFEBORO   Rust Pond**

Requested Action:

Impact 7,231 sq ft in order to construct a new home, septic system, driveway, and well.

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APPROVE PERMIT:

Impact 7,231 sq ft in order to construct a new home, septic system, driveway, and well.

With Conditions:

1. All work shall be in accordance with plans by Mark E. McConkey dated July 31, 2015 and received by the NH Department of Environmental Services (DES) on August 3, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 6.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 5,006 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. 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.

