

# Wetlands Applications Decision Report

Decisions Taken  
10/02/2017 to 10/08/2017

Approved  
10/11/17  
MAT

## **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 [atappeals@des.nh.gov](mailto:atappeals@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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**2017-01619**

**EVERSOURCE ENERGY**

**PORTSMOUTH Unnamed Wetland**

**Requested Action:**

Temporarily access and reconstruct 29 utility electric transmission poles, including retaining one after-the-fact emergency replacement pole associated with a 1.66 mile section of the existing E194 and U181 transmission lines, including: 220,904 square feet of temporary impact, and 1,220 permanent impact to Portsmouth designated prime wetland number 3A "The Great Bog" ; 64,474 square feet of temporary impact and 240 square feet of permanent impact to Portsmouth designated prime wetland number 3A buffer; and 11,089 square feet of temporary impact and 120 square feet of impact to emergent wetlands in the town of Greenland. Mitigation to consist of a payment to the Aquatic Resources Mitigation fund of \$\$166,810.58

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**APPROVE PERMIT**

Temporarily access and reconstruct 29 utility electric transmission poles, including retaining one after-the-fact emergency replacement pole associated with a 1.66 mile section of the existing E194 and U181 transmission lines, including: 220,904 square feet of temporary impact, and 1,220 permanent impact to Portsmouth designated prime wetland number 3A "The Great Bog" ; 64,474 square feet of temporary impact and 240 square feet of permanent impact to Portsmouth designated prime wetland number 3A buffer; and 11,089 square feet of temporary impact and 120 square feet of impact to emergent wetlands in the town of Greenland. Compensatory mitigation to for US Army Corps of Engineers consists of a one-time payment of \$166,810.58 dollars into the Aquatic Resources Mitigation ("ARM") fund.

**With Conditions:**

1. All work shall be in accordance with revised plans by GZA GeoEnvironmental, Inc. dated 8/31/2017, as received by DES on 9/5/2017.
2. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
3. A land resource professional shall regularly inspect the project to insure compliance with appropriate "Best Management Practices for Utility Maintenance In and Adjacent to Wetlands and Waterbodies in NH" guidance, approved plans and permit conditions, and prior to completion of the project.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
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. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during frozen conditions or low flow.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
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. Prior to each relocation and installation; swamp mats shall be inspected for and removed of all vegetative matter to

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prevent transfer and spread of invasive species to further areas within the prime wetland.

15. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.

16. This approval is not valid until DES receives a one-time payment of \$166,810.58 to the DES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to DES. If DES does not receive payment within 120 days of the date of this approval letter, DES will deny the application.

**With Findings:**

1. This is a major project pursuant to Env-Wt 303.02 (c) projects which involve alteration of non-tidal wetlands in excess of 20,000 square feet, and per Env-Wt 303.02 (f), projects in or adjacent to designated prime wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The utility needs to install 28 replacement utility poles in an existing transmission line, and retain one pole installed under Emergency Authorization 2017-1725.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The work is limited to temporary impact for access in the existing utility easement and a total of 1,580 square feet of permanent impact for installation of 29 replacement poles.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project, as well as the criteria for approval for projects in or adjacent to prime wetlands pursuant to Env-Wt 703.01.
5. Portsmouth Prime Wetlands 3A (the "Great Bog") was designated with primary functions of largest size wetland at 542 acres, and as rare plant species habitat (exemplary natural community).
6. The applicant has demonstrated that the project represents temporary disturbance in an existing utility easement for necessary installation of a public utility electricity transmission poles, and that the project it will not affect the size of the Great Bog prime wetland, primary function number one, or any of the other noted functions.
7. The NH Heritage Bureau ("NHB") reports several listed plant and wildlife species as occurring in the Great Bog wetland. The applicant has coordinated with NHB and NH Fish & Game Department and has developed an extensive list of protective measures as recommended by the agencies, to address the concerns of those agencies.
8. The Portsmouth Conservation Commission has reviewed, and recommends approval of the project, per statement received by DES on 7/19/17. The City of Portsmouth has further agreed to forego the 20-day waiting period for release of permits associated with projects in prime wetlands as required by Env-Wt 704.01, and recommends immediate release of the permit to the applicant following DES approval.
9. Based on findings #1-8 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
10. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
11. The payment calculated for the proposed wetland loss equals \$166,810.58.
12. The payment into the ARM fund shall be deposited in the DES fund for the Salmon Falls - Piscataqua River watershed per RSA 482-A:29.

2017-02049

NH DEPT OF TRANSPORTATION

**TAMWORTH BEARCAMP RIVER**

**Requested Action:**

Replace a three span bridge with a 2 ft. wider single span installing new abutments and superstructure, removing the two existing piers to existing grade and place rip rap on banks using a temporary construction entrance in the river impacting 16,063 sq. ft. (15,024 sq. ft. temporary) of riverine wetlands.

Compensatory mitigation includes a one-time payment of \$23,523.84 to the Aquatic Resource Mitigation Fund. NHDOT project #16239

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**Conservation Commission/Staff Comments:**

Cons. Comm. - no comments

DHR issued comments.

#### APPROVE PERMIT

Replace a three span bridge with a 2 ft. wider single span installing new abutments and superstructure, removing the two existing piers to existing grade and place rip rap on banks using a temporary construction entrance in the river impacting 16,063 sq. ft. (15,024 sq. ft. temporary) of riverine wetlands.

Compensatory mitigation includes a one-time payment of \$23,523.84 to the Aquatic Resource Mitigation Fund. NHDOT project #16239

#### With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, dated 7/10/17 as received by the NH Department of Environmental Services (DES) on July 13, 2017.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless specifically authorized.
3. Unconfined work within the stream, 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; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
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 impacts associated with the temporary work shall be restored immediately following construction.
17. The permittee shall provide for the safety of recreational users of the river during construction.
18. Reasonable access shall be maintained relative to navigability.
19. Aquatic organism passage shall be accommodated during all phases of construction.
20. A copy of the access design including a construction sequence is to be submitted to the file prior to scheduling the pre-construction meeting required per condition # 21.
21. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit.
22. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.
23. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau at least 10 working days in advance of the meeting to be held as required by permit condition #21. Those plans shall be complete and shall include details regarding the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
24. Prior to construction, a copy of the planting plan is to be submitted to the file as noted at the Natural Resource Agency meeting held on March 15, 2017.

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25. A copy plans and details instead of references, specifically meeting all of the requirements listed in rule Env-Wt 404.04 to be submitted to the file prior to scheduling the pre-construction meeting required per condition # 21.
26. Plans specifically meeting the requirements of rule set Env-Wt parts 100 through 900 eliminating the statement "permitting plan set - not issued for construction" to be submitted to the file prior to scheduling the pre-construction meeting required per condition # 21.
27. A copy of the technical report required per Env-Wt 904.09 shall be submitted prior to scheduling the pre-construction meeting required per condition # 21.
28. This approval is not valid until DES receives a one-time payment of \$23,523.84 to the DES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to DES. If DES does not receive payment within 120 days of the date of this approval letter, DES will deny the application.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), 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. Requirements for Application Evaluation, has been considered in the design of the project.
4. The project was coordinated through the Natural Resource Agency monthly meetings and discussed on Aug. 21, 2017 and March 15, 2017.
5. Per rule Env-Wt 302.03(b) mitigation is required for the project for the permanent impacts that will remain.
6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.
7. The DES has determined the applicant has met the purpose of the current stream rules relative to not causing damage upstream or downstream and not impeding aquatic organisms.
8. The minutes from the Natural Resource Agency meeting held on March 15, 2017 indicates that the proposed crossing will meet the requirements of the stream crossing rules.
9. The design as submitted meets many of the criteria listed in rule Env-Wt 904.05.
10. Per rule Env-Wt 902.17, "Span structure" means a structure that crosses from the top of one bank to the top of the opposite bank, such that it does not disturb the stream channel or its banks.
11. Per rule Env-Wt 904.04 (d), a tier 3 stream crossing shall be a span structure or an open-bottomed culvert with stream simulation, not a closed-bottom culvert or pipe arch.
12. Per rule Env-Wt 904.05 Design Criteria for Tier 2 and Tier 3 Stream Crossings. New tier 2 stream crossings, replacement tier 2 stream crossings that do not meet the requirements of Env-Wt 904.07, and new and replacement tier 3 stream crossings shall be designed and constructed in accordance with (a) through (g).
13. Per rule Env-Wt 904.08 Replacing Tier 3 Existing Legal Stream Crossings.
  - (a) As part of an application for replacing an existing legal crossing that would be classified as a tier 3 stream crossing under Env-Wt 904.04(a), the applicant shall provide an assessment of the geomorphic compatibility of the existing stream crossing based on the NH Stream Crossing Guidelines, University of New Hampshire, May 2009, which can be downloaded for free at [http://www.unh.edu/erg/stream\\_restoration/](http://www.unh.edu/erg/stream_restoration/).
  - (b) A replacement tier 3 stream crossing shall comply with the specific design criteria in Env-Wt 904.05, unless a request for an alternative design is submitted and approved as specified in Env-Wt 904.09
14. The applicant has provided information relative to the hydraulic opening where the rules request an assessment of the geomorphic compatibility based on the Stream Crossing Guidelines.
15. The application states the structure will not alter the alignment or natural substrate of the existing river although the plans indicate permanent perennial stream and bank impacts to be mitigated using the Aquatic Resource Mitigation fund.
16. The application proposes to mitigate the permanent perennial stream and bank impacts of 96 linear feet through a payment into the Aquatic Resource Mitigation fund.
17. Although not requested by the applicant the DES is processing the application as an alternative design per rule Env-Wt 904.09.
18. A review of habitat maps indicates this riverine system is noted as highest in NH with the exception of the crossing area and approximately ¼ mile upstream and downstream of this crossing.

Mitigation Findings:

19. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
20. The payment calculated for the proposed wetland loss equals \$23,523.84.
21. 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).

**MINOR IMPACT PROJECT**

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**2017-00655**

**MCCUTCHEON FAMILY 2010 REVOCABLE TRUST**

**CLAREMONT SUGAR RIVER**

Requested Action:

Dredge and fill 5,998 square feet of palustrine forested wetland for a multi-unit condo development with a 60-unit senior housing facility.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP**

Deny for untimely response to RFMI.

With Findings:

1. A request for additional information letter dated March 09, 2017, addressed to the Property Owner, requested that the applicant provide additional information to DES, including a town tax map, application fee, site photos and the Natural Heritage Bureau datacheck report, within 60 days.
2. On May 05, 2017, a letter was sent to the applicant stating that the application had been accepted and supporting materials had been received. The application had been forwarded to technical review.
3. In correspondence dated May 30, 2017, from the United States Department of the Army, New England District, Corps of Engineers (USACOE), stated that the project was not eligible for the New Hampshire Programmatic General Permit (PGP) because the Environmental Protection Agency (USEPA) has expressed concerns related to potential vernal pool impacts as a result of the project.
4. On July 05, 2017, a request for more information was issued by DES to address deficiencies in the application related to required plan elements, construction sequencing, proximity to abutters, required Major and Minor 20 Questions Attachment A, demonstration of alternatives considered for avoidance and minimization, a town tax map and to address the comments provided by the USACOE and USEPA. Response to this letter was due within 60 days of the request, or by September 03, 2017.
5. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
6. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2017-01839**

**TOWN OF ALTON**

**ALTON LAKE WINNIPESAUKEE**

Requested Action:

Impact 1,128 square feet of bank and lakebed along 222 feet of shoreline in order to remove 33 linear feet of temporary retaining wall and replace 222 linear feet of stone and mortar retaining wall with a precast block retaining wall on an average of 518 feet of frontage along Lake Winnepesaukee, in Alton.

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Conservation Commission/Staff Comments:

9-19-17 - No historic properties affected per DHR.

#### APPROVE PERMIT

Impact 1,128 square feet of bank and lakebed along 222 feet of shoreline in order to remove 33 linear feet of temporary retaining wall and replace 222 linear feet of stone and mortar retaining wall with a precast block retaining wall on an average of 518 feet of frontage along Lake Winnepesaukee, in Alton.

#### With Conditions:

1. All work shall be in accordance with revised plans by Richard D. Bartlett & Associates, LLC dated May 2, 2017, as received by DES on September 5, 2017.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
3. The Town of Alton shall submit plans for any cofferdam or dewatering basin to be installed or constructed and shall receive written approval for said structures prior to their installation or construction.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
10. The repairs shall maintain the size, location, and configuration of the pre-existing structures with the exception that a free standing wall shall be constructed immediately on top of the retaining wall for the purpose of improving public safety.
11. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
12. The permittee/permittee's contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.
13. 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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j) Repair or replacement of existing retaining walls that requires work in the water, but that results in no change in height, length, location, or configuration.
2. the project will not result in any change in the elevation of the retained bank.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The Applicant has provided the drainage details that had previous been requested by the Alton Conservation Commission on the revised plans.

2017-01873

MURPHY, KEVIN

#### BELMONT WINNISQUAM LAKE

#### Requested Action:

Impact 572 square feet of bank and lakebed along 68 feet of shoreline in order to remove an existing timber retaining wall, construct a new block retaining wall landward of the pre-existing wall, and place 6 inch rip-rap toe protection along the full length of the new wall on an average of 68 feet of frontage along Lake Winnisquam, in Belmont.

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Conservation Commission/Staff Comments:  
7-12-17 - No historic properties affected per DHR.

**APPROVE PERMIT**

Impact 572 square feet of bank and lakebed along 68 feet of shoreline in order to remove an existing timber retaining wall, construct a new block retaining wall landward of the pre-existing wall, and place 6 inch rip-rap toe protection along the full length of the new wall on an average of 68 feet of frontage along Lake Winnisquam, in Belmont.

**With Conditions:**

1. All work shall be in accordance with revised plans by Bryan I. Bailey, Inc. dated September 7, 2017, as received by DES on September 12, 2017.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
3. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
7. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
9. This permit shall not preclude DES from initiating appropriate action if DES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.
10. Both the retaining wall and rip-rap shall be located landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
11. The permittee/permittee's contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k) projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank.
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.

2017-02138

FRANCES H LANE REVOCABLE TRUST

CLAREMONT Unnamed Wetland

Requested Action:

10/02/2017 to 10/08/2017

Dredge and fill 7,410 square feet (SF) of an unnamed wet meadow for driveway access to a proposed car dealership and install three 2 foot diameter by 45 foot culverts and one 18 inch diameter by 52 foot long culvert in order to maintain hydraulic connectivity within the wetland. In addition, temporarily impact 1,490 SF of an unnamed wet meadow for temporary erosion controls and equipment access.

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Conservation Commission/Staff Comments:

Per DHR, no historic properties affected.

8/14/17 Con. Com. has viewed the proposed project site and reviewed the project plans with the applicant and engineer and is satisfied that the project as designed will have minimal impact to the wetland.

9-19-17 - No historic properties affected per DHR.

APPROVE PERMIT

Dredge and fill 7,410 square feet (SF) of an unnamed wet meadow for driveway access to a proposed car dealership and install three 2 foot diameter by 45 foot culverts and one 18 inch diameter by 52 foot long culvert in order to maintain hydraulic connectivity within the wetland. In addition, temporarily impact 1,490 SF of an unnamed wet meadow for temporary erosion controls and equipment access.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated July 11, 2017, and revised through September 08, 2017, as received by the NH Department of Environmental Services (DES) on September 21, 2017.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is not valid unless a septic system construction approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
4. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the DES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
5. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
6. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
8. Erosion control products shall be installed per manufacturers recommended specifications.
9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).
11. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.
12. The permittee shall control invasive plant species such as Purple loosestrife (*Lythrum salicaria*) and Common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Program if any such species is found in the stabilization areas during construction or during the early stages of vegetative establishment.
13. No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant, which includes all of their cultivars and varieties listed in Table 3800.1 of the New Hampshire prohibited invasive species list (Agr 3802.01).
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
16. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
18. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify

that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, appropriate measures are taken to prevent the spread of invasive species to and from the site, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the DES Wetlands Program within 60 days of final site stabilization.

21. The permittee/permittee's contractor shall regrade temporary impact areas to pre-construction conditions and plant native species similar to those within the wetland prior to impact, exclusive of any invasive or nuisance species. The permittee shall implement corrective measure promptly if needed to ensure the plantings survive.

22. The permittee or permittee's contractor shall properly construct, landscape, and monitor the temporary impact areas, and shall take such remedial actions as may be necessary to create functioning wetland areas similar to those of the wetlands impacted by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

23. Restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Program.

24. Restoration of temporary impact areas shall not be considered successful if sites are invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The permittee shall submit a remediation plan to DES that proposes measures to be taken to eradicate nuisance species during this same period.

25. 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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a Minor Project per NH Administrative Rule Env-Wt 303.03(h), as the project involves the alteration of 8,900 square feet of an unnamed wet meadow for driveway access to a proposed car dealership.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01. An email received on September 08, 2017, from the Claremont City Planner, stated that constructing the driveway access through the available upland portion of the lot from the adjacent road would "introduce new commercial traffic to a principally residential area and have substantial impacts on no fewer than six residences." Additionally, utilizing the available upland for access would disturb the potential agricultural use proposed to the town by the property owner.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03, as the proposed driveway uses an available upland "island" area to reduce the potential wetland impact of the project.

4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. In an email received by DES on September 08, 2017, a Certified Wetland Scientist (CWS) confirmed the presence of established stands of invasive species, particularly common reed (*Phragmites australis*) and purple loosestrife (*Lythrum salicaria*), at the site.

6. In a review letter dated June 22, 2017, the NH Division of Historical Resources (DHR) stated that no historic properties are expected to be affected by the proposed project.

7. In a review letter dated June 07, 2017 and received by DES on July 20, 2017, the NH Natural Heritage Bureau (NHB) stated that there was no record in the vicinity of the project.

8. In a letter received by DES on August 14, 2017, the Claremont Conservation Commission stated they had no oppositions to the project as originally proposed.

9. In a New Hampshire Programmatic General Permit review performed by the US Army Corp of Engineers dated September 12, 2017, the US Environmental Protection Agency determined that the project was eligible for a Programmatic General Permit as proposed.

10. The land proposed for development qualifies as a Highest Ranked Habitat in New Hampshire per the Wildlife Action Plan (WAP) formulated by NH Fish and Game last revised in 2015, likely because it was classified as a grassland habitat that was formerly used as agricultural land. In an email from the Claremont City Planner, dated September 08, 2017, it was stated that the owner of the property proposed for development is "seeking to maintain most of the undeveloped upland area for agricultural use," which would likely preserve the usefulness of that habitat.

2017-02157

JOBEAN LLC

ALTON Unnamed Wetland

10/02/2017 to 10/08/2017

Requested Action:

Dredge and fill 991 square feet, which includes 468 square feet of permanent impacts and 523 square feet of temporary impacts, to scrub-shrub wetlands for installation of an engineered pre-cast retaining wall adjacent to an existing boulder retaining wall to provide long term safety and stability.

\*\*\*\*\*

Conservation Commission/Staff Comments:

7/26/17 Con. Com. requests a "hold" on this application until they can conduct a site investigation and issue comments.  
9/18/17 Con. Com. has no objections to issuance of the permit.

APPROVE PERMIT

Dredge and fill 991 square feet, which includes 468 square feet of permanent impacts and 523 square feet of temporary impacts, to scrub-shrub wetlands for installation of an engineered pre-cast retaining wall adjacent to an existing boulder retaining wall to provide long term safety and stability.

With Conditions:

1. All work shall be in accordance with proposed Conditions Plan by Stoney Ridge Environmental, LLC dated June 29, 2017 as received by the Department on July 21, 2017.
2. This permit is not valid unless a septic system construction approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
3. Work shall be done during low flow conditions. Prior to commencing work on the culvert located within surface waters, the permittee or permittee's contractors shall construct a cofferdam or water diversion to isolate the work area from the surface waters.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. 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.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant, which includes all of their cultivars and varieties listed in Table 3800.1 of the New Hampshire prohibited invasive species list (Agr 3802.01).
10. Invasive plant species shall be managed in accordance with the Methods for Disposing Non-native Invasive Plants by the University of New Hampshire or the NHDOT Best Management Practices for Roadside Invasive Plants, 2008.
11. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species similar to those within the wetland prior to impact. The permittee shall implement corrective measure promptly if needed to ensure the plantings survive.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. 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.
17. Any further alteration of areas on the property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.

With Findings:

1. This is a Minor project per Env-Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).

10/02/2017 to 10/08/2017

2. The impacts for the project were determined to be cumulative per Env-Wt 303.03(h) due to combined impacts associate with previous permit 2010-01265 which was amended on February 12, 2013. Cumulative impacts over the past five years totaled 4,451 square feet and do not require compensatory mitigation per Env-Wt 303.03(2)(b).
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project engineer has determined that the existing boulder retaining wall may not support the property and further development. The applicant is planning to develop the site further according to a pre-approved plan from the town.
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 applicant has proposed actions immediately adjacent to an existing impact footprint in order to minimize potential impacts as much as possible and determined the proposed project will provide crucial support to an existing commercial property given limited available commercially zoned property in Alton and avoids impacts to higher value and more significant wetlands.
5. The Town of Alton Conservation Commission has reviewed the proposed retaining wall project and requested the wetlands bureau suspends decision on the application for 40 days or until receiving a written report from the Commission per letter dated July 21, 2017. A decision by NHDES for the application was suspended for forty days. A letter dated September 14, 2017 from the Town of Alton Conservation Commission indicates the Commission finds this project is reasonable within Bureau rules and therefore has no objection to a permit being granted and the request to hold the application was released.
6. The New Hampshire Natural Heritage Bureau has reviewed the proposed project and determined there are currently no recorded occurrences for sensitive species near this project area per letter dated May 30, 2017.

2017-02668

**PORTSMOUTH SUBMARINE MEMORIAL ASSOC**

**PORTSMOUTH NORTH MILL POND**

Requested Action:

Regrade 3,211 square feet of disturbed, man-made flood-prone stormwater wetland area and install upgraded drainage system adjacent to the Albacore Park Submarine Memorial.

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APPROVE PERMIT

Regrade 3,211 square feet of disturbed, man-made flood-prone stormwater wetland area and install upgraded drainage system adjacent to the Albacore Park Submarine Memorial.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering dated 8/18/2017, as received by the NH Department of Environmental Services (DES) on September 9/5/2017.
2. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
4. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
5. Work shall be done during low flow and in the dry only.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Dredged materials shall be disposed of outside of areas subject to RSA 482-A jurisdiction

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in non-tidal wetlands or banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The wetland developed from various site disturbances over the years, including the construction of a connector road between the Rt. 1 By-Pass and Market St. associated with the construction of the Sarah Long Bridge, to which Albacore Park is adjacent. The wetland area captures stormwater in an unmanaged way and is prone to creating flooding conditions at the park.

10/02/2017 to 10/08/2017

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project will construct proper stormwater management in a highly disturbed area.
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. There were no species of concern reported by the NH Natural Heritage Bureau occurring in the project vicinity.
5. The Portsmouth Conservation Commission recommended approval of the application.

2017-02681

BOSSEY, DUSTIN

**TUFTONBORO LAKE WINNIPESAUKEE**

**Requested Action:**

Impact 410 square feet of bank along 21 feet of shoreline in order to construct a 16 foot x 16 foot perched beach with 4 foot wide stairs to the water on an average of 100 feet of frontage along Lake Winnepesaukee in Tuftonboro.

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**Conservation Commission/Staff Comments:**

9/6/17 Con. Com. made a field visit and has no objection to the project.

**APPROVE PERMIT**

Impact 410 square feet of bank along 21 feet of shoreline in order to construct a 16 foot x 16 foot perched beach with 4 foot wide stairs to the water on an average of 100 feet of frontage along Lake Winnepesaukee in Tuftonboro.

**With Conditions:**

1. All work shall be in accordance with revised plans by Dustin Bossey as received by DES on September 26, 2017.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
3. 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).
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. All excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of those rocks currently located along the normal high water line (Elevation 504.32). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu. yd. of sand shall be used and all sand shall be located above the normal high water line.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. 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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
14. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.

10/02/2017 to 10/08/2017

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g) removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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2012-02192

**BURNHAM, STEFANIE**

**STRAFFORD Unnamed Wetland**

Requested Action:

Request a time extension.

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**APPROVE TIME EXTENSION**

Fill 2,867 sq. ft. of wetland to construct a driveway and install two 12" HDPE culverts to serve a single-family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering dated July 19, 2011, as received by the NH Department of Environmental Services (DES) on August 14, 2012.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

With Findings:

1. The owner 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.

2017-02259

**BAYSIDE CONDO & DOCK ASSOC**

**WOLFEBORO LAKE WINNIPESAUKEE**

Requested Action:

Repair six 22 foot 4 inch x 2 foot finger piers accessed by a 6 foot x137 foot 6 inch pier extending from a 6 foot x 63 foot wharf on 85 feet of frontage along Lake Winnepesaukee in Wolfeboro.

10/02/2017 to 10/08/2017

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**APPROVE PERMIT**

Repair six 22 foot 4 inch x 2 foot finger piers accessed by a 6 foot x137 foot 6 inch pier extending from a 6 foot x 63 foot wharf on 85 feet of frontage along Lake Winnepesaukee in Wolfeboro.

**With Conditions:**

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated July 24, 2017, as received by DES on July 31, 2017.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall maintain be at least the current distances from the abutting property lines or the imaginary extension of those lines into the water.
7. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
8. All construction-related debris shall be placed outside of areas subject to RSA 482-A jurisdiction.
9. This permit does not allow dredging for any purpose.
10. The permittee may make repairs to the permitted structures as necessary, prior to the permit expiration date, provided that prior to performing any repair the permittee notifies the DES Wetlands Program and the Conservation Commission, in writing, of the proposed start and completion dates

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v) maintenance, repair, and replacement in-kind of existing docking structures,.
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.

**2017-02714**

**YARNELL, MICHAEL/ROSANNA**

**THORNTON**

**Requested Action:**

Dredge and fill 200 square feet and 49 linear feet (including 150 square feet and 25 linear feet of temporary impacts) of perennial stream (Lee Brook, Tier 1) for removal of the existing culverts and installation of a 5-foot wide x 4-foot height concrete span with footings and concrete wing walls.

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**APPROVE PERMIT**

Dredge and fill 200 square feet and 49 linear feet (including 150 square feet and 25 linear feet of temporary impacts) of perennial stream (Lee Brook, Tier 1) for removal of the existing culverts and installation of a 5-foot wide x 4-foot height concrete span with footings and concrete wing walls.

With Conditions:

1. All work shall be in accordance with plans prepared by Duffield Engineering titled Yarnell Property Thornton, NH, Wetlands Impact Plan Stream Span-Culvert Removal dated August 15, 2017 and received by the New Hampshire Department of Environmental Services (DES) on September 8, 2017.
2. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
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. 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.
5. The Contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.
7. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the 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; 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.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The recreated stream channel bed (and box culvert) must maintain the natural and a consistent streambed elevation and channel alignment and shall not impede stream flow or result in additional bank scour.
11. Native material removed from the streambed shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wing walls, and beyond. Any new materials used must be as similar to the natural stream substrate as practicable and shall not include any angular rock.
12. Embankments adjacent to wetlands, culverts, and other stream crossings shall have appropriate slope protection, such as vegetated stabilization, rip-rap, or concrete or stone headwalls, where flowing water conditions exist.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands.
17. 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.
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. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

With Findings:

1. This is a Minimum impact per Administrative Rule Env-Wt 303.04(ah), Any project that includes any new stream crossing which qualifies as minimum impact under Env-Wt 903.01(e). The proposed project meets Administrative Rule Env-Wt 904.07(c).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has indicated that the existing driveway culverts are oversized and washed out in the July 1, 2017 storm event. The project includes removal of the existing culverts and installation of a 5-foot wide x 4-foot height concrete span with footings and concrete wing walls. The project includes removal of a closed bottom culvert and replacement includes stream bed simulation.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposed crossing is located at the existing crossing location of an existing driveway.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH-NHB record review did not indicate any occurrences of rare species and exemplary natural communities per letter

10/02/2017 to 10/08/2017

dated August 16, 2017.

6. The applicant's agent has indicated the contributing watershed to the crossing location in Lee Brook is 90 acres (Tier 1).

7. The applicant has indicated that the existing driveway culverts are undersized and washed out in the July 1, 2017 storm event. A HydroCAD analysis was performed by the project engineer dated August 23, 2017. The analysis indicated the proposed structure can accommodate the 100-year frequency storm event. The plan sheet has been signed by a NH Professional Engineer. The engineer has indicated that the crossing at Lee Brook requires a 36" HDPE culvert to accommodate the 100-frequency storm event. The applicant proposes a 5' x 4' span structure which was determined to accommodate the 100-frequency storm event.

8. There are no impacts identified within 20-feet of an abutting property. Certified mail receipts were received indicating abutter notifications were issued. The agent has indicated that the applicant has met with the Selectboard and concerns were addressed. The Selectboard has submitted a letter dated September 13, 2017 indicating the Town does not have a Conservation Commission and the board supports expedited review of the application for Tax Map 12 Block 7 Lot 18.

**EXPEDITED MINIMUM**

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**2016-03455**

**SULLIVAN COUNTY ATV CLUB**

**CLAREMONT REDWATER BROOK**

Requested Action:

Replace culvert.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP**

Deny permit for untimely response.

With Findings:

1. A request for additional information letter dated December 12, 2016, addressed to the applicant, requested that the applicant provide additional information to DES including project plans and photos within 60 days of the notice.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2017-01933**

**PUTNAM FARMS INC**

**CHARLESTOWN CONNECTICUT RIVER**

Requested Action:

Impact 66 square feet of bank in order to construct a 4 foot x 5 foot landing and set two anchor posts to secure a 6 foot x 30 foot floating wharf accessed by a 4 foot x 10 foot floating walkway accessed by a 3 foot x 10 foot seasonal stairway on an average of 505 feet of frontage along the Connecticut River in Charlestown.

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**APPROVE PERMIT**

Impact 66 square feet of bank in order to construct a 4 foot x 5 foot landing and set two anchor posts to secure a 6 foot x 30 foot floating wharf accessed by a 4 foot x 10 foot floating walkway accessed by a 3 foot x 10 foot seasonal stairway on an average of 505 feet of frontage along the Connecticut River in Charlestown.

10/02/2017 to 10/08/2017

With Conditions:

1. All work shall be in accordance with revised plans by Beaver Brook Planning and Design LLC dated September 4, 2017, and received by DES on September 15, 2017.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. All excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
7. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
8. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
9. No portion of the docking structure shall extend more than 20 feet from the ordinary high water line.
10. All seasonal structures, including the stairs, shall be removed for the non-boating season.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of seasonal docking structures providing 1 to 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.
5. The applicant has an average of 505 feet of shoreline frontage along the Connecticut River.
6. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide a single slip as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2017-02069

PALUCH, SUE

HAMPTON

Requested Action:

Temporarily impact 1,424 square feet within the previously-developed 100-foot tidal buffer zone to replace the existing foundation with a helical pile foundation for a single family residential dwelling.

\*\*\*\*\*

APPROVE PERMIT

Temporarily impact 1,424 square feet within the previously-developed 100-foot tidal buffer zone to replace the existing foundation with a helical pile foundation for a single family residential dwelling.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated August 14, 2017 and revised through 8-30-17 as received by the NH Department of Environmental Services (NHDES) on September 12, 2017.
2. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the Hampton Conservation Commission in writing of the date on which work under this permit is expected to start.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require further permitting.
4. All development activities associated with this project shall be conducted in compliance with applicable requirements of

10/02/2017 to 10/08/2017

RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

- 5. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
- 6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
- 7. 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).
- 8. No more than 59.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
- 2. The impacts are necessary to replace a failing foundation beneath the existing dwelling; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The impacts will be temporary; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The applicant received written concurrence from the abutters whose properties are within 20-feet of the proposed impacts in accordance with Env-Wt 304.04(a).
- 6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
- 7. The Rye Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
- 8. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
- 9. The project as proposed would result in an increase of impervious surfaces from 59.4% to 59.5% for the installation of a step. The step is necessary to access the dwelling.
- 10. The project as proposed will improve a failing foundation beneath the existing dwelling and reduce potential impacts to the saltmarsh by protecting the resource, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2017-02602

**BREWSTER JR, WYLIE  
BREWSTER, JASON**

**PORTSMOUTH PISCATAQUA RIVER**

Requested Action:

In-kind repair and reconstruction of an existing, grandfathered site in Portsmouth's historic waterfront district, including: 1) reconstruction in-kind of 125 linear feet of timber bulkhead retaining wall, including removal of 1,500 square feet of existing pier and its storage shed for access to a portion of the bulkhead, and reconstruction in-kind thereafter of the pier and shed structure, including replacement of 17 supporting pilings; 350 square feet of temporary impact in the tidal buffer zone to excavate out deteriorated eroding fill behind the bulkhead for reconstruction access, and refill in place with new, properly bedded material; and 2) Retain after-the-fact placement of 740 square feet of cobblestone pavers which replaced existing concrete paving in the tidal buffer zone with in the same footprint; remove and re-install 60 square feet of the same cobblestone pavers as temporary construction access disturbance.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Per DHR, additional information needed.  
10-5-17 - No adverse effect per DHR.

**APPROVE PERMIT**

In-kind repair and reconstruction of an existing, grandfathered site in Portsmouth's historic waterfront district, including: 1) reconstruction in-kind of 125 linear feet of timber bulkhead retaining wall, including removal of 1,500 square feet of existing

10/02/2017 to 10/08/2017

pier and its storage shed for access to a portion of the bulkhead, and reconstruction in-kind thereafter of the pier and shed structure, including replacement of 17 supporting pilings; 350 square feet of temporary impact in the tidal buffer zone to excavate out deteriorated eroding fill behind the bulkhead for reconstruction access, and refill in place with new, properly bedded material; and 2) Retain after-the-fact placement of 740 square feet of cobblestone pavers which replaced existing concrete paving in the tidal buffer zone with in the same footprint; remove and re-install 60 square feet of the same cobblestone pavers as temporary construction access disturbance.

With Conditions:

1. All work shall be in accordance with materials by TM Marine dated 8/11/2017, as received by the NH Department of Environmental Services (NHDES) on 8/29/2017, and per revised plans by TM Marine dated 9/28/17 as received by NHDES on 9/28/2017.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the DES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
4. Existing grandfathered dock/wharf buildings present or removed and reconstructed under this permit shall remain in their grandfathered in-kind dimensions, location and configuration, or shall lose grand-fathered status for non-conforming structures.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. Any repairs or replacement of the seasonal structures (gangway, floats) documented herein, shall maintain the size, location, and configuration of the pre-existing structures.
7. Construction of the bulkhead wall and dock shall occur from land, or from a barge and crane if land-based construction is not feasible, to reduce potential impacts to the salt marsh and intertidal zone.
8. Any substandard fill removed as part of the bulkhead replacement shall be removed from the site and disposed of in an appropriate and legal manner.
9. The seasonal structures, including but not limited to ramp and floats, shall be removed during the non-boating season and stored on the existing pier or in an upland location.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), maintenance, repair, and replacement in-kind of existing docking structures; per Env-Wt 303.04(c) repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration; and per Env-Wt (b) projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing bulkhead retaining wall is deteriorated, progressing toward failure, and is within less than 10' of an existing dwelling, and cannot be accessed without removal of the dock; the supporting pilings of the dock structure are also deteriorated and in need of replacement, and removal and replacement of the concrete driveway surfacing in the tidal buffer zone represents necessary normal maintenance.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The all replacement proposed is in-kind at a grand-fathered site within the working waterfront area and historic district of Portsmouth.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau reported that, while there is a record of an occurrence of a species of concern in the project vicinity, it is not expected to be impacted by the project.
5. The Portsmouth Conservation Commission signed the expedited application.

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

10/02/2017 to 10/08/2017

**ALTON LAKE WINNIPESAUKEE**

Requested Action:

Repair and replacement in-kind of existing three piling ice cluster according to plans by Winnepesaukee Marine Construction dated August 31, 2017 along frontage on Lake Winnepesaukee in Alton.

\*\*\*\*\*

**PBN DISQUALIFIED**

Repair and replacement in-kind of existing three piling ice cluster according to plans by Winnepesaukee Marine Construction dated August 31, 2017 along frontage on Lake Winnepesaukee in Alton.

**2017-02759**

**FISHER, KAREN**

**NEW HAMPTON WINONA LAKE**

Requested Action:

Repair or replacement in-kind of approximately 82 ft. of retaining wall according to the plan drawing by David M. Dolan Associates. P.C. dated 9/6/2017 on frontage along Lake Winona in New Hampton.

\*\*\*\*\*

**PBN IS COMPLETE**

Repair or replacement in-kind of approximately 82 ft. of retaining wall according to the plan drawing by David M. Dolan Associates. P.C. dated 9/6/2017 on frontage along Lake Winona in New Hampton.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(c), repair of existing retaining wall performed in the dry with no change in size, location or configuration with any resurfacing not to exceed 6 inches in width.

**2017-02761**

**OLIVER LODGE LLC**

**MEREDITH LAKE WINNIPESAUKEE**

Requested Action:

Replenishment of 3 beach areas not to exceed a total of 10 cubic yards of new sand according to the plan drawing by Stephens Landscaping Professionals, LLC dated 7/25/2017 on frontage along Lake Winnepesaukee in Meredith.

\*\*\*\*\*

**PBN IS COMPLETE**

Replenishment of 3 beach areas not to exceed a total of 10 cubic yards of new sand according to the plan drawing by Stephens Landscaping Professionals, LLC dated 7/25/2017 on frontage along Lake Winnepesaukee in Meredith.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(aa), for the replenishment of sand on an existing beach with no sand below the high water line; not to exceed 10 cubic yards of new sand; and no more than one replenishment in any 6 year period.

2017-02831

ANDERSON, EDWARD/PATRICIA

**NEWBURY SUNAPEE LAKE**

Requested Action:

Replace in-kind the 32 ft. 4 inches X 16 ft. 4 inches boat house and replacing in-kind the 29 ft. 4 inches X 8 ft. dock along the east side of the boathouse with the rebuilding of the 6 ft. X 8 ft. and 9 ft. X 8 ft. supporting cribs according to the plan drawings by Richard L. Green dated 9/29/2017 on frontage along Lake Sunapee in Newbury.

\*\*\*\*\*

PBN IS COMPLETE

Replace in-kind the 32 ft. 4 inches X 16 ft. 4 inches boat house and replacing in-kind the 29 ft. 4 inches X 8 ft. dock along the east side of the boathouse with the rebuilding of the 6 ft. X 8 ft. and 9 ft. X 8 ft. supporting cribs according to the plan drawings by Richard L. Green dated 9/29/2017 on frontage along Lake Sunapee in Newbury.

With Findings:

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

2017-02899

SWANZEY, TOWN OF

**KEENE**

\*\*\*\*\*

With Findings:

Findings is support of disqualification:

1. New Hampshire Administrative Rule Env-Wt 303.02(k) states that a project that has been identified by the Natural Heritage Bureau (NHB) Inventory - Department of Resources and Economic Development to have documented occurrences of state or federally listed Endangered or Threatened species shall be classified as Major Impact.
2. The NHB report submitted with this application (NHB17-2522) identified potential impacts as a result of the project to the state- and federally-endangered Dwarf Wedge Mussel.
3. With subsequent coordination from the New Hampshire Fish and Game Department (NHFG) and/or the NHB, NHDES is typically able to downgrade a Major Project classification (based on NHB results) to Minimum or Minor Impact (as applicable). There was no such effort made, on part of the applicant or the applicant's agent, to coordinate with the above-mentioned agencies to understand, avoid and minimize potential impact to the endangered Dwarf Wedge Mussel.
5. New Hampshire Administrative Rule Env-Wt 304.03 states that the department shall place time limits on a project activity when the environmental impact of a project is reduced by doing so; for example, to account for spawning, fish migration and to decrease the degradation of the water quality.
6. The project proposes a temporary cofferdam to cease flows to two downstream ponds to study base-flow conditions in the Branch River.
7. It appears that there may be less-impacting ways to gain an adequate understanding of base-flow conditions and potential impact to downstream structures (i.e., hydraulic modeling).
8. The potential impacts that have not been addressed by this application including upstream flowage considerations, secondary impacts to downstream aquatic resource areas, time of year consideration for aquatic organism spawning, aquatic habitat, shoreline stability and water quality implications.

2017-02939

HI-SPOT CONDOMINIUMS

**LACONIA LAKE WINNIPESAUKEE**

10/02/2017 to 10/08/2017

**Requested Action:**

Replacement/repair in-kind of the three piling ice cluster at the western end of the northern pier; maintenance in-kind during dry conditions of the 6 ft. wide stone stairs imbedded in the existing retaining wall; and the replenishment of the existing beach with no more than 10 cubic yards of new sand above the existing retaining wall according to the plan drawings by Ambrose Marine dated 08/27/2017 on frontage along Lake Winnepesaukee in Laconia.

\*\*\*\*\*

**PBN IS COMPLETE**

Replacement/repair in-kind of the three piling ice cluster at the western end of the northern pier; maintenance in-kind during dry conditions of the 6 ft. wide stone stairs imbedded in the existing retaining wall; and the replenishment of the existing beach with no more than 10 cubic yards of new sand above the existing retaining wall according to the plan drawings by Ambrose Marine dated 08/27/2017 on frontage along Lake Winnepesaukee in Laconia.

**With Findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration of the ice cluster;
2. This project is classified as a minimum impact project per Rule Env-Wt 303.04(aa), for the replenishment of an existing beach;
3. This project is for maintenance per Rule Env-Wt 402.11, to maintain the stairs as to be usable for their intended purpose.

**2017-02940**

**KENDALL, CHARLES/VERONA**

**MOULTONBOROUGH LAKE WINNIPESAUKEE**

**Requested Action:**

Repair and replacement in-kind of existing two-slip boathouse supported by H-shaped dock and accessory fenders and clusters according to plans by Walker Magrauth dated September 6, 2017 along frontage on Lake Winnepesaukee in Moultonborough.

\*\*\*\*\*

**PBN IS COMPLETE**

Repair and replacement in-kind of existing two-slip boathouse supported by H-shaped dock and accessory fenders and clusters according to plans by Walker Magrauth dated September 6, 2017 along frontage on Lake Winnepesaukee in Moultonborough.

**2017-02941**

**CLARK, MATTHEW & DAWN**

**NEWBURY SUNAPEE LAKE**

**Requested Action:**

Repair and replacement in-kind of existing 8 ft. X 33 ft. deck and 8 ft. X 20 ft. crib according to plans by Central Lakes Dock Company, Inc. received by NHDES on September 29, 2017 along frontage on Lake Sunapee in Newbury.

\*\*\*\*\*

**PBN IS COMPLETE**

Repair and replacement in-kind of existing 8 ft. X 33 ft. deck and 8 ft. X 20 ft. crib according to plans by Central Lakes Dock Company, Inc. received by NHDES on September 29, 2017 along frontage on Lake Sunapee in Newbury.

**2017-02945**

**KEENE, CITY OF**

**KEENE Unnamed Pond**

Requested Action:

Dredge and fill 2,000 square feet of man-made non-tidal wetland for maintenance of an existing stormwater detention basin.

\*\*\*\*\*

**PBN IS COMPLETE**

Dredge and fill 2,000 square feet of man-made non-tidal wetland for maintenance of an existing stormwater detention basin.

**FORESTRY NOTIFICATION**

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**2017-02952**

**ROYCE, JUDITH**

**JAFFREY Unnamed Stream**

\*\*\*\*\*

**COMPLETE NOTIFICATION**

JAFFREY; TAX MAP# 226; LOT# 22; UNIT# 102

**2017-02954**

**MALONEY, DENNIS**

**LANDAFF Unnamed Stream**

\*\*\*\*\*

**COMPLETE NOTIFICATION**

LANDAFF; TAX MAP# 06; LOT(S)# 18L, 18M, 18N

**2017-02960**

**APPLEHURST FARM LLC**

**EPPING Unnamed Stream**

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COMPLETE NOTIFICATION  
EPPING; TAX MAP(S)#; 1/2/8/9; LOT(S)# 1, 9, 3, 4

**2017-02963                      HUBBARD, DONALD**

**LYMAN Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
LYMAN; TAX ,MAP# 221; LOT# 23

**2017-02973                      THOMAS, PAUL**

**LYMAN Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
LYMAN; TAX MAP# 000217; LOT# 021000

**TRAILS NOTIFICATION**

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**2017-02986                      SHANAHAN, ROBERT/NORMA**

**MARLOW Unnamed Stream**

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COMPLETE NOTIFICATION  
MARLOW; TAX MAP# 409; LOT# 52

**2017-02989                      FINCH, LUELLEN**

**MARLOW**

\*\*\*\*\*

COMPLETE NOTIFICATION  
MARLOW; TAX MAP# 409; LOT# 46

**LAKES-SEASONAL DOCK NOTIFICATION**

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**2017-02997 BERGERON, MATTHEW**

**NOTTINGHAM PAWTUCKAWAY POND**

Requested Action:

Installation of a seasonal pier not to exceed 6 ft. X 30 ft. on frontage along Pawtuckaway Lake in Nottingham.

\*\*\*\*\*

COMPLETE NOTIFICATION

Installation of a seasonal pier not to exceed 6 ft. X 30 ft. on frontage along Pawtuckaway Lake in Nottingham.

**2017-02998 SCOPA, WILLIAM**

**MADISON PEA PORRIDGE PONDS**

Requested Action:

Installation of a seasonal pier not to exceed 4 ft. X 28 ft. on frontage along Pea Porridge Pond in Madison.

\*\*\*\*\*

COMPLETE NOTIFICATION

Installation of a seasonal pier not to exceed 4 ft. X 28 ft. on frontage along Pea Porridge Pond in Madison.

**ROADWAY MAINTENANCE NOTIFICATION**

\*\*\*\*\*

**2017-02957 BEDFORD, TOWN OF**

**BEDFORD Unnamed Wetland**

\*\*\*\*\*

**2017-02999 NH DEPT OF TRANSPORTATION, DISTRICT 4**

**NEW IPSWICH Unnamed Wetland**

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**UTILITY NOTIFICATION**

\*\*\*\*\*

**2017-02994 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**

**DUNBARTON Unnamed Wetland**

\*\*\*\*\*

**2017-02995 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**

**HOPKINTON Unnamed Wetland**

\*\*\*\*\*

**SHORELAND PERMIT**

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**2017-02558 SWASEY, MARTHA/PHILIP**

**BARNSTEAD UPPER SUNCOOK LAKE**

**Requested Action:**

Impact 2,693 square feet (SF) of protected shoreland in order to add a 20 ft. x 20 ft. addition and an 8 ft. x 20 ft. deck to the existing primary structure. The project includes installing a septic system.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 2,693 square feet (SF) of protected shoreland in order to add a 20 ft. x 20 ft. addition and an 8 ft. x 20 ft. deck to the existing primary structure. The project includes installing a septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Beaver Brook Planning and Design, LLC dated January 7, 2017 and received by the NH Department of Environmental Services (DES) on September 5, 2017.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 16% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 2,609 SF within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project,

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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-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.

2017-02631

DAVIES, PETER

**HEBRON NEWFOUND LAKE**

Requested Action:

Impact 3,685 square feet (SF) of protected shoreland in order to add 514 SF onto an existing structure; remove 2 sheds totaling 154 SF and replace a new 210 SF shed; install 183 SF of pervious pavers along existing deck with pavers extending underneath; install a septic system.

\*\*\*\*\*

APPROVE PERMIT

Impact 3,685 square feet (SF) of protected shoreland in order to add 514 SF onto an existing structure; remove 2 sheds totaling 154 SF and replace a new 210 SF shed; install 183 SF of pervious pavers along existing deck with pavers extending underneath; install a septic system.

With Conditions:

1. All work shall be in accordance with plans by B A. Barnard Ent., Inc. dated August 2017 and received by the NH Department of Environmental Services (DES) on August 31, 2017.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 3,817 SF within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
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-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. 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).
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.

2017-02655

HAYNES III, HENRY/SANDRA

**ENFIELD MASCOMA LAKE**

10/02/2017 to 10/08/2017

**Requested Action:**

Impact 30,000 square feet (SF) of protected shoreland in order to raze existing house, garage, shed, bunkhouse, gazebo, patio, concrete steps, retaining wall and build a new 7,400 sf house with garage and patio. Project includes, relocating existing driveway and installing a new septic field and well.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 30,000 square feet (SF) of protected shoreland in order to raze existing house, garage, shed, bunkhouse, gazebo, patio, concrete steps, retaining wall and build a new 7,400 sf house with garage and patio. Project includes, relocating existing driveway and installing a new septic field and well.

**With Conditions:**

1. All work shall be in accordance with plans by Riverside Ecological Designs LLC dated July 31, revised September 30, 2017 and received by the NH Department of Environmental Services (DES) on September 30, 2017.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 4,261 SF within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
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-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The proposed (stormwater management structures) shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. Photographs documenting the construction of the proposed (stormwater management structures) shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
12. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
13. 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.
14. 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).
15. 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 and surface waters. 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.
16. Any fertilizer or pesticides used within the Shoreland jurisdiction must be used in accordance with RSA 483-B:9, II (d) and V.(a)(2)(A).
17. 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. This property, identified as Lot 7 on Enfield Tax Map 22, is located beyond the primary building setback on the Mascoma Lake and is within a 1/4 mile of Designated River.
2. The Mascoma River Local Advisory Committee (MRLAC) submitted comments to DES dated September 29, 2017.
3. The MRLAC noted the rain garden located within the waterfront buffer, west side of lot is inadequate to handle the roof and patio runoff and should be increased in size and moved further back from the reference line.

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4. The plans have been revised for a larger rain garden and moved further from the reference line.
5. The MRLAC noted a water management plan and agreement by the home owner should be in place prior to construction for the control of fertilizer, pesticides, and other matter.
6. The Shoreland Program has added a condition to the permit for fertilizer and pesticide regulated in RSA 483-B:9, II (d) and V.(a)(2)(A).
7. The MRLAC noted the plan does not detail installation of erosion or soil movement silt fence.
8. The plans state and show that erosion control will be used during construction and is noted in the permit conditions.
9. The MRLAC noted there is significant increase in the impervious area, 13,000 sq. ft., this will create water run off during and post construction, the water management plan should include both phases of this project.
10. The permit has conditions for stormwater pre and post construction.
11. The MRLAC noted they have no oversight in the construction this is a significant expansion and does not incorporate the existing foot print in any way. Such a large expansion may cause other issues not yet identified that will impact the lake and the surrounding environment.
12. Condition #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-Wq 1700.
13. The MRLAC noted the need for additional stormwater management for the proposed drive and parking area.
14. A storm waterwater plan has been added for this area.
15. The applicant has addressed the concerns in the email from the MRLAC and the Shoreland Program and therefore the application is approved.

2017-02663

25 SAGAMORE PARK LLC

**HUDSON LOWER MERRIMACK RIVER**

Requested Action:

Impact 25,460 square feet (SF) of protected shoreland in order to construct two connecting loading dock enclosures with a driveway ramp loading area. The loading docks are proposed on the westerly side of the building, in an area previously graded for landscaping, lawn and tree areas. Existing pavement areas will also be slightly modified for safe truck movements and employee parking.

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APPROVE PERMIT

Impact 25,460 square feet (SF) of protected shoreland in order to construct two connecting loading dock enclosures with a driveway ramp loading area. The loading docks are proposed on the westerly side of the building, in an area previously graded for landscaping, lawn and tree areas. Existing pavement areas will also be slightly modified for safe truck movements and employee parking.

With Conditions:

1. All work shall be in accordance with plans by Crossman Engineering dated August 2017 and received by the NH Department of Environmental Services (DES) on September 5, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 9.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 16,673 SF within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
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-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

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waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. 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.

**With Findings:**

1. This property, identified as Lot 002 on Hudson Tax Map 227, is located along the Lower Merrimack River, a Designated River, within the protected shorelands.

2. The Lower Merrimack River Local Advisory Committee (LMRLAC) submitted comments to the Department of Environmental Services for review.

3. The LMRLAC noted a stormwater management plan to collect and treat should be submitted to handle at least a 10 year storm event and the boarder of the parking lot should have a berm.

4. The plans include a stormwater management plan to handle the increase runoff for a 50 year storm event and a depression area for runoff.

5. The LMRLAC noted compensation should be given for the loss of landscaped areas for the areas of impact resulting in an increase in impermeable surface.

6. The applicant is maintaining the 25% (16,673 square feet) of unaltered area between the 50 and 150 feet of the reference line as required per RSA 483-B:9, V.,(b)(2)(A) and the area between 150 and 250 feet of the reference line has no vegetation requirement.

7. The LMRLAC noted the applicant should be required to increase in functionality of the existing catch basin by lowering the grade 9 inches.

8. The proposed catch basin has been lowered to a functional pitch.

9. The LMRLAC noted the permit should be contingent on the assured use of a certified Green Sno-Pro contractors for winter snow removal and management operations in accordance with RSA 489-C.

10. The Shoreland Program has no jurisdiction in requiring snow removal to be completed by a certified Green Sno-Pro contractor.

2017-02669

ANGELINI, JODI/SCOTT

**MOULTONBOROUGH LAKE WINNIPESAUKEE**

**Requested Action:**

Impact 15,000 square feet (SF) of the protected shoreland in order to replace existing non-conforming residence with a new residence that meets setback; modify existing driveway with 1,400 SF to be permeable; extend waterfront walkway; install new septic system; temporarily reduce and restore the unaltered area between 50 and 150 feet of the natural woodland buffer.

Temporary Waiver Granted: Temporarily reduce the area of the Woodland Buffer in which vegetation remains in an unaltered state below that required per RSA 483-B:9, V, (b) for the purposes of constructing a conforming primary structure. Post-construction restoration planting required.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 15,000 square feet (SF) of the protected shoreland in order to replace existing non-conforming residence with a new residence that meets setback; modify existing driveway with 1,400 SF to be permeable; extend waterfront walkway; install new septic system; temporarily reduce and restore the unaltered area between 50 and 150 feet of the natural woodland buffer.

Temporary Waiver Granted: Temporarily reduce the area of the Woodland Buffer in which vegetation remains in an unaltered state below that required per RSA 483-B:9, V, (b) for the purposes of constructing a conforming primary structure. Post-construction restoration planting required.

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With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated August 24, 2017 and received by the NH Department of Environmental Services (DES) on September 5, 2017.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 2,680 SF within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Within 60 days of the completion of the framing of the proposed structure the Permittee shall have replanted and restored native vegetation within an area of at least 1,650 SF within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line. This vegetation shall then be retained in an unaltered state in order to comply with RSA 483-B:9, V(b)(2).
7. 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.
8. 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.
9. 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-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. 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).
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.

With Findings:

1. In accordance with RSA 483-B:9, V, (i) The commissioner shall have the authority to grant waivers from the minimum standards of this section. Such authority shall be exercised if the commissioner deems that strict compliance with the minimum standards of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state.
2. This property, identified as Lot 4 on Moultonborough Tax Map 199, is located completely within the Shoreland Protection.
3. The project consist of removing a nonconforming primary structure and constructing a new conforming primary structure with a new septic system.
4. The applicant is seeking a temporary waiver from RSA 483-B:9,V.(b) to reduce and replant 1,550 SF of unaltered area for the purpose of constructing the house and septic system.
6. The strict compliance with the minimum standards of RSA 483-B:9, V, (b) will not provide material benefit to the public and will have no material adverse effect on the environment or the natural resources of the state and therefore, the requirements for a temporary waiver to RSA 483-B:9, V, (b) have been met.

2017-02676

GROTON, TOWN OF

**GROTON ATWELL BROOK**

Requested Action:

Impact 656 square feet (SF) of protected shoreland in order to replace of the existing bridge (about 17 ft. span) that was constructed in 1935 with a new rigid frame precast concrete bridge with a 24 ft. span. The project includes grading along a stream bank for erosion control.

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**APPROVE PERMIT**

Impact 656 square feet (SF) of protected shoreland in order to replace of the existing bridge (about 17 ft. span) that was constructed in 1935 with a new rigid frame precast concrete bridge with a 24 ft. span. The project includes grading along a stream bank for erosion control.

**With Conditions:**

1. All work shall be in accordance with plans by KV Partners LLC dated August 23, 2017 and received by the NH Department of Environmental Services (DES) on September 6, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. 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.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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).
9. 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 and surface waters. 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.
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.

2017-02734

JACKSON, JULIE/MATTHEW

**NEW HAMPTON WAUKEWAN LAKE**

**Requested Action:**

Impact 11,500 square feet of protected shoreland in order to replace the existing nonconforming residential structure, modify the existing driveway configuration, install a new septic system and walkways.

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**Conservation Commission/Staff Comments:**

Restoration of 65 square feet of ground cover within the waterfront buffer was granted both because the impact is reasonably necessary to rebuild the primary structure beyond the primary building setback and the existing ground cover from the photos would be improved by the proposed plantings.

**APPROVE PERMIT**

Impact 11,500 square feet of protected shoreland in order to replace the existing nonconforming residential structure, modify the existing driveway configuration, install a new septic system and walkways.

**With Conditions:**

1. All work shall be in accordance with plans by Ames Associates dated September 5, 2017 and received by the NH Department of Environmental Services (NHDES) on September 11, 2017.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the

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NHDES Subsurface Systems Bureau.

3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 18.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Prior to the occupancy of the residential structure the Permittee shall provide documentation, including photos, showing that all restoration plantings have occurred, to the NHDES Wetlands Bureau.
6. Following planting, all planting areas within the waterfront buffer shall be allowed to revert back to a natural state. The regeneration of ground cover shall not be suppressed by the use of bark mulch or other materials; hay mulch may be used temporarily to establish vegetation.
7. The plantings shall be inspected at the beginning and end of the growing season for a period of 3 years after initial plantings have been completed during which time any failed plantings shall immediately be replaced by the owner of the property.
8. At the completion of the 3 year monitoring period the Owner of the property shall submit a report including photographs of the planted buffer to the Department.
9. Native vegetation within an area of at least 5,010 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. 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.
11. 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.
12. 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-WWq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
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. 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).
16. 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.
17. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2017-02737

LEHMANN III, CARL

**WOLFEBORO LAKE WINNIPESAUKEE**

Requested Action:

Impact 8,049 square feet (SF) of protected shoreland in order to construct a new house with driveway, connect water & sewer lines existing well and septic system and install drip edges around structure.

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APPROVE PERMIT

Impact 8,049 square feet (SF) of protected shoreland in order to construct a new house with driveway, connect water & sewer lines existing well and septic system and install drip edges around structure.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated September 4, 2017 and received by the NH Department of Environmental Services (DES) on September 11, 2017.

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2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 29.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The proposed (stormwater management structures) shall be installed and maintained to effectively absorb and infiltrate stormwater.
9. Photographs documenting the construction of the proposed (stormwater management structures) shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
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.

2017-02743

**MONROE, JAY & SUSAN  
RELIHAN, DANIEL/KATHERINE**

**WOLFEBORO LAKE WINNIPESAUKEE**

**Requested Action:**

Impact 5,200 square feet of protected shoreland in order to replace the existing primary structure in the existing footprint and reconfigure the walkways, stairs, and decks.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Grids not done under current statute but sufficient evidence was provided to confirm compliance. Reference line is not correctly shown as extending into the boathouse but a plan revision is not necessary to determine compliance.

**APPROVE PERMIT**

Impact 5,200 square feet of protected shoreland in order to replace the existing primary structure in the existing footprint and reconfigure the walkways, stairs, and decks.

**With Conditions:**

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated August 2017 and received by the NH Department of Environmental Services (NHDES) on September 12, 2017.
2. The proposed primary structure shall not be constructed until any approval as may be required under RSA 485-A and Rules Env-Wq 1000 is obtained from NHDES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 15.84% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Native vegetation within an area of at least 5,930 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
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

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contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. 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).

12. 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.

13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.