Wetlands Applications Decision Report
Decisions Taken
05/20/2019 to 05/26/2019

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. 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

2019-00942 MEREDITH D CONNOR 2017 TRUST

GILFORD LAKE WINNIPESAUKEE

Requested Action:

Install 6 foot x 40 foot seasonal pier, 4 foot x 7 foot concrete anchoring pad, two seasonal personal watercraft lifts, a single seasonal boatlift and repair 68 linear feet of existing breakwater, a 4 foot x 28 foot cantilevered pier, and a 4 foot x 30 foot cantilevered pier, in kind, on an average of 159 linear feet of frontage along Lake Winnipesaukee on the northwestern section of Governors Island in Gilford.

Conservation Commission/Staff Comments:

03/28/19 per ConCom, will review at next regularly scheduled meeting and may complete on-site inspection. Place statutory "Hold" on this application.
04/08/19 per ConCom recommend approval of ap, w/request for clarification of the note comment in the plan to be corrected.

APPROVE PERMIT

Install 6 foot x 40 foot seasonal pier, 4 foot x 7 foot concrete anchoring pad, two seasonal personal watercraft lifts, a single seasonal boatlift and repair 68 linear feet of existing breakwater, a 4 foot x 28 foot cantilevered pier, and a 4 foot x 30 foot cantilevered pier, in kind, on an average of 159 linear feet of frontage along Lake Winnipesaukee on the northwestern section of Governors Island in Gilford.

With Conditions:

1. All work shall be in accordance with revised plans by Watermark Marine Construction revision dated May 9, 2019 and as received by the NH Department of Environmental Services ("the department") on May 9, 2019.
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 department Wetlands Bureau 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. 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. 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. 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.
9. 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.
10. 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.
11. This permit shall not preclude the department from initiating appropriate action if the department 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.
12. The repairs to the existing breakwater shall maintain the size, location, and configuration of the pre-existing breakwater.
13. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation (Elevation 504.32).
14. All seasonal structures shall be removed for the non-boating season.
With Findings:
1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction of any dock adjacent to a breakwater.
2. 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.
3. 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.
4. The applicant has an average of 159 feet of shoreline frontage along Lake Winnipesaukee.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. The department finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.

MINOR IMPACT PROJECT
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2019-00285
CITY OF MANCHESTER DPW

MANCHESTER MERRIMACK RIVER

Requested Action:
Retain 1,300 square feet/44 linear feet of Merrimack River bank to stabilize a failed section of river bank and exposed wastewater interceptor (performed under Emergency Authorization File #2019-00285), install a new 15-inch flared end drain outfall with stone outfall and bank stabilization and perform slope replanting.

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APPROVE AFTER THE FACT
Retain 1,300 square feet/44 linear feet of Merrimack River bank to stabilize a failed section of river bank and exposed wastewater interceptor (performed under Emergency Authorization File #2019-00285), install a new 15-inch flared end drain outfall with stone outfall and bank stabilization and perform slope replanting.

With Conditions:
1. All work shall be in accordance with plans by CDM Smith titled City of Manchester, New Hampshire, CMOM Program, East Interceptor North Washout Emergency Repairs dated February 2019, and Planting Plan per project application narrative dated March 15, 2019, as received by the Department on April 22, 2019
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 New Hampshire Code of Administrative Rules Env-Wq 1700.
3. The permittee or permittee's contractor shall properly construct, landscape, and monitor the construction area, and shall take such remedial actions as may be necessary to revegetate river bank areas. Remedial measures may include replanting, relocating plantings, removal of invasive species and/or changing soil composition and depth.
4. The river banks and buffer plantings shall have at least 75% successful establishment after two (2) growing seasons. Otherwise, they shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
5. 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.
6. Only native plant species shall be used in accordance with the proposed Planting Plan dated March 15, 2019.
7. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction.
8. Appropriate siltation, erosion and turbidity 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. Erosion, turbidity, and sediment controls shall be installed in accordance with plan sheet 9 of 19.
9. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Oriental Bittersweet, Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of
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10. The permittee shall implement corrective measures promptly if needed to ensure the plantings survive.
11. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entry into an area where such fluids could reach groundwater, surface waters, or wetlands.
12. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
13. 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.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

With Findings:
1. This is a Minor impact project per Administrative Rule Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. An Emergency Authorization Verification was issued by the Department on January 28, 2019 to stabilize an approximate 40-foot failed section of river bank and exposed 72-inch wastewater interceptor (File #2019-00285). The authorization required the City to file a Standard Dredge and Fill permit application for permanent Merrimack River bank impacts associated with installation of a new 15-inch flared end drain outfall and bank stabilization. The cause of the washout was determined to be a blocked leaching catch basin located at the low-point elevation of the Riverwalk trail.
3. The river bank wash out exposed the 72-inch sewer interceptor that runs along the Merrimack River walk. Stabilizing the bank and providing soil cover over the sewer interceptor protect the health, safety, and well-being of the general public as it reduces the likelihood of sewer line rupture.
4. The work included slope stabilization by re-grading the river bank to original contours with large rock and crushed stone bedding and final grade above the ordinary high water elevation of 126.6 with a minimum 6-inches of loam. The river bank above the ordinary high water mark was seeded with an erosion control seed mixture and covered with erosion control matting. Subsequent plantings will be installed in accordance with narrative planting plan dated March 15, 2019. An-18-inch flared end drainage, stabilized stone outfall, and stone toe armoring was installed above ordinary high-water elevation.
5. The NH Natural Heritage Bureau Datacheck Tool identified the state endangered Brook Floater (Alasmidonta varicolor) located upstream of the project site per NHB Datacheck letter (NHB19-0612).
6. The NHDES has consulted with the NHFG on behalf of the applicant regarding the NHB Datacheck letter (NHB19-0612) since a response from NHFG was not provided by the applicant for the permit application, and work operations had already been performed to complete the emergency slope stabilization repair. Per discussion with NHFG on May 22, 2019 the NHFG is satisfied that since there were no impacts performed below the water line of the Merrimack River, a Brook Floater Survey will not be required for this project.
7. Project plans have been stamped by a NH Certified Wetland Scientist and a Professional Engineer.

2019-01012

OSBORNES AGWAY

HOOKSETT Unnamed Wetland

Requested Action:
Dredge and fill 9,940 square feet of palustrine emergent wetlands for commercial development of an agricultural retail store.

 APPROVE PERMIT
Dredge and fill 9,940 square feet of palustrine emergent wetlands for commercial development of an agricultural retail store.

With Conditions:
1. All work shall be in accordance with the revised Grading, Drainage, & Erosion Control Plan for Tax Map 34 Lots 29 & 30-3 (1220 & 1224 Hooksett Road) Hooksett, New Hampshire prepared for Osborn's Agway by Fieldstone Land Consultants, PLLC as received by the Department on May 20, 2019.
2. 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.
3. 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).
4. The use of welded plastic or 'biodegradable plastic' erosion control netting should be avoided at the work site. Any slope stabilizing materials must be free from plastic or other non-biodegradable materials that create a mesh that can impact wildlife. Coco matting and other natural fibers are acceptable.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Oriental Bittersweet, Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. 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.
13. 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 Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
2. The proposed development will take place within an existing developed area of a residential dwelling, manicured lawn area, paved parking lot and drainage ditches. The area receives stormwater and roadway runoff from US Route 3, a commercial access road, and adjacent paved parking areas with an outlet under Cinematic Way.
3. Wetlands were classified as palustrine emergent, persistent partially drained/ditched, farmed, diked/impounded, excavated (PEM1dxTh). Described as heavily manipulated by installation/maintenance of Cinematic Way, US Route 3, as well as regrading and filling to provide site drainage and visibility for the existing theater located to the west of the subject properties. The wetlands are isolated from any nearby wetlands or surface waters. The surrounding area is highly developed with engineered stormwater treatment management systems in-place, including drainage basins, riprap and vegetated swales, and roadside ditches.
4. Portions of proposed wetland impact areas have formed as a result of surface runoff from the lot 34-30-3 paved parking area which was developed in 2007.
5. A functions and values assessment of the wetlands on the property was performed by a Certified Wetland Scientist and Certified Soil Scientist using the NH Method Functions and Values. The assessment determined sediment retention and nutrient uptake capacity as the primary functions, although scored low overall. The wetlands had little to no wildlife value. The wetlands were determined to be manipulated and degraded by historical use of the site and are of little function or value. There are no vernal pools on the subject site.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Proposed wetland impacts have been reduced from 10,020 square feet to 9,940 square feet. The site has been designed to maintain existing hydraulic flow and loading from stormwater entering the site from adjacent roadways and on-site development, with improvements to stormwater treatment by removing riprap, reconfiguring the existing stormwater ditch to filter sediment, as well as the addition of a multitude of trees and shrub plantings.
7. The New Hampshire Natural Heritage Bureau (NHB) has reviewed the proposed project (NHB19-0765) and determined that although there was a NHB record present in the vicinity, it is not expected to be impacted by the proposed project per letter dated March 7, 2019.
Requested Action:
Dredge and fill 1,770 square feet/50 linear feet of intermittent stream for installation of a 49 linear foot x 24-inch diameter HDPE culvert to provide access to two units as part of an eight-unit residential subdivision, and 100 square feet/10 linear feet of temporary impact for installation of an underground sewer utility line.

APPROVE PERMIT
Dredge and fill 1,770 square feet/50 linear feet of intermittent stream for installation of a 49 linear foot x 24-inch diameter HDPE culvert to provide access to two units as part of an eight-unit residential subdivision, and 100 square feet/10 linear feet of temporary impact for installation of an underground sewer utility line.

With Conditions:
1. All work shall be in accordance with revised plans by Fuss & O'Neill titled Vocational Partnership Foundation, Tax Map 507 Lot 64A, Partnership South Subdivision, 270 Stanton Street, Manchester, NH dated May 20, 2019 as received by the Department on May 20, 2019.
2. This permit is not valid unless a subdivision and a septic system construction approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the proposed subdivision.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters. 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. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained at minimum along the limit of work during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate dewatering, water diversion, and turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during low-flow conditions.
8. Culverts shall be installed at existing stream bed grade and shall not result in a perched inlet or outlet condition.
9. Angular rip rap shall be located subsurface only. Stream bed surface materials must be consistent with the bed materials identified in the reference reach, and shall be well-mixed with cobbles, gravels and fines that are washed in during installation to prevent subsurface stream flow (hyporheic).
10. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Oriental Bittersweet, Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).
11. The 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. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. 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.
16. Wetland temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:
1. This is a Minor impact project per Administrative Rule 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for
minimum impact under Env-Wt 303.04(n).
2. Wetland impacts include 1,770 square feet/50 linear feet of intermittent stream to install a 49 linear foot x 24-inch diameter HDPE culvert to provide access to two units as part of an eight-unit residential subdivision, and 10C square feet/10 linear feet of temporary impact for installation of an underground sewer utility line.
3. The stream crossing and associated wetland impacts have been located within the narrowest location of wetlands areas to provide access to two lots. The individual driveways for the two units have been sited in close proximity to limit grading and disturbance areas. The result was a single proposed crossing, 50 feet wide, with only one culvert being required. The same process was used to located the proposed sewer trench crossing.
4. The New Hampshire Natural Heritage Bureau database was checked for records of rare species and exemplary natural communities near the mapped area. It was determined that, although there was a NHB record present in the vicinity it is not expected to be impacted by the proposed project per letter dated October 12, 2018.
5. The New Hampshire Division of Historical Resources has determined that no historic properties will be affected by the proposed project per letter dated April 1, 2019.
6. The United States Department of the Interior, Fish & Wildlife Service was consulted for the proposed project. Response letter dated March 4, 2019 identified there are no threatened, endangered, or candidate species on this list. There were no critical habitats within the project area under the office's jurisdiction.
7. Written comments were received by the Department from the Owner of abutting lot 507/65 on May 2, 2019. A meeting was held on May 8, 2019 to discuss the comments. The comments indicate 'During phase 1 Stanton St. construction, surface water flow patterns were disturbed causing redirection of water to the downhill south and eastern side of Stanton St. towards Huse Rd. as the result of a man-made trench constructed approximately 8-10 years ago. The project engineer has provided pre- and post-development drainage analysis and determined the existing drainage issues on Lots 507-64 and 507-65 are not related to this project. There were no previous impacts identified within wetland jurisdiction. The proposed project will incorporate two detention basins and a drainage swale located in uplands designed to a significant reduction in peak flow from the project site.
8. The applicant has provided a revised plan dated May 20, 2019 which was received by the Department on May 20, 2019. The plan revisions resulted in the relocation of temporary wetland impacts associated with sewer line to greater than 20-feet from the abutting property line of Lot 507/64.
9. The project engineer has confirmed that the proposed 24-inch HDPE driveway culvert has been sized to accommodate the 50-year frequency flood.
10. The permit application was received on April 8, 2019 and requested for Expedited Minimum review. The project does not qualify as Minimum impact project classification based on 60 linear feet of impacts to intermittent streams. The applicant and project engineer were notified of the project classification on May 14, 2019.
11. The City of Manchester Conservation Commission signed the wetland permit application on April 3, 2019.

2019-01064 LGL DEVELOPMENT CORP LONDONDERRY

Requested Action:

Retain 139 square feet (including 127 square feet of temporary impacts) of impacts to emergent wetland for replacement of a previously failed 62 linear foot x 15-inch CMP culvert and stone headwalls, with a 12 inch CPP temporary culvert, and construct a new 50 linear foot x 18-inch RCP culvert with concrete headwalls to allow access to an existing commercial development.

APPROVE PERMIT
Retain 139 square feet (including 127 square feet of temporary impacts) of impacts to emergent wetland for replacement of a previously failed 62 linear foot x 15-inch CMP culvert and stone headwalls, with a 12 inch CPP temporary culvert, and construct a new 50 linear foot x 18-inch RCP culvert with concrete headwalls to allow access to an existing commercial development.

With Conditions:

1. All work shall be in accordance with plans for Towne Square Professional Park, Map 3 Lot 150C, 12 Parmenter Road, Londonderry, New Hampshire for Peterson Development titled Duplex Plot Plan- Valley Hill Road (Lot 4-175-001) with revisions dated December 7, 2018 as received by the Department on December 10, 2018.
2. 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.

3. Work shall be done during low flow and in the dry only.

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. 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.

6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

7. Temporary erosion controls must be removed immediately following project area stabilization.


9. No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.

10. If invasive species are to be disturbed during proposed work, they shall be managed in accordance with New Hampshire Department of Transportation "Best Management Practices for Roadside Invasive Plants" (2008) prior to construction activities. If fruiting structures are present extra care should be taken to prevent spreading of seeds and or fruit.

11. The use of welded plastic or ‘biodegradable plastic’ erosion control netting should be avoided at the work site. Any slope stabilizing materials must be free from plastic or other non-biodegradable materials that create a mesh that can impact wildlife. Coco matting and other natural fibers are acceptable.

12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; 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.

13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

14. The channel at the culvert inlet and outlet shall maintain the natural wetland elevation and shall not impede hydraulic flow or aquatic organism passage.

15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

16. Faulty equipment shall be repaired prior to entering jurisdictional areas.

17. 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.

18. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a Minimum Project per Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2. Wetland impacts are proposed for replacement of a previously failed 62 linear foot x 15-inch CMP culvert and stone headwalls, with a 12 inch CPP temporary culvert, and construction of a new 50 linear foot x 18-inch RCP culvert with concrete headwalls to allow access to an existing commercial development.

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. Impacts were determined to be unavoidable to replace the pre-existing culvert crossing. Impacts have been reduced by shortening the overall culvert length from 62 linear feet to 50 linear feet. Left unmaintained, surface water was anticipated to build up and reach the edge of Parmenter Road. This saturation may compromise the existing public travel way and destroy the access further. Since this is a pre-existing access to the property the proposed impacts are in approximately the same footprint to reduce overall impacts. Slopes adjacent to the headwalls are being maintained at the same slope as they currently are as to not incur any additional fill extensions leading into jurisdictional areas.

4. The project wetland scientist has determined the wetlands that are the subject of this application have been classified as PSS1Cd, Palustrine Scrub Shrub Broad Leaved Deciduous, Seasonally Flooded ditched, and PUB3Hx, Palustrine Unconsolidated Bottom, Mud. The wetlands were determined to be man-made.

5. According to historic photos, this property was once used as a farm and orchard as recently as 1978. In the 1978 aerial photograph, there is no evidence of wetlands or man-made drainage structures around the farm fields. During the 1980's this property was purchased and converted to a professional business park with access of Parmenter Road. During this time frame, a man-made drainage ditch was constructed around the fields to the southeast of the property and a stormwater/fire suppression pond was constructed. The man-made drainage swale was constructed to flow toward the man-made pond to ensure hydrology. To connect these areas a culvert was placed under the driveway that was approximately 62 linear feet x 15-inch diameter CMP culvert.

6. The Londonderry Conservation Commission has reviewed the proposed project and had no objection per email dated May 3, 2019.
7. The New Hampshire Division of Historical Resources has reviewed the proposed project and indicated No Historic Properties Affected per review letter dated April 16, 2019.

8. The NH Natural Heritage Bureau, NH Datacheck letter dated March 25, 2019 identified the Blanding’s turtle in the vicinity if the project area. The applicant’s agent has coordinated with NH Fish & Game and incorporated their recommendations into the design by shortening the length of the pipe from 62 linear feet to 50 linear feet and increasing the diameter to 18 inches instead of 15 inches.

**MINIMUM IMPACT PROJECT**

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**2014-00537**

**KIMBALL, GEORGE**

**BRYANT-KIMBALL, SUSAN**

**TAMWORTH** Unnamed Stream

Requested Action:

Request permit time extension to change culvert design at crossing E25-W1 and E25-E4 to a 17.5 ft x 33 in. wide Storm Tech SC310 pipe sections.

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**APPROVE TIME EXTENSION**

Dredge and fill 2850 sq. ft. of wetlands and streams (includes 96 sq. ft. of temporary impacts) for non-commercial, recreational, maintenance and forestry access on Tax Map/lot R2/49 in Sandwich and Tax Map/lot 420/10 in Tamworth. Work includes 10 wetland impact areas associated tier one stream crossings (including one spanning timber bridge) and consists of crossing replacements and upgrades, road fill, impacts for road alignment and improvements to an existing turn around area.

With Conditions:

1. All work shall be in accordance with plans and narratives by Ricker Brook Forest/George W. Kimball, plan dated 5-22-13 and narratives, as received by the NH Department of Environmental Services (DES) on February 28, 2014, narrative received March 3, 2014 and revised plans dated 6-12-14 and narrative dated June 18, as received by DES on June 24, 2014 and revised narrative (e-mail) dated and received July 31, 2014.

2. Work shall be done during low flow.

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

4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

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

7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.


10. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

13. All refueling of equipment shall occur outside of surface waters or wetlands.
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For Actions Taken 05/20/2019 to 05/26/2019

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

2019-01101

GRIFFIN, GEORGE W/ANNE M

SPRINGFIELD KOLELEMOK LAKE

Requested Action:
Install a 4 foot x 24 foot seasonal pier on an average of 69 linear feet of frontage along Kolelemook Lake in Springfield.

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APPROVE PERMIT
Install a 4 foot x 24 foot seasonal pier on an average of 69 linear feet of frontage along Kolelemook Lake in Springfield.

With Conditions:
1. All work shall be in accordance with plans by G. W. Griffin dated March 10, 2019 and as received by the NH Department of Environmental Services (NHDES) on April 15, 2019.
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. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
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.
9. No portion of the pier shall extend more than 24 from the shoreline at full lake elevation.
10. 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.
11. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.
12. All seasonal structures, including watercraft lifts, 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), for the construction of a seasonal pier.
2. 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.
3. 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.
4. The proposed docking facility is located within the 20 foot abutter setback.
5. In accordance with RSA 482-A:3(XIII)(C), boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner.
6. The owner of the proposed boat docking facility has obtained and provided consent from the abutting property owner, and has therefore met the requirement of RSA 482-A:3(XIII)(C).
EXPEDITED MINIMUM
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2018-03750 LISA L LOMBARD IRREVOCABLE TRUST

RYE ATLANTIC OCEAN

Requested Action:
Impact a total of 1,496 square feet in the previously-developed 100-foot tidal buffer zone to include 81 square feet of permanent impact and 1,415 square feet of temporary impact to construct an addition to the existing single-family dwelling, reconstruct the driveway, and install a new septic system.

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Inspection Date: 01/18/2019 by EBEN M LEWIS

APPROVE PERMIT
Impact a total of 1,496 square feet in the previously-developed 100-foot tidal buffer zone to include 81 square feet of permanent impact and 1,415 square feet of temporary impact to construct an addition to the existing single-family dwelling, reconstruct the driveway, and install a new septic system.

With Conditions:
1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated November 9, 2018 and revised through 4-16-19 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on April 18, 2019.
2. This permit is not valid and effective until it has been recorded with the Rockingham 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 NHDES by certified mail, return receipt requested.
3. No less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the Rye Conservation Commission in writing of the date on which work under this permit is expected to start.
4. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
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 development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
7. 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.
8. 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).
9. No more than 29.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. 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.
13. 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.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
15. A post-construction report, prepared by a Certified Wetland Scientist, documenting status of the project area, restored sand cune area above the septic system, and natural planted buffer, including photographs, shall be submitted to NHDES...
within 30-days following the completion of the project.

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 applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under New Hampshire Department of Environmental Services (NHDES) jurisdiction per Administrative Rule Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant received written concurrence from the abutter on New Castle Tax Map 9 Lot 18 pursuant to Administrative Rule Env-Wt 304.04(a).
5. The applicant requested a waiver of Administrative Rule Env-Wt 304.04(a) as the applicant was unable to obtain written concurrence from the abutters identified as Rye Tax Map 173 Lots 45 and 49.
6. NHDES hereby grants the waiver of Administrative Rule Env-Wt 304.04(a) in accordance with Administrative Rule Env-Wt 204.04(a) as granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety; or an impact on abutting properties that is more significant than that which would result from complying with the rule. Furthermore, granting the request is consistent with the intent and purpose of the rule being waived. Strict compliance with the rule will provide no benefit to the public.
7. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB18-3506. NHB stated, “It was determined that, although there was a NHB record [...] present in the vicinity, we do not expect that it will be impacted by the proposed project.”
8. The Rye Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
9. NHDES Staff conducted a field inspection of the proposed project on January 18, 2019. Field inspection determined site conditions are accurately reflected on the plans; however, inspection found two areas of disturbance in the area of sand dune located at the westerly side of the property where the proposed septic system will be located. The area likely was impacted as result of test pitting for the septic system.
10. NHDES issued a Request for More Information (RFMI) on January 18, 2019 to the applicant. In summary, the RFMI requested: Complying with RSA 483-B11, I; responding to Administrative Rule Env-Wt 302.04(c); obtaining abutters’ concurrences pursuant to Administrative Rule Env-Wt 304.04(a); restoring disturbed sand dune areas; clarifying the Natural Planted Buffer; and, providing when the highest observable tide line had been delineated.
11. On February 28, 2019, NHDES approved a Time Extension Agreement in accordance with RSA 482-A:3, XIV. (a)(3) to allow additional time for a complete response to the aforementioned RFMI; therefore, a complete response to the RFMI was due by April 29, 2019.
12. On April 18, 2019, NHDES received a complete response to the RFMI.

BELMONT DG LLC

BELMONT  Unnamed Wetland

Requested Action:
Dredge and fill 1,001 square feet (SF) of palustrine scrub-shrub wetland in order to construct an access road to a proposed self-storage facility. In addition, temporarily impact 277 SF of palustrine scrub-shrub wetland for erosion and sedimentation controls.

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APPROVE PERMIT
Dredge and fill 1,001 square feet (SF) of palustrine scrub-shrub wetland in order to construct an access road to a proposed self-storage facility. In addition, temporarily impact 277 SF of palustrine scrub-shrub wetland for erosion and sedimentation controls.

With Conditions:
1. All work shall be in accordance with plans by Fuss & O'Neill, Inc., dated April 2019 and revised through May 21, 2019, as received by the NH Department of Environmental Services (NHDES) on May 21, 2019.
2. Prior to construction, all wetland boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands.

3. Prior to starting any work authorized by this permit, the permittee shall place orange construction fencing at the limits of construction to prevent unintentional encroachment on wetlands.

4. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

5. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is expected to start.

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. Work shall be done during low flow and in dry conditions

9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

10. Erosion control products shall be installed per manufacturers recommended specifications.


12. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

13. 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.

14. 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.

15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

16. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

17. 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).

18. 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.

19. Area of temporary impact shall be regraded to original contours following completion of work.

20. 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 project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(f), as the project will impact less than 3,000 square feet of palustrine scrub-shrub wetlands.

2. 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 project minimizes impacts to wetlands by using retaining walls to reduce the amount of fill in the wetlands, and the driveway has been located as far from the wetlands as possible while still accommodating for the turn radius of emergency vehicles and box trucks that will be accessing the site.

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

4. In a review letter dated November 01, 2018, and received by NHDES on February 15, 2019, the Natural Heritage Bureau (NHB) stated that there was no record of a sensitive species located in the vicinity of the project.

5. At the time of this permit being issued, an Alteration of Terrain Permit per Env-Wq 1503.02(a) is not required as the cumulative disturbance resulting from the development between the subject property and the contiguous property at Belmont Tax Map/Lot Number 122/56 accounts for a total of 99,855 square feet within a 10-year period.

6. The Belmont Conservation Commission waived its right to comment on the application by signing it on January 25, 2019.

7. As of May 21, 2019, no comments of concern have been received by NHDES from abutters.
Requested Action:

Impact approximately 74,944 square feet within the bed and banks of Bean Brook to enhance aquatic habitat through instream wood addition. Wood addition treatments will occur along a total of 4,684 linear feet of Bean Brook. The greater Bean Brook wood addition project consists of instream wood treatments at intervals along 2.7 miles of Bean Brook in Orford and Piermont between Bean Brook Road to the west and Indian Pond Road to the east.

APPROVE PERMIT

Impact approximately 74,944 square feet within the bed and banks of Bean Brook to enhance aquatic habitat through instream wood addition. Wood addition treatments will occur along a total of 4,684 linear feet of Bean Brook. The greater Bean Brook wood addition project consists of instream wood treatments at intervals along 2.7 miles of Bean Brook in Orford and Piermont between Bean Brook Road to the west and Indian Pond Road to the east.

With Conditions:

1. Instream wood treatments shall be constructed in accordance with typical details by Trout Unlimited (drawings 1 through 4) dated August 8, 2017, for hand-placed large wood installation, chop and drop large wood installation and non-channel spanning installation.
2. The distribution of wood treatments shall be consistent with the project narrative titled "Bean Brook Wood Habitat Enhancement" and project plans by Redstart, Inc. dated March 22, 2019, as received by NHDES on April 30, 2019.
3. Precautions shall be taken to limit unnecessary removal of vegetation adjacent to the stream channel. Trees shall be removed so as not to affect canopy cover and shading over the stream.
4. Trees that are stabilizing slopes and banks shall be left intact and no felled logs on the floodplain shall be removed.
5. This permit does not authorize stump removal associated with tree cutting in jurisdictional areas.
6. Work shall be done during low flow conditions.
7. Wood shall be added to the stream by hand. Trees will be felled with chainsaws. No other motorized equipment will be used within wetland jurisdiction.
8. A post-construction report with photographs documenting the status of the completed project shall be submitted to the Wetlands Bureau (Seta Detzel) within 60 days of the completion of each phase of wood additions.
9. Any further alteration of areas on these properties that are within the jurisdiction of the NHDES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a Minimum Impact Project per Administrative Rule Env-Wt 303.04(t), for restoration of altered or degraded wetlands.
2. The project is receiving the financial support and oversight of the USDA Natural Resources Conservation Service (NRCS).
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.

2019-01249

ORFORD BEAN BROOK

Requested Action:

Impact approximately 15,616 square feet within the bed and banks of Bean Brook to enhance aquatic habitat through instream wood addition. Wood addition treatments will occur along a total of 976 linear feet of Bean Brook. The greater Bean Brook wood addition project consists of instream wood treatments at intervals along 2.7 miles of Bean Brook in Orford and Piermont between Bean Brook Road to the west and Indian Pond Road to the east.
APPROVE PERMIT
Impact approximately 15,616 square feet within the bed and banks of Bean Brook to enhance aquatic habitat through instream wood addition. Wood addition treatments will occur along a total of 976 linear feet of Bean Brook. The greater Bean Brook wood addition project consists of instream wood treatments at intervals along 2.7 miles of Bean Brook in Orford and Piermont between Bean Brook Road to the west and Indian Pond Road to the east.

With Conditions:
1. Instream wood treatments shall be constructed in accordance with typical details by Trout Unlimited (drawings 1 through 4) dated August 8, 2017, for hand-placed large wood installation, chop and drop large wood installation and non-channel spanning installation.
2. The distribution of wood treatments shall be consistent with the project narrative titled "Bean Brook Wood Habitat Enhancement" and project plans by Redstart, Inc. dated March 22, 2019, as received by NHDES on April 30, 2019.
3. Precautions shall be taken to limit unnecessary removal of vegetation adjacent to the stream channel. Trees shall be removed so as not to affect canopy cover and shading over the stream.
4. Trees that are stabilizing slopes and banks shall be left intact and no felled logs on the floodplain shall be removed.
5. This permit does not authorize stump removal associated with tree cutting in jurisdictional areas.
6. Work shall be done during low flow conditions.
7. Wood shall be added to the stream by hand. Trees will be felled with chainsaws. No other motorized equipment will be used within wetland jurisdiction.
8. A post-construction report with photographs documenting the status of the completed project shall be submitted to the Wetlands Bureau within 60 days of the completion of each phase of wood additions.
9. Any further alteration of areas on these properties that are within the jurisdiction of the NHDES Wetlands Bureau (Seta Detzel) will require a new application and further permitting by the Bureau.

With Findings:
1. This is a Minimum Impact Project per Administrative Rule Env-Wt 303.04(t), for restoration of altered or degraded wetlands.
2. The project is receiving the financial support and oversight of the USDA Natural Resources Conservation Service (NRCS).
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.

2019-01289 KELLY, KEVIN

MOULTONBOROUGH LAKE WINNIPESAUKEE

Requested Action:
Temporarily impact 150 square feet of bank in order to replace, in kind, 50 linear feet of existing retaining wall on approximately 120 linear feet of frontage along Lake Winnipesaukee in Moultonborough.

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APPROVE PERMIT
Temporarily impact 150 square feet of bank in order to replace, in kind, 50 linear feet of existing retaining wall on approximately 120 linear feet of frontage along Lake Winnipesaukee in Moultonborough.

With Conditions:
1. All work shall be in accordance with plans by Kevin Kelly and as received by the NH Department of Environmental Services (NHDES) on May 3, 2019.
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. Replacement of existing retaining wall shall be performed "in the dry" during drawdown of waters, and shall result in no change in height, length, location, or configuration.
5. The proposed 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.
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. Appropriate situtation 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. 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.
10. 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.
11. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.
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.
14. The repairs shall maintain the size, location, and configuration of the pre-existing structures.

With Findings:
1. This is a minimum impact project per Administrative Rule 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.
2. 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.
3. 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.

PERMIT BY NOTIFICATION
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2017-01908 RMMC LIBERT LANE LLC

HAMPTON Unnamed Stream

Requested Action:
New owner request to the approval in their name.

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APPROVE NAME CHANGE
Temporarily impact 10 square feet within an unnamed intermittent stream for the in-kind repairs of the existing corrugated metal arch culvert and replacing drainage pipes that outfall within the culvert.

With Findings:
1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02 (U).
2019-01267  

11 FEDERAL HILL ROAD LLC

HOLLIS  SILVER LAKE

Requested Action:

Replenish beach with 10 cubic yards of sand on frontage along Silver Lake in Hollis.

PBN IS COMPLETE

Replenish beach with 10 cubic yards of sand on frontage along Silver Lake in Hollis.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) Replenishment of sand on an existing beach.
2. 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.
3. 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.

2019-01275  

POLAKIEWICZ, JAMES

MIDDLETON  SUNRISE LAKE

Requested Action:

Replenish an existing beach with no more than 10 cubic yards of sand and in accordance with plans as received by NH Department of Environmental Services (NHDES) on May 3, 2019 along frontage on Sunrise Lake in Middleton.

PBN IS COMPLETE

Replenish an existing beach with no more than 10 cubic yards of sand and in accordance with plans as received by NH Department of Environmental Services (NHDES) on May 3, 2019 along frontage on Sunrise Lake in Middleton.

With Findings:

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

2019-01341  

PORTSMOUTH, CITY OF

PORTSMOUTH  PISCATAQUA RIVER

Requested Action:

Temporarily impact 1,315 square feet of previously-developed upland tidal buffer zone to temporarily stabilize a sheetpile seawall.

PBN IS COMPLETE
PBN IS COMPLETE
Temporarily impact 1,315 square feet of previously-developed upland tidal buffer zone to temporarily stabilize a sheetpile seawall. Full-scale repair or replacement of the existing seawall is targeted for for the upcoming years.

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

2019-01421 OVERLOOK AT WINNI CONDO ASSOCIATION, C/O EVERGREEN

LACONIA LAKE WINNIPESAUKEE

Requested Action:
Repair of existing docking structures and 3 tie off piles with no change in size, location or configuration on frontage along Lake Winnipesaukee in Laconia.

PBN IS COMPLETE
Repair of existing docking structures and 3 tie off piles with no change in size, location or configuration on frontage along Lake Winnipesaukee in Laconia.

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 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.
3. 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.

2019-01444 FAY’S BOAT YARD INC

GILFORD LAKE WINNIPESAUKEE

Requested Action:
Repair, replace, and maintain existing docking structures, in kind, within a commercial marina located within Smith Cove on Lake Winnipesaukee in Gilford.

PBN DISQUALIFIED
Repair, replace, and maintain existing docking structures, in kind, within a commercial marina located within Smith Cove on Lake Winnipesaukee in Gilford.

With Findings:
1. Rule Env-Wt 303.04, Minimum Impact Projects, (v) allows that the repair of legally existing docking structures shall be classified as a minimum impact project.
2. Rule Env-Wt 506.01, Project Qualifying for Permit by Notification, (a), (5) allows that the repair of legally existing docking structures that meets Rule Env-Wt 303.04,(v) shall qualify for the Permit by Notification process.
3. Review of aerial imagery available to the Department has found that the additional structures have been constructed and
installed within the commercial docking facility without the permits required by RSA 482-A. 
4. The Department finds that because the structures within the commercial facility are not all legally existing, Rule Env-Wt 303.04, (v) is not met and the project fails to qualify for Permit by Notification under Rule Env-Wt 506.01, (a), (5).

2019-01458  
TUFTS (PREVIOUS OWNER), KEVIN MILLS, STEPHANIE A 2012 TRUST GILFORD LAKE WINNIPESAUKEE

Requested Action: Replace existing pylon ice cluster, 5 pylon supports for the 6 foot x 36 foot 6 inch dock, 2 tie off pylons, and install a personal seasonal watercraft lifts on 100 feet of frontage along Lake Winnipesaukee in Gilford.

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PBN IS COMPLETE
Replace existing pylon ice cluster, 5 pylon supports for the 6 foot x 36 foot 6 inch dock, 2 tie off pylons, and install a personal seasonal watercraft lifts on 100 feet of frontage along Lake Winnipesaukee in Gilford.

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 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.
3. 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.

2019-01470  
STONECREST CONDO ASSOCIATION LACONIA LAKE WINNIPESAUKEE

Requested Action: Install 2 seasonal personal water craft lifts on frontage along Lake Winnipesaukee in Laconia.

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PBN IS COMPLETE
Install 2 seasonal personal water craft lifts on frontage along Lake Winnipesaukee in Laconia.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad) Installation of a seasonal personal watercraft lift, provided the personal watercraft lift.
2. 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.
3. 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.

2019-01503  
PIER 19 CONDO ASSOC., C/O JANE ELLIOTT
TUFTONBORO  LAKE WINNIPESAUKEE

Requested Action:
Repair docking structures and replace piles as needed in-kind on frontage along Lake Winnipesaukee in Tuftonboro.

PBN IS COMPLETE
Repair docking structures and replace piles as needed in-kind on frontage along Lake Winnipesaukee in Tuftonboro.

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 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.
3. 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.

2019-01505
ANDERSON, JOHN
MOULTONBOROUGH  LAKE WINNIPESAUKEE

Requested Action:
Install a seasonal manual kayak lift and a personal watercraft lift to existing dock on frontage along Lake Winnipesaukee in Moultonborough.

PBN IS COMPLETE
Install a seasonal manual kayak lift and a personal watercraft lift to existing dock on frontage along Lake Winnipesaukee in Moultonborough.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad) Installation of a seasonal personal watercraft lift, provided the personal watercraft lift.
2. 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.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2019-01495
GARLAND, RICHARD
BARTLETT  Unnamed Stream
COMPLETE NOTIFICATION
BARTLETT; TAX MAP# 3RT302; LOT# 178R02

2019-01497  TIMBER OWNERS OF NEW ENGLAND INC

ALSTEAD  Unnamed Stream

*********************************

COMPLETE NOTIFICATION
ALSTEAD; TAX MAP# 44; LOT(S)# 2, 6, 8

2019-01507  SERRA, ANTHONY

BARRINGTON  Unnamed Stream

*********************************

COMPLETE NOTIFICATION
BARRINGTON, TAX MAP# 273, LOT# 49

2019-01513  NEW ENGLAND FORESTRY FOUNDATION

WILTON  Unnamed Stream

*********************************

COMPLETE NOTIFICATION
WILTON; TAX MAP# E; LOT# 11-3, 20

2019-01516  ZAMEK, STEVE

RAYMOND  Unnamed Stream

*********************************

COMPLETE NOTIFICATION
RAYMOND; TAX MAP(S)# 9/15; LOT(S)# 15/71
Decision Report
For Actions Taken 05/20/2019 to 05/26/2019

2019-01541  WHELDEN, LYNNE
             WHELDEN, ROY
             ALTON Unnamed Stream
             ****************************************
             COMPLETE NOTIFICATION
             ALTON; TAX MAP# 15 LOT# 67

2019-01558  ROBERGE, DONALD/SANDRA
             ALTON Unnamed Stream
             ****************************************
             COMPLETE NOTIFICATION
             ALTON; TAX MAP# 5; LOT# 56

GOLD DREDGE
             ****************************************

2019-01485  PHAIR, JEREMY
             (ALL TOWNS) Unnamed Stream
             ****************************************
             COMPLETE NOTIFICATION
             GOLD DREDGE

2019-01487  OLSEN, ARMOND
             (ALL TOWNS) Unnamed Stream
             ****************************************
             COMPLETE NOTIFICATION
             GOLD DREDGE

2019-01492  LEONARD II, ROBERT
             (ALL TOWNS) Unnamed Stream
COMPLETE NOTIFICATION
GOLD DREDGE

2019-01533  STEVENS, KEITH

(ALL TOWNS)  Unnamed Stream

COMPLETE NOTIFICATION
GOLD DREDGE

2019-01538  KNIGHT, SAMANTHA

(ALL TOWNS)  Unnamed Stream

COMPLETE NOTIFICATION
GOLD DREDGE

2019-01540  KNIGHT, ISAIAH

(ALL TOWNS)  Unnamed Stream

COMPLETE NOTIFICATION
GOLD DREDGE

ROADWAY MAINTENANCE NOTIFICATION

2019-01542  BENNINGTON DPW, TOWN OF

BENNINGTON  Unnamed Wetland

COMPLETE NOTIFICATION
GOLD DREDGE
SHORELAND PERMIT

2018-00452  OLIVER, FRANK

WOLFEBORO FALLS  WENTWORTH LAKE

Requested Action:

The Permittee requested the permit to be amended to further expand the primary structure and add a platform.

* * *

APPROVE AMENDMENT

Impact 1,228 square feet of protected shoreland in order to construct an addition to the primary structure, add garage, add a platform, and install a rain garden.

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (NHDES) on April 30, 2019.
2. The new primary structure addition 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 impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project while mechanized equipment is in use in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 8.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. The rain garden shall be installed and maintained to effectively absorb and infiltrate stormwater according to the specification of the Soak up the Rain NH website (soahnh.org) and planted with species listed on the NHDES shoreland publication "Native Shoreland and Riparian Buffer plantings for NH".
6. 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 primary structure addition.
7. Native vegetation within an area of at least 2,375 square feet 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).
8. 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.
9. 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. 
10. 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.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
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 soils 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. 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 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.
15. 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.
Requested Action:
The Permittee requested the permit to be amended to add a treehouse.

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APPROVE AMENDMENT
Amd permit description to read: Impact 13,929 square feet of protected shoreland in order to construct a primary structure, a driveway, a tree house and a portion of a septic system and to install a rain garden and an infiltration trench.
Amd conditions.

With Conditions:
1. All work shall be in accordance with plans by Terrain Planning & Design, LLC, dated April 11, 2019, and received by the NH Department of Environmental Services (NHDES) on May 2, 2019.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the 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 20.9% 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 3,007 SF within the 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 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 rain garden, pervious path, and infiltration trench shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. Photographs documenting the construction of the proposed rain garden, pervious path, and infiltration trench shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. 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.
15. 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.
Requested Action:
The Permittee requested the permit to be amended to reflect a different location for the proposed primary structure, driveway, septic system, retaining walls, swales, and catch basins, the addition of an attached garage to the proposed primary structure, a reduction in the size of the proposed shed, and a correction to condition #4.

APPROVE AMENDMENT
Impact 11,412 square feet of protected shoreland in order to build a new primary structure with an attached garage, a driveway, a shed, a patio, a path, retaining walls, swales, and stairs; install a septic system, drip edges and catch basins; and associated grading.

With Conditions:
1. All work shall be in accordance with plans by Varney, Engineering, LLC, dated October 29, 2018, revised through April 18, 2019, and received by the NH Department of Environmental Services (NHDES) on May 3, 2019.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the 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 13.5% 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 7,094 square feet within the 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 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. 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.
13. 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.
14. 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.

2018-03693  DELVECCHIO, RALPH
ALTON  LAKE WINNIPESAUKEE

Requested Action:
The Permittee requested the permit to be amended to change the required number of trees to be planted for the restoration of the natural woodland between 50 and 150 feet landward of the reference line.
APPROVE AMENDMENT
Impact 12,294 square feet (SF) of protected shoreland in order to tear down the existing primary structure, build a new primary structure, install a retaining wall, install drip edges and catch basins, replace the existing patios with pervious pavers, remove the shed and concrete walkway, build a garage, construct walkways, and reconfigure the driveway.

With Conditions:
1. All work (except plantings in waterfront grid segment labeled “Zone C” and “Zone D”) shall be in accordance with plans by Varney Engineering, Inc., revised through May 16, 2019, and received by the NH Department of Environmental Services (NHDES) on May 20, 2019.
2. The proposed garage addition shall not be plumbed 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 29.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. All planting in waterfront grid segment labeled “Zone A” and plantings located between 50 and 150 feet landward of the reference line as shown on the approved plans shall be completed prior to the construction of the proposed garage or prior to June 31, 2019, whichever comes first.
6. The plantings shall be inspected at the beginning and end of the growing season for a period of 2 years after initial plantings have been completed during which time any failed plantings shall immediately be replaced by the owner of the property.
7. The Permittee is responsible for submitting monitoring reports and photos of restored areas to the NHDES Wetlands Bureau at six (6) months following completion of plantings and then annually for a duration of two (2) years in order to document compliance with the restoration plan.
8. Following planting, the restored Woodland Buffer areas 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 man-made materials. Native vegetation within an area of at least 3,265 SF within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall then be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The proposed catch basin and drip edge infiltration trenches shall be installed and maintained to effectively absorb and infiltrate stormwater.
14. Photographs documenting the construction of the proposed catch basin and drip edge infiltration trenches shall be submitted to the Department within 30 days of construction of the proposed garage.
15. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
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. 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).
18. 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-Vt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
19. 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.
SALEM  SHADOW LAKE

Requested Action:
Within existing impacted areas, construct an addition, specifically an attached garage, to the existing 3-bedroom nonconforming primary structure, reconfigure and expand existing driveways, and construct and modify accessory structures including a patio and walkways.

DENY PERMIT
Within existing impacted areas, construct an addition, specifically an attached garage, to the existing 3-bedroom nonconforming primary structure, reconfigure and expand existing driveways, and construct and modify accessory structures including a patio and walkways.

With Findings:
Standards for Approval

1. RSA 483-B:3, Consistency Required, I, requires that state and local permits for work within the protected shorelands shall be issued only when consistent with the policies of RSA 483-B.

2. RSA 483-B:4, Definitions, XXII, defines the term "Structure" as anything constructed or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind, with a fixed permanent location on or in the ground, exclusive of fences.

3. RSA 483-B:4, Definitions, II, defines the term "Accessory structure" as a structure, as defined in paragraph XXII of this section, on the same lot and customarily incidental and subordinate to the primary structure, as defined in paragraph XIV of this section; or a use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages, or other outbuildings.

4. RSA 483-B:4, Definition, XIV, defines the term "Primary structure" as a structure as defined in paragraph XXII of this section that is central to the fundamental use of the property and is not accessory to the use of another structure on the same premises.

5. Pursuant to RSA 483-B:9 Minimum Shoreland Protection Standards, II, (b), within the protected shoreland primary structures shall be set back behind the primary building line which is 50 feet from the reference line.

6. Pursuant to RSA 483-B:11, Non-Conforming Structures, I, "(...) alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer, provided the structure is not extended closer to the reference line and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property. This provision shall not allow for the enclosure, or conversion to living space, of any deck or open porch located between the primary structure and the reference line and within the waterfront buffer."

7. Pursuant to RSA 483-B:11, Non-Conforming Structures, II, " for the purposes of this section, a proposal that is "more nearly conforming" means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the design standards of this chapter. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of structural footprints, enhancing stormwater management, adding infiltration areas and landscaping, upgrading wastewater treatment, improving traffic management, or other enhancements that improve wildlife habitat or resource protection."

9. In accordance with Rule Env-Wq1402.11(a), when used in RSA 483-B:11, I, "Footprint" means "the area of land surface that lies directly beneath the limits of the exterior walls of a structure, whether the structure rests directly on the ground or is raised above the ground surface"

Finding of Fact

1. On January 17, 2014, NHDES accepted Shoreland Permit by Notification 2014-00172 ("PBN 2014-00172") for the re-construction of an existing 3-bedroom nonconforming primary structure within the same footprint on the property identified
as Lot# 4684 on Salem Tax Map 31 ("the Property"). PBN 2014-00172 did not indicate that there would be any increase in the impervious area of the structure nor did it indicate any increase in the footprint of the structure as defined in Rule Env-Wq 1402.11(a).

2. On December 24, 2018, the Department received Shoreland Permit Application 2018-03772 ("Application 2018-03772") to impact 5,300 square feet (SF) of protected shoreland on the Property, in order to construct an addition to the existing 3-bedroom nonconforming primary structure, to reconfigure the driveway, make drainage improvements along with other site improvements including patio and walkway construction, and install a new sewer force main.

3. Information obtained from the department as part of the review of Application 2018-03772 provided evidence that the footprint of the nonconforming primary structure had been expanded within the waterfront buffer by approximately 380 SF by converting a shed and an open porch to living space without making the property more nearly conforming.

4. Additional impacts which are not in compliance with RSA 483-B have been conducted on the property, which will be addressed under separate compliance actions and at this time are not subject for denying Application 2018-03772.

5. The project as proposed includes the retention of an approximate increase in living space of the 3-bedroom nonconforming primary structure by approximately 380 SF within the waterfront buffer. The project as proposed also includes an additional increase in the footprint of the 3-bedroom nonconforming primary structure of 676 SF by constructing an attached garage to the primary structure, of which approximately 622 SF are located within the waterfront buffer.

6. The removal of unauthorized accessory structures within the waterfront buffer (a patio, walkways over 6 foot in width, and the expansion of the driveway) and the reduction in impervious area of the lot resulting from these removals shall not be considered as part of the more nearly conforming request.

7. The removal of the unauthorized portion of the 3-bedroom nonconforming primary structure that extends closer to the reference line than the 3-bedroom nonconforming primary structure that had existed on January 17, 2014 and the reduction in the impervious area of the lot resulting from this removal shall not be considered as more nearly conforming.

8. The project as proposed does not reduce the overall square footage of legal structural footprints, reduce legal impervious area, enhance stormwater management, upgrade wastewater treatment, or improve traffic management, to an extent not otherwise already required by law or rule.

9. Insufficient plantings and infiltration areas can be located between the proposed primary structure expansion, proposed accessory structures, and the reference line to provide improved resistance to erosion and attenuation of nutrients related to stormwater run-off from the entirety of the 3-bedroom nonconforming primary structure footprint expansion.

Rulings in Support of the Decision

1. The department finds that the plantings are sufficient to offset the conversion of approximately 380 SF of shed and open porch to living space in the 3-bedroom nonconforming primary structure footprint completed under PBN 2014-00172. Therefore, the department will grant a conditional after-the-fact approval for this conversion, requiring plantings.

2. The department finds that the plantings are not sufficient to offset both the proposed footprint increase of approximately 676 SF for the construction of the garage to be added to the 3-bedroom nonconforming primary structure and the retention of the converted open porch and shed for approximately 380 SF of living space previously completed under PBN 2014-00172. The proposal therefore fails to meet the definition of "more nearly conforming" as defined in RSA 483-B:11, II and thus fails to meet the requirement established in RSA 483-B:11, I.

3. Pursuant to RSA 483-B:3, I, the Department shall not grant a permit for this proposal for impacts in protected shorelands because the project as proposed fails to meet RSA 483-B: B:9, II(b).
With Conditions:
1. All work shall be in accordance with plans by WM Evans Engineering, LLC dated April 4, 2019 and received by the NH Department of Environmental Services (NHDES) on August 16, 2019.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the 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 18.5% of the area of the lot within the protected shoreline shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Native vegetation within an area of at least 1,986 square feet (SF) within the 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 shoreline 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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. 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.

2019-01184

OSSIPEE LAKE CAMPING AREA LLC

EFFINGHAM OSSIPEE LAKE

Requested Action:
Impact 9, 516 square feet of protected shoreline in order to construct 2 primary structures with decks, 1 primary structure, 1 gravel pad with deck for a motorhome, and sewer connections to each structure.

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APPROVE PERMIT
Impact 9, 516 square feet of protected shoreline in order to construct 2 primary structures with decks, 1 primary structure, 1 gravel pad with deck for a motorhome, and sewer connections to each structure.

With Conditions:
1. All work shall be in accordance with plans by White Mountain Survey & Engineering, Inc. dated April 23, 2019 and received by the NH Department of Environmental Services (NHDES) on April 24, 2019.
2. The proposed construction may not begin 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 6.5% 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 31,000 square feet (SF) within the 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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.


12. 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.

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WOODS, DANIELLE M
JOHN J

BARTLETT SACO RIVER

Requested Action:

Impact 9,824 square feet of protected shoreland in order to construct a primary structure with an attached garage, a driveway, and a water line.

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APPROVE PERMIT

Impact 9,824 square feet of protected shoreland in order to construct a primary structure with an attached garage, a driveway, and a water line.

With Conditions:

1. All work shall be in accordance with plans by Briggs Land Surveying dated April 8, 2019 and received by the NH Department of Environmental Services (NHDES) on April 26, 2019.

2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the 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 2.5% 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 10,907 square feet (SF) within the 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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.


12. 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.

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**2019-01278**

**CLEMENTS, JAMES/KAREN**

**MOULTONBOROUGH LAKE WINNIPEGSAUKEE**

**Requested Action:**

Impact 1,760 square feet of protected shoreland in order to remove the existing 245 square foot path to the dock, install a new 4-foot wide pervious path to the dock and beach, with 198 square feet of impervious stairs, and add plantings.

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**APPROVE PERMIT**

Impact 1,760 square feet of protected shoreland in order to remove the existing 245 square foot path to the dock, install a new 4-foot wide pervious path to the dock and beach, with 198 square feet of impervious stairs, and add plantings.

**With Conditions:**

1. All work shall be in accordance with plans by Stephens Landscaping Professionals, LLC dated April 22, 2019, and received by the NH Department of Environmental Services (NHDES) on May 3, 2019.

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 24.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

4. Native vegetation within an area of at least 3,226 square feet within the 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).

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. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.

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.


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.

2019-01288

THE RUGGERI REVOCABLE TRUST

BRADFORD LAKE TODD

Requested Action:
Impact 383 square feet of protected shoreland in order to a 10 foot x 18 foot deck and replace an existing walkway with a pervious walkway.

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APPROVE PERMIT
Impact 383 square feet of protected shoreland in order to a 10 foot x 18 foot deck and replace an existing walkway with a pervious walkway.

With Conditions:
1. All work shall be in accordance with plans by RCS Designs dated April 24, 2019 and received by the NH Department of Environmental Services (DES) on May 3, 2019.
2. No more than 22.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Native vegetation within an area of at least 209 square feet 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).
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. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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.