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

2016-01552 NH DEPT OF TRANSPORTATION

NORTHFIELD WINNIPESAUKEE RIVER

Requested Action:

Amend permit to temporarily impact an additional 1,611 square feet (SF) within the bed of the Winnipesaukee River for the installation of two additional temporary causeways for construction access, and reduce 4,132 SF of previously approved temporary wetland impact within the bed and banks of the Winnipesaukee River. Additionally, amend the permit to include the as-built footprint of the project.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 08/10/2018 by JEFF D BLECHARczyk

APPROVE AMENDMENT

Rehabilitate two bridge decks (Br 118/158 Br 117/157) and install scour protection of piers impacting 44,389 sq. ft. (40,697 sq. ft. temporary) of palustrine and riverine wetlands.

With Conditions:

1. All work shall be in accordance with plans dated 04/16 by NHDOT Bureau of Highway Design, and revised through May 15, 2019, as received by the NH Department of Environmental Services (NHDES) on August 12, 2019.
2. Dredged material shall be placed out of the NHDES Wetlands Bureau jurisdiction unless specifically authorized.
3. Unconfined work within the stream, inclusive of work associated with installation of temporary causeways, shall be done curing periods of low flow.
4. Water diversion structures, including temporary causeways, shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a water diversion structure is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a turbidity curtains shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary causeways shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting/matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The impacts associated with the temporary work shall be restored immediately following construction.
17. The permittee shall provide for the safety of recreational users of the river during construction.
18. The permittee shall provide a PE stamped plan to the file prior to construction in accordance with rule Env-Wt 404.04.
19. Turbidity shall be monitored and controlled in accordance with the Turbidity Sampling and Control Plan dated July 18, 2019, and revised through August 08, 2019, as approved by the NHDES Watershed Management Bureau.

With Findings:
1. This is a major impact project per Administrative Rules Env-Wt 303.02(p), a replacement of a stream crossing structure in a tier 3. 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. 5. The project was coordinated through the Natural Resource Agency monthly meetings and discussed on Oct. 16, 2013 and Feb. 17, 2016. 6. The project does not require mitigation as this meets rule Env-Wt 302.03(c)(2)(c), protection of existing infrastructure. 7. In accordance with RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1. 8. The NHDES has determined the applicant has met the purpose of the current stream rules relative to not causing damage upstream or downstream and not impeding aquatic organisms. 9. Coordination with the Natural Heritage Bureau and the NH Fish and Game Dept. finds no impacts are likely with the species noted.
10. NHDES staff conducted field inspections of the site on October 30, November 1, and November 6, 2018. Field inspection determined that the work that was taking place exceeded the limits of work approved under the original permit and that permit conditions 1, 2, 3, 4, 5, 6, 8, 9, 14, and 18 were not followed. NHDES staff that conducted the field inspections recommended issuing a Letter of Deficiency.
11. A permit amendment request dated February 1, 2019, was received by NHDES on February 06, 2019.
12. On March 27, 2019, NHDES staff and NHDOT staff met to discuss the submitted plans for the requested permit amendment and NHDES staff identified a series of concerns regarding the amended plans.
13. A revised permit amendment request dated May 15, 2019, addressing some of NHDES staff concerns identified in the March 27, 2019, meeting was received by NHDES on May 20, 2019.
14. On July 10, 2019, NHDES issued a letter with 17 specific items that needed to be addressed regarding the revised permit amendment request.
15. In a response letter dated August 09, 2019, and received by NHDES on August 12, 2019, and email correspondence dated and received by NHDES on August 30, 2019, NHDOT sufficiently addressed all 17 items identified in the July 10, 2019, NHDES request letter.

2019-00473 KEENE DILLANT-HOPKINS AIRPORT

SWANZEY STREAM D/S FROM WILSON POND

Requested Action:
Dredge and fill 43,969 square feet within palustrine scrub-shrub/emergent wetland and within the bed and banks of an unnamed perennial stream (tier 3, impacting 1,279 linear feet) to extend an existing 72-inch diameter by 840-foot long culvert an additional 400 linear feet, for a full length of 1,240 linear feet, and for associated grading and drainage infrastructure to extend an airport taxiway (Taxiway 'A') approximately 1,500 feet to the end of Runway 2-20 and to provide the required safety embankment. In addition, temporarily impact 2,436 square feet within palustrine scrub-shrub/emergent wetland and within the bed and banks of an unnamed perennial stream (impacting 70 linear feet) for access, installation, erosion, sediment, and turbidity controls, and water diversion. Compensatory mitigation includes a one-time payment of $316,782.72 to the NHDES Aquatic Resource Mitigation (ARM) fund within the Lower Connecticut River watershed for 1,279 linear feet of permanent impacts to the unnamed perennial stream bed and its banks.

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Conservation Commission/Staff Comments:
ARM payment of $316,782.72 to the Lower Connecticut River watershed.

APPROVE PERMIT
Dredge and fill 43,969 square feet within palustrine scrub-shrub/emergent wetland and within the bed and banks of an unnamed perennial stream (tier 3, impacting 1,279 linear feet) to extend an existing 72-inch diameter by 840-foot long culvert an additional 400 linear feet, for a full length of 1,240 linear feet, and for associated grading and drainage infrastructure to extend an airport taxiway (Taxiway 'A') approximately 1,500 feet to the end of Runway 2-20 and to provide the required safety embankment. In addition, temporarily impact 2,436 square feet within palustrine scrub-shrub/emergent wetland and within the bed and banks of an unnamed perennial stream (impacting 70 linear feet) for access, installation, erosion, sediment, and turbidity controls, and water diversion. Compensatory mitigation includes a one-time payment of $316,782.72 to the NHDES Aquatic Resource Mitigation (ARM) fund within the Lower Connecticut River watershed for 1,279 linear feet of permanent impacts to the unnamed perennial stream bed and its banks.

With Conditions:
1. All work shall be in accordance with plans by Dubois & King, Inc., dated January 2019, and revised through August 28, 2019, as received by the NH Department of Environmental Services (NHDES) on February 7, 2019.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A 17 and Env-Wq 1500 is achieved.
3. This approval is not valid until NHDES receives a one-time payment of $316,782.72 to the NHDES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to NHDES. If NHDES does not receive payment within 360 days (waiver granted) of the date of the approval letter, NHDES will deny the application.
4. This permit is contingent on review and approval, by the NHDES Wetlands Bureau, of final stream diversion and erosion control plans. Those plans shall detail the relative timing and method of stream flow diversion during construction, and show temporary siltation, erosion, and turbidity control measures to be implemented.
5. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
6. The permittee shall schedule a pre-construction meeting with NHDES Land Resources Management Program staff to occur at least 48 hours prior to the start of any work authorized by this permit to review the conditions of this wetlands permit and the Alteration of Terrain permit. The meeting may be held on-site or at the NHDES offices in Concord. The meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. If construction is expected to begin before August, a bird survey shall be conducted in June and the applicant shall coordinate directly with the NH Fish & Game Dept. to determine potential species impacts.
8. The permittee shall coordinate with NH Fish & Game, Nongame and Endangered Species Program, regarding the need for any additional vertebrate species monitoring required before and during construction.
9. As requested by the New Hampshire Fish and Game Department (NHFG), a Sedibag or equivalent system will be used at all catch basins within the project limits to prevent wildlife entrapment and mortality.
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. 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.
12. 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).
13. 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.
15. 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.
16. Erosion control products shall be installed per manufacturers recommended specifications.
17. 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.
18. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall
construct a cofferdam to isolate the substructure work area from the surface waters.

19. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.

20. Temporary cofferdams shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

21. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

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

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

24. 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. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

25. 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.

26. 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.

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

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

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

30. Proper headwalls shall be constructed within seven days of culvert installation.

31. 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.

32. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species similar to those within the wetland prior to impact. The permittee shall implement corrective measure promptly if needed to ensure the plantings survive.

33. If stream bed restoration in the temporary impact area is necessary to return to pre-construction conditions, materials used to emulate a natural channel bottom must be as similar to the natural stream substrate as practicable and shall not include any angular rock.

34. 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.

35. The permittee's contractor shall use only biodegradable, wildlife-friendly, erosion control netting not to include materials comprised of welded plastic.

36. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Bureau within 60 days of final site stabilization.

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

With Findings:

1. This project is classified as a Major Project per NH Administrative Rules Env-Wt 303.02(i), for projects that alter the course of or disturb 200 or more linear feet of a perennial non-tidal stream or its banks.

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. The applicant's agent, DuBois & King, Inc., evaluated two options for providing a parallel taxiway in accordance with FAA standards. Wetland impacts for one alternative was expected to be approximately 1.16 acres, while wetland impacts for the other alternative were expected to be approximately 0.49 acres. The least impacting alternative was selected.

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

4. This project proposes to extend Taxiway 'A' approximately 1,500 linear feet so that aircraft can taxi to the end of Runway 2-20 to meet Federal Aviation Administration (FAA) safety standards. An existing 72-inch diameter by 840-foot long culvert that carries an unnamed perennial stream (tier 3) is proposed to be extended by an additional 400 linear feet in order to construct the taxiway extension.

5. The agent has provided a technical report requesting that this crossing be considered as an Alternative Design for an extension of a tier 3 stream crossing per NH Administrative Rule Env-Wt 904.09(b), as the project proposes to extend an existing undersized, closed-bottom, 840-foot long culvert lacking stream simulation that does not comply with UNH Stream Crossing Guidelines by an additional 400 linear feet. Within the report, the agent has demonstrated that compliance with
general design criteria specified in Env-Wt 904.01 will be similar to existing conditions, and that the proposed culvert extension meets the specific design criteria specified in Env-Wt 904.05 to the maximum extent practicable. Thus, the applicant has met all the requirements for an Alternative Design of a tier 3 stream crossing extension per Env-Wt 904.09(c).
6. This project as proposed qualifies for compensatory mitigation as impacts to the unnamed perennial stream (tier 3) and its banks are greater than 200 linear feet, pursuant to Env-Wt 303.02(l).
7. Mitigation, in the form of an ARM Fund payment, is required for a total of 1,279 linear feet of impact within the bed and banks of the unnamed perennial stream (tier 3). Impacts to the right bank are 450 linear feet, impacts to the left bank are 421 linear feet, and impacts to the channel are 408 linear feet.
8. A Technical Memo provided by DuBois & King, Inc., dated February 7, 2019, indicates the 100-yr flood elevation for existing and proposed conditions is 469.9 feet and has remained unchanged.
9. Hydraulic modeling within the Technical Memo indicates that neither the existing stream crossing nor the proposed culvert extension fully pass the 100-yr frequency flood; however, 100-year flood elevations remain unchanged as mentioned above.
10. On October 17, 2018, a Mitigation Pre-Application Meeting was held at NHDES.
11. On April 5, 2019, NHDES staff issued a "Request for More Information" letter to address issues and deficiencies noted in the technical review of the application.
13. In an email dated June 11, 2019, NHDES staff noted that the RFMI response was not complete, and requested corrections so that it could be considered complete.
14. Two Time Extension Agreements were granted for this project. The first time extension was granted on June 11, 2019, and the second time extension was granted on July 10, 2019.
15. The New Hampshire Natural Heritage Bureau (NHB) database query for the proposed project (NHBI8-2441) identified a silver maple-false nettle-sensitive fern floodplain forest exemplary natural community in the vicinity of the project area, per the letter dated August 9, 2018.
16. In an email dated September 26, 2018, NH NHB staff stated that they did not have concerns about the proposed project.
17. The New Hampshire Natural Heritage Bureau (NHB) database query for the proposed project (NHBI8-2441) identified four vertebrate species, Eastern Meadowlark (status: state-threatened), Grasshopper Sparrow (status: state-threatened), Horned Lark (status: state-special concern), Vesper Sparrow (status: state-special concern) that may be present in the vicinity of the project area, per the letter dated August 9, 2018.
18. In an email dated September 20, 2018, New Hampshire Fish and Game (NHFG) staff stated that of the four vertebrate species identified within the project area, only Grasshopper Sparrows were found during a survey in 2017. NHFG commented that as long as work does not occur during May-July during nesting season, then the NHFG Nongame and Endangered Wildlife Program does not expect impacts to the state threatened Grasshopper Sparrow.
19. NHDES added a condition, based on project narrative within the application, that a bird survey shall be performed in June if it is anticipated that construction will begin before August.
20. As recommended by NHFG, NHDES has added a condition that a Sedibag or equivalent system will be used at all catch basins within the project limits to prevent wildlife entrapment and mortality.
21. No comments of concern have been received by NHDES from abutters.
22. On February 3, 2019, the Town of Swanzey Conservation Commission signed the Wetland Application waiving its right to intervene pursuant RSA 482-A:11.
23. This project is located outside of the one-quarter mile corridor for the Ashuelot River, a Designated River under RSA 483, the Rivers Management & Protection Act. The Ashuelot River Local Advisory Committee (LAC) provided comments on the wetland permit application in a letter dated February 21, 2019.
26. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
27. The payment calculated for the proposed channel and bank impacts equals of $316,782.72.
28. The applicant has requested a waiver to Env-Wt 807.06(b), which states that if the applicant does not remit the full amount of the in-lieu mitigation payment within 120 days of the date of notice of acceptance of a proposed in-lieu mitigation payment, or such longer time as is agreed to by the applicant and the department, the department shall deny the application. Pursuant to Env-Wt 204.03, the applicant has provided substantial evidence to indicate the operational and economic costs of complying with the rule, and has indicated that funding for the project is being made available as part of the FAA Airport Improvement Program (AIP) which provides grants to public agencies for planning and development of public-use airports. The required in-lieu payment cannot be made until the grant is awarded by the FAA, which is expected to occur in July-August 2020, subject to FAA discretion. The applicant is requesting remittance of the in-lieu mitigation payment within 360 days of the date of the notice of acceptance of the payment.
29. NHDES has determined that granting this waiver will not result in an avoidable adverse impact on the environment or natural resources of the state, public health, or public safety; will not have an impact on abutting properties that is more
Decision Report
For Actions Taken
08/26/2019 to 09/01/2019

significant than that which would result from complying with the rule; does not result in a statutory requirement being waived; and that any benefit to the public or environment from complying with the rule is outweighed by the operational or economic costs to the applicant. Therefore, NHDES has approved the waiver request as part of this permit approval.

30. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Rule Env-Wt 803.11(c).

31. The payment into the ARM fund shall be deposited in the NHDES fund for the Lower Connecticut River watershed per RSA 482-A:29.

32. In accordance with RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine and palustrine resource, as identified under RSA 482-A:1.

2019-00713

NICOLE R GREGG REVOCABLE TRUST

PORTSMOUTH PICKERING’S CREEK

Requested Action:
Impact a total of 9,035 square feet of tidal wetland and upland tidal buffer zone rebuild an existing riprap slope, raising the elevation approximately 2 feet to protected against storm surge and sea level rise, along approximately 168 linear feet of bank on Pickering’s Creek in Portsmouth. The adjacent properties are fully developed with hardened banks. Impacts include 112 square feet of temporary impact seaward of the highest observable tide line for removal and reconstruction of the existing riprap revetment, plus 8,923 square feet of permanent impact landward of the highest observable tide line within the upland tidal buffer zone for grading and planting. Impacts include replacement of two native deciduous trees plus 365 square feet of herbaceous native salt-tolerant shoreline vegetation in the waterfront buffer.

Approve Permit
Impact a total of 9,035 square feet of tidal wetland and upland tidal buffer zone rebuild an existing riprap slope, raising the elevation approximately 2 feet to protected against storm surge and sea level rise, along approximately 168 linear feet of bank on Pickering’s Creek in Portsmouth. The adjacent properties are fully developed with hardened banks. Impacts include 112 square feet of temporary impact seaward of the highest observable tide line for removal and reconstruction of the existing riprap revetment, plus 8,923 square feet of permanent impact landward of the highest observable tide line within the upland tidal buffer zone for grading and planting. Impacts include replacement of two native deciduous trees plus 365 square feet of herbaceous native salt-tolerant shoreline vegetation in the waterfront buffer.

With Conditions:
1. All work shall be in accordance with plans by MSC, Inc., dated June 14, 2018, revised through July 19, 2019, last received by the New Hampshire Department of Environmental Services (NHDES) on July 23, 2019.
2. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau (Stefanie.Giallongo@des.nh.gov) and the local conservation commission in writing of the date on which work under this permit is expected to start.
3. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur.
4. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau in writing of the certified wetlands scientist or qualified professional, as applicable, who will be responsible for monitoring and ensuring that the project is constructed in accordance with the approved plans. The permittee shall re-notify the NHDES Wetlands Bureau if the identity of the individual changes during the project.
5. A post-construction report, prepared by a certified wetland scientist or qualified professional, as applicable, documenting status of the project area and restored jurisdictional area or buffer, including photographs and an as-built survey plan, shall be submitted to the NHDES Wetlands Bureau within 60 days of the completion of construction.
6. 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).
7. Trees that are stabilizing slopes shall not be disturbed unless shown on the approved plan. For all trees that will be removed, stumps shall be ground to grade and root masses shall be retained in place.
8. The two native deciduous trees and the herbaceous native salt-tolerant shoreline vegetation shall be allowed to naturalize...
over time with no mowing or cutting.
9. No native vegetation shall be removed from within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line in order to comply with RSA 483-B:9, V. (b)(2).
10. Any further work in jurisdiction, as specified in RSA 482-A, on this property will require a new application and approval by the NHDES Wetlands Bureau.
11. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and New Hampshire Code of Administrative Rules Env-Wq 1400 during and after construction.
12. Work shall be conducted during low tide only.
13. All work shall take place from the upland and no equipment shall be operated seaward of the highest observable tide line.
14. Prior to construction, offset stakes shall be set temporarily in the tidal wetland area to ensure that the work will not encroach further into the tidal wetland than shown on the approved plan.
15. Stones that currently provide habitat for rocky-intertidal benthic invertebrates or algal species shall be stockpiled separately and reused/repositioned along the base of the reconstructed riprap revetment.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. 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.
18. 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.
19. Appropriate siltation, erosion and turbidity controls to protect from the occurrence of sedimentation during tidal cycles 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.
20. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
22. Erosion control products shall be installed per manufacturers recommended specifications.
23. 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.
24. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
25. 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.
26. 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 Major Project per New Hampshire Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to New Hampshire Administrative Rule Env-Wt 303.04(v).
2. In correspondence dated October 11, 2018, signed authorization was provided by the applicant to allow their agent to act on their behalf throughout the permitting process.
3. The applicant has provided evidence which demonstrates that this proposal is the least impacting alternative practicable for this specific site to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
4. The applicant has provided evidence that the bank is actively eroding, requiring maintenance and additional stabilization to protect from further loss of property.
5. The existing hardened shoreline consists of a combination of riprap, deteriorated timber bulkhead and wooden vertical soldier piles.
6. Work will be done at low tide and from the upland. Stones that currently provide habitat for rocky-intertidal benthic invertebrates or algal species will be stockpiled separately and repositioned along the base of the reconstructed riprap revetment.
7. The adjacent properties, as well as those across the relatively narrow channel, are fully developed with hardened banks, largely consisting of granite block wall or bulkhead structures.
8. The proposed alternative provides a hybrid approach to shoreline stabilization with wave attenuation and energy dissipation from replacing the existing riprap slope, raising the elevation approximately 2 feet to protected against storm surge and sea level rise, and replacing native shoreline vegetation in the waterfront buffer.
9. Based upon the anticipated lifespan of the proposed riprap slope with site-specific conditions and tidal regime, the structure has been designed to the highest annual tide (7.8 feet) including a projected sea level rise of 2.0 feet by the year 2050. This aligns with the "Highest" sea level rise scenario provided through the NH Coastal Risks and Hazards Commission, "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation" (November 2016).
10. In accordance with RSA 483-B:9(V)(b)(2)(A), owners of lots legally developed or landscaped prior to July 01, 2008 that do not comply with the current vegetation maintenance standards are encouraged to, but shall not be required to, increase
the percentage of the woodland buffer area or the allotted vegetation point count within the waterfront buffer area to meet the current standards.

11. As part of this project, 365 square feet of the Waterfront Buffer will be revegetated with native salt-tolerant groundcover and the two trees proposed to be removed for the project will be replaced. Additionally, an existing 1,962 square foot impervious gravel driveway within the Waterfront Buffer will be removed and converted to pervious area (loamed and seeded).

12. In correspondence dated March 13, 2019, the Pease Development Authority, Division of Ports and Harbors, determined that the project would have no negative effect on navigation in the channel.

13. In correspondence dated March 19, 2019, the Portsmouth Conservation Commission recommended that NHDES deny the proposed alternative, and recommending that the applicant more thoroughly explore a living shoreline solution.

14. Subsequently, the proposal was revised to eliminate the stone seawall, improve the proposed planting schedule, direct the contractor to stockpile and replace in-kind those rocks that currently provide habitat for rocky-intertidal benthic invertebrates and algal species and provide a detailed construction sequencing to limit disturbance.

15. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB18-0056) stated that "although there was a NHB record [...] in the vicinity, we do not expect that it will be impacted by the proposed project."

16. In correspondence dated May 03, 2019, the NHB verified the findings of the datacheck report (NHB18-0056).

17. NHDES staff field inspection on May 17, 2019 found that plans accurately reflect field conditions.

18. In accordance with New Hampshire Administrative Rule Env-Wt 302.03(c)(2)d., compensatory mitigation is not required.

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

20. In accordance with RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.

21. In accordance with New Hampshire Administrative Rule Env-Wt 304.04, the applicant has obtained signed authorization from abutting land owners, to whose property this project will impact within 20 feet of the shared property boundaries.

22. Related NHDES Wetlands Bureau files include; 2007-02704 (impact 2,040 square feet of previously-developed upland tidal buffer zone (TBZ), approved August 28, 2008); 2007-02650 (denying a request to expand a conforming structure beyond the primary building setback, denied December 19, 2007); 2010-03409 (impact 365 square feet of tidal wetland to construct a tidal docking structure, approved February 04, 2011); 2011-01590 (impact 1,160 square feet within the protected shoreland, approved July 15, 2011); 2011-02372 (impact 1,913 square feet of TBZ, approved October 07, 2011); and 2017-01171 (impact 703 square feet of TBZ, approved May 04, 2017).

2019-01235

NH DEPT OF TRANSPORTATION

DIXVILLE FLUME BROOK

Requested Action:

Dredge and fill 241 square feet (SF) within the bed and bank of Flume Brook (Tier 3, impacting 430 linear feet (LF)) to rehabilitate the existing 35-foot span, 17-foot wide concrete arch bridge by repairing the wingwall and central joints and installing rip-rap and a toe wall at the base of the southern abutment. In addition, temporarily impact 3,170 SF within the bed and bank of Flume Brook (impacting 243 LF) for construction access and erosion control.

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APPROVE PERMIT

Dredge and fill 241 square feet (SF) within the bed and bank of Flume Brook (Tier 3, impacting 430 linear feet (LF)) to rehabilitate the existing 35-foot span, 17-foot wide concrete arch bridge by repairing the wingwall and central joints and installing rip-rap and a toe wall at the base of the southern abutment. In addition, temporarily impact 3,170 SF within the bed and bank of Flume Brook (impacting 243 LF) for construction access and erosion control.

With Conditions:

1. All work shall be in accordance with plans by NH Department of Transportation (NHDOT) dated March 15 2019 and supplemented on August 29, 2019, received electronically by the NHDES on August 29, 2019.

2. Not less than five (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.
3. Work within the river, inclusive of work associated with installation of a cofferdam or turbidity curtain, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events. All in-stream work shall be conducted in a manner that will not cause or contribute to any violations of surface water quality standards in RSA 485-A or NH Code Admin. Rules Env-Wq 1700.

4. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons, which occur between March 15th to April 15th and September 15th to October 15th. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

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

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

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

8. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A.

9. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation should be replanted with seedlings of like native species and seeded with a conservation mix and mulched within three (3) days of the completion of the disturbance.

10. No machinery shall enter the water.

11. 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.

12. 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.

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

14. 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.

15. The turbidity controls shall be entirely removed within 2 days after work within the controls is completed and water has returned to normal clarity.

16. 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 Common Reed. The contractor responsible for work shall appropriately address invasive species in accordance with the NH Department of Transportation Best Management Practices for Roadside Invasive Plants (2008).

17. 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. Restoration shall not be considered successful if sites are invaded by nuisance species during the first full growing season following the completion of construction. The permittee shall submit a remediation plan to NHDES that proposes measures to be taken to eradicate nuisance species.

18. Only native plant species shall be used to revegetate the riverbank.

19. A Certified Wetlands Scientist or Qualified Professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Bureau within 60 days of final site stabilization.

With Findings:

1. This is a Major Project per NH Administrative Rule Env-Wt 903.01(g)(1), as the project is a rehabilitation of a Tier 3 stream crossing.

2. The project comprises rehabilitate the existing 35-foot span, 17-foot wide concrete arch bridge by repairing the wingwall and central joints and installing rip-rap and a toe wall at the base of the southern abutment.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03 as they will only impact the river channel and bank to the degree necessary.

4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The project will improve hydraulic and geomorphic compatibility and aquatic organism passage of the stream crossing to the greatest degree practicable, and is considered a self-mitigating, alternative design.

5. The Town of Dixville Conservation Commission, the abutters, and the public provided no comments regarding the project.

6. In a review letter dated January 2, 2019, the NH Department of Transportation Cultural Resources program stated that "no potential to case effect/no concerns".
7. In a review letter dated March 22, 2019, the NH Natural Heritage Bureau stated that there are recorded occurrences of sensitive species in the vicinity of the proposed project. However, NHB does not expect impacts to the sensitive species by the proposed project.
8. In a review letter dated March 19, 2019, the US Fish & Wildlife Service identified threatened, endangered, proposed, and/or candidate species, and/or proposed and final designated habitat that may occur within the boundary of or be affected by the proposed project. A electronic mail dated April 23, 2019 between NH DOT and USACE confirmed that "...the proposed work may affect, but not adversely affect,..." the species identified.
9. NH Department of Fish & Game identifies Flume Brook as a predictive coldwater fishery.

MINOR IMPACT PROJECT

2019-00909 BARNSTEAD REV TRUST

BARNSTEAD Unnamed Wetland

Requested Action:
Dredge and fill 1,365 square feet (SF) of palustrine scrub-shrub wetland in order to expand an existing gravel turn around to accommodate municipal emergency service vehicles. In addition, temporarily impact 2,000 SF of palustrine scrub-shrub wetland for temporary erosion and sedimentation controls and construction access.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP
Dredge and fill 1,365 square feet (SF) of palustrine scrub-shrub wetland in order to expand an existing gravel turn around to accommodate municipal emergency service vehicles. In addition, temporarily impact 2,000 SF of palustrine scrub-shrub wetland for temporary erosion and sedimentation controls and construction access.

With Findings:
1. A Request for More Information letter dated May 09, 2019, addressed to the agent of record and copied to the applicant, clearly identified the requirement that the applicant must submit additional information to NHDES within 60 days of the request, in this case, by July 08, 2019.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by NHDES within 60 days of the request, or by the deadline date specified in agreed-to time extensions, NHDES shall deny the application.
3. NHDES did not receive the requested additional information within the 60 days or by the deadline specified in the extension thereof, and therefore the application has been denied.

2019-01055 DUSTON REALTY TRUST

SALEM

Requested Action:
Impact 1,665 square feet of forested wetland including 159 linear feet within the bed and banks of a perennial stream (a Tier 1 stream) for the installation of a 18-inch high, 48-inch wide, 53-foot long open bottom culvert for the construction of a roadway for access to a 23-lot residential subdivision of 62.5 acres to include 35 acres of open space in perpetuity.

Inspection Date: 05/30/2019 by EBEN M LEWIS
APPROVE PERMIT

Impact 1,665 square feet of forested wetland including 159 linear feet within the bed and banks of a perennial stream (a Tier 1 stream) for the installation of a 18-inch high, 48-inch wide, 53-foot long open bottom culvert for the construction of a roadway for access to a 23-lot residential subdivision of 62.5 acres to include 35 acres of open space in perpetuity.

With Conditions:
1. All work shall be in accordance with plans by Meisner Brem Corporation dated June 13, 2019 as received by the NH Department of Environmental Services (NHDES) Wetlands Bureau on July 30, 2019.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is not valid unless a subdivision and septic system construction approvals or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
4. 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 permitted shall submit a copy of the recorded permit to the NHDES by certified mail, return receipt requested.
5. The deed that accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or septic setback.
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. Work shall be done during low flow and in the dry only.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
13. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be re-vegetated with like native species within three days of the completion of the disturbance.
14. Native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wing walls, and beyond. Any new materials used must be as similar to the natural stream substrate as practicable and shall not include any angular rock.
15. 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.
16. The culvert inlets and outlets must maintain the natural and a consistent elevation and not impede stream flow.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. 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.
19. 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.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:
1. This is a minor impact project per NH 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 and its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The applicant has demonstrated that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per NH Administrative Rule Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in NH Administrative Rule Env-Wt 302.04(a)
Requirements for Application Evaluation, has been considered in the design of the project.
4. The impacts will occur within a Tier 1 stream pursuant to NH Administrative Rule Env-Wt 902.23 and the crossings have been designed in accordance with NH Administrative Rule Env-Wt 904.01 and NH Administrative Rule Env-Wt 904.02.
5. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-0643. 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."
6. A letter dated April 4, 2019 from the Salem Conservation Commission states, "The Salem Conservation Commission wishes to advise that it has completed its review of the above referenced application, including a site visit, and has voted to recommend approval of the application and plans."
7. On May 30, 2019, NHDES personnel inspected the property and found the proposed plans accurately reflect site conditions.

2019-01386 M & E JESPERSEN REATLY INC STRATHAM

Requested Action:
Dredge and fill a total of 3,451 square feet of scrub-shrub wetland to include 1,879 square feet of temporary impact and 1,572 square feet of permanent impact for reconstruction and expansion of the existing commercial lot.

APPROVE PERMIT
Dredge and fill a total of 3,451 square feet of scrub-shrub wetland to include 1,879 square feet of temporary impact and 1,572 square feet of permanent impact for reconstruction and expansion of the existing commercial lot.

With Conditions:
1. All work shall be in accordance with the 'Wetland Impact' Plan by Jones & Beach Engineers, Inc. dated 05/15/19 and revised through 07/25/19 as received by the NH Department of Environmental Services Wetland Bureau (NHDES) on July 30, 2019.
2. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
3. 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.
4. Work shall be done during low flow and in the dry only.
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.
7. 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.
8. 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.
9. 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.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. A retaining wall will be utilized to minimize impacts; therefore, the applicant has provided evidence which demonstrates...
that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

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

4. The Stratham Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.

5. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-1173. 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."

2019-02645 FRANKLIN FALLS HYDRO ELECTRIC

FRANKLIN WINNIPESAUKEE RIVER

Requested Action:
Dredge and fill approximately 70 square feet within the Winnipesaukee River to install 70 linear feet of steel sheeting at the base of a concrete water intake of a dam to prevent erosion.

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APPROVE PERMIT
Dredge and fill approximately 70 square feet within the Winnipesaukee River to install 70 linear feet of steel sheeting at the base of a concrete water intake of a dam to prevent erosion.

With Conditions:
1. All work shall be in accordance with plans by Franklin Falls Hydro Electric dated August 13, 2019 as received by the NH Department of Environmental Services (DES) on August 21, 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 Env-Wq 1700.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
4. No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.
5. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.
6. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. 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.
9. 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.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
11. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

With Findings:
1. This is a Minor Impact Project per Administrative Rule Env-Wt 303.03(l) as it involves disturbance of less than 200 linear feet of a river channel and does not meet the criteria for minimum impact Env-Wt 303.04(n).
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. The steel sheeting is required to protect the dam intake structure from erosion.
3. The applicant has demonstrated by plan and examples that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation has been considered in the design of the project.
4. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB19-2557) stated that although there was a NHB record present in the vicinity, they do not expect that it will be impacted by the proposed project.
5. No comments of concern have been received by DES from abutters or local governing organizations.
6. The Conservation Commission signed the application waiving their right to intervene.
MINIMUM IMPACT PROJECT

2018-03338  NANCY C WOLF REVOCABLE TRUST
ASHLAND

Requested Action:

Dredge and fill 290 square feet (SF) of palustrine scrub-shrub wetland in order to install an 18-inch diameter by 21-foot-long culvert and construct a 12-foot-wide driveway for access to a proposed single family residence. In addition, temporarily impact 70 SF of palustrine scrub-shrub wetland for erosion and sedimentation controls and construction access.

APPROVE PERMIT

Dredge and fill 290 square feet (SF) of palustrine scrub-shrub wetland in order to install an 18-inch diameter by 21-foot-long culvert and construct a 12-foot-wide driveway for access to a proposed single family residence. In addition, temporarily impact 70 SF of palustrine scrub-shrub wetland for erosion and sedimentation controls and construction access.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates, LLC., dated October 16, 2018, and revised through July 30, 2019, as received by the NH Department of Environmental Services (NHDES) electronically on July 31, 2019, with hard copies received by NHDES on August 05, 2019.
2. This permit is not valid unless a septic system construction approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
3. Prior to construction, all wetland and surface water boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands and surface waters.
4. There shall be no impacts to the intermittent and perennial stream beds or banks.
5. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
6. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
7. Work shall be done during low flow or in dry conditions.
8. 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.
9. 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.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. 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.
12. Erosion control products shall be installed per manufacturers recommended specifications.
14. 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.
15. 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.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
17. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
18. Any fill used shall be clean sand, gravel, rock, or other suitable material.
19. The channel at the culvert inlet and outlet must maintain the natural and a consistent elevation and not impede flow.
20. Proper headwalls shall be constructed within seven days of culvert installation.
21. Area of temporary impact shall be regraded to original contours following completion of work.
22. 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-Vt 303.04(f), as the project will impact less than 3,000 square feet of palustrine scrub-shrub wetlands.
2. A permit was previously issued for this property (NHDES Wetlands Permit #2007-01400) to dredge and fill a total of 1,005 square feet impacting 23 feet of intermittent stream and crossing a perennial stream with an open bottom box.
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-Vt 302.03 as the project minimizes impacts to wetlands by using the narrowest bands of wetlands available to install the wetland crossing, a culvert will be installed to maintain hydraulic connectivity within the wetland, and the two stream crossings will fully span the perennial and intermittent streams and their banks and be built landward of the top of one bank to landward of the top of the opposite bank so as not to impact jurisdictional areas per NH Administrative Rule Env-Vt 303.05(r).
4. The two stream crossings will fully span the perennial and intermittent streams and their banks and be built landward of the top of one bank to landward of the top of the opposite bank so as not to impact jurisdictional areas per NH Administrative Rule Env-Vt 303.05(r), and are therefore not required to meet the stream crossing rules in Chapter Env-Vt 900.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Vt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. In a review letter dated February 07, 2019, and received by NHDES on August 05, 2019, the NH Natural Heritage Bureau (NHB) stated that there was no record of a sensitive species in the vicinity of the proposed project.
7. In a letter signed and dated October 27, 2018, and received by NHDES on November 02, 2018, the abutting property owners granted the applicant authorization to do the work as described in this application within 20 feet of their property at Ashland Tax Map #11-1 Lot #11.
8. In accordance with Rule Env-Vt 204.03, in a letter dated November 26, 2018, the applicant requested a waiver to NH Administrative Rule Env-Vt 304.04(a) requiring signed abutter agreements for impacts within 20 feet of the shared property line with the abutting property at Ashland Tax Map #11-1 Lot #4.
9. Access to the main body of the lot is along a 50-foot right-of-way, this area is not wide enough to accommodate the 20-foot setback and the proposed driveway.
10. The applicant has attempted to get written agreement from the abutter on several occasions.
11. The abutter in question was notified via certified mail and has not provided comment to the file.
12. It would be an economic hardship for the owner to not have access to the buildable uplands on the lot.
13. The culvert has been properly sized and should not change the hydrology of the system.
14. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Vt 304.04(a).
15. The waiver is granted in accordance with Env-Vt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
16. On February 25, 2019, an extension agreement until April 26, 2019, was requested by the project agent to allow for additional time to submit a response to the request for more information letter issued on December 28, 2018. The agreement was signed by the authorized agent and returned to NHDES on February 26, 2019.
17. On April 19, 2019, an extension agreement until July 31, 2019, was requested by the project agent to allow for additional time to submit a response to the request for more information letter issued on December 28, 2018. The agreement was signed by the authorized agent and returned to NHDES on April 24, 2019.
18. An electronic copy of the response to the Request for More Information Letter issued December 28, 2018, was received on July 30, 2019, with hard copies of the response received by NHDES on August 05, 2019.
19. As of August 28, 2019, no comments of concern have been received by NHDES from abutters or local governing organizations.

2019-00755

HIDDEN VALLEY PROPERTY OWNERS ASSOCIATION

CENTER TUFTONBORO  LOWER BEECH POND

Requested Action:
Dredge and fill 294 square feet of the bank of Lower Beech Pond (impacting 10 linear feet [LF]) in order to install cellulary confined gravel pavers to stabilize an area historically used as a boat launch on an average of 111 feet of frontage along Lower Beech Pond in Tuftonboro.
APPROVE PERMIT

Dredge and fill 294 square feet of the bank of Lower Beech Pond (impacting 10 linear feet [LF]) in order to install cellurally confined gravel pavers to stabilize an area historically used as a boat launch on an average of 111 feet of frontage along Lower Beech Pond in Tuftonboro.

With Conditions:
1. All work shall be in accordance with plans by White Mountain Survey and Engineering, Inc., dated March 05, 2019, and revised through August 02, 2019, as received by the NH Department of Environmental Services (NHDES) on August 05, 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. The permitting or permittee's project manager shall consult with the Loon Preservation Committee and the NH Fish & Game Nongame and Endangered Species Program if common loon (Gavia immer) are observed attempting to nest in the southern half of Lower Beech Pond.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Work shall be done during low flow or in dry conditions.
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. 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.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. 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.
11. 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.
12. No machinery shall enter the water.
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. Any fill used shall be clean sand, gravel, rock, or other suitable material.
18. 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.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:
1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(m), as the project will disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and does not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.
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 as this location has historically been used as a boat launch and the proposed structure will reduce bank erosion at this location.
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. NHDES Staff conducted a field inspection of the proposed project areas with the applicants and project agent on June 07, 2019. It was agreed during the field inspection that the portions of the project related to the plunge pool within the stream and
Decision Report
For Actions Taken 08/26/2019 to 09/01/2019

the proposed dredging within the pond would be removed from the application.

5. In a review letter dated February 12, 2019, and received by NHDES on March 08, 2019, the NH Natural Heritage Bureau (NHB) identified that records of Common Loon (Gavia immer), were recorded in the vicinity of the project.

6. In email correspondence dated February 15, 2019, the NH Fish and Game (NHF&G) Nongame and Endangered Species Program stated that they did not expect any disturbance effects to nesting loons as a result of the proposed work. NHF&G recommended consulting with the Loon Preservation Committee and the NH Fish & Game Nongame and Endangered Species Program if common loon are observed attempting to nest build in the southern half of Lower Beech Pond in the spring. NHF&G recommendations were included as conditions in the permit.

7. In a regulatory review dated February 22, 2019, the US Fish and Wildlife Service found that while Northern Long-eared Bats (Myotis septentrionalis), and Small Whorled Pogonia (Isotria medeoloides) were present in the vicinity of the site, there were no critical habitats for these species at this location.

8. In a letter dated March 18, 2019, and received by NHDES on March 20, 2019, the Tuftonboro Conservation Commission expressed that they had conducted a site visit and that the proposed plunge pool would require regular maintenance dredging.

9. NHDES finds that the applicant has fully addressed the concerns of the Tuftonboro Conservation Commission in their Request for More Information response letter dated August 02, 2019, and received by NHDES on August 05, 2019.

10. In a New Hampshire Programmatic General Permit review performed by the US Army Corp of Engineers dated April 25, 2019, the US Environmental Protection Agency determined that the project was eligible for a Programmatic General Permit as proposed.

11. On June 24, 2019, an extension agreement until August 12, 2019, was requested by the project agent to revise the plans and provide a complete response to the Request for More Information Letter dated April 26, 2019. The agreement was signed by the authorized agent and returned to NHDES on June 26, 2019.

12. As of August 30, 2019, no comments of concern have been received by NHDES from abutters or local governing organizations.

2019-01259
GREAT BAY MARINA
NEWINGTON PISCATAQUA RIVER

Requested Action:
Impact 39 square feet within tidal wetlands in order to replace 39 existing pilings associated with an existing marina.

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

APPROVE PERMIT
Impact 39 square feet within tidal wetlands in order to replace 39 existing pilings associated with an existing marina.

With Conditions:
1. All work shall be in accordance with plans by Civilworks New England dated May 08, 2019, and revised through July 26, 2019 last received by the NH Department of Environmental Services (NHDES) on July 30, 2019.
2. Dredging in tidal waters shall be done between November 15 and March 15, and shall not be permitted during fish migration or larval setting stage of shellfish. Any work proposed outside this timeframe shall require coordination and written approval by NHDES, NHF&G, and NMFS.
3. Work shall be conducted within the confines of a turbidity curtain to prevent sedimentation of the surrounding exemplary natural community.
4. All work shall occur from a barge equipped with a crane, at low tide.
5. There shall be no blasting associated with replacement of the pilings.
6. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease office and the local conservation commission in writing of the date on which work under this permit is expected to start.
7. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the NHDES Wetlands Bureau.
8. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and New Hampshire Administrative Rule Env-Wq 1700.
9. 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.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
12. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.

With Findings:
1. This is a Minimum Impact Project per New Hampshire Administrative Rule Env-Wt 303.04(v), 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 New Hampshire Administrative Rule Env-Wt 302.03.
3. Piling driving will occur outside of the dredge window (November 15 - March 15) and will not occur during fish migration or larval setting stage of shellfish.
4. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Bureau (NHB) has record of an exemplary natural community and threatened or endangered vertebrate species within the vicinity of the project (NHB19-1059).
6. In correspondence dated April 18, 2019 and May 21, 2019, the NHB and NHFG, respectively, determined that with conditions incorporated into this permit, there would be no adverse impact to the exemplary natural community of threatened/endangered vertebrate species as a result of this project.
7. Recent related NHDES Wetlands Bureau files include 2015-02185 (impact 5,775 square feet within the previously-developed upland tidal buffer zone, approved September 15, 2015); 2018-00196 (impact 24,449 square feet within the previously-developed upland tidal buffer zone, approved March 14, 2018); and, 2019-01758 (proposed impact of 600 square feet within tidal wetland and 340 square feet along the shoreline, under technical review).

2019-01488

ALDRICH, DUSTIN

SUNAPEE PERKIN'S POND

Requested Action:

Repair existing stairs and 14 foot 4 inch x 14 foot 4 inch crib supported pier accessed by a 8 foot 4 inch x 21 foot 4 inch pier, "in-kind", on an average of 50 linear feet of frontage along Perkin's Pond in Sunapee.

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APPROVE PERMIT

Repair existing stairs and 14 foot 4 inch x 14 foot 4 inch crib supported pier accessed by a 8 foot 4 inch x 21 foot 4 inch pier, "in-kind", on an average of 50 linear feet of frontage along Perkin's Pond in Sunapee.

With Conditions:
1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (NHDES) on August 26, 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 person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations
Decision Report  
For Actions Taken 
08/26/2019 to 09/01/2019 

of the surface water quality standards in RSA 485-A and Env-Wq 1700.

10. 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.

11. The repairs shall maintain the size, location, and configuration of the pre-existing structures.

With Findings:

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

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.

2019-01681  
NH DEPT OF TRANSPORTATION  
HAMPTON  HAMPTON RIVER  

Requested Action:

Impact a total of 12,226 square feet (SF) of jurisdictional area to include 1,163 SF of permanent impact within undeveloped tidal buffer zone (TBZ), 930 SF of temporary impact within an intertidal area, 4,071 SF of temporary impact within sand dunes, and 6,062 SF of temporary impact within the TBZ for the access across the sand dune and install gabion mattresses around the southwester abutment of the Hampton River Bridge (#235/025) for slope protection. NHDOT project #42439.

APPROVE PERMIT  

Impact a total of 12,226 square feet (SF) of jurisdictional area to include 1,163 SF of permanent impact within undeveloped tidal buffer zone (TBZ), 930 SF of temporary impact within an intertidal area, 4,071 SF of temporary impact within sand dunes, and 6,062 SF of temporary impact within the TBZ for the access across the sand dune and install gabion mattresses around the southwester abutment of the Hampton River Bridge (#235/025) for slope protection. NHDOT project #42439.

With Conditions:

1. All work shall be in accordance with plans by the NH Dept. of Transportation (NHDOT) dated 5/3/19 and August 2, 2019 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on June 6, 2019 and August 7, 2019, respectively.

3. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the Hampton Conservation Commission in writing of the date on which work under this permit is expected to start and when the work is completed.

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

5. Access to the work area shall be through the temporary access roadway (TAR)

6. Work on the bridge abutment shall be done during low tide only.

7. Work shall be done during periods of low tide only, unless the entire structure is located above the highest observable tide line.

8. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

9. 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.

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

11. No concrete is to be used anywhere in the construction of the stone riprap revetment. All stone shall be dry laid

12. There shall be no work to construct the TAR prior to August 1st to eliminate concerns for Piping Plover interactions and September 1st for Least Tern interactions. However, there have been no Least Terns observed in this area to date. The NH Fish and Game Dept. will survey this area prior to August to assure no Least Terns are using this area. Work may begin August 1st if no Least Terns are observed, and piping plovers are no longer using the habitat.

13. The TAR adjacent to Rt. 1A south of the Rt. 1A Bridge to access shoreline work allowing construction vehicles access for
both the NHDOT and the Army Corps of Engineers to stabilize the Rt. 1A Bridge footing/abutment structure and to distribute dredge spoils from the Hampton-Seabrook Harbor dredge project, respectively.

14. Impacts to the sand dune within the TAR shall be monitored and restored in coordination with the NH Sea Grant/UNH Extension.

15. Sand dune vegetation including, but not limited to, American Beachgrass (Ammophila breviligulata) can only be removed between April/May and September through November.

16. Transplanting of sand dune vegetation shall be done in coordination with the NH Sea Grant/UNH Extension. The NH Sea Grant/UNH Extension shall be contacted at least 14 days prior to starting work authorized by this permit.

17. This project shall not disturb any sand dune vegetation growing on adjacent properties.

18. Excavated plants shall be shaken gently to remove sand prior to the roots being stored in large, heavy garbage bags and stacked horizontally in the bags to prevent breaking the plants. Plants shall be stored in a cool, above freezing location so the plants can be replanted in the ground.

19. A post-construction report documenting status of the project area and transplanted locations including photographs shall be submitted to the NHDES within 7 days of the completion of project.

20. 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.

21. 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.

22. 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.

23. 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 major impact project per New Hampshire Administrative Rule Env-Wt 303.02(a), (a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v) and New Hampshire Administrative Rule Env-Wt 303.02(g) Removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.

2. The southwest bridge abutment of the Hampton River Bridge (NH Route 1A) has eroded from scour due to tidal water energy compromising the abutment and exposing utility lines.

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 NHDES' jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.

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

5. The Wetlands Permit Application (Application) included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-0121 identifying the following in the vicinity of the proposed project: three (3) natural communities, five (5) State-Endangered/threatened plant species, and two (2) vertebrate species, State-Endangered Least Tern (Sternula antillarum) and the State-Endangered, Federally-Threatened Piping Plover (Charadrius melodus).

6. In response to the natural communities and plant species, NH Dept. of Transportation (NHDOT) has coordinated with the NH Sea Grant/UNH Extension to remove the sensitive plant species from the access road within the sand dune. Furthermore, the access road within the sand dune will be replanted with dune vegetation following the completion of work.

7. In response to the vertebrate species identified in the NHB letter, the applicant has coordinated with the NHFG relative to the Least Tern and Piping Plover.

8. On April 26, 2019, the NH Fish and Game Dept., the NH Dept. of Natural and Cultural Resources, the NHDOT, and the Pease Development Authority entered into a Memorandum of Understanding relative to access on and impact to Hampton Parcel 21-22-24, Hampton Parcel 299-22, and the NHDOT right-of-way along the west side of NH Route 1A.

9. A letter dated June 26, 2019 from the Hampton Conservation Commission stated, in summary, "The [Hampton] Conservation Commission does not oppose the granting of this NHDES Standard Dredge and Fill permit with the request the Commission be notified at the beginning and end of the project."

10. The NH Division of Historical Resources reviewed the project and found "No Historic Properties Affected."

11. In accordance with RSA 482-A:8, the NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine and marine resources, as identified under RSA 482-A:1.
Requested Action:
Impact 850 square feet of bank in order to replace an existing retaining wall landward of an existing 25 foot x 11 foot beach and install 4 foot wide steps to access the beach area on an average of 89 linear feet of shoreline frontage along Lake Winnipesaukee in Meredith.

+++++++ APPROVE PERMIT ++++
Impact 850 square feet of bank in order to replace an existing retaining wall landward of an existing 25 foot x 11 foot beach and install 4 foot wide steps to access the beach area on an average of 89 linear feet of shoreline frontage along Lake Winnipesaukee in Meredith.

With Conditions:
1. All work shall be in accordance with revised plans by Terrain Planning & Design, LLC., revision dated August 8, 2019 and received by NHDES on August 26, 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. All excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
10. 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.
11. The permittee/permittee’s contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
13. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
14. 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).
15. This permit does not authorize the removal of any ground covers or shrubs within 50 feet of the reference line of Lake Winnipesaukee.

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.
Requested Action:
Temporarily impact 2,985 square feet of sand dune to remove an existing shed, concrete, fence, and lawn area to restore the area with NH native plant species.

Inspection Date: 08/02/2019 by EBEN M LEWIS

APPROVE PERMIT
Temporarily Impact 2,985 square feet of sand dune to remove an existing shed, concrete, fence, and lawn area to restore the area with NH native plant species.

With Conditions:
1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated April 30, 2019 and revised 06-25-19, as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on July 3, 2019 and plan by West Environmental, Inc. received by NHDES on July 10, 2019.
2. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the Seabrook Conservation Commission in writing of the date on which work under this permit is expected to start.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require further permitting.
4. 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. This project shall not disturb any sand dune vegetation listed as a threatened or endangered species by the NH Natural Heritage Bureau.
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. Any American Beachgrass (Ammophila breviligulata) disturbed by this project shall be removed and replanted elsewhere on site according to approved plan.
8. Only indigenous, native plant species shall be planted on this site.
9. No non-native ornamental plants shall be introduced to or used on this site.
10. This project shall not disturb any sand dune vegetation growing on adjacent properties outside the scope of the approved plan.
11. A post-construction report, prepared by a NH Certified Wetland Scientist (CWS) documenting status of the project area and restored jurisdictional sand dune, including photographs, shall be submitted to the NHDES and the NH Natural Heritage Bureau (NHB) within 60 days of the completion of construction. NHDES may require subsequent monitoring and corrective measures if NHDES deemed the area inadequately stabilized or restored.
12. The permittee or permittee's CWS shall conduct a follow-up inspection in October or November following the first and second growing seasons to review the success of the restoration area and schedule remedial actions if necessary.
13. Restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the NHDES and NHB.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
16. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

With Findings:
1. This is a minimum impact project per NH Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the
2. This application proposes to restore the adjacent, impacted sand dune by removing structures and planting native plants.
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 NH Administrative Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in NH Administrative Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with NH Administrative Rule Env-Wt 304.04(a), the applicant received written concurrence from the abutter on Seabrook Tax Map 21 Lot 10-3 for impacts within 20-feet of their property.
6. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-1465 identified the following in the vicinity of the proposed project: one (1) natural community, beach grass grassland; three (3) State-endangered plant species: long-spined sandbur (Cenchrus longispinus); seaside sandmat (Chamaesyce polygonifolia); and seaside threeawn (Aristida tuberculosa); and one (1) vertebrate species least tern (Sternula antillarum).
7. In response to the least tern identified in the above-referenced letter, NH Fish and Game Dept., Nongame and Endangered Species Program stated, "We do not expect impacts to the state endangered least tern or piping plover from the proposed work."
8. In response to the natural community and plant species, NHB stated, "NHB approves of the planting plan now that the Hudsonia has been removed."
9. The Seabrook Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
10. NHDES personnel inspected the property and found the plans provided with the application accurately reflect site conditions.

2019-02225

ROTERMEL, KEVIN/SANDRA

ALTON BAY  LAKE WINNIPESAUKEE

Requested Action:

Reconfigure and repair an existing docking facility consisting of three 5 foot x 21 foot 6 inch piling piers accessed and connected by a 4 foot 2 inch x 53 foot piling wharf, install a seasonal boatlift and a 14 foot x 26 foot seasonal canopy on an average of 60 linear feet of shoreline frontage along Lake Winnipesaukee in Alton Bay.

Conservation Commission/Staff Comments:

07/18/19 per ConCom, "requests SUSPEND ACTION for FORTY DAYS (or until receiving a written report from the Com.) to enable us to investigate the property."

07/31/19 per ConCom, The Commission finds this project is reasonable within Bureau rules and therefore has NO OBJECTION to a permit being granted. Please release the hold on this application.

APPROVE PERMIT

Reconfigure and repair an existing docking facility consisting of three 5 foot x 21 foot 6 inch piling piers accessed and connected by a 4 foot 2 inch x 53 foot piling wharf, install a seasonal boatlift and a 14 foot x 26 foot seasonal canopy on an average of 60 linear feet of shoreline frontage along Lake Winnipesaukee in Alton Bay.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 10, 2019 and as received by the NH Department of Environmental Services (NHDES) on July 19, 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 piers shall extend more than 21 feet 6 inches from the existing 4 foot 2 inch shoreline access walkway.
10. All seasonal structures, including watercraft lift, shall be removed for the non-boating season.
11. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.
12. 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.
13. 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.
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(o), project deemed minimum impact by the department based on the degree of environmental impact.
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 proposed reconfiguration of the existing 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).
7. The existing docking facility consisting of three 5 foot x 21 foot 6 inch piling piers accessed and connected by a 4 foot 2 inch x 53 foot piling pier fails to conform to the slips limitation for the frontage as per Rule Env-Wt 402.13, Frontage Over 75', and therefore, is subject to Rule Env-Wt 402.21, Modification of Existing Structures.
8. The applicant has requested a waiver of Rule Env-Wt 402.21 to retain and modify the existing docking by expanding the width of an existing slip to 12 feet from its original 10 foot width as provided underpart Rule Env-Wt 204, Waivers.
9. The applicant has demonstrated that granting the waiver will have no adverse effect on the environment, natural resources of the state, public health, public safety, nor impacts to abutting properties more significant than that which would result from complying with the rule as required to meet Rule Env-Wt 204.05, Criteria, (a)(1).
10. The applicant has demonstrated that strict compliance with Rule Env-Wt 402.21 will provide no benefit to the public and will provide both an operational and economic impact to the applicant as required to meet Rule Env-Wt 204.05, Criteria, (a) (2).
11. The request for a waiver meet the requirements of Rule Env-Wt 204.05, Criteria, and therefore, the waiver Rule Env-Wt 402.21 is granted.

EXPEDITED MINIMUM
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2017-03262  SAWYER MILL ASSOCIATES INC

DOVER  BELLAMY RIVER

Requested Action:
Amend permit based on revised design for Phase II (i.e., Upper Dam removal and river restoration). Changes include the preservation of the gate house and associated buttressing of Upper dam remnants resulting in a smaller breach opening, installation of cobble bed riffle-pool channel, the installation of a riffle-crest grade control structure at the upstream limit and reducing construction impacts to the Sawyer's Mill Associates' property.
Conservation Commission/Staff Comments:
12/5/17 As per DHR, additional info needed.

APPROVE AMENDMENT
Dredge and fill a total of 30,927 square feet (SF) within the bed and banks of the Bellamy River and adjacent palustrine emergent floodplain wetland to remove the Upper and Lower Sawyer Mill Dams with associated appurtenances, reshape the river channel to restore passage of river herring and restore stream connectivity (impacting 905 linear feet of bed and bank). In addition, temporarily impact 9,576 square feet (53 linear feet) for construction access and restoration. Phase I of the project, which removed the Lower Dam, began in 2018. This amendment proposes changes to the original design of Phase II, removal of the Upper Dam, which is proposed to occur in 2019. Changes to channel design include the preservation of the gate house and associated buttressing of dam remnants resulting in a smaller breach opening, installation of cobble bed riffle-pool channel, and the installation of a riffle-crest grade control structure at the upstream limit. Adaptive management of the river channel through the restored reach is proposed to occur, according to the structured consultative process with natural resource management agencies and within the time of year restrictions for instream work, as described below, through 2022.

With Conditions:
1. All Phase I work (i.e., Lower Dam removal) shall be completed in accordance with plans titled Sawyer Mill Apartments Dam Removal - Structural Plans, Upper (067.07) and Lower (067.08) Dams by CMA Engineers dated July 2017 and revised through January 30, 2018; plans titled Dover NH, Upper and Lower Sawyer Mill Dam Removal, Sawyer Mill Associates, Inc., prepared by Gomez and Sullivan Engineers, dated October 30, 2017 and revised through January 30, 2018; plan titled Figure 1: Key Plan provided by Tighe & Bond, dated April 13, 2018 and last received by the NH Department of Environmental Services (NHDES) on April 27, 2018; and plans titled Dam Removal Plans Lower Dam, Structural Repairs Pier Encasement by CMA Engineers dated January 2019.
2. AMENDED: All Phase II work (i.e., Upper Dam) shall be in accordance with plans titled Sawyer Mill Dam Removal and Bellamy River Restoration, Dover, New Hampshire by VHB dated July 26, 2019, revised through August 09, 2019 and last received by the NH Department of Environmental Services (NHDES) on August 12, 2019.
3. Any revision of, deviation from, or addition to the approved plan set(s) cited above or any further alteration of area on this property that is subject to RSA 482-A jurisdiction, will require review and written approval by NHDES. Additional permitting or an amendment to this permit, pursuant to RSA 482-A:3 XIV(e), shall apply.
4. AMENDED: The permittee shall sufficiently coordinate with the New Hampshire State Historical Preservation Officer at the New Hampshire Division of Historical Resources (NHDHR; Nadine.Miller@dnr.nh.gov) and the lead federal agency for National Historical Preservation Act (NHPA) Section 106 compliance.
5. AMENDED: The permittee shall coordinate with the Federal Emergency Management Agency (FEMA) through a Letter of Map Revision within six months of the Project's completion.
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 New Hampshire Code of Administrative Rules Chapter Env-Wq 1700.
7. AMENDED: This permit is not valid until the qualified professional submits a revised construction monitoring plan, including the requirements described in Conditions 38-45, to NHDES for review and approval.
8. The dam removal and stream restoration project shall be supervised and overseen by a qualified professional or professionals with expertise and demonstrated success in the field of river restoration.
9. The permittee shall notify the NHDES Wetlands Bureau, in writing, of the qualified professional(s) that have been retained to ensure that the restoration/enhancement is constructed in accordance with the approved plans. The permittee shall re-notify the NHDES Wetlands Bureau if the identity of the qualified professional(s) changes during the project.
10. If any work associated with either phase of the project, as authorized by this permit, will encroach upon or occur within 20 feet of an abutting property line, then prior to commencing that phase the permittee shall (1) obtain temporary construction easements or other written agreements from the affected abutting property owner, and (2) submit a copy of each agreement to the NHDES Wetlands Bureau.
11. AMENDED: The permittee shall schedule a pre-construction meeting with NHDES Land Resources Management
Program and Watershed Management Bureau staff, the NH Fish and Game Department (NHFG), US Army Corps of Engineers (ACOE), City of Dover, National Oceanic and Atmospheric Administration (NOAA) Restoration Center, and US Fish and Wildlife Service (USFWS), to occur at least 48 hours prior to the start of each Phase of the project to review the conditions of this wetlands permit. The preconstruction meeting shall be held on-site. The meeting shall be attended by the permittee; the professional engineer(s); wetlands scientist(s), environmental consultant(s) and qualified professional(s); and the contractor(s) responsible for performing the work.  

12. AMENDED: Bi-weekly meetings shall be held on-site thereafter to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. At minimum, NHDES personnel at Wetlands Bureau and Coastal Program shall be invited to attend each bi-weekly meeting. The qualified professional shall prepare notes describing the topics discussed and action items determined during each on-site meeting. The meeting notes shall be distributed within one week of the on-site meeting. 

13. To minimize impacts to freshwater and marine resources, all in-stream work shall be conducted during low flow conditions and between July 1st and March 1st, unless otherwise authorized by NHFG. 

14. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas as well as migratory fish spawning and rearing habitat.  

15. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall inspect and clean all soils and vegetation from construction equipment before it is moved to the site. 

16. Prior to the installation of timber mats, the mats shall be inspected for and cleaned of all vegetative matter. 

17. The contractor responsible for completion of the work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008). 

18. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species. 

19. The final surface of the stream channel bed shall be restored using natural round stone or existing stream bed materials and shall not be angular rip-rap or crushed gravel, except where shown on the approved plan. 

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

21. 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 erosion controls shall be removed once the area has been stabilized. 

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

23. The permittee/permittee's contractor shall use only biodegradable, wildlife-friendly, erosion control netting not to include materials comprised of welded plastic. 

24. Any turbid discharge from dewatering of work areas shall be directed to sediment basins, fixed-axle storage tanks or other mechanisms/provisions that allow settlement of suspended sediments prior to discharge that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet, unless an alternative location is approved by NHDES. 

25. Non-turbid water (< 10 NTUs above background) may be discharged directly to the river without treatment. 

26. The final disposition of all dredged and excavated material and construction related debris shall be placed outside of areas subject to RSA 482-A. 

27. Geotextile filter fabric shall be installed under temporary fill areas to isolate temporary fill from the natural substrate. 


29. 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. 

30. The contractor responsible for completion of the work 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. 

31. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only, unless approved by NHDES prior to refueling. 

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

33. Prior to commencing work on a substructure located within surface waters, the contractor responsible for completion of the work shall construct a cofferdam, in accordance with the NHDES approved dewatering and diversion plan, to isolate the substructure work area from the surface waters. 

34. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully deployed and effective, confined work can proceed without restriction. 

35. The temporary cofferdam shall be entirely removed within two (2) days after work within the cofferdam is completed and water has returned to normal clarity. 

36. Within three (3) 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 jute matting and pinning on slopes steeper than
37. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within one (1) day of establishing the grade that is final or that otherwise will exist for more than five (5) days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or jute matting and pinning on slopes steeper than 3:1.

MONITORING:
38. This permit is not valid until the qualified professional submits a final Project Monitoring Plan to NHDES for review and written approval. The Project Monitoring Plan shall be comprised of 2 primary sections: Construction Monitoring Plan and Project Effectiveness Monitoring Plan.
   a. The Construction Monitoring Plan shall describe the methods, timing and frequency, responsibilities, and special conditions for monitoring all construction activities related to the conditions of this permit.
   i. The qualified professional shall submit annual reports, by January 30th each year, of the Construction Monitoring Plan to the NHDES Wetlands Bureau during the duration of the project and submit a final Construction Monitoring Report to the NHDES Wetlands Bureau within 60 days of final site stabilization, following removal of the Upper Dam.
   ii. The Construction Monitoring Plan shall include, but not be limited to, the following components:
      1. A description of the regular monitoring that will occur to document the installation, maintenance and daily inspection of erosion and sediment control measures,
      2. A description of photo documentation that will occur to depict all stages of construction. A map of photo station locations shall be included in the plan.
      3. A description of the regular turbidity sampling that will be enacted to document adherence to water quality standards including, but not limited to, the method and frequency of sampling, the location and quantity of samples, and the Quality Assurance and Quality Control measures to be taken.
      4. The qualified professional shall demonstrate that water entering tidal waters from the construction area is less than 10 NTUs above background levels.
      5. A map of turbidity monitoring station locations, including those to measure background turbidity, shall be included in the plan.
      6. A description of the periodic wet weather sampling that shall occur after any rain event of 1/2 inch or greater, within a 24-hour period, during construction. Wet weather monitoring report(s) shall be submitted within 1 week of the rain event and shall include, but not be limited to, documentation of erosion control deployment, status of construction activities, sequence at time of monitoring, results of turbidity monitoring, remedies enacted to correct deficiencies in water quality protection measures.
      7. All turbidity results shall be transmitted to NHDES within two days of collection, or within a timeframe otherwise approved by NHDES.
     b. The Project Effectiveness Monitoring Plan shall describe the parameters, methods, timing and frequency, responsibilities, and special conditions to document whether the Project achieved its goals for the first five (5) years following the removal of the Upper Dam.
        i. Annual reports shall be submitted by January 30th each year to NHDES Wetlands Bureau and ACOE, including technical memos, photographs, flow measurements and fish observations taken at predetermined location(s) and any notable changes to the project area.
        ii. The Project Effectiveness Monitoring Plan shall include, but not be limited to, the following components:
           1. A description of the recommended process to document river herring response to dam removal, including but not limited to recordation of channel geometry, observations of river flow and river herring behavior through the restored reach. A map of fish monitoring stations shall be included with the plan.
           2. A description of the water quality monitoring that will be enacted to document the change in water quality in the Belamy River that is expected to occur as a result of dam removal. A map of water quality monitoring stations shall be included in the plan.
           3. A description of the process to monitor the constructed cobble bed riffle pool channel and the riffle crest grade control (not limited to monumented cross sections).
   39. The qualified professional shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur.
40. The qualified professional shall inspect the construction areas and submit a monitoring report to NHDES Wetlands Bureau after any rain event of 1/2 inch or greater, within a 24-hour period, during construction.
41. The qualified professional shall regularly sample for and assess turbidity at predetermined compliance point(s) established in the Belamy River and shall demonstrate that water entering tidal waters from the construction area is less than 10 NTUs above background levels.
42. The qualified professional shall monitor the success of restoration plantings to ensure at least 75% successful establishment of vegetation after three (3) growing seasons, or they shall be replanted and re-established in a manner satisfactory to the NHDES Wetlands Bureau.

43. The qualified professional shall monitor the areas directly impacted by construction to ensure that the site has not become invaded by nuisance or invasive species during the first full growing season following the completion of construction. The qualified professional shall submit a remediation plan to NHDES that proposes measures to be taken to eradicate nuisance species during this same period.

44. The permittee, qualified professional, and permittee's contractor shall coordinate with NHDES, NHFG, NOAA/NMFS, USFWS to adaptively manage the project within the project reach to optimize river restoration potential and take remedial actions as may be necessary to create functioning channel geometry to achieve passage for river herring. Remedial actions may include changing material gradation and depth or the location, shape, elevation or configuration of the thalweg. Adaptive management and remedial actions shall only be taken in accordance with the conditions as described below:
   a. During the construction, the qualified professional and the contractor responsible for performing the work shall coordinate with fish passage engineers from USFWS, NOAA/NMFS and biologists from the NHFG on the placement and orientation of boulder clusters throughout the project reach.
   b. During the construction, the qualified professional and the contractor responsible for performing the work shall coordinate with fish passage engineers from USFWS, NOAA/NMFS and biologists from the NHFG to evaluate bedrock revealed after the dams are removed and before bedrock modifications are enacted to ensure that micro topography and natural features of the exposed bedrock are preserved as velocity refugia for migrating river herring.
   c. The permittee shall allow personnel from NHDES, NHFG, NOAA/NMFS, and USFWS to observe flow conditions and river herring response and behavior through the restored channel for 5 years after the removal of the Upper Dam.
   d. Following the first river herring migration season after the Upper Sawyer Mill Dam is removed, an onsite meeting between the qualified professional, contractor responsible for completion of the work, NHDES, NHFG, NOAA, and USFWS will be held to discuss potential additional channel modification to optimize passage of river herring. The qualified professional shall produce an Adaptive Management Technical Memo describing channel modifications agreed upon during the onsite meeting.
   e. If determined necessary in the Adaptive Management Technical Memo, the permittee shall cause recommended channel adjustments to become enacted during low flow conditions in the year following the removal of the Upper Dam in accordance with agreed upon methodology by NHDES, ACOE, NOAA, USF&W, and NHFG.
   f. Adaptive management steps, described in Condition 44. d. and e. shall be repeated following the second river herring migration season after the Upper Dam is removed.

With Findings:
1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded wetlands provided the project:
   a. Receives financial support and direct supervision of a New Hampshire state agency, the US Environmental Protection Agency, the US Army Corps of Engineers, the US Natural Resources Conservation Service, or the US Fish and Wildlife Service;
   b. Shall not be used to perform restoration in cases where the applicant is subject to a removal or restoration order;
   c. Is not located in or adjacent to prime wetlands; and
   d. Does not meet the criteria of NH Administrative Rule Env-Wt 303.02(k).
2. The dam removal and stream restoration has received support and/or been overseen by NHDES Watershed Management Bureau, NHDES Land Resources Management Bureau, NH Fish and Game Department (NHFG), US Army Corps of Engineers (ACOE), City of Dover, National Oceanic and Atmospheric Administration (NOAA) Restoration Center, and US Fish and Wildlife Service (USFWS).
3. The earliest dam structure built on this site was a saw mill in the mid-1600s. After alternating between saw and grist mill uses, the mills were operated by the Sawyer Woolen Mills starting in the 1830s. Following a century of textile production, the facilities were utilized for various industrial and commercial operations through the 1900s before being redeveloped as residential apartments in the 1980s.
4. In 2009, the owner of the Upper and Lower Sawyer Mill Dams was issued a Letter of Deficiency (LOD) from the NHDES Dam Bureau classifying both dams as "high hazard" and identifying their inability to safely pass the required 250% of the 100-year flood frequency event with one foot of freeboard (NHDES Dam #067.08 and 067.07, respectively).
5. Subsequently, the owner considered modifying the dams to a height of less than six feet to remove them from NHDES Dam Bureau jurisdiction. Dam removal was ultimately chosen as the preferred option.
6. In correspondence dated January 03, 2012, two LODs were re-issued to the owner of the Upper and Lower Sawyer Mill Dams from the NHDES Dam Bureau, imposing a deadline for which a NHDES Wetlands Permit application be submitted for the removal of the Upper and Lower Sawyer Mill Dams.
7. In 2012, the stop logs were removed from the Upper Dam lower level outlet to dewater the 21-acre Sawyer Mill Pond. Since that time a significant portion of formerly inundated lands have revegetated and developed a defined meandering stream channel within it.
8. For the purposes of project planning and organization, the site has been divided into three discrete reaches: the Lower Impoundment (extending from the Lower Dam to the Upper Dam); the Middle Impoundment (extending from the Upper Dam...
to the Route 108 Bridge, and; the Upper Impoundment (extending from the Route 108 Bridge upstream to Bellamy Road).

9. There is approximately 2,500 linear feet of stream reach between the Lower Dam and upper extent of the tidal influence on the Bellamy River.

10. The Bellamy River is a major tributary to Great Bay. It is a fourth order stream at the location of the project, with a 27.3 square mile watershed and has a total of 13 tributaries above the Sawyer Mill Dam.

11. During the 100-year flood frequency event, the anticipated flow through the site is equal to 2,942 cubic feet per second.

12. The Sawyer Mill Dams are run-of-river dams, meaning that the magnitude of flow into and out of the site is generally equal, therefore there is no change expected to the magnitude of flows received by the downstream reaches as a result of the removal of the dams.

13. In the application narrative of the originally permitted project, the applicant's agent described an expected 0 - 7.8-foot decrease in the 100-year flood frequency base-flood elevation between the Route 108 bridge and the Lower Dam.


15. The Bellamy River appears on the 2016 303(d) List of Threatened or Impaired Waters (Draft) for aquatic life, fish consumption, shell-fishing and primary-contact recreation. Removal of the Sawyer Mill Dams and the potentially mobile contaminated sediment is expected to improve water quality both up and downstream of the project site.

16. The NHDES Wetlands Permit Application was deemed Administratively Complete on November 02, 2017.

17. A NHDES Permit Application Review Extension Agreement Form was executed on December 05, 2017 to allow the applicant to provide additional application information and NHDES additional time to review the application.


19. A meeting was held at the NHDES Portsmouth field office on December 20, 2017 between NHDES, Tighe & Bond, NOAA NMFS, USFWS and the applicant for the purpose of discussing the technical review by Tighe & Bond dated December 11, 2017.

20. On January 30, 2018, revised project drawings were received by NHDES from GSE.

21. On February 28, 2018, NHDES issued a Request for More Information (RFMI) that sought revised final engineering design drawings from SMA that depicted the current project approach as well as updated information on project sequencing.

22. On April 27, 2018, Tighe & Bond responded to the RFMI with a memo describing project phasing accompanied by a Key Plan depicting the proposed phased removal of the Sawyer Mill Dams.

23. The project to remove the Sawyer Mill Dams and restore diadromous fish passage to the Bellamy River was awarded a $149,805 grant from the NHDES Aquatic Resource Mitigation (ARM) fund. All ARM projects require 5 years of post-construction project effectiveness monitoring.

24. In partnership with SMA, NHDES Coastal Program and NHFG Marine Division will perform post construction monitoring related to fish passage and water quality, including assisting SMA with preparation of monitoring plans, field assessment and report production. SMA agents will perform monitoring of the cobble bed channel and riffle crest, per the revised Project Effectiveness Monitoring Plan.

25. In the application narrative, the applicant's agent stated that "lowering of the water levels associated with the removal of the dams is not anticipated to have any adverse impacts on existing public or private water supplies."

26. The need for the proposed impacts has been demonstrated by the applicant per NH Administrative Rule Env-Wt 302.01 as this project is being conducted to remove two non-compliant high hazard dams and also to restore passage of river herring within the Bellamy River.

27. 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 NH Administrative Rule Env-Wt 302.03.

28. Restoration of river herring passage will support direct and indirect benefits to diadromous species, as well as those that forage upon them, along the entire Atlantic Coast.

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

30. Per correspondence dated October 14, 2016, a Phase IA Archaeological Sensitivity Assessment was conducted by Public Archaeological Laboratory.

31. In correspondence dated December 22, 2018, The NH Division of Historical Resources (NHDHR) found that the project will have an adverse effect on the Sawyer's Woolen Mill historic property. NHDHR requested continued consultation, expressed concurrence with the assessment noted above for monitoring during demolition and, if the plan is modified, then additional assessment may be necessary.

32. In accordance with the National Historic Preservation Action (NHPA), SMA has coordinated with ACOE and NHDHR to determine the potential effects of the Project on historic resources. A suite of measures to mitigate for the adverse effect on the Sawyer's Woolen Mill will be memorialized in an MOA between ACOE, NHDHR, and SMA.

33. In correspondence dated November 13, 2017 (received by NHDES November 16, 2017), the City of Dover Conservation Commission stated their endorsement of the project, as proposed.
34. In correspondence dated October 30, 2017 (received by NHDES on December 14, 2017) and February 20, 2018, the Holgate Limited Partnership (Dover map/lot: 16/13) and the NH Department of Transportation (NHDOT; right of way) provided signed authorization for work to commence within 20 feet of their property boundaries, pursuant to RSA 482-A:3 I(d) (1) and New Hampshire Administrative Rule Env-Wt 304.04.

35. This permit is conditioned upon obtaining written authorization from any additional parties (i.e., City of Dover) on whose property the project may affect for construction access or staging during either phase.

36. Per correspondence dated August 21, 2017 and the "Sawyer Mill Dam Removal Project - Wetlands Permit Application" narrative, in a multi-phase approach (spanning 5 years) a total of 16 sediment contaminant samples were collected throughout a 1.3 mile reach of the Bellamy River in all three project areas (the Upper, Middle and Lower impoundments), samples were analyzed for polychlorinated biphenyls (PCB's), metals, pesticides, herbicides and semi-volatile organic compounds (SVOC's) which include polycyclic aromatic hydrocarbons (PAH's). Results of these analyses were described in the following documents:


37. During the feasibility and initial design phases of this project, 15 transects were surveyed through each project area to characterize the depth and volume of impounded sediment.

38. As a result of the sediment analyses noted above and after consultation with the NHDES Water Quality Planning Section and NHDES Waste Management Division, the permit materials submitted for originally permitted project indicated that approximately 2,900 cubic yards of potentially-mobile contaminated sediment is required to be removed from the Middle and Lower impoundments and appropriately disposed off-site. Separately, approximately 700 cubic yards of clean sediment is expected to gradually migrate from the Upper impoundment over time, replenishing the downstream reaches of the Bellamy River.

39. The Natural Heritage Bureau (NHB) reports submitted with the application package (NHB17-2789 and NHB16-0666) identified an exemplary natural community (Low brackish riverbank marsh) and several endangered plant species including: eastern grasswort (Lilaepopsis chinensis; state-endangered), Engelmann's quillwort (Isoetes engelmannii; state-endangered), little-headed spikesedge (Eleocharis parvula; state-threatened) and seaside brookweed (Samolus valerandi ssp. parviflorus; state-endangered).

40. Following a Stream Habitat Assessment conducted on September 07, 2016, in correspondence dated September 28, 2017, NHB stated "[because] only clean, uncontaminated sediments will be allowed to migrate downstream, and that they will do so gradually over time, NHB does not expect negative impacts to the exemplary Low brackish riverbank marsh and any associated rare plant species downstream."

41. The US Fish and Wildlife Service, Information for Planning and Consultation (IPaC) report submitted with the application package (consultation code: 05E1NE00-2017-SLI-2656) identified three federally listed threatened species including: Northern Long-eared Bat (Myotis septentrionalis), Red Knot (Calidris canutus rufa) and the Small Whorled Pogonia (Isotria medeoloides). GSE consulted with USFWS to ensure the protection of these species.

42. This permit is conditioned to include time of year restrictions to prevent adverse impact to migratory river herring and American eel.

37. Downstream migration of juvenile river herring or resident fish species is not expected to be impacted, as the fish will be passed through the site by means of the temporary diversion strategy.

AMENDED FINDINGS:

44. On November 27, 2018 and December 03, 2018, on-site meetings with the Agency Team, Gomez and Sullivan Engineers, Tighe & Bond Engineers, SumCo Eco-Contracting, and Sawyer's Mill Associates, Inc. were convened to observe conditions revealed after the removal of the Lower Dam and to discuss adaptive management interventions to achieve fish passage. Meeting notes prepared by NHDES Coastal Program, dated December 14, 2018, describe that while conditions for fish passage at the site of the former Lower Dam were better than expected, there is a limited zone of passage beneath the pier supported building that is conducive for target diadromous fish species.

45. On July 23, 2019, the applicant's agents convened a meeting at Sawyer Mill to discuss the fish passage design of the Upper Dam Removal Project with biologists and fish passage engineers from the New Hampshire Department of Fish and Game, National Oceanic and Atmospheric Administration, and US Fish and Wildlife Service. Subsequent to the meeting, an onsite inspection of the site of the former Lower Dam was performed by Agency Team and certain adaptive management interventions were recommended, which are described in Agency Team meeting notes, dated August 05, 2019.

46. On August 07, 2019, with the supervision of the Qualified Professional, certain adaptive management interventions were
enacted by NOAA and NHFG to improve fish passage at the bedrock outcrop located downstream of the site of the Lower Dam.

47. In correspondence dated July 30, 2019, the NHDES received a request to amend the May 24, 2018 approval, per the revised Upper Dam removal and river restoration plan, in order to limit construction impacts to the Sawyer’s Mill Associates’ property, as described in the Design Basis Memo, dated July 26, 2019.

48. The removal of the Upper Dam is expected to increase water velocities and scour potential at the location of the Route 108 bridge. The design incorporates grade controls to protect against head-cutting and destabilization of structures upstream of the property.

49. In correspondence dated August 01, 2019, the City of Dover stated that, based on review of the revised Phase II dam removal plans, the Conditional Use Permit received in 2017 is valid and does not need to be amended.

50. Additional subsurface exploration was conducted during June and July 2019, described in the Design Basis Memo dated July 26, 2019, in order to verify existing conditions and to revise and refine the design plan for Upper Dam removal and river restoration through the Middle Impoundment.

51. In correspondence dated August 12, 2019, the applicant’s agent stated that the estimated quantity of contaminated sediment targeted for removal (from the Middle Impoundment) ranges from 1,400 to 2,100 cubic yards, depending on the geometry of the buried portions of the upper dam structure and the bedrock surface encountered in the field.

52. In correspondence dated August 15 and 19, 2019, NOAA Fisheries cited concurrence for the revised Upper Dam removal and river restoration design.

53. An updated Natural Heritage Bureau (NHB) report was submitted with the amendment request (NHB19-2264).

54. Subsequent correspondence, described in a phone note dated July 17, 2019, between the applicant’s agent and NHB found that, based on the information provided, the previous concurrence regarding the identified plant species and exemplary natural communities would apply to the revised design (no negative impacts expected).

55. In correspondence dated July 24, 2019, NHFG stated that there are no concerns for potential impact to threatened or endangered vertebrate species as a result of the proposed project.

56. In correspondence dated August 06, 2019, the NHDES Dam Bureau found that, based on review of the 75% design plans and revised HECRAS model, the revised-proposed breach base width, remaining portions of the right abutment and the left abutment gate house would not constitute a jurisdictional dam structure. Final plans will be reviewed by the NHDES Dam Bureau, upon receipt.

57. In accordance with RSA 482-A:3 XIV (e), the proposed plan does not represent a significant amendment and is not expected to have an adverse impact on the environment so it is therefore approved.

2019-01037  WOLAK REALTY LLC

NEW HAMPTON

Requested Action:

Dredge and fill 500 square feet (SF) of an unnamed intermittent stream (tier 1, impacting 6 linear feet [LF]) in order to construct an access road for construction and maintenance of a proposed leach field for an individual sewage disposal system.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP

Dredge and fill 500 square feet (SF) of an unnamed intermittent stream (tier 1, impacting 6 linear feet [LF]) in order to construct an access road for construction and maintenance of a proposed leach field for an individual sewage disposal system.

With Findings:

1. A Request for More Information letter dated May 06, 2019, addressed to the agent of record and copied to the applicant, clearly identified the requirement that the applicant must submit additional information to NHDES within 60 days of the request, in this case, by July 05, 2019.

2. In an email dated July 03, 2019, the Authorized agent for the applicant requested a 30-day Extension Agreement until August 04, 2019, in order to allow the applicant additional time to respond to the Request for More Information letter dated May 06, 2019.

3. On July 08, 2019, NHDES issued a 30-day Extension Agreement until August 04, 2019, in order to allow the applicant additional time to respond to the Request for More Information letter dated May 06, 2019.

4. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by NHDES within 60 days of
the request, or by the deadline date specified in agreed-to time extensions, NHDES shall deny the application.
5. NHDES did not receive the requested additional information within the 60 days or by the deadline specified in the extension thereof, and therefore the application has been denied.

2019-02162
HALEY, DONETTA
BARRINGTON

Requested Action:
Dredge and fill 2,281 square feet of forested wetland for access to a 14-lot open-space residential subdivision.

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APPROVE PERMIT
Dredge and fill 2,281 square feet of forested wetland for access to a 14-lot open-space residential subdivision.

With Conditions:
1. All work shall be in accordance with plans by Berry Surveying & Engineering dated March 12, 2019, revised through May 14, 2019, last received by the NH Department of Environmental Services (NHDES) on July 15, 2019.
2. This permit is not valid unless a Subdivision Approval or other compliance with RSA 485-A:29-44 and New Hampshire Administrative Rule Env-Wq 1000 is achieved.
3. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and New Hampshire Administrative Rule Env-Wq 1500 is achieved.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or septic setback.
5. Each deed that accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
6. This permit is not valid and effective until it has been recorded with the Strafford County Registry of Deeds by the applicant.
7. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.
8. If any work associated with the project authorized by this permit will encroach on an abutter's property or occur within 20 feet of the property line, then prior to starting work the permittee shall (1) obtain temporary construction easements or other written agreements from the owner of the abutting property, and (2) submit a copy of each agreement to the DES Wetlands Program.
9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and New Hampshire Administrative Rule Env-Wq 1700.
10. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
11. Prior to construction, all wetland and surface water boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands and surface waters.
12. Any fill used shall be clean sand, rock, or other suitable material.
13. The permittee/permittee's contractor shall restore the banks to their original grades and to a stable condition within three days of completion of construction. Angular rock shall not be used unless it is on the approved plans.
14. 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.
15. 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.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
17. 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.
19. Erosion control products shall be installed per manufacturers recommended specifications.
20. 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.
21. 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.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
23. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
24. 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.
25. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:
1. This is a Minimum Impact Project per New Hampshire Administrative Rule Env-Wt 303.04(f), projects that alter less than 3,000 square feet in swamps or wet meadows.
2. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
3. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB18-3822) cited potential impact to threatened and endangered vertebrate species.
4. In correspondence dated July 18, 2019, the New Hampshire Fish and Game Department stated that, after coordination with the project proponents and considering the proposed conservation easement, there were no further concerns with the project relatively to potential impact on threatened or endangered species.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department’s jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
6. The proposed subdivision includes 17 acres of open space (including 3 acres of wetland).
7. The impacted wetland areas consist of disturbed areas and ruts within an existing class VI road.
8. On July 11, 2019, the Barrington Conservation Commission signed the NHDES Wetlands Permit application, thereby waiving their right to intervene per RSA 482-A:11 and indicating no objection to permitting the proposed work.
9. No comments of concern were received by NHDES from abutters or local governing organizations.

2019-02171  SCHULTZ, KRISTEN

NEWBURY  SUNAPEE LAKE

Requested Action:
Install a seasonal personal watercraft lift adjacent to an existing permanent pier on an average of 75 linear feet of shoreline frontage along Sunapee Lake in Newbury.

APPROVE PERMIT
Install a seasonal personal watercraft lift adjacent to an existing permanent pier on an average of 75 linear feet of shoreline frontage along Sunapee Lake in Newbury.

With Conditions:
1. All work shall be in accordance with plans received by the NH Department of Environmental Services (NHDES) on August 5, 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 authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
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. 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.
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.
10. All seasonal structures shall be removed for the non-boating season.
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.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad), installation of a seasonal 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.

2019-02287

RUSSELL H POST LIVING TRUST

DANVILLE  Unnamed Wetland

Requested Action:
Dredge and fill 1,475 square feet of forested wetland to install a 36-inch high by 48-inch wide by 70-foot long open bottom box culvert for the construction of a roadway for access to a 11-lot residential subdivision.

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APPROVE PERMIT
Dredge and fill 1,475 square feet of forested wetland to install a 36-inch high by 48-inch wide by 70-foot long open bottom box culvert for the construction of a roadway for access to a 11-lot residential subdivision.

With Conditions:
1. All work shall be in accordance with plans received by the NH Department of Environmental Services (NHDES) Wetlands Bureau on July 30, 2019.
2. 'Kingston Road Subdivision' plans by Lavelle Associates dated 7/31/2018 and revised through 7-19-19; and,
4. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
5. This permit is not valid unless a subdivision and septic system construction approvals or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
6. 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 permitted shall submit a copy of the recorded permit to the NHDES by certified mail, return receipt requested.
7. The deed that accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or septic setback.
9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
10. Work shall be done during low flow and in the dry only.
11. Construction personnel should be made aware of the potential to encounter spotted and Blanding's turtles, especially
during turtle nesting season which extends from late May through the beginning of July. IF SPOTTED OR BLANDING’S TURTLES ARE FOUND LAYING EGGS IN THE WORK AREA, PLEASE CONTACT NH Fish and Game Dept. MELISSA DOPERALSKI AT 271-1738 or JOSH MEGYESY AT 271-1125 FOR FURTHER INSTRUCTIONS.

10. All observations of northern black racer snakes encountered from the end of September through the month of April must be immediately reported to the NH Fish and Game Dept. (Brendan Clifford or MELISSA DOPERALSKI AT 271-1738).

11. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized. The use of erosion control berm, white Filtrexx Degradable Woven Silt Sock, or several ‘wildlife friendly’ options such as woven organic material (e.g. coco or jute matting such as North American Green SC150BN or equivalent) are readily available.

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

14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.


16. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be re-vegetated with like native species within three days of the completion of the disturbance.

17. Native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wing walls, and beyond. Any new materials used must be as similar to the natural stream substrate as practicable and shall not include any angular rock.

18. 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.

19. The culvert inlets and outlets must maintain the natural and a consistent elevation and not impede stream flow.

20. Proper headwalls shall be constructed within seven days of culvert installation.

21. 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.

22. 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.

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

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

With Findings:

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

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 NH Administrative Rule Env-Wt 302.03.

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

4. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB18-2217 identifying two (2) vertebrate species in the vicinity of the proposed project: Blandings Turtle (Emydoidea blandingii) and Northern Black Racer (Coluber constrictor).

5. In response to the above-referenced species, the applicant’s agent coordinated with NH Fish and Game Dept., Nongame and Endangered Species Program (NHFG) to minimize impacts to these species as a result of the impacts.

6. In response to NHFG’s recommendations, NHDES has conditioned the permit to include the following condition: "The use of welded plastic or ‘biodegradable plastic’ netting or thread in the erosion controls shall be avoided. The use of erosion control berm, white Filtrexx Degradable Woven Silt Sock, or several ‘wildlife friendly’ options such as woven organic material (e.g. coco or jute matting such as North American Green SC150BN or equivalent) are readily available."

7. Also in response to the species identified in the NHB letter, NHDES has conditioned the permit to ensure construction personnel should be made aware of the potential to encounter black racer and Blanding’s turtles, especially during turtle nesting season and to contact NHFG in the event nesting turtles or black racer are seen.

8. The Danville Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
Requested Action:
Dredge and fill 310 square feet (SF) of palustrine forested wetland in order to construct a roadside drainage ditch and replace a collapsed stone culvert with an 18-inch diameter by 20-foot-long culvert along a Class 6 road.

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APPROVE PERMIT
Dredge and fill 310 square feet (SF) of palustrine forested wetland in order to construct a roadside drainage ditch and replace a collapsed stone culvert with an 18-inch diameter by 20-foot-long culvert along a Class 6 road.

With Conditions:
1. All work shall be in accordance with plans by Stoney Ridge Environmental, LLC., dated July 12, 2019, and revised through August 29, 2019, as received by the NH Department of Environmental Services (NHDES) on August 29, 2019.
2. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
4. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
5. Work shall be done during non-flow only.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. 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.
9. Erosion control products shall be installed per manufacturers recommended specifications.
11. No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.
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. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. The channel at the culvert inlet and outlet must maintain the natural and a consistent elevation and not impede flow.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. 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 forested 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 will reduce the amount of erosion along the roadway by redirecting flow off of the roadway to a roadside ditch.
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 March 05, 2019, and received by NHDES on July 29, 2019, the Natural Heritage Bureau (NHB) stated that there was no record of a sensitive species located in the vicinity of the project.

5. The Alton Conservation Commission waived its right to comment on the application by signing the application on January 25, 2019.

6. NHDES Staff conducted a field inspection of the proposed project on August 26, 2019. Field inspection determined that the location of the existing stone culvert to be replaced was not accurately identified on the plans and the proposed impacts did not appear to accurately reflect the impacts required for this project.

7. On August 28, 2019, an extension agreement until August 29, 2019, was requested by the project agent to allow for additional time for the applicant to field confirm the location of the existing stone culvert and the limits of the wetland impact areas as identified on the plans. The agreement was signed by the authorized agent and returned to NHDES on August 28, 2019.

8. On August 29, 2019, NHDES received revised plans that updated the location of the existing stone culvert and confirmed the requested area of impact for this project.

9. As of August 30, 2019, no comments of concern have been received by NHDES from abutters.

2019-02389

KINZLMAIER, SONJA
WOLFEBORO Unnamed Wetland

Requested Action:
Impact 325 square feet of forested wetland for the installation of two 18" inch diameter culverts for driveway access to a proposed residential dwelling.

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APPROVE PERMIT

Impact 325 square feet of forested wetland for the installation of two 18" inch diameter culverts for driveway access to a proposed residential dwelling.

With Conditions:
1. All work shall be in accordance with plans by Fernstone Associates dated July 16, 2019 as received by the NH Department of Environmental Services (DES) on August 2, 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 Env-Wq 1700.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
7. All temporarily stockpiled material shall be placed outside any area that is within the jurisdiction of the DES Wetlands Bureau.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Erosion control products shall be installed per manufacturers recommended specifications.
10. 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.
11. 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.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
13. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
With Findings:
1. This is a Minimum Impact Project per Administrative Rule Env-Wt 303.04(f) as there will be less than 3,000 square feet of wetlands impacts.
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 wetland bisects the property between the road and buildable upland portion. The crossings have been located at the narrowest sections.
4. The applicant has demonstrated by plan and examples that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation has been considered in the design of the project.
5. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB19-2227) stated that there are no recorded occurrences for sensitive species near this project area.
6. No comments of concern have been received by DES from abutters or local governing organizations.

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PERMIT BY NOTIFICATION

2019-02385  SUSAN MAUS REVOCABLE TRUST

WOLFEBORO   LAKE WINNIPESAUKEE

Requested Action:
Replace up to (6) dock piling damaged by ice.

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PBN DISQUALIFIED
Replace up to (6) dock piling damaged by ice.

With Findings:
1. A request for additional information dated August 6, 2019, addressed to the applicant, clearly identified the requirement that the applicant to submit additional information to NHDES within 20 days of the request.
2. Pursuant to Rule Env-Wt 506.02(g), if the requested additional information is not received by NHDES within 20 days of the request, NHDES shall deny the application.
3. NHDES did not receive the requested additional information within the 20 days and therefore this permit by notification has been disqualified.

2019-02522  LIGHTHOUSE VIEW REV TRUST 2014, DAN CARBONNEAU

NEW LONDON   SUNAPEE LAKE

Requested Action:
Install a single seasonal personal watercraft lift directly adjacent to an existing 6 foot x 24 foot seasonal pier and accessed by a 8 foot x 16 foot deck on an average of 134 linear feet of shoreline frontage along Sunapee Lake in New London and in accordance with plans as received by NH Department of Environmental Services (NHDES) on August 13, 2019.
PBN IS COMPLETE
Install a single seasonal personal watercraft lift directly adjacent to an existing 6 foot x 24 foot seasonal pier and accessed by a 8 foot x 16 foot deck on an average of 134 linear feet of shoreline frontage along Sunapee Lake in New London and in accordance with plans as received by NH Department of Environmental Services (NHDES) on August 13, 2019.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad), installation of a seasonal 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.

**WINDHAM Unnamed Wetland**

2019-02605
EG HOLDINGS LLC, TIMOTHY PITCHER

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**PORTSMOUTH PISCATAQUA RIVER**

2019-02607
NH STATE PORT AUTHORITY

Requested Action:
Impact 18 square feet of tidal wetland in order to replace 10 existing pilings.

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**BROOKFIELD KINGSWOOD LAKE**

2019-02628
NH DES DAM BUREAU

Requested Action:
Temporarily impact 55 square feet within the bed of Kingswood Lake to replace steel stanchions inside the stoplog bay of Kingswood Lake Dam.

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PORTSMOUTH PISCATAQUA RIVER

Requested Action:
Impact 1013 square feet of previously-developed upland tidal buffer zone to replace an existing seawall in-kind. In addition, temporarily impact 602 square feet of previously-developed upland tidal buffer zone for construction access and installation.

PBN IS COMPLETE
Impact 1013 square feet of previously-developed upland tidal buffer zone to replace an existing seawall in-kind. In addition, temporarily impact 602 square feet of previously-developed upland tidal buffer zone for construction access and installation.

MIRROR LAKE LAKE WINNIPEGSAUKEE

Requested Action:
Replace an existing 6 foot x 32 foot 8 inch pier, in-kind, on 315 linear feet of frontage along lake Winnipesaukee in Mirror Lake and in accordance with plans by Janice Williams and as received by the NH Department of Environmental Services (NHDES) on August 21, 2019.

PBN IS COMPLETE
Replace an existing 6 foot x 32 foot 8 inch pier, in-kind, on 315 linear feet of frontage along lake Winnipesaukee in Mirror Lake and in accordance with plans by Janice Williams and as received by the NH Department of Environmental Services (NHDES) on August 21, 2019.

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

WOLFEBORO LAKE WINNIPEGSAUKEE

Requested Action:
Repair an existing 10 foot x 40 foot 9 inch and 4 foot x 42 foot 8 inch pile pier connected by a 9 foot x 12 foot 1 inch pile pier in a "U" shaped configuration, in-kind, and replenish an existing 890 square foot beach with no more than 10 cubic yards of sand on an average of 121 linear feet of shoreline frontage along Lake Winnipesaukee in Wolfeboro and in accordance with plans by Advantage NH Lakes dated August 18, 2019 and as received by NH Department of Environmental Services (NHDES) on August 27, 2019.
PBN IS COMPLETE
Repair an existing 10 foot x 40 foot 9 inch and 4 foot x 42 foot 8 inch pile pier connected by a 9 foot x 12 foot 1 inch pile pier in a "U" shaped configuration, in-kind, and replenish an existing 890 square foot beach with no more than 10 cubic yards of sand on an average of 121 linear feet of shoreline frontage along Lake Winnipesaukee in Wolfeboro and in accordance with plans by Advantage NH Lakes dated August 18, 2019 and as received by NH Department of Environmental Services (NHDES) on August 27, 2019.

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

2019-02709 NATASHA REALTY TRUST, BOND FLETCHER

LACONIA WINNISQUAM LAKE

Requested Action:
Install a 6 foot x 40 foot seasonal pier on an average of 82 linear feet of shoreline frontage along Lake Winnisquam in Laconia and in accordance with plans by New Hampshire Environmental Consultants, LLC., dated August 14, 2019 and as received by NH Department of Environmental Services (NHDES) on August 28, 2019.

PBN IS COMPLETE
Install a 6 foot x 40 foot seasonal pier on an average of 82 linear feet of shoreline frontage along Lake Winnisquam in Laconia and in accordance with plans by New Hampshire Environmental Consultants, LLC., dated August 14, 2019 and as received by NH Department of Environmental Services (NHDES) on August 28, 2019.

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.

FORESTRY NOTIFICATION

2019-02688 BAYROOT LLC

DIX GRANT Unnamed Stream

COMPLETE NOTIFICATION
DIX GRANT; TAX MAP#1626; LOT# 32
2019-02693  ALLEN, W GORDON/MARY E

ANTRIM  Unnamed Stream

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COMPLETE NOTIFICATION
ANTRIM; TAX MAP# 232; LOT# 30

2019-02694  SCHWAEGLER, BRUCE

ORFORD  Unnamed Stream

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COMPLETE NOTIFICATION
ORFORD; TAX MAP# 8-27; LOT# 1

2019-02744  IRVING, RYAN

CONCORD  Unnamed Stream

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COMPLETE NOTIFICATION
CONCORD; TAX MAP# 40; LOT# Z25

TRAILS NOTIFICATION

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2019-02690  CT LAKES REALTY TRUST

PITTSBURG  Unnamed Stream

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COMPLETE NOTIFICATION
Installation of culvert on relocated trail.

2019-02691  SOCIETY FOR THE PROTECTION OF NH FORESTS
MADBURY  Unnamed Stream

COMPLETE NOTIFICATION
Replace a culvert with a bridge.

LAKES-SEASONAL DOCK NOTIFICATION

2019-02496  HUBBARD, GEOFFREY
WASHINGTON  HIGHLAND LAKE

Requested Action:
Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Highland Lake in Washington.

COMPLETE NOTIFICATION
Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Highland Lake in Washington.

ROADWAY MAINTENANCE NOTIFICATION

2019-02680  NHDOT DISTRICT 4
WINDSOR  Unnamed Stream

COMPLETE NOTIFICATION
Replace 15" culvert with a 15" culvert.

SHORELAND PERMIT

2017-02439  SWISLOSKY, PETER
WEBSTER  PILLSBURY LAKE
Requested Action:

The applicant requests the shoreland permit be amended to increase the total area impacted by 374 square feet for the purpose of reconfiguring porches and decks and constructing a new bump-out and stairs.

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APPROVE AMENDMENT

Impact 6,141 square feet of the protected shoreland for the purpose of constructing a 2 bedroom primary structure, attached porches, decks, stairways, and driveway and installing a new individual septic system.

With Conditions:
1. All work shall be in accordance with amended plans by Peter Swislosky of Granite Root Construction, LLC dated April 11, 2019, and received by the NH Department of Environmental Services (DES) on May 15, 2019.
2. This permit is not valid unless a septic system construction approval (CA) or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer (within 50 feet of the reference line) that would result in a tree and sapling point score below the minimum required point score per RSA 483-B:9, V, (a)(2)(D) (iv).
4. No more than 14.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. In order to remain compliant with RSA 483-B:9, V,(b)(2)(A), 25% of the area between 50 feet and 150 feet from the reference line, as depicted on plans received by DES, must remain unaltered.
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. 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. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

This permit does not authorize or approve of any impact that might occur in areas subject to 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 N.H. Code Admin. Rules Env-Wt 100 - 900 and obtaining any permit that may be required by RSA 482-A prior to construction, excavation, or fill in any area that is subject to RSA 482-A jurisdiction.

DOVER  BELLAMY RIVER

Requested Action:

Impact 2,159 square feet of protected shoreland in order to construct access ramps for the purpose of removing the Upper and Lower Sawyer Mill Dams, restoring the river, and protecting adjacent infrastructure.

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APPROVE AMENDMENT

Impact 2,159 square feet of protected shoreland in order to construct access ramps for the purpose of removing the Upper and Lower Sawyer Mill Dams, restoring the river, and protecting adjacent infrastructure.
With Conditions:

1. All Phase I work (i.e., Lower Dam) shall be in accordance with plans by Gomez and Sullivan Engineers, D.P.C. dated October 30, 2017 and received by the NH Department of Environmental Services (NHDES) on November 2, 2017. All Phase II work (i.e., Upper Dam) shall be in accordance with plans entitled "Sawyer Mill Dam Removal and Bellamy River Restoration, Dover, New Hampshire," by VHB dated July 26, 2019 and received by the NH Department of Environmental Services (NHDES) on July 30, 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 55.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

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


10. 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.

11. 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.

2018-02694

MECKEL, JOAN/ROBERT

SANBORNTON HERMIT LAKE

Requested Action:

Impact 6,100 square feet of protected shoreland in order to install a rain garden, an infiltration trench, a walkway, a garage, and an addition to the primary structure; to remove an existing walkway; to retain the impacts associated with an unauthorized deck, an unauthorized retaining wall, and an unauthorized gravel pad, after-the-fact; and to restore an area with vegetation.

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DENY PERMIT

Impact 6,100 square feet of protected shoreland in order to install a rain garden, an infiltration trench, a walkway, a garage, and an addition to the primary structure; to remove an existing walkway; to retain the impacts associated with an unauthorized deck, an unauthorized retaining wall, and an unauthorized gravel pad, after-the-fact; and to restore an area with vegetation.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-R:1 Purpose, I-a, the general court finds that a natural woodland buffer, consisting of trees and other vegetation located in areas adjoining public waters, functions to intercept surface runoff, wastewater, subsurface flow, and deeper groundwater flows from upland sources and to remove or minimize the effects of nutrients, sediment, organic matter, pesticides, and other pollutants and to moderate the temperature of the near-shore waters.
2. Pursuant to RSA 483-B:3 Consistency Required, I, state and local permits for work within the protected shorelands shall be issued only when consistent with the policies of RSA 483-B.

3. Pursuant to RSA 483-B:4, Definitions, VII-b, defines "impervious surface" as any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

4. Pursuant to RSA 483-B:4, Definitions, XI, defines the term "natural woodland" as a forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

5. Pursuant to RSA 43-B:5-b, Permit Required; Exemption, V, (a) within 30 days of receipt of an application for a permit or 30 days of receipt of an application for a permit that will require a waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information reasonably required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application.

6. Pursuant to RSA 483-B:5-b Permit Required; Exemption, V, (h) the department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of RSA 483-B, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to RSA 483-B, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

7. Pursuant to RSA 483-B:9, Minimum Shoreland Protection Standards, V, (b), (2), (A), on a given lot, at least 25 percent of the woodland buffer area located between 50 feet and 150 feet from the reference line shall be maintained as natural woodland. The vegetation, exclusive of lawn, within the natural woodland shall be maintained in an unaltered state or improved with additional vegetation.

8. Pursuant to RSA 483-B:9, Minimum Shoreland Protection Standards, V, (g), Impervious Surfaces, (1) no more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, unless a stormwater management system designed and certified by a professional engineer is implemented. Such system design shall demonstrate that the post-development volume and peak flow rate based on the 10-year, 24-hour storm event, shall not exceed the pre-development volume and peak flow rate for flow off the property within the protected shoreland. (2) If the impervious surface area will exceed 20 percent, but is less than 30 percent, a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17. (3) If the impervious surface area will exceed 30 percent and the tree, sapling, shrub, and groundcover in the groundwater buffer does not meet the point score requirement of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with trees, saplings, shrubs, or ground cover in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V, (a).

9. In accordance with Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications (b), the plans required by Env-Wq 1406.06(b) shall show the existing conditions on the property, all proposed work, and all temporary impacts within 250 feet of the reference line, including the scale, if any, used on the plan or, if the plan is not to scale, the complete dimensions of all features.

10. In accordance with Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications (c), the plans required by Env-Wq 1406.06(b) shall show the existing conditions on the property, all proposed work, and all temporary impacts within 250 feet of the reference line, including a labeled north-pointing arrow to indicate orientation.

11. In accordance with Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications (h), the plans required by Env-Wq 1406.06(b) shall show the existing conditions on the property, all proposed work, and all temporary impacts within 250 feet of the reference line, including the dimensions, locations, and descriptions of all proposed temporary impacts associated with completion of the project.

12. In accordance with Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications (o), the plans required by Env-Wq 1406.06(b) shall show the existing conditions on the property, all proposed work, and all temporary impacts within 250 feet of the reference line, including the date of plan and the preparer's name.

Findings of Fact
1. On September 5, 2018, the department received an application (the "Application") for 6,100 square feet of impact to the protected shoreland along Hermit Lake, in order to install a rain garden, an infiltration trench, a walkway, a garage, and an
addition to the primary structure; to remove an existing walkway; to retain the impacts associated with an unauthorized retaining wall and an unauthorized gravel pad, after-the-fact; and to restore an area with vegetation, on the property identified as Lot# 36 on Sanbornton Tax Map 3, located at 71 Hueber Drive (the "Property").

2. On September 28, 2018, the department issued a Request for More Information to clarify and complete the Application. The department explained that failure to provide the requested information by November 27, 2018 would result in the denial of the Application.

3. On October 22, 2018, the department issued a Letter of Deficiency (LRM 18-060) for the Property, for failure to maintain at least 25 percent of the woodland buffer area located between 50 feet and 150 feet from the reference line as natural woodland, pursuant to RSA 483-B:9, V,(b),(2)(A).

4. On November 27, 2018, the agent submitted by email to the department documents to respond to the Request for More Information. Hardcopy of these documents were received by the department on December 3, 2018.

5. On January 30, 2019, NHDES wetlands bureau staff met with the Applicant and Agent to discuss discrepancies between the existing property conditions and the submitted revised plans, as well as incompleteness of the response to the Request for More Information dated September 28, 2018.

6. On April 8, 2019, the department received a revised proposed plan from the Applicant.

7. On May 14, 2019, the department issued an updated Request for More Information, identifying six items that were still required to complete the review. The department explained that failure to provide the requested information by July 13, 2019 would result in the denial of the Application.

8. The letter requested: "As required by Env-Wq 1406.09(b), please add a scale on the plan or, if the plan is not to scale, the complete dimensions of all features. Ensure that all dimensions shown on the plan match existing and proposed conditions on the lot, and revise the Shoreland Application Worksheet (page 3 of 6 of the application) accordingly. Depending on the proposed percent of the lot to be covered by post-construction impervious area within 250 feet of the reference line upon completion of the project (line E of the Shoreland Application Worksheet), stormwater management and plantings may be required pursuant to RSA 483-B:9, V, g" (item #1 of the Request for More Information).

9. The letter requested: "As required by Env-Wq 1406.09(o), please add to the revised plan the date the plan was last revised and the name of the person who prepared the plan" (item #2 of the Request for More Information).

10. The letter requested: "Please include a labeled north-pointing arrow on the plans to indicate orientation, as required by Env-Wq 1406.09" (item #3 of the Request for More Information).

11. The letter requested: "Please delineate on the plan all proposed temporary impacts associated with completion of the project, as required by Env-Wq 1406.09(h). Temporary impacts include excavation and fill, including any proposed regrading" (item #4 of the Request for More Information).

12. The letter requested: "Please label the proposed infiltration trench on the plan" (item #5 of the Request for More Information).

13. The letter requested: "For review of the shoreland application, please remove the note stating "clean out muck sediment 5-6 inches" as this impact cannot be permitted with a shoreland impact permit. The proposal to clean and/or remove the material from the lakebed needs to be addressed with a wetlands permit application" (item #6 of the Request for More Information).

14. As of August 20, 2019, the department had not received the information requested in the Request for More Information Letter dated May 14, 2019.

Rulings in Support of the Decision

1. The department could not determine compliance with RSA 483-B:9, V, (g). Therefore, the Application is denied pursuant to RSA 483-B:9, V, (g).

2. The department could not determine compliance with RSA 483-B:9, V, (b), (2), (A). Therefore, the Application is denied pursuant to RSA 483-B:9, V, (b), (2), (A).

3. The department did not receive the information requested in the Request for More Information Letter dated May 14, 2019 by the July 13, 2019 deadline. Therefore, the application is denied pursuant to RSA 483-B:3, I and RSA 483-B:5-b, V, (a).

2015-00450

LINDER, JANE/RICHARD

BARNSTEAD  UPPER SUNCOOK LAKE

Requested Action:

Impact 2,237 square feet of protected shoreland in order to remove the existing septic system and install a new septic system.

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APPROVE PERMIT
Impact 2,237 square feet of protected shoreland in order to remove the existing septic system and install a new septic system.

With Conditions:
1. All work shall be in accordance with plans by Varney Engineering, Inc., dated December 31, 2018, revised through February 26, 2019, and received by the NH Department of Environmental Services (NHDES) on July 22, 2019.
2. The proposed septic system shall not 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 19.1% 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 2,695 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. 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.

ARCHILA, LINDSEY
SAVOIE, DENISE
FREEDOM OSSIPEE LAKE

Requested Action:
The Applicant requests that the permit be amended to reflect more accurate site conditions and proposed design changes.

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DENY AMENDMENT
Deny the requested amendment for a permit to: Impact 7,987 square feet of protected shoreland in order to construct a well, a driveway, a septic system, and a new primary structure.
With Findings:
Standards for Approval
1. Pursuant to RSA 483-B:3 Consistency Required, I, state and local permits for work within the protected shorelands shall be issued only when consistent with the policies of RSA 483-B.
2. Pursuant to RSA 483-B:5-b Permit Required; Exemption, V, (a), any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application.
3. Pursuant to RSA 483-B:5-b Permit Required; Exemption, V, (b) when the department requests additional information pursuant to RSA 483-B:5-b, V, (a), the department shall, within 30 days of the department's receipt of the information:
   (1) Approve the application and issue a permit; or
   (2) Deny the application, and issue written findings in support of the denial; or
   (3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

Findings of Fact
1. On August 12, 2019, the department received a Shoreland Permit Amendment request for permit 2019-00516.
2. On August 20, 2019, the department issued a Request for More Information Letter to the Owner explaining the additional information was required to clarify and complete the Amendment Request, and that failure to provide the requested information within 60 days of this letter, would result in the denial of the Application.
3. The letter requested "On the set of plans, please delineate all proposed impacts (including temporary impacts) associated with completion of the project, as required by Env-Wq 1406.09" (item #2 of the Request for More Information).
4. The letter requested "As required by Env-Wq 1406.09(f), if the topography is to be permanently altered, the existing and proposed topography shall be added to the set of plans, including a reference elevation. If applicable, please add the proposed topography to the set of plans" (item #3 of the Request for More Information).
5. On August 23, 2019, the department received a response to the request for more information. The letter did not address item #2 and item #3 of the Request for More Information.

Rulings in Support of the Decision
1. The department did not receive the information requested in the Request for More Information Letter dated August 20, 2019 in the response received on August 23, 2019. Therefore, the application is denied pursuant to RSA 483-B:3, I and RSA 483-B:5-b, V, (b).

2019-01008   OSBORNE, ERIC/TRACIE
BELMONT WINNISQUAM LAKE

Requested Action:
Impact 3,195 square feet to retain the impacts associated with constructing a new paver driveway and walkway and installing a new stormwater management system.

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APPROVE PERMIT
Impact 3,195 square feet to retain the impacts associated with constructing a new paver driveway and walkway and installing a new stormwater management system.

With Conditions:
1. All work shall be in accordance with plans by Beaver Brook Planning and Design, LLC and RJB Engineering, LLC, dated January 30, 2019, and received by DES on April 4, 2019.
2. The proposed stormwater management system shall be installed and maintained to effectively absorb and treat stormwater.
3. In order to remain compliant with RSA 483-B:9, V(b)(2)(A), at least 332 square feet of the area of the property between 50 feet and 150 feet from the reference line, as depicted on plans received by the Department on April 4, 2019, must remain in an unaltered state.
4. All development activities associated with this project shall be conducted in compliance with applicable requirements of...
5. 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).
6. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
7. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
8. Appropriate sitation 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.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. 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.

DEERFIELD  FREESES POND

Requested Action:
Impact 1,684 square feet of protected shoreland in order to install a septic system and restore an unaltered area of the woodland buffer.

approve permit
Impact 1,684 square feet of protected shoreland in order to install a septic system and restore an unaltered area of the woodland buffer.

With Conditions:
1. All work shall be in accordance with on plans by Franklin Associates dated June 6, 2019 and revised on August 21, 2109 as received by NHDES on August 21, 2019.
2. The proposed septic system to service the garage and child care facility may 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. 1,520 square feet of Woodland Buffer shall be restored within the Woodland buffer according to the Shoreland Protection Restoration Plan by Franklin Associates dated August 21, 2019.
4. 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).
5. 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.
6. No more than 16.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
7. Erosion and sitation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and sitation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire

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 owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wq 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.

2019-01910 BACH, BONNIE/GERALD

NEW DURHAM MERRYMEEETING LAKE

Requested Action:

Impact 1,887 square feet of protected shoreland in order to remove a shed, construct an addition to the nonconforming primary structure, install stormwater management, remove a small patio to plant vegetation, modify a retaining wall and lower steps, and replace of a portion of the driveway, walkway, steps, and a patio with pervious surfaces.

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APPROVE PERMIT

Impact 1,887 square feet of protected shoreland in order to remove a shed, construct an addition to the nonconforming primary structure, install stormwater management, remove a small patio to plant vegetation, modify a retaining wall and lower steps, and replace of a portion of the driveway, walkway, steps, and a patio with pervious surfaces.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering dated October 16, 2018 and revised by Gerald & Bonnie Bach dated August 18, 2019 as received by the NH Department of Environmental Services (NHDES) on August 19, 2019.

2. The proposed addition foundation shall not be constructed until any approval as may be required under RSA 485-A and Rules Env-Wq 1000 is obtained from NHDES Subsurface Systems Bureau.

3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

4. No more than 20.0% 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 1,735 square 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. The proposed drip edge and infiltration bed shall be installed and maintained to effectively absorb and infiltrate stormwater.

11. Photographs documenting the construction of the proposed drip edge and infiltration bed shall be submitted to the Department within 30 days of the completion of construction.

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

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


15. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, 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.

16. 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.

With Findings:

1. In accordance with RSA 483-B:11 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.
2. The project proposes to expand the existing nonconforming structure by 286 square feet behind the waterfront buffer.
3. The project also proposes to manage stormwater from 286 square feet of roof area not required by RSA 483-B:9.
4. The project also proposes to remove 391 square feet of impervious surface within the waterfront buffer.
5. The proposal includes 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, therefore the property is more nearly conforming.

2019-02045

BICKFORD, PAUL

WAKEFIELD PINE RIVER POND

Requested Action:

Impact 112 square feet of protected shoreland in order to construct stairs over an existing pathway toward the water.

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APPROVE PERMIT

Impact 112 square feet of protected shoreland in order to construct stairs over an existing pathway toward the water.

With Conditions:

1. All work shall be in accordance with plans by Edward F. Dolaher dated June 28, 2019 and received by the NH Department of Environmental Services (DES) on July 31, 2019.
2. No more than 5.7% 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 3,750 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 controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. This permit shall not 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.

2019-02208

KEIR FAMILY ENTREPRENEURS INC

NAPIER, MICHAEL

HAMPTON SALT MARSH
Requested Action:

Impact 9,389 square feet of protected shoreland beyond the 100 foot tidal buffer zone in order to demolish the primary structure, driveway and parking area and construct a primary structure, patio, driveway entrance, parking area, 2 permeable walkways, and of stormwater management structures.

APPROVE PERMIT

Impact 9,389 square feet of protected shoreland beyond the 100 foot tidal buffer zone in order to demolish the primary structure, driveway and parking area and construct a primary structure, patio, driveway entrance, parking area, 2 permeable walkways, and of stormwater management structures.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. signed by the engineer on July 10, 2019 and received by the NH Department of Environmental Services (NHDES) on July 18, 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 44.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The proposed grass swale shall be installed and maintained to effectively absorb and infiltrate stormwater.
9. Photographs documenting the construction of the proposed grass swale shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
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.

With Findings:

1. In accordance with RSA 483-B:11 IV. Under paragraph I, and except as otherwise prohibited by law or applicable municipal ordinance, primary nonconforming structures may be entirely demolished and reconstructed, with continued encroachment into the waterfront buffer, provided the replacement structure is located farther back from the reference line than the preexisting nonconforming structure.
2. The project proposes to raze existing nonconforming structures within the 100-foot tidal buffer area to construct a primary structure condominium beyond the 100-foot tidal buffer line.
3. The proposal includes 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, therefore the property is more nearly conforming.
NOTTINGHAM  PAWTUCKAWAY POND

Requested Action:
Impact 7,650 square feet of protected shoreland in order to construct a primary structure with a porch and driveway and install a septic system.

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APPROVE PERMIT
Impact 7,650 square feet of protected shoreland in order to construct a primary structure with a porch and driveway and install a septic system.

With Conditions:
1. All work shall be in accordance with plans by S&H Land Services, LLC dated July 22, 2019 and received by the NH Department of Environmental Services (NHDES) on July 25, 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 27.0% 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 812 square feet 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. The proposed dripline infiltration trenches and dry well shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. Photographs documenting the construction of the proposed dripline infiltration trenches and dry well 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:
Impact 124 square feet of protected shoreland in order to build an accessory structure more than 50 feet from the reference line.

APPROVE PERMIT
Impact 124 square feet of protected shoreland in order to build an accessory structure more than 50 feet from the reference line.

With Conditions:
1. Structures on this property shall be maintained as shown on the as-built plans by Wayne A. Savini and received by Department of Environmental Services (DES) on August 9, 2019
2. All future activities on this property shall be conducted in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner shall be responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
3. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 1,862 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).

2019-02338 EHMANN, EILEEN/JAMES
MOULTONBOROUGH KANASATKA LAKE

Requested Action:
Impact 6,348 square feet of protected shoreland in order to raze an existing house, construct a new house, reconfigure an existing driveway, construct a new septic system and conduct associated re-grading.
Temporary Waiver Granted: Temporarily reduce the area of the Woodland Buffer in which vegetation remains in an unaltered state below that required per RSA 483-B:9, V, (b) for the purposes of constructing expanding a primary structure, decreasing existing driveway, and installing a new septic system. Post-construction restoration planting required.

APPROVE PERMIT
Impact 6,348 square feet of protected shoreland in order to raze an existing house, construct a new house, reconfigure an existing driveway, construct a new septic system and conduct associated re-grading.
Temporary Waiver Granted: Temporarily reduce the area of the Woodland Buffer in which vegetation remains in an unaltered state below that required per RSA 483-B:9, V, (b) for the purposes of constructing expanding a primary structure, decreasing existing driveway, and installing a new septic system. Post-construction restoration planting required.

With Conditions:
1. All work shall be in accordance with plans by White Mountain dated July 29, 2019 and received by the NH Department of Environmental Services (DES) on July 30, 2019.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 27.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Within 60 days of the completion of the framing of the proposed structure the Permittee shall have replanted and restored native vegetation within an area of at least 900 square feet within the Natural Woodland Buffer located between 50 and 150.
feet landward of the reference line. This vegetation shall then be retained in an unaltered state in order to comply with RSA 483-B:9, V(b)(2).

6. Within 90 days the completion of the framing of the proposed structure the Permittee shall provide documentation, including photos, showing that restoration of the Natural Woodland Buffer has occurred to the DES Wetlands Bureau.

7. 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 1,038 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. The Permittee is responsible for submitting monitoring reports and photos of restored areas to the DES Wetlands Bureau at six (6) months following completion of plantings and then annually for a duration of three (3) years in order to document compliance with the restoration plan.

9. The Permittee is responsible for replacing all failed plantings in order to maintain compliance with the restoration plan.

10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed areas are stabilized.

11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

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

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

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

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

With Findings:

1. In accordance with RSA 483-B:9, V, (i) The commissioner shall have the authority to grant waivers from the minimum standards of this section. Such authority shall be exercised if the commissioner deems that strict compliance with the minimum standards of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state.

2. This property, identified as Lot 40 on Moultonborough Tax Map 40, is located entirely within 250 feet of the protected shorelands.

3. The project as proposed will result in 27.3% of the portion of the lot within protected shorelands being covered by impervious surfaces with no increase from the existing impervious surface coverage.

4. The project proposes to temporarily remove 900 square feet of required woodland buffer in order to install a new septic system and modify the footprint of impervious surface within the woodland buffer.

5. The strict compliance with the minimum standards of RSA 483-B:9, V, (g), (3) will not provide material benefit to the public and will have no material adverse effect on the environment or the natural resources of the state and therefore, the requirements for a waiver to RSA 483-B:9, V, (g), (3) have been met.

2019-02353 PARKER, BRADLEY/DEBORAH

FRANKLIN WEBSTER LAKE

Requested Action:

Impact 8,470 square feet of protected shoreland in order to demolish the primary structure, construct a primary structure with 2 porches, install a walkway, and expand the driveway.

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APPROVE PERMIT

Impact 8,470 square feet of protected shoreland in order to demolish the primary structure, construct a primary structure with 2 porches, install a walkway, and expand the driveway.
With Conditions:
1. All work shall be in accordance with plans by Hinds Septic Design Services dated July 30, 2019 and received by the NH Department of Environmental Services (NHDES) on July 31, 2019.
2. The proposed foundation shall not be constructed until any approval as may be required under RSA 485-A and Rules Env-Wq 1000 is obtained from NHDES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 8.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Native vegetation within an area of at least 8,247 square feet 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.

2019-02354 ANDRICK, STEPHEN
BRIDGEWATER NEWFOUND LAKE

Requested Action:
Impact 8,423 square feet of protected shoreland in order to remove and rebuild the existing nonconforming structure with a reduced footprint in the 50' buffer and install new septic system.

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APPROVE PERMIT
Impact 8,423 square feet of protected shoreland in order to remove and rebuild the existing nonconforming structure with a reduced footprint in the 50' buffer and install new septic system.

With Conditions:
1. All work shall be in accordance with plans by Barnard Survey Assoc., Inc. dated July 27, 2019 and received by the NH Department of Environmental Services (DES) on July 31, 2019.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. Native vegetation within an area of at least 2,808 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).

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 initial 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 tuck or netting and pinning on slopes steeper than 3:1.


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

2019-02388

SINATRA, DIANE/WILLIAM

SUNAPEE  SUNAPEE LAKE

Requested Action:

Impact 5,900 square feet of protected shoreland in order to construct a new garage and gravel driveway and install stormwater control.

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APPROVE PERMIT

Impact 5,900 square feet of protected shoreland in order to construct a new garage and gravel driveway and install stormwater control.

With Conditions:

1. All work shall be in accordance with plans by Fuss & O'Neill dated July 25, 2019 and received by the NH Department of Environmental Services (DES) on August 2, 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 permits have not been approved.

3. No more than 23.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. Native vegetation within an area of at least 4,198 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).

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. The proposed (stormwater management structures) shall be installed and maintained to effectively absorb and infiltrate stormwater.

10. Photographs documenting the construction of the proposed (stormwater management structures) shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.

11. Within three days of initial 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 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.

2019-02404  CLEVELAND HATCH REALTY TRUST

LACONIA  WINNISQUAM LAKE

Requested Action:
Impact 3,960 square feet of protected shoreland in order to remove southeasterly wing of existing primary structure, Replace a portion of the foundation along the lake side, rebuild the wing in its same location with an increase in footprint of 64 square feet at the southeasterly corner of the building, and upgrade the existing foundation drain.

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APPROVE PERMIT
Impact 3,960 square feet of protected shoreland in order to remove southeasterly wing of existing primary structure, Replace a portion of the foundation along the lake side, rebuild the wing in its same location with an increase in footprint of 64 square feet at the southeasterly corner of the building, and upgrade the existing foundation drain.

With Conditions:
1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated July 31, 2019 and received by the NH Department of Environmental Services (DES) on August 5, 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 12.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 6,282 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).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface 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.

2019-02433  MJM REALTY TRUST

EPSOM  CHESTNUT POND
Requested Action:

Retain impacts of 7,608 square feet in the protected shoreland for previously constructed deck, porch, and eastern retaining walls attached to the primary structure. Project includes the proposal 2 additional retaining walls on the westside of the primary structure and the removal of a gravel area.

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APPROVE PERMIT

Retain impacts of 7,608 square feet in the protected shoreland for previously constructed deck, porch, and eastern retaining walls attached to the primary structure. Project includes the proposal 2 additional retaining walls on the westside of the primary structure and the removal of a gravel area.

With Conditions:
1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated June 24, 2019 and received by the NH Department of Environmental Services (DES) on August 7, 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 24.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 3,062 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).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface 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.

2019-02461

51 BRACKETT RD RYE LLC

RYE  BERRY'S BROOK

Requested Action:

Impact 174 square feet of protected shoreland in order to install 17 linear feet of dripline infiltration trench and a drywell.

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Inspection Date: 08/29/2019 by NEIL R BILODEAU
APPROVE PERMIT
Impact 174 square feet of protected shoreland in order to install 17 linear feet of dripline infiltration trench and a drywell.

With Conditions:
1. All work shall be in accordance with plans by Ross Engineering dated August 7, 2019 and received by the NH Department of Environmental Services (DES) on August 6, 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 25.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 1,836 square feet 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).
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. The proposed infiltration trench and drywell shall be installed and maintained to effectively absorb and infiltrate stormwater.
10. Photographs documenting the construction of the proposed infiltration trench and drywell shall be submitted to the Department By December 15, 2019.
11. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
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 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.

SHORELAND PERMIT WAIVER
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2014-02239    CERULLO, ACHILLO

TILTON LAKE WINNIPESAUKEE

Requested Action:
Request permit time extension to impact 38,134 sq. ft. in order to construct 21 new residential units.

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APPROVE TIME EXTENSION
Impact 38,134 sq. ft. in order to construct 21 new residential units.
With Conditions:
1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc. Inc. dated March 6, 2014 and received by the NH Department of Environmental Services (DES) on August 14, 2014.
2. No more than 33.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation 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-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:
1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.
2. This permit has been extended in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.