

# Wetlands Applications Decision Report

Decisions Taken  
07/06/2020 to 07/12/2020

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

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

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

## PERMIT CATEGORY: MAJOR IMPACT PROJECT

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2019-02884 OWNER: PDA - DIVISON OF PORTS & HARBORS

**CITY: RYE WATERBODY: ATLANTIC OCEAN**

### Requested Action:

Maintenance dredge a total of 8,200 cubic yards of accumulated and/or shoaled sands and an area of 87,120 square feet (approximately 2 acres) within Rye Harbor to restore the controlling depths within the NH State anchorage. Dredged materials will be disposed at either the Cape Arundel Disposal Site or the Isles of Shoals North Disposal Site.

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### APPROVE PERMIT

Maintenance dredge a total of 8,200 cubic yards of accumulated and/or shoaled sands and an area of 87,120 square feet (approximately 2 acres) within Rye Harbor to restore the controlling depths within the NH State anchorage. Dredged materials will be disposed at either the Cape Arundel Disposal Site or the Isles of Shoals North Disposal Site.

### With Conditions:

1. All work shall be in accordance with the plans by the US Army Corps of Engineers received by NH Department of Environmental Services Wetlands Bureau (NHDES) on September 11, 2019.
2. This approval is contingent upon the NHDES Coastal Program's approval pursuant to Section 307(c)(1) of the Coastal Zone Management Act, 16 U.S.C §1456(c)(1).
3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES and the Rye Conservation Commissions in writing of the date on which work under this permit is expected to start.
4. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application.
5. At least 48 hours prior to the start of dredging, a pre-construction meeting shall be held with the NHDES technical staff at the project site to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer, the contractor(s) and any other party responsible for performing or overseeing the work.
6. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
7. Dredging time frame within Rye Harbor shall occur between October 15 and March 15.
8. Any request for dredging outside this time frame will be for emergency conditions only, and must obtain prior approval from and be coordinated with the NHDES and the NH Fish and Game Dept. Marine Division.
9. 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.
10. 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.

### With Findings:

1. This project has been reviewed extensively by the NHDES Dredge Management Task Force which has overseen a coordinated review process involving all stakeholders in the project including the NH Department of Fish and Game (NHFG), the NH Department of Natural and Cultural Resources, the US Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration National Marine Fisheries Service, the New England District of the US Army Corps of Engineers, the Rye Board of Selectmen, the Pease Development Authority (PDA) Division of Ports and Harbors, the applicant.
2. 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.
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

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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 NHB19-2673 stating, "although there was a NHB record [...] present in the vicinity, we do not expect that it will be impacted by the proposed project."

6. The NH Division of Historical Resources has received the proposed impacts and found "No Historic Properties Affected."

7. On October 16, 2019, the EPA reviewed the Application and provided a copy of their NH Programmatic General Permit (PGP) Review Sheet for the project making the determination the project was "eligible as proposed" for the Department of the Army, NH PGP.

8. 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 within an established navigational channel 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.

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**2019-03850    OWNER: ROCHESTER, CITY OF**

**CITY: ROCHESTER    WATERBODY: RICKER'S BROOK**

Requested Action:

Dredge and fill 568 square feet of perennial stream bed (impacting 99 linear feet) to rehabilitate an existing 10.5-foot by 7-foot elliptical corrugated metal culvert. In addition, temporarily impact 89 square feet of palustrine forested wetland and 698 square feet of perennial stream bed (impacting 77 linear feet of bed and bank) for construction access and installation. Compensatory mitigation includes a one-time payment into the Aquatic Resource Mitigation (ARM) Fund of \$26,111.05.

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Conservation Commission/Staff Comments:

01/29/2020 per ConCom..."is not opposing this appl.....with spitulation..." (see letter)

APPROVE PERMIT

Dredge and fill 568 square feet of perennial stream bed (impacting 99 linear feet) to rehabilitate an existing 10.5-foot by 7-foot elliptical corrugated metal culvert. In addition, temporarily impact 89 square feet of palustrine forested wetland and 698 square feet of perennial stream bed (impacting 77 linear feet of bed and bank) for construction access and installation. Compensatory mitigation includes a one-time payment into the Aquatic Resource Mitigation (ARM) Fund of \$26,111.05.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates dated December 2019 as received by the NH Department of Environmental Services (NHDES) on December 12, 2019.
2. All in-stream work, inclusive of work associated with the installation of a cofferdam, shall be conducted during low flow conditions and in a manner that will not cause or contribute to any violations of surface water quality standards in RSA 485-A or New Hampshire Administrative Rule Env-Wq 1700. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.
3. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with similar native species within three days of the completion of the disturbance.
4. 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 before such equipment is moved to the site.
5. Prior to commencing work on areas located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the work area from the surface waters.
6. 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.
7. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a

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- preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
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.
  10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
  11. 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.
  12. Angular rock shall not be used unless it is on the approved plans.
  13. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and revegetate all 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.
  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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
  15. 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.
  16. 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.
  17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
  18. 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).
  19. Erosion control products shall be installed per manufacturers recommended specifications.
  20. No machinery shall enter the water. No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.
  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. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

MITIGATION:

25. This approval is not valid until NHDES receives a one-time payment of \$26,111.05 to the NHDES ARM Fund. The applicant shall remit payment to NHDES. If NHDES does not receive payment within 120 days of the date of this approval letter, NHDES will deny the application.

With Findings:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.02(p), as the project is to rehabilitate a tier three stream crossing.
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. The existing invert is severely corroded and the proposed project, with compensatory mitigation, will maintain hydraulic compatibility of the crossing and improve aquatic organism passage.
3. 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.
4. 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.
5. The Natural Heritage Bureau report submitted with the application (NHB19-1555) stated that there are "no recorded occurrences for sensitive species near this project area".
6. The existing crossing does not have a history of overtopping and, based on the hydraulic analysis, the proposed invert lining will not significantly affect the hydraulic capacity of the culvert. During the 100-year flood frequency event, there will be sufficient freeboard between the water surface elevation and the top of the culvert.
7. 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.
8. The payment calculated for the proposed wetland loss equals \$26,111.05.
9. 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 New Hampshire Administrative Rule Env-Wt 803.11(C).
10. The payment into the ARM fund shall be deposited in the NHDES fund for the Salmon Falls - Piscataqua Rivers watershed per RSA 482-A:29.

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**2019-03868 OWNER: 106 REALTY TRUST**

**CITY: BELMONT WATERBODY:**

Requested Action:

Dredge and fill 11,844 square feet of palustrine emergent wet meadow in order to construct a commercial property that includes a new commercial building, car wash, climate controlled storage units, boat and RV storage, associated parking and utilities. Compensatory mitigation for impacts in the aggregate consist of a one-time payment of \$51,470.20 into the Aquatic Resource Mitigation (ARM) Fund.

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APPROVE PERMIT

Dredge and fill 11,844 square feet of palustrine emergent wet meadow in order to construct a commercial property that includes a new commercial building, car wash, climate controlled storage units, boat and RV storage, associated parking and utilities. Compensatory mitigation for impacts in the aggregate consist of a one-time payment of \$51,470.20 into the Aquatic Resource Mitigation (ARM) Fund.

With Conditions:

1. All work shall be in accordance with plans by Rokeh Consulting, LLC. dated August 01, 2019, and revised through May 19, 2020 as received by the NH Department of Environmental Services (NHDES) on June 08, 2020.
2. This approval is not valid until NHDES receives a one-time payment of \$51,470.20 to the NHDES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to NHDES. If NHDES does not receive payment within 120 days of the date of this approval letter, NHDES will deny the application.
3. 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.
4. 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.
5. 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.
6. 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.
7. A 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 Program within 60 days of final site stabilization.
8. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
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 dry conditions.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. 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.
13. Erosion control products shall be installed per manufacturers recommended specifications.
14. 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).
15. 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.
16. 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.

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17. 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.
18. 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.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
20. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
21. Any fill used shall be clean sand, gravel, rock, or other suitable material.
22. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).
23. 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.
24. 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 project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(l) as the project, when taken in the aggregate with previous work on the property within the last 5 years, would be considered Major per Rule Env-Wt 303.02(c), as the impacts involve the alteration of over 20,000 square feet (SF) of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in the aggregate.
2. The impacts for this project are considered cumulative with the work permitted under NHDES Wetlands Permit #2012-01824 and extended on September 18, 2017. Impacts related to the previously issued permit took place in 2019 on Belmont Tax Map #205, Lot #50.
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, as the proposed impacts will be taking place in man-made, excavated ditches and impacts to the larger, naturally occurring wetland complex on the property are being avoided.
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. 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 palustrine resource, as identified under RSA 482-A:1.
6. In a review letter dated November 18, 2019, and received by NHDES on December 18, 2019, the NH Natural Heritage Bureau (NHB) stated that there was no record of a sensitive species located in the vicinity of the project.
7. In a regulatory review dated November 20, 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 December 13, 2019, and received by NHDES on December 18, 2019, the New Hampshire Department of Historical Resources (DHR) stated that no historic properties will be affected by the proposed project.
9. In a New Hampshire Programmatic General Permit review dated January 15, 2020, the US Environmental Protection Agency (USEPA) determined that the project was eligible for a Programmatic General Permit through the US Army Corp of Engineers as proposed and that mitigation would be required under NHDES rules.
10. Mitigation options for this project were discussed in a remote Mitigation Pre-application meeting on May 12, 2020 with NHDES and all state and federal partners. It was agreed that a payment to the ARM Fund would be sufficient mitigation for this project.
11. 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.
12. The payment calculated for the proposed wetland loss equals \$51,470.20.
13. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.11(c).
14. The payment into the ARM fund shall be deposited in the NHDES fund for the Pemigewasset - Winnepesaukee Rivers watershed per RSA 482-A:29.
15. A NHDES Permit Application Review Extension Agreement until June 06, 2020, was executed on March 27, 2020, to allow the applicant additional time to provide a complete response to the Request for More Information Letter issued by NHDES on February 07, 2020.
16. Pursuant to Exhibit K to Emergency Order #29 of the 2020 COVID-19 Emergency Orders as signed by NH Governor Chris Sununu on July 02, 2020, the deadline by which an applicant would otherwise be required to respond to any Request for More Information related to any Wetlands permit application filed pursuant to RSA 482-A, where the response would otherwise have been due between April 20, 2020 and October 31, 2020, is hereby extended by 60 days or a date agreed to

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by the N.H. Department of Environmental Services, whichever is later.

17. A complete response to the Request for More information was received by NHDES on June 08, 2020.

18. As of July 08, 2020, no comments of concern have been received by NHDES from abutters or local governing organizations.

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**2020-00176 OWNER: CITY OF PORTSMOUTH**

**CITY: PORTSMOUTH WATERBODY: PISCATAQUA RIVER**

Requested Action:

Impact 639 square feet of tidal wetland to construct a 5-foot by 6-foot timber platform, connected to a 3-foot by 36-foot ramp, connected to two floats (12-feet by 18-feet and 12-feet by 23-feet). This project will provide transient public access to Portsmouth Harbor. The project directly abuts, and is related to, the previously-permitted LaCava Wharf replacement project (2016-02658).

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APPROVE PERMIT

Impact 639 square feet of tidal wetland to construct a 5-foot by 6-foot timber platform, connected to a 3-foot by 36-foot ramp, connected to two floats (12-feet by 18-feet and 12-feet by 23-feet). This project will provide transient public access to Portsmouth Harbor. The project directly abuts, and is related to, the previously-permitted LaCava Wharf replacement project (2016-02658).

With Conditions:

1. All work shall be done in accordance with the approved plans dated June 28, 2019, revised through May 21, 2020, by Tighe & Bond Engineers, as received by the NH Department of Environmental Services (NHDES) on June 08, 2020, in accordance with Env-Wt 307.16
2. The permittee shall record any permit issued for overwater structures, shoreline stabilization, and any work in the tidal buffer zone, tidal wetlands, or sand dunes at the Rockingham County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the NHDES with a copy of the permit stamped by the registry with the book and page and date of receipt, in accordance with New Hampshire Administrative Rule Env-Wt 314.02(b) and (c).
3. Pile installation shall not occur between April 1st and June 15th, per recommendation of the NH Fish & Game Department, Marine Division and Rule Env-Wt 606.05(d).
4. Directly prior to pile installation, the contractor shall create a deterrent to initiate a startle response for potential sturgeon in the immediate vicinity, per recommendation of the NH Fish & Game Department, Marine Division and Rule Env-Wt 606.05(d).
5. In accordance with Env-Wt 606.05(b), tidal docking installation shall be done by barge or upland to prevent the driving of construction equipment in or through tidal waters/wetlands or on the bottom of the inter-tidal zone.
6. In accordance with Env-Wt 609.10(b)(4), all work shall be done at low tide when the work area is fully exposed.
7. In accordance with Env-Wt 606.05(a), tidal docking construction shall be done in accordance with the standard conditions in Env-Wt 307.

With Findings:

1. This is classified as a major project per Rule Env-Wt 606.17(a)(1), for all new overwater structure construction in tidal waters/wetlands.
2. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.
3. Per Rule Env-Wt 311.06(h), the municipal conservation commission recommended approval of the proposed project on February 19, 2020.
4. Per Rule Env-Wt 313.01(a)(2), all applicable conditions specified in Env-Wt 307 have been met.
5. Per Rule Env-Wt 313.01(a)(3), all resource-specific criteria established in Env-Wt 600 have been met.
6. Per Rule Env-Wt 313.01(a)(4), all project-specific criteria established in Env-Wt 600 have been met.

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7. Per Rule Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, this permit for work to dredge or fill will not 'infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners' based on documentation that the proposed dredge and fill activity will be located entirely within the boundary of the applicant's property interest and will not result in any observable change in off-site surface water levels or flows.
8. Per Rule Env-Wt 313.03(a), Env-Wt 606.02 and 606.03, the applicant has demonstrated that potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized.
9. The applicant has demonstrated specifically that each factor listed in Rule Env-Wt 313.03(b) has been considered in the design of the proposed major project.
10. Per Rule Env-Wt 603.09, the applicant obtained a statement, dated June 06, 2020, from the Pease Development Authority, Division of Ports and Harbors regarding the projects impact on navigation and passage.
11. The commercial tidal dock, for transient public use, meets the criteria listed in Rule Env-Wt 606.08 and 606.09.
12. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, the NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in New Hampshire Administrative Rule Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in New Hampshire Administrative Rule Env-Wt 104.32.

**PERMIT CATEGORY: MINOR IMPACT PROJECT**

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**2018-03428      OWNER: 266 ROUTE 125 LLC, C/O JOHN WOLTERS JR**

**CITY: KINGSTON    WATERBODY:**

Requested Action:

Applicant requests waiver to Rule Env-Wt 807.01(b) for additional 90 days for completion of the compensatory mitigation proposal.

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**APPROVE WETLAND WAIVER**

Approve waiver to Rule Env-Wt 807.01(b) for the project to dredge and fill 3,858 square feet of scrub-shrub wetland classified as a medium value vernal pool for commercial lot development. Compensatory mitigation involves the permanent conservation of Tax map R1-6 and R1-7 in Kingston through a conservation easement held by the Southeast Land Trust on the 28.5 acres of land.

With Conditions:

1. All work shall be in accordance with plans by The Dubai Group, Inc. dated November 6, 2018 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on November 9, 2018.
2. This approval is not valid until a one-time contribution payment of \$184,725.88 is remitted to the Southeast Land Trust (SELT) - Alessio (Kingston) preservation project. The applicant shall remit the payment to SELT within 210 days of the date of this approval and provide NHDES with documentation that SELT receives the payment. If SELT does not receive payment within 210 days of the date of this approval letter, NHDES will deny the application.
3. A pre-construction survey for blazing star (*Liatris novae-angliae*) shall be performed. Plants shall be flagged out and recorded with GPS and a population updated reported to the NH Natural Heritage Bureau (NHB) with the appropriate form. NHB shall be contacted immediately following the survey to discuss plant locations, possible impacts, and means of avoidance, minimization, and mitigation.
4. This permit is not valid unless a septic system construction approval is received in accordance with RSA 485-A:29-44 and Env-Wq 1000.
5. This permit is not valid unless an Alteration of Terrain permit has been issued pursuant to RSA 485-A:17 and Env-Wq 1500.
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. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any

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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 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 until suspended particles have settled and water at the work site has returned to normal clarity.

11. 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).

12. 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.

13. 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.

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. 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.

18. In accordance with Env-Wt 807.02(a), prior to the conservation interest being recorded, the natural resources existing on the conservation easement parcel shall not be removed, disturbed, or altered without prior written approval of the department and the easement holder.

19. In accordance with Env-Wt 807.02(b)(2) and (3), within 120 days from the payment for the conservation parcel acquisition, the permittee shall submit to the Wetlands Bureau for approval a management/stewardship plan for the conservation parcel and record the deed that conveys a conservation interest for each parcel to be preserved at the registry of deeds for the county in which the parcel is located; and submit a copy of each document to the department.

#### 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. 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. Pursuant to administrative rule Env-Wt 302.03, the applicant has further mitigated for the impacts by a making a one-time contribution payment of \$184,725.88 dollars to the Southeast Land Trust (SELT) - Alessio (Kingston) preservation project. The preservation project is being undertaken by the SELT in conjunction with the town of Kingston where the land lies. The project involves the purchase and preservation of 28.5 acres of woodland including 190 feet of an intermittent tributary to the Little River. The conservation benefits of the project include water quality, wildlife habitat, and connects to the protected Kingston town forest.

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 application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB18-1329 identifying several rare species in the vicinity of the project.

6. Emails from the NH Fish and Game Nongame and Endangered Species Program were included with the application to address impacts to the vertebrate species identified in the aforementioned NHB Letter.

7. The applicant has coordinated with NHB relative to the plant species identified in the NHB Letter. NHDES has incorporated NHB's recommendation into the approval as a condition.

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

9. The impacts include fill in a medium value vernal pool and the mitigation would be the size of the vernal pool (3,858 sf) and 39,000 sf for a total of 42,858 sf. of impact.

10. NHDES decision is issued in letter form and upon receipt that the ARM fund payment has been provided to SELT, NHDES shall issue a posting permit in accordance with Env-Wt 803.08(f).

11. Per Rule Env-Wt 204.05(a), the department has granted a waiver to the requirement established in Rule Env-Wt 807.01(b) that will not extend the duration of the wetlands permit. Granting the waiver will not result in an avoidable adverse impact on the environment or natural resources of the state, including but not limited to jurisdictional areas and protected species or habitat.

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**2020-00824 OWNER: THE PATRICIA M HARVEY REV TRUST**

**CITY: ALTON WATERBODY: LAKE WINNIPESAUKEE**

Requested Action:

Remove approximately 7.5 cubic yards of abandoned concrete dock and associated cribbing from approximately 139 square feet of lakebed, remove those portions of an existing crib supported permanent wharf located within 20 feet of the imaginary extension on the north property line over public waters, replace the remainder of the existing wharf in kind, install 6 foot x 30 foot seasonal pier, seasonal personal watercraft lift, seasonal boatlift, and a 14 foot x 30 foot seasonal canopy on 105 feet of frontage along Lake Winnepesaukee in Alton.

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APPROVE PERMIT

Remove approximately 7.5 cubic yards of abandoned concrete dock and associated cribbing from approximately 139 square feet of lakebed, remove those portions of an existing crib supported permanent wharf located within 20 feet of the imaginary extension on the north property line over public waters, replace the remainder of the existing wharf in kind, install 6 foot x 30 foot seasonal pier, seasonal personal watercraft lift, seasonal boatlift, and a 14 foot x 30 foot seasonal canopy on 105 feet of frontage along Lake Winnepesaukee in Alton.

With Conditions:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated May 30, 2020 by Benchmark Engineering, INC., as received by the NH Department of Environmental Services (NHDES) on June 16, 2020.
2. This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. 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 as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
5. All portions of the docking structures, including the breakwater toe -of-slope, shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
6. No portion of the seasonal dock shall extend more than 40 feet from the shoreline at full lake elevation (Elev. 504.32) pursuant to Env-Wt 513.22, (a).
7. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
8. 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 shall be removed for the non-boating season as required per Env-Wt 513.19.
9. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopy.
10. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
11. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, (2), and Env-Wt 513.03 (a).
12. No agitating or heating device shall be installed for the purpose of inhibiting the formation of ice in proximity to the approved structures unless it has been registered with the municipal clerk of the town in which such device shall be operated pursuant to RSA 270:34 Registration Required.
13. Pursuant to RSA 270:33, Heating, Agitating, or Other Devices in Public Waters; Safety Hazard, no agitating or heating device installed in accordance with RSA 270:34 shall inhibit or prevent the natural formation of ice in such a manner as to impede either the ingress or egress to or from the ice from any property other than that of the owner of the device.
14. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place

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to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

15. All dredged material and construction-related debris shall be placed outside of those areas subject to RSA 482-A or RSA-483-B unless a permit for the deposition of materials within those areas has been obtained as required per RSA 482-A:3 or RSA 483-B:5-b respectively.

16. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, 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:

The project is classified as a Minor impact per Rule Env-Wt 513.25(b), modification of a permanent docking structure. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

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**2020-01082 OWNER: GLASSEY, ELISABETH/THOMAS**

**CITY: GILFORD WATERBODY: LAKE WINNIPESAUKEE**

Requested Action:

Install a 6 foot x 40 foot seasonal pier with a 4 foot x 7 foot anchoring pad, two seasonal personal watercraft lifts and one seasonal boatlift on 126 feet of frontage along Lake Winnepesaukee on Mark Island in Gilford and make no changes to the existing 6 foot x 40 foot seasonal pier on a separate, non-contiguous 100 feet of frontage along Lake Winnepesaukee on Mark Island in Gilford.

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APPROVE PERMIT

Install a 6 foot x 40 foot seasonal pier with a 4 foot x 7 foot anchoring pad, two seasonal personal watercraft lifts and one seasonal boatlift on 126 feet of frontage along Lake Winnepesaukee on Mark Island in Gilford and make no changes to the existing 6 foot x 40 foot seasonal pier on a separate, non-contiguous 100 feet of frontage along Lake Winnepesaukee on Mark Island in Gilford.

With Conditions:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated May 11, 2020 by Watermark Marine Construction, as received by the NH Department of Environmental Services (NHDES) on May 18, 2020.
2. This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. 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 as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
5. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
6. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
7. The concrete pad shall be constructed landward of the normal high water line (Elev. 504.32) as required per Env-Wt 513.13, (d).
8. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.

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- 9. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).
- 10. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.
- 11. Pursuant to RSA 483-B:9,V, (a)(2)(d)(v), 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).
- 12. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality as required pursuant to Env-Wt 307.03(a).
- 13. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, 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 minor impact project per Administrative Rule Env-Wt 513.24(a)(1), for the construction of docking structures that provides no more than 4 boat slips, including previously existing boat slips.
- 2. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

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**2020-01144 OWNER: ROARK, ELIZABETH/GREGORY**

**CITY: WOLFEBORO WATERBODY: LAKE WINNIPESAUKEE**

Requested Action:

Install seasonal boatlift and 10 foot x 20 foot seasonal canopy adjacent to an existing pile supported docking facility consisting of a 5 foot x 44 foot pier connected to a 6 foot x 40 foot pier by a 10 foot x 12 foot walkway on an average of 156 feet of frontage along Lake Winnepesaukee in Wolfeboro.

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APPROVE PERMIT

Install seasonal boatlift and 10 foot x 20 foot seasonal canopy adjacent to an existing pile supported docking facility consisting of a 5 foot x 44 foot pier connected to a 6 foot x 40 foot pier by a 10 foot x 12 foot walkway on an average of 156 feet of frontage along Lake Winnepesaukee in Wolfeboro.

With Conditions:

- 1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated May 15, 2020 by Advantage NH Lakes, as received by the NH Department of Environmental Services (NHDES) on May 26, 2020.
- 2. This permit shall not be effective until it has been recorded in the Carrol County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
- 3. 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 as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
- 4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
- 5. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
- 6. In accordance with Env-Wt 513.21(c), a seasonal lift shall be installed and removed the same as a seasonal dock, as

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described in Env-Wt 513.22(b).

7. 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 shall be removed for the non-boating season as required per Env-Wt 513.19.

8. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopy.

9. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11 (2), and Env-Wt 513.03 (a).

10. No agitating or heating device shall be installed for the purpose of inhibiting the formation of ice in proximity to the approved structures unless it has been registered with the municipal clerk of the town in which such device shall be operated pursuant to RSA 270:34 Registration Required.

11. Pursuant to RSA 270:33, Heating, Agitating, or Other Devices in Public Waters; Safety Hazard, no agitating or heating device installed in accordance with RSA 270:34 shall inhibit or prevent the natural formation of ice in such a manner as to impede either the ingress or egress to or from the ice from any property other than that of the owner of the device.

12. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, 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 minor impact project per Administrative Rule Env-Wt 513.27(b), any canopy project that exceeds the criteria in Env-Wt 513.27(a), shall be classified based on the docking structure with which it is associated or to which it is attached.

2. A 14 foot x 30 foot seasonal canopy existing on the frontage, NHDES Wetland File #2009-01049.

3. The existing docking structure is a minor classification in accordance with Env-Wt 513.24(b), docking structure of no more than 4 boat slips, including previously existing boat.

4. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

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2020-01184 OWNER: JUDD A GREGG REVOCABLE TRUST DATED AUGUST 1, 1987

CITY: RYE WATERBODY: ATLANTIC OCEAN

Requested Action:

Impact a total of 14,682 square feet of jurisdictional area to include 9,742 square feet of permanent impacts and 4,494 square feet of temporary impact within the previously-developed 100-foot tidal buffer zone and 446 square feet of inter-tidal area above the mean high tide to repair the existing riprap revetment, removing portions of the existing asphalt driveway and replacing it with grass/crushed stone, constructing two (2) decks, a second story deck, and build a new dry-laid stone wall along the salt marsh.

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Conservation Commission/Staff Comments:

5-7-20 - No historic properties affected per DHR.

APPROVE PERMIT

Impact a total of 14,682 square feet of jurisdictional area to include 9,742 square feet of permanent impacts and 4,494 square feet of temporary impact within the previously-developed 100-foot tidal buffer zone and 446 square feet of inter-tidal area above the mean high tide to repair the existing riprap revetment, removing portions of the existing asphalt driveway and replacing it with grass/crushed stone, constructing two (2) decks, a second story deck, and build a new dry-laid stone wall along the salt marsh.

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With Conditions:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the plans by TF Moran, Inc. dated March 20, 2020 as received by the NH Department of Environmental Services (NHDES) on May 27, 2020.
2. In accordance with Env-Wt 307.07, all development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction.
3. No deck or porch located between the primary building line and the reference line shall be converted to become part of the primary living space in accordance with RSA 483-B:11, I and Env-Wq 1408.04.
4. In accordance with Env-Wt 610.14(b), no alteration shall extend the structure closer to the public water between the primary building line and the reference line.
5. In accordance with Env-Wt 609.10(b)(4), all work on the riprap revetment shall be done at low tide when the work area is fully exposed.
6. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
7. In accordance with Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.
8. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
9. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
10. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
11. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
12. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
13. In accordance with Env-Wt 307.15(a), heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d). 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 as required per Rule Env-Wq 1406.20, (a).
15. No more than 8.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
16. Restoration of all temporary impacts shall meet all of the conditions listed in Rule Env-Wt 307.12(a) through (d).

With Findings:

1. This is classified as a minor project per Rule Env-Wt 610.17(b)(1), for any dredging, filling, or construction activity, or any combination thereof that involves work within 75 feet of a saltmarsh in the developed upland tidal buffer, is not a major project, and will disturb 3,000 SF or more but less than 10,000 SF in the developed upland tidal buffer.
2. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.
3. Per Rule Env-Wt 311.01(b), the applicant coordinated with the NH Fish and Game Department (NHF&G) and the Natural Heritage Bureau (NHB) to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat, and on protected plants or exemplary natural communities.
4. Per Rule Env-Wt 311.06(h), the Rye Conservation Commission provided comments on the proposed project dated January 29, 2020.
5. Per Rule Env-Wt 311.06(j), the applicant has not received comments from any federal agency.
6. Per Rule Env-Wt 313.01(a)(1)(a), the applicant has met the requirements of Env-Wt 311.10 regarding functional assessments.
7. Per Rule Env-Wt 605.01, for projects in coastal areas, the applicant has demonstrated that the avoidance and minimization requirements in Env-Wt 307, Env-Wt 311.07, Env-Wt 313, and Env-Wt 603.04 have been met, and has demonstrated that all of the requirements listed in Env-Wt 605.01(a) through (c) have been met.
8. Per Env-Wt 605.02, the applicant for a permit for work in or adjacent to tidal waters/wetlands or the tidal buffer zone has

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demonstrated that adverse impacts listed in (a) through (d) have been avoided or minimized as required by Env-Wt 313.04.

9. The tidal shoreline stabilization project meets the criteria established in Rule Env-Wt 609.01(a) through (e).

10. Per Rule Env-Wt 609.03, for repair or rehabilitation of an existing tidal shoreline stabilization structure, the engineer or qualified coastal professional has rated the condition of the existing structure and the purpose for repair that is based on all of the criteria listed in Env-Wt 609.03(a) through (d).

## PERMIT CATEGORY: MINIMUM IMPACT PROJECT

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2019-02240 OWNER: SUN DEVELOPMENT GROUP LLC/GENERAL PROPERTIES LLC

CITY: FRANKLIN WATERBODY: Unnamed Wetland

### Requested Action:

Request name change to Franklin Foundry Solar, LLC to dredge and fill 2,110 square feet (SF) of palustrine forested wetland in order to install a 24-inch diameter by 40-foot-long culvert to construct a 15-foot wide road for access to a proposed solar farm.

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### APPROVE NAME CHANGE

Change name and address to Franklin Foundry Solar, LLC 1774 Platte St. Denver, Colorado 80202 to dredge and fill 2,110 square feet (SF) of palustrine forested wetland in order to install a 24-inch diameter by 40-foot-long culvert to construct a 15-foot wide road for access to a proposed solar farm.

### With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering, Inc. dated April 03, 2019, and revised through January 17, 2020, as received by the NH Department of Environmental Services (NHDES) on January 28, 2020.
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. 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 low flow and 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. Erosion control products shall be installed per manufacturers recommended specifications.
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. 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.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. Proper headwalls shall be constructed within seven days of culvert installation.
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. 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.

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17. 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:

This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02 (b).

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**2020-00622 OWNER: MONIQUE T CORMIER FAMILY TRUST**

**CITY: NORTHFIELD WATERBODY: Unnamed Wetland**

Requested Action:

Dredge and fill 2,362 square feet (SF) of palustrine forested wetland for the side-slopes of a proposed parking area and to install two 48-inch diameter culverts to construct two access roads with associated side-slopes to provide access to a proposed UPS distribution facility.

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APPROVE PERMIT

Dredge and fill 2,362 square feet (SF) of palustrine forested wetland for the side-slopes of a proposed parking area and to install two 48-inch diameter culverts to construct two access roads with associated side-slopes to provide access to a proposed UPS distribution facility.

With Conditions:

1. In accordance with Env-Wt 307.16 and Env-Wt 524.05(a), all work shall be done in accordance with the approved plans dated February 2020 by T.F. Bernier, Inc., as received by the NH Department of Environmental Services (NHDES) on June 08, 2020.
2. In accordance with residential, commercial, or industrial development projects in non-tidal wetlands shall submit a construction notice with the department at least 48 hours prior to commencing work.
3. In accordance with Env-Wt 307.10(b), work shall be done during low flow or in the dry unless a dredge dewatering, diversion, or cofferdam plan has been approved as part of the project.
4. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.
5. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
6. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.
7. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
8. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
9. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
10. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued

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effectiveness in minimizing erosion and retaining sediment on-site during and after construction.

11. In accordance with Env-Wt 307.03(d), any sediment collected by water quality control measures shall be removed with sufficient frequency to prevent the discharge of sediment; and placed in an upland location in a manner that prevents its erosion into a surface water or wetland.

12. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.

13. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.

14. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.

15. In accordance with Env-Wt 307.11(e), fill shall be not placed so as to direct flows onto adjacent or down-current property.

16. In accordance with Env-Wt 307.11(c), slopes shall be immediately stabilized by a method specified in Env-Wq 1506 or Env-Wq 1508, as applicable, to prevent erosion into adjacent wetlands or surface waters.

17. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.

18. In accordance with Env-Wt 307.15(a), heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit.

19. In accordance with Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.

20. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

21. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.

22. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.

23. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).

24. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.

25. In accordance with Env-Wt 307.12(a), within 3 days of final grading or temporary suspension of work in an area that is in or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching, if during the growing season; or mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1 if not within the growing season.

#### With Findings:

1. This is classified as a minimum impact project per Rule Env-Wt 524.06(a), as the project meets all of the criteria for a commercial/industrial development and per Rule Env-Wt 407.03(a), as impacts to jurisdictional areas other than a watercourse are less than 3,000 square feet (SF), and the project is not subject to an adjustment under Env-Wt 407.02; does not qualify for a project-type exception (PTE) under Env-Wt 407.04; and does not qualify for project-specific size criteria as identified in Env-Wt 407.04, Table 407-2.

2. Per Rule Env-Wt 313.03(a), the applicant has demonstrated that potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized.

3. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.

4. The commercial/industrial development project meets the all of the approval criteria established in Env-Wt 524.02.

5. Per Rule Env-Wt 313.01(a)(3), all resource-specific criteria established in Env-Wt 400 and Env-Wt 500 have been met.

6. Per Rule Env-Wt 313.01(a)(4), all project-specific criteria established in Env-Wt 500 have been met.

7. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in Env-Wt 104.32.

8. Per Rule Env-Wt 202.01(a), the department finds the project is clearly defined, therefore no hearing is required, as contemplated by RSA 482-A:3, XIV(a)(3)(C) or RSA 482-A:3, XIV(a)(4)(C).

9. Per Rule Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, this permit for work to dredge or fill will not 'infringe on

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the property rights or unreasonably affect the value or enjoyment of property of abutting owners' based on documentation that the proposed dredge and fill activity will be located entirely within the boundary of the applicant's property interest and will not result in any observable change in off-site surface water levels or flows.  
10. Per Rule Env-Wt 311.06(h), the municipal conservation commission did not provide comments on the proposed project.  
11. Per Rule Env-Wt 311.06(j), the applicant has not received comments from any federal agency.

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**2020-01261 OWNER: THE HOWARD LIVING TRUST**

**CITY: ROCHESTER WATERBODY: SALMON FALLS RIVER**

Requested Action:

Retain 215 square feet of impact to palustrine emergent wetland as a result of installing a 15 inch by 31 foot culvert for driveway access to a single family residential development.

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**APPROVE AFTER THE FACT**

Retain 215 square feet of impact to palustrine emergent wetland as a result of installing a 15 inch by 31 foot culvert for driveway access to a single family residential development.

With Conditions:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated January 31, 2020 by Tritech Engineering Corporation, as received by NHDES on June 05, 2020.
2. All filling activities shall meet all of the conditions listed in Rule Env-Wt 307.11(a) through (l).
3. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).

With Findings:

1. This is classified as a minimum impact project per Rule Env-Wt 524.06(a), as the project meets all of the criteria for a residential development.
2. This is an after-the-fact permit since the department has no record of a wetlands permit for a permanent crossing.
3. Per Rule Env-Wt 313.03(a), the applicant has demonstrated that potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized.
4. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.
5. The residential development project meets the all of the approval criteria established in Env-Wt 524.02.

**PERMIT CATEGORY: SHORELAND STANDARD**

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**2019-00271 OWNER: THE ELIZABETH KREICK REVOCABLE TRUST**

**CITY: MOULTONBOROUGH WATERBODY: LAKE WINNIPESAUKEE**

Requested Action:

07/06/2020 to 07/12/2020

Impact 9,537 square feet (SF) of protected shoreland in order to construct a tennis court, remove a section of the existing driveway, convert an impervious portion of the existing impervious driveway to cellularly confined gravel pavers and perform associated regrading.  
Amendment to include, two 12 foot x 16 foot bunkhouses, pea stone path and stairs to access tennis court, permeable patio, and stonewalls with vegetation plantings. The driveway is slightly reconfigured and will use porous asphalt and a new septic system will be installed.

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**APPROVE AMENDMENT**

Impact 9,537 square feet (SF) of protected shoreland in order to construct a tennis court, remove a section of the existing driveway, convert an impervious portion of the existing impervious driveway to cellularly confined gravel pavers and perform associated regrading.  
Amendment to include, two 12 foot x 16 foot bunkhouses, pea stone path and stairs to access tennis court, permeable patio, and stonewalls with vegetation plantings. The driveway is slightly reconfigured and will use porous asphalt and a new septic system will be installed.

**With Conditions:**

1. All work shall be in accordance with plans by White Mountain Survey & Engineering, Inc., revised through February 11, 2019, and received by the NH Department of Environmental Services (NHDES) on February 12, 2019 and landscaped plans by Terrain Planning dated June 23, 2020, and received by the NHDES on June 29, 2020 .
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 24.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
4. Native vegetation within an area of at least 5,670 SF within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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**2020-00124 OWNER: GRANDIN, DAVID**

**CITY: NEW DURHAM WATERBODY: MERRYMEETING LAKE**

07/06/2020 to 07/12/2020

Requested Action:

Impact 9,750 square feet of protected shoreland to remove an existing nonconforming primary structure with deck and stairs, a bunk house, and detached garage to construct a conforming primary structure with decks, stairs, and stormwater management, 2 retaining walls, and a detached garage with stormwater management, remove portions and reconfigure the driveway with pervious materials, and install a septic system.

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APPROVE PERMIT

Impact 9,750 square feet of protected shoreland to remove an existing nonconforming primary structure with deck and stairs, a bunk house, and detached garage to construct a conforming primary structure with decks, stairs, and stormwater management, 2 retaining walls, and a detached garage with stormwater management, remove portions and reconfigure the driveway with pervious materials, and install a septic system.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated December 26, 2019 and revised on July 2, 2020 as received by the NH Department of Environmental Services (NHDES) on July 7, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
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 as required pursuant to RSA 483-B:6, I, (c).
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 as required per Rule Env-Wq 1406.20, (e).
4. No more than 16.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
5. Native vegetation within an area of at least 2,817 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained as natural woodlands 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 as required per Rule Env-Wq 1406.20, (a).
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 as required per Rule Env-Wq 1406.20, (b).
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 as required per Rule Env-Wq 1406.20, (c).
9. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).
10. The proposed drip edges to the house and detached garage shall be installed and maintained to effectively absorb and infiltrate stormwater in order to ensure compliance with RSA 483-B:9, V, (g).
11. Photographs documenting the construction of the proposed drip edges shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).
12. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).
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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (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 as required pursuant to RSA 483-B:6, I, (c).
15. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. If NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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**2020-00806 OWNER: CITY OF BERLIN**

**CITY: BERLIN WATERBODY: ANDROSCOGGIN RIVER**

Requested Action:

Impact 134,700 square feet of protected shoreland in order to construct a public park with a pedestrian pathway along the Androscoggin River.

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APPROVE PERMIT

Impact 134,700 square feet of protected shoreland in order to construct a public park with a pedestrian pathway along the Androscoggin River.

With Conditions:

1. All work shall be in accordance with plans by HEB Engineers dated April 3, 2020 and revised on June 19, 2020 as received by the NH Department of Environmental Services (NHDES) on June 26, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
2. No more than 27.7% on Lot 126/156, 40.4% on Lot 128/260, and 99.1% in the ROW of the areas of these lots within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized as required per Rule Env-Wq 1406.20, (a).
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 as required per Rule Env-Wq 1406.20, (b).
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 as required per Rule Env-Wq 1406.20, (c).
6. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).
7. Any pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).
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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (1).
9. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, 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 as required pursuant to RSA 483-B:6, I, (c).
10. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. 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. The applicant has filed a request for a rule waiver which meets the requirements of Part Env-Wq 1413, Waivers From Rules, therefore, a waiver of Rule Env-Wq 1406.20(e) Conditions Applicable to All Projects in the Protected Shoreland, for any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the plans approved as part of a permit as been granted.
2. The waiver request submitted demonstrates that strict compliance with Env-Wq 1406.20(e) does not: waive or modify a statutory requirement, adversely affect the environment, natural resources, public health, public safety, or cause a more

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significant impact to abutting properties; and the request is consistent with the intent and purpose of the rule being waived and strict compliance with the rule will provide no benefit to the public and would cause an economic hardship to the applicant.

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**2020-01239 OWNER: THE HOWARD LIVING TRUST**

**CITY: ROCHESTER WATERBODY: SALMON FALLS RIVER**

Requested Action:

Impact 12,991 square feet of protected shoreland to construct a single family primary structure with attached garage, driveway and septic system.

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APPROVE PERMIT

Impact 12,991 square feet of protected shoreland to construct a single family primary structure with attached garage, driveway and septic system.

With Conditions:

1. All work shall be in accordance with plans by Trittech Engineering Corporation dated January 31, 2020 and received by the NH Department of Environmental Services (NHDES) on June 04, 2020.
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 5.71% 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 9,581 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.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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07/06/2020 to 07/12/2020

**2020-01270 OWNER: MUSIAL, STEVEN**

**CITY: MANCHESTER WATERBODY: MERRIMACK RIVER**

Requested Action:

Impact 3,230 square feet of protected shoreland in order to construct a primary structure with a driveway and install a septic system.

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APPROVE PERMIT

Impact 3,230 square feet of protected shoreland in order to construct a primary structure with a driveway and install a septic system.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land Consultants, PLLC dated May 7, 2020 and received by the NH Department of Environmental Services (NHDES) on June 8, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
2. This permit shall not be interpreted as acceptance or approval of any impact that will occur beyond the property lines of the permittee.
3. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau as required pursuant to RSA 483-B:6, I, (c).
4. 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 as required per Rule Env-Wq 1406.20, (e).
5. No more than 2.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
6. Native vegetation within an area of at least 22,750 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained as natural woodlands in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized as required per Rule Env-Wq 1406.20, (a).
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters as required per Rule Env-Wq 1406.20, (b).
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 as required per Rule Env-Wq 1406.20, (c).
10. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).
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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (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 as required pursuant to RSA 483-B:6, I, (c).
13. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. If NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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**2020-01289 OWNER: MONKS, LEE/TAMARA**

07/06/2020 to 07/12/2020

**CITY: ALTON BAY WATERBODY: LAKE WINNIPESAUKEE**

Requested Action:

Impact 24,363 square feet of protected shoreland in order to remove an existing 1,360 square foot camp and 5,017 square feet of existing gravel and replace with a 4,372 square foot new structure which includes an attached garage & breezeway, decks and roof over hangs, a 1,076 square foot permeable paver patio and 1,770 square foot permeable paver driveway. The proposal includes 1,800 square feet of the original gravel to remain and restore remaining areas of the gravel, remove 1,002 square feet of vegetation within the woodland buffer necessary for the construction of the new home but also proposes to restore and replant 1,100 square feet within the woodland buffer.

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

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APPROVE AMENDMENT

Impact 24,363 square feet of protected shoreland in order to remove an existing 1,360 square foot camp and 5,017 square feet of existing gravel and replace with a 4,372 square foot new structure which includes an attached garage & breezeway, decks and roof over hangs, a 1,076 square foot permeable paver patio and 1,770 square foot permeable paver driveway. The proposal includes 1,800 square feet of the original gravel to remain and restore remaining areas of the gravel, remove 1,002 square feet of vegetation within the woodland buffer necessary for the construction of the new home but also proposes to restore and replant 1,100 square feet within the woodland buffer.

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

With Conditions:

1. All work shall be in accordance with revised plans by Bryan L. Bailey Associates, Inc. dated June 11, 2020 and received by the NH Department of Environmental Services (NHDES) on June 30, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
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 as required pursuant to RSA 483-B:6, I, (c).
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 as required per Rule Env-Wq 1406.20, (e).
4. No more than 27.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
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 1,100 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 2,283 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 surfaces are stabilized as required per Rule Env-Wq 1406.20, (a).
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 as required per Rule Env-Wq 1406.20, (b).
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause

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or contribute to, any violations of the surface water quality standards established in Env-Wq 1700 as required per Rule Env-Wq 1406.20, (c).

13. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).

14. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).

15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (1).

16. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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**2020-01320 OWNER:  
OWNER: PONZO, JANEEN**

**CITY: MILTON WATERBODY: TRI-ECHO LAKE**

**Requested Action:**

Impact 4,429 square feet of protected shoreland of a nonconforming lot to demolish a nonconforming primary structure with a deck and a shed to construct a more nearly conforming primary structure with a deck and a walkway, construct a porous driveway, and install a septic system.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 4,429 square feet of protected shoreland of a nonconforming lot to demolish a nonconforming primary structure with a deck and a shed to construct a more nearly conforming primary structure with a deck and a walkway, construct a porous driveway, and install a septic system.

Waiver Granted: The requirement per RSA 483-B:9, II (b) for primary structures shall be set back behind the primary building line which is 50 feet from the reference line is waived as the lot is a nonconforming lot of record per RSA 483-B: 10.

**With Conditions:**

1. All work shall be in accordance with plans by Varney Engineering, LLC dated May 19, 2020 and received by the NH Department of Environmental Services (NHDES) on June 12, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
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 as required pursuant to RSA 483-B:6, I, (c).
3. Orange construction fencing shall be installed at the limits of the temporary impact disturbed 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 as required per Rule Env-Wq 1406.20, (e).
4. No more than 27.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
5. Native vegetation within an area of at least 9 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained as natural woodlands 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 as required per Rule Env-Wq 1406.20, (a).
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 as required per Rule Env-Wq 1406.20, (b).
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 as required per Rule Env-Wq 1406.20, (c).
9. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).

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10. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).

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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (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 as required pursuant to RSA 483-B:6, I, (c).

13. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. 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:9, V, (i) The commissioner shall have the authority to grant waivers from the Minimum Shoreland Protection Standards section (RSA 483-B:9). Such authority shall be exercised if the commissioner deems that strict compliance with RSA 483-B:9 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 287 on Wilton Tax Map 33, is located entirely within the protected shorelands.

3. The project as proposed is a reduction of impervious area and will result in 27.8% of the portion of the lot within protected shorelands being covered by impervious surfaces.

4. The project lot is a nonconforming lot of record as defined by RSA 483-B:10 and as such is limited to a single family residential dwelling and appurtenant accessory structures on it.

5. The proposal is to demolish the original nonconforming primary structure to construct a more nearly conforming primary structure of a single family residence 24 feet further back from the water reference line.

6. The proposal is for a single family primary structure with a deck that is more nearly conforming than the previous primary structure.

7. The waiver request submitted demonstrates that strict compliance with RSA 483-B:9, 2(a b) that primary structures shall be set back behind the primary building line which is 50 feet from the reference line 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 in accordance with RSA 483-B:9, V, (i) have been met.

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**2020-01324 OWNER: ESRICH, KATHLEEN/WILLIAM**

**CITY: MEREDITH WATERBODY: WINNISQUAM LAKE**

Requested Action:

Impact 1,010 square feet of protected shoreland to construct an addition onto the nonconforming primary structure and stormwater management.

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APPROVE PERMIT

Impact 1,010 square feet of protected shoreland to construct an addition onto the nonconforming primary structure and stormwater management

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (NHDES) on June 12, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).

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

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areas in which impacts have not been approved as required per Rule Env-Wq 1406.20, (e).

3. No more than 28.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
4. Pursuant to RSA 483-B:9, V, (b), (2), no native vegetation shall be removed from within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line.
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 as required per Rule Env-Wq 1406.20, (a).
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 as required per Rule Env-Wq 1406.20, (b).
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 as required per Rule Env-Wq 1406.20, (c).
8. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).
9. The proposed drywell shall be installed and maintained to effectively absorb and infiltrate stormwater in order to ensure compliance with RSA 483-B:9, V, (g).
10. Photographs documenting the construction of the proposed drywell shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).
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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (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 as required pursuant to RSA 483-B:6, I, (c).
13. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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**2020-01351 OWNER: BELLA13 LLC**

**CITY: FREEDOM WATERBODY: OSSIPEE LAKE**

Requested Action:

Impact 27,239 square feet of protected shoreland in order to construct a new 6 bedroom primary structure, installing a septic system and well, widen existing driveway, rework parking and remove existing garage. Project will include converting a portion of existing driveway to a soft-scape.

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APPROVE PERMIT

Impact 27,239 square feet of protected shoreland in order to construct a new 6 bedroom primary structure, installing a septic system and well, widen existing driveway, rework parking and remove existing garage. Project will include converting a portion of existing driveway to a soft-scape.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corp. dated May 18, 2020 and received by the NH Department of Environmental Services (NHDES) on June 16, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
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 as required pursuant to RSA 483-B:6, I, (c).
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans

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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 as required per Rule Env-Wq 1406.20, (e).

4. No more than 5.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).

5. Native vegetation within an area of at least 5,909 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained as natural woodlands 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 as required per Rule Env-Wq 1406.20, (a).

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 as required per Rule Env-Wq 1406.20, (b).

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 as required per Rule Env-Wq 1406.20, (c).

9. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).

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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (1).

11. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. If NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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**2020-01388 OWNER: TARA M MORLEY 1999 TRUST**

**CITY: HOLDERNESS WATERBODY: LITTLE SQUAM LAKE**

**Requested Action:**

Impact 5,565 square feet (SF) of protected shoreland in order to raze part of an existing dwelling; construct an addition to existing dwelling, including an addition on a foundation, a new screen porch, new decks and expand roof over the existing entry; reconfigure stone slab steps, construct a stone walk, stone steps and retaining walls, construct a fire pit and patio (330 SF) of permeable pavers.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 5,565 square feet (SF) of protected shoreland in order to raze part of an existing dwelling; construct an addition to existing dwelling, including an addition on a foundation, a new screen porch, new decks and expand roof over the existing entry; reconfigure stone slab steps, construct a stone walk, stone steps and retaining walls, construct a fire pit and patio (330 SF) of permeable pavers.

**With Conditions:**

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated June 11, 2020 and received by the NH Department of Environmental Services (NHDES) on June 18, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).

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 as required per Rule Env-Wq 1406.20, (e).

3. No more than 11.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).

4. Native vegetation within an area of at least 6,822 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained as natural woodlands in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

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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 as required per Rule Env-Wq 1406.20, (a).
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 as required per Rule Env-Wq 1406.20, (b).
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 as required per Rule Env-Wq 1406.20, (c).
8. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).
9. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).
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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (1).
11. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. If NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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**2020-01400    OWNER: WEAVER, DONNA**

**CITY: NEW LONDON    WATERBODY: MESSER POND**

**Requested Action:**

Impact 4,340 square feet of protected shoreland in order to remove existing house to the foundation; reuse existing foundation and rebuild a new house.; take down existing detached garage and rebuild attached garage to house; remove existing impervious driveway and construct pervious driveway; install a new septic system.

\*\*\*\*\*

**APPROVE PERMIT**

Impact 4,340 square feet of protected shoreland in order to remove existing house to the foundation; reuse existing foundation and rebuild a new house.; take down existing detached garage and rebuild attached garage to house; remove existing impervious driveway and construct pervious driveway; install a new septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Greenline Property Services, LLC dated April 16, 2020 and received by the NH Department of Environmental Services (NHDES) on June 19, 2020 pursuant to 483-B:5-b Permit Required; Exemption, I, (a).
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 as required pursuant to RSA 483-B:6, I, (c).
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 as required per Rule Env-Wq 1406.20, (e).
4. No more than 25.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES in order to ensure compliance with RSA 483-B:9, V, (g).
5. Pursuant to RSA 483-B:9, V, (b), (2), no native vegetation shall be removed from within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line.
6. Native vegetation within an area of at least 540 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained as natural woodlands in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized as required per Rule Env-Wq 1406.20, (a).
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics

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of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters as required per Rule Env-Wq 1406.20, (b).

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 as required per Rule Env-Wq 1406.20, (c).

10. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20, (d).

11. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15, (c) in order to ensure compliance with RSA 483-B:9, V, (g).

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 as required pursuant to RSA 483-B:9, V, (d) Erosion and Siltation, (1).

13. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I. 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.

**PERMIT CATEGORY: SEASONAL DOCK SPN**

\*\*\*\*\*  
2020-01493    OWNER: HETZER, MARK

**CITY: ANTRIM    WATERBODY: GREGG LAKE**

Requested Action:

Install a 6 foot x 30 foot seasonal pier on frontage along Gregg Lake in Antrim.

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COMPLETE NOTIFICATION

Install a 6 foot x 30 foot seasonal pier on frontage along Gregg Lake in Antrim.

\*\*\*\*\*  
2020-01496    OWNER: ROGERS, CARIN/NATHAN

**CITY: WINDHAM    WATERBODY: ROCK POND**

Requested Action:

Install a 6 foot x 30 foot seasonal pier on frontage along Rock Pond in Windham.

\*\*\*\*\*

COMPLETE NOTIFICATION

Install a 6 foot x 30 foot seasonal pier on frontage along Rock Pond in Windham.

\*\*\*\*\*

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**2020-01515 OWNER: LENTZ, LISA**

**CITY: NORTHWOOD WATERBODY: HARVEY LAKE**

Requested Action:

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Harvey Lake in Northwood.

\*\*\*\*\*

COMPLETE NOTIFICATION

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Harvey Lake in Northwood.

\*\*\*\*\*

**2020-01516 OWNER: FILLER, LAWRENCE**

**CITY: TUFTONBORO WATERBODY: MIRROR LAKE**

Requested Action:

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Mirror Lake in Tuftonboro.

\*\*\*\*\*

COMPLETE NOTIFICATION

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Mirror Lake in Tuftonboro.

\*\*\*\*\*

**2020-01529 OWNER: MORRIS, JOHN**

**CITY: DUBLIN WATERBODY: DUBLIN POND**

Requested Action:

Install a seasonal pier not to exceed 6 foot x 24 foot on frontage along Dublin Pond in Dublin.

\*\*\*\*\*

COMPLETE NOTIFICATION

Install a seasonal pier not to exceed 6 foot x 24 foot on frontage along Dublin Pond in Dublin.

\*\*\*\*\*

**2020-01549 OWNER: CAHILL, KRISTY**

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**CITY: BARRINGTON WATERBODY: LONG POND**

Requested Action:

Install a 4 foot x 28 foot seasonal pier on frontage along Long Pond in Barrington.

\*\*\*\*\*

COMPLETE NOTIFICATION

Install a 4 foot x 28 foot seasonal pier on frontage along Long Pond in Barrington.

\*\*\*\*\*  
**2020-01565 OWNER: ARIGNO, BRENDA/JOHN**

**CITY: WAKEFIELD WATERBODY: PINE RIVER POND**

Requested Action:

Install a 6 foot x 30 foot seasonal pier on frontage along Pine River Pond in Wakefield.

\*\*\*\*\*

COMPLETE NOTIFICATION

Install a 6 foot x 30 foot seasonal pier on frontage along Pine River Pond in Wakefield.

\*\*\*\*\*  
**2020-01607 OWNER: LSFR INC**

**CITY: CHESTER WATERBODY: SPOFFORD LAKE**

Requested Action:

Retain two seasonal piers and a swim line on association frontage along Spofford Lake in Chester.

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DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN

Retain two seasonal piers and a swim line on association frontage along Spofford Lake in Chester.

With Findings:

1. The proposed docking structure will not be the only docking structure on the frontage per RSA 482-A:3, IV-a(a).
2. The proposed docking structure will not be located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water as required per RSA 482-A:3, IV-a(g).
3. The seasonal dock notification process as established under RSA 482-A:3, IV-a cannot be used for the installation of swim

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lines.

4. The seasonal dock notification process as established under RSA 482-A:3, IV-a cannot be use to obtain after the fact approval for existing structures.

**PERMIT CATEGORY: FORESTRY SPN**

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**2020-01443    OWNER: JOHANSEN, ROLF**

**CITY: JACKSON    WATERBODY: Unnamed Stream**

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COMPLETE NOTIFICATION  
Jackson Tax Map #R-30, Lot #03

\*\*\*\*\*

**2020-01518    OWNER: CHILDS, STARLING**

**CITY: SALISBURY    WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Salisbury Tax Map #214, Lot #2

\*\*\*\*\*

**2020-01551    OWNER: JOHNSON FAMILY REV TRUST**

**CITY: TUFTONBORO    WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Tuftonboro Tax Map #53, Lot 1-8

\*\*\*\*\*

**2020-01582    OWNER: STATE OF NH DNCR**

**CITY: LEMPSTER    WATERBODY: Unnamed Stream**

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COMPLETE NOTIFICATION  
Lempster, Tax Map #246, Lot #011 & 007

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**2020-01583 OWNER: STATE OF NH DNCR**

**CITY: MARLOW WATERBODY:**

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COMPLETE NOTIFICATION  
Marlow, Tax Map #402, Lot #5

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**2020-01597 OWNER: BAYROOT LLC**

**CITY: SHELBURNE WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Shelburne Tax Map #7, Lot #59E

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**2020-01610 OWNER: SCHNEIDER, ELIZABETH/KENT**

**CITY: TAMWORTH WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Tamworth Tax map #218, Lot #85

**PERMIT CATEGORY: UTILITY SPN**

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**2020-01616 OWNER: PORTLAND NATURAL GAS TRANSMISSION SYSTEMS**

07/06/2020 to 07/12/2020

**CITY: BERLIN WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Replace pipeline.

\*\*\*\*\*

**2020-01617 OWNER: EVERSOURCE ENERGY**

**CITY: LOUDON WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
1) Replace 3 utility structures.

**PERMIT CATEGORY: CULVERT REPAIR AND REPLACEMENT SPN**

\*\*\*\*\*

**2020-01537 OWNER: ROBBINS, DAVID**

**CITY: LYME WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
Replace a 15 inch diameter culvert with a 24 inch diameter culvert.

**PERMIT CATEGORY: RR1: CULVERT REPLACEMENT OR REPAIR**

\*\*\*\*\*

**2020-01566 OWNER: TATEM, J DANIEL**

**CITY: AUBURN WATERBODY:**

\*\*\*\*\*

COMPLETE REGISTRATION  
RR1: Culvert Replacement/Repair

07/06/2020 to 07/12/2020

**PERMIT CATEGORY: RR6: HEADWALL CONST, REPAIR, OR REPLACE**

\*\*\*\*\*

**2020-01632 OWNER: NHDOT DISTRICT 6**

**CITY: ROCHESTER WATERBODY: Unnamed Stream**

\*\*\*\*\*

COMPLETE NOTIFICATION  
RR6: HEADWALL CONSTRUCTION, REPAIR OR REPLACEMENT

**PERMIT CATEGORY: EXP - EXPEDITED TIMELINE**

\*\*\*\*\*

**2020-01317 OWNER: WOLFEBORO, TOWN OF**

**CITY: WOLFEBORO WATERBODY: LAKE WINNIPESAUKEE**

Requested Action:

Dredge and fill 1,732 square feet (SF) of man-made, palustrine emergent wetland in order to redevelop the parking area at Carry Beach to improve stormwater treatment and reduce runoff and erosion.

\*\*\*\*\*

APPROVE PERMIT

Dredge and fill 1,732 square feet (SF) of man-made, palustrine emergent wetland in order to redevelop the parking area at Carry Beach to improve stormwater treatment and reduce runoff and erosion.

With Conditions:

1. In accordance with Env-Wt 307.16 and 524.05(b), all work shall be done in accordance with the approved plans dated May 27, 2020, by Underwood Engineers, Inc., as received by the NH Department of Environmental Services (NHDES) on June 11, 2020.
2. In accordance with Env-Wt 307.07, all development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction.
3. In accordance with Env-Wt 524.05(a), residential, commercial, or industrial development projects in non-tidal wetlands shall submit a construction notice with the department at least 48 hours prior to commencing work.
4. In accordance with Env-Wt 310.03(a), no other work shall be done on the subject property pursuant to another expedited permit (EXP) or a statutory permit-by-notification (SPN) for a period of 12 months from the date the EXP was issued unless the property owner submits information, including a plan, to demonstrate that the proposed work is wholly unrelated to and separate from the work already done under the EXP or SPN; and the proposed work and the work already done under the EXP or SPN do not, when combined, constitute a project for which a standard permit is required.
5. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
6. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to

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minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.

7. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.

8. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.

9. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.

10. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.

11. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.

12. In accordance with Env-Wt 307.03(d), any sediment collected by water quality control measures shall be removed with sufficient frequency to prevent the discharge of sediment; and placed in an upland location in a manner that prevents its erosion into a surface water or wetland.

13. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.

14. In accordance with Env-Wt 307.10(f), dredged materials to be stockpiled in uplands shall be dewatered in sedimentation basins that are contained within turbidity controls that prevent turbid water from leaving the basins; and located outside of any jurisdictional area.

15. In accordance with Env-Wt 307.10(d), dredged materials shall be disposed of out of jurisdictional areas, unless other disposition is specifically permitted pursuant to Env-Wt 307.10(e).

16. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.

17. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.

18. In accordance with Env-Wt 307.11(e), fill shall be not placed so as to direct flows onto adjacent or down-current property.

19. In accordance with Env-Wt 307.11(c), slopes shall be immediately stabilized by a method specified in Env-Wq 1506 or Env-Wq 1508, as applicable, to prevent erosion into adjacent wetlands or surface waters.

20. In accordance with Env-Wt 307.11(d), no fill shall be allowed to achieve setbacks to septic systems specified in Env-Wq 1000.

21. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

22. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.

23. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.

24. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.

25. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).

26. In accordance with Env-Wt 307.12(a), within 3 days of final grading or temporary suspension of work in an area that is in or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching, if during the growing season; or mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1 if not within the growing season.

#### With Findings:

1. This is classified as a minimum impact project per Rule Env-Wt 524.06(a), as the project meets all of the criteria for a commercial development and per Rule Env-Wt 407.03(a), as impacts to jurisdictional areas other than a watercourse are

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less than 3,000 square feet (SF), and the project is not subject to an adjustment under Env-Wt 407.02; does not qualify for a project-type exception (PTE) under Env-Wt 407.04; and does not qualify for project-specific size criteria as identified in Env-Wt 407.04, Table 407-2.

2. Per Rule Env-Wt 310.01(d)(4), the applicant provided a signed statement certifying that the proposal is the alternative with the least adverse impact to jurisdictional areas, as required by Env-Wt 313.03.

3. Per Rule Env-Wt 310.01(h), the application for this expedited permit (EXP) included a signed statement from the municipal conservation commission certifying that the conservation commission waives its right to intervene on the project.

4. The commercial development project meets the all of the approval criteria established in Env-Wt 524.02.

5. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in Env-Wt 104.32.

6. Per Rule Env-Wt 202.01(a), the department finds the project is clearly defined, therefore no hearing is required, as contemplated by RSA 482-A:3, XIV(a)(3)(C) or RSA 482-A:3, XIV(a)(4)(C).

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**2020-01377 OWNER: MALLETT, MICHAEL**

**CITY: MADISON WATERBODY: SILVER LAKE**

Requested Action:

Install a 7 foot x 5 foot anchoring pad and replace existing water access steps on frontage along Silver Lake in Madison.

\*\*\*\*\*

APPROVE PERMIT

Install a 7 foot x 5 foot anchoring pad and replace existing water access steps on frontage along Silver Lake in Madison.

With Conditions:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated May 8, 2020 by Stoney Ridge Environmental, as received by the NH Department of Environmental Services (NHDES) on June 17, 2020.

2. Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).

3. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.

4. Pursuant to RSA 483-B:9,V, (a)(2)(d)(v), 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. Water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508, shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction, and removed upon completion of work and the effective stabilization of disturbed surfaces as required pursuant to Env-Wt 307.03(c).

6. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

7. All dredged and excavated material and construction-related debris shall be placed outside of those areas subject to RSA 482-A or RSA-483-B unless a permit for for the deposition of materials within those areas has been obtained as required per RSA 482-A:3 or RSA 483-B:5-b respectively.

8. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA

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485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality as required pursuant to Env-Wt 307.03(a).  
9. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, 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 513.26(a), the installation of a new accessory docking structure or the modification of an existing accessory docking structure shall be a minimum impact project if: (1) The project meets all of the criteria for approval of the application as stated in Env-Wt 513.05.
2. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

**PERMIT CATEGORY: SMALL MOTOR MINERAL DREDGE**

\*\*\*\*\*

**2020-01381 OWNER: SLIE, CHARLES**

**CITY: (ALL TOWNS) WATERBODY: Unnamed Stream**

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APPROVE PERMIT  
NH 302, BATH, AMONOOSUC RIVER/WILD AMMONSOOSUC RIVER

\*\*\*\*\*

**2020-01432 OWNER: HILL JR, MICHAEL**

**CITY: (ALL TOWNS) WATERBODY: Unnamed Stream**

\*\*\*\*\*

APPROVE PERMIT  
US 302 & NH112, BATH, WILD AMMONOOSUC RIVER

\*\*\*\*\*

**2020-01511 OWNER: DEAN, NICHOLAS**

**CITY: (ALL TOWNS) WATERBODY: Unnamed Stream**

\*\*\*\*\*

APPROVE PERMIT  
4 TWIN RIVER LN, BATH, WILD AMMONOOSUC RIVER

\*\*\*\*\*  
2020-01606    OWNER: RICHARDSON, BRIAN

CITY: (ALL TOWNS)    WATERBODY: Unnamed Stream

\*\*\*\*\*

APPROVE PERMIT  
1478 Wild Ammonoosuc Rd., Bath, Wild Ammonoosuc River

\*\*\*\*\*  
2020-01618    OWNER: MOSES, ADAM

CITY: (ALL TOWNS)    WATERBODY: Unnamed Stream

\*\*\*\*\*

APPROVE PERMIT  
4 TWIN RIVER LN, BATH, WILD AMMONOOSUC RIVER  
US 302, BATH & LITTLETON, AMMONOOSUC RIVER

**PERMIT CATEGORY: WETLAND PBN**

\*\*\*\*\*  
2020-01212    OWNER: BRIGHTON DRIVE INC

CITY: HAMPSTEAD    WATERBODY:

Requested Action:

Temporarily impact 22 square feet within the bed and bank of an unnamed pond to install a dry-hydrant for fire protection.

\*\*\*\*\*

PBN IS COMPLETE  
Temporarily impact 22 square feet within the bed and bank of an unnamed pond to install a dry-hydrant for fire protection.

\*\*\*\*\*  
2020-01481    OWNER: MUSTO, JOSEPH

CITY: STRAFFORD    WATERBODY: BOW LAKE

07/06/2020 to 07/12/2020

Requested Action:

Add a 3 foot x 20 foot seasonal dock to an existing permanent dock.

\*\*\*\*\*

With Findings:

1. The proposed modification of an existing dock exceeds the minimum impact criteria of Env-Wt 513.24, the project therefore does not qualify for a PBN under the provisions of Env-Wt 309.06 and is rejected.
2. Only one property owner signed the application. The quitclaim deed for the property (Book:4721 Page 838 Strafford County Register of Deeds) indicates that the applicant has 1/8 interest in the subject parcel. In accordance with Env-Wt 311.11(d), each property owner must sign and date the application.
3. The application was incomplete as the following items were missing:
  - \$400 filing fee (RSA 482-A:3, I(c));
  - Natural Heritage Bureau (NHB) Review (Env-Wt 309.07(b)(3));
  - Tax Map (Env-Wt 309.07(b)(2);
  - Written and notarized permission from abutters to locate a dock within 20 feet of the property line (RSA 482-A:3, XIII);
  - USGS map identifying the project location (Env-Wt 309.07(b)(6)); and
  - Signatures from the town clerk and conservation commission (Rsa 482-A:3, I; Env-Wt 309.07(f); Env-Wt 309.07(h).

\*\*\*\*\*

**2020-01532 OWNER: PLANTE, ROGER**

**CITY: WOLFEBORO WATERBODY: CRESCENT LAKE**

Requested Action:

Repair 32 linear feet of an existing retaining wall along frontage on Crescent Lake in Wolfeboro.

\*\*\*\*\*

With Findings:

The project proposes a change in the length, location and configuration of the retaining wall which exceeds the minimum impact criteria of Env-Wt 514.07(a). The project therefore does not qualify for a PBN under the provisions of Env-Wt 309.06 and is rejected.

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**2020-01556 OWNER: LADEBAUCHE, DOUGLAS/KIMBERLY**

**CITY: ALTON WATERBODY: LAKE WINNIPESAUKEE**

Requested Action:

Repair a 3 piling ice cluster and a 6 foot x 30 foot piling supported pier connected to a 4 foot x 24 foot walkway along 220 feet of frontage on Lake Winnepesaukee in Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

7-6-20 - No historic properties affected per DHR.

07/06/2020 to 07/12/2020

**PBN IS COMPLETE**

Repair a 3 piling ice cluster and a 6 foot x 30 foot piling supported pier connected to a 4 foot x 24 foot walkway along 220 feet of frontage on Lake Winnepesaukee in Alton.

**With Conditions:**

1. All work shall be done in accordance with plans by Varney Engineering LLC, dated June 19, 2020 as received by the NH Department of Environmental Services (NHDES) on July 2, 2020 as required pursuant to Env-Wt 307.16.
2. This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
4. 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 as required pursuant to Env-Wt 314.02.
5. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).
7. Water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508, shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction, and removed upon completion of work and the effective stabilization of disturbed surfaces as required pursuant to Env-Wt 307.03(c).
8. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality as required pursuant to Env-Wt 307.03(a).
9. Work shall be carried out in a time and manner such that there are no discharges in or to fish or shellfish spawning or nursery areas during spawning seasons as required pursuant to Env-Wt 307.04. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
10. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas as required pursuant to Env-Wt 307.04. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
11. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.
12. No construction, modification, or maintenance activity that is contrary to RSA 482-A:26 shall be conducted.
13. Owners of permanent docking structures which are not maintained so as to be structurally sound and usable for their intended purpose shall remove those docking structures in accordance with Env-Wt 513.22(c), to prevent hazards to public safety, navigation, and recreation.
14. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, 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:**

This is a minimum impact project per Administrative Rule Env-Wt 513.24(a)(2), for the repair or replacement of an existing legal docking structure.

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**2020-01570 OWNER: STEELE, ELIZABETH/TIMOTHY**

**CITY: HANCOCK WATERBODY: NUBANUSIT LAKE**

07/06/2020 to 07/12/2020

Requested Action:

Install a 6 foot x 30 foot seasonal pier and concrete anchoring pad, a seasonal boatlift with a 12 foot x 24 foot canopy adjacent to the north side of the pier and two personal watercraft lifts adjacent to the south side of the pier along 331 feet of frontage on Lake Nubanusit in Hancock.

\*\*\*\*\*

PBN IS COMPLETE

Install a 6 foot x 30 foot seasonal pier and concrete anchoring pad, a seasonal boatlift with a 12 foot x 24 foot canopy adjacent to the north side of the pier and two personal watercraft lifts adjacent to the south side of the pier along 331 feet of frontage on Lake Nubanusit in Hancock.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates Inc. dated May 15, 2020, and revised through June 26, 2020 as received by the NH Department of Environmental Services (NHDES) on July 6, 2020 as required pursuant to Env-Wt 307.16.
2. This permit shall not be effective until it has been recorded in the Hillsborough County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
4. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
5. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).
6. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
7. 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 shall be removed for the non-boating season as required per Env-Wt 513.19.
8. The concrete pad shall be constructed landward of the normal high water line (Elev. 1376) as required per Env-Wt 513.13, (d).
9. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality as required pursuant to Env-Wt 307.03(a).
10. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, 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:

This is a minimum impact project per Administrative Rule Env-Wt 513.24(a), for the construction of a seasonal dock.