

Wetlands Bureau Decision Report

Review by [Signature]
9/10/12

Decisions Taken
09/03/2012 to 09/09/2012

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:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2012-01070 GILFORD ROUTE 11 REALTY TRUST
LACONIA Black Brook**

Requested Action:

Dredge and fill 31,391 sq. ft. (31,152 sq. ft. in Laconia, 239 sq. ft. in Gilford) of forested wetlands for expansion/redevelopment of an existing retail building to accommodate the expansion of Walmart retail store #2639 from a "discount center" to a "super center", along with the associated parking, maneuvering areas, utilities, and stormwater management improvements. Work in wetlands consists of dredge and fill for expanding the building footprint, access, retaining walls and new outlet structure for stormwater improvements. Compensatory mitigation for wetland impacts consists of a onetime payment of \$134,093.32 dollars into the Aquatic Resource Mitigation Fund ("ARM").

APPROVE PERMIT:

Dredge and fill 31,391 sq. ft. (31,152 sq. ft. in Laconia, 239 sq. ft. in Gilford) of forested wetlands for expansion/redevelopment of an existing retail building to accommodate the expansion of Walmart retail store #2639 from a "discount center" to a "super center", along with the associated parking, maneuvering areas, utilities, and stormwater management improvements. Work in wetlands consists of dredge and fill for expanding the building footprint, access, retaining walls and new outlet structure for stormwater improvements. Compensatory mitigation for wetland impacts consists of a onetime payment of \$134,093.32 dollars into the Aquatic Resource Mitigation Fund ("ARM").

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc., dated April 2012 and as revised through July 27, 2012, as received by the NH Department of Environmental Services (DES) on August 9, 2012.
2. This permit is contingent on a onetime payment of \$134,093.32 dollars into the Aquatic Resource Mitigation Fund ("ARM").
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. This permit is contingent on approval by the DES Dam Safety Program (if applicable).
5. Work shall be done during low flow.
6. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after one full growing season.
7. The temporary wetland impact area shall have at least 75% successful establishment of wetlands vegetation after one full growing season, or it shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

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

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has investigated other possible sites and design options.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. An application was also submitted for portions of the wetland impacts that will occur in the Town of Gilford (NHDES Wetlands Bureau file #2012-01077). That file has been closed and the permit was processed as NHDES Wetlands Bureau application file #2012-01070.
7. DES has received comments (through file #2012-01077) from the United States Environmental Protection Agency ("EPA") indicating the project is ineligible for the New Hampshire State Programmatic General Permit ("SPGP"). The reason for this decision was due to the lack of an analysis of low impact development options.
8. The applicant's agent responded to the EPA comments.
9. DES has since received correspondence (e-mail dated August 21, 2012) from the EPA indicating the project is now eligible for the SPGP.
10. The Gilford Conservation Commission ("Commission") requested that a hold be placed on the application review by DES so the Commission could consider completing a site inspection.
11. The Commission provided DES with a letter requesting that the hold be released.
12. The Laconia Conservation Commission ("Commission") has indicated that they have concerns with deposits of sediment into Black Brook from other developments, the number of major projects along Black Brook and the resulting dredging that is being proposed at the mouth of the brook. If the "Wal-Mart" is approved they strongly recommended all mitigation funds be placed into an account to fund a geomorphologic study of the Black Brook sub-watershed.
13. Per the department's Code of Administrative Rules the mitigation funds must be deposited into the aquatic resource compensatory mitigation fund established by RSA 482-A:29.
14. The Commission could request funds for an eligible project in accordance with Administrative Rules Part Env-Wt 807.
15. The applicant/agent has indicated that \$10,000.00 dollars is being contributed to a geomorphology study.
16. The project does include improved stormwater management and is contingent on approval by the DES Alteration of Terrian Bureau.
17. The proposed compensatory mitigation for the wetlands impacts in Laconia and Gilford consists of a onetime payment into the Aquatic Resource Mitigation Fund ("ARM") of \$134,093.32 dollars.
18. The department has determined that the proposed compensatory mitigation complies with Administrative Rules Part Env-Wt 803.
19. DES has not received any comments in objection to the proposed project.
20. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

2012-01340 WILDSTEIN, GAIL/JOEL
GILFORD Lake Winnepesaukee

Requested Action:

Remove a 6 ft section of breakwater at the shoreline, drive 4 piling to support a permanent boatlift and install a seasonal canopy adjacent to an existing 8 ft x 40 ft crib pier, 2 personal watercraft lifts, 2 tie-off piling, and the remaining 41 ft breakwater on an average of 105 ft of frontage along Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:
Con Com has no concerns

APPROVE PERMIT:

Remove a 6 ft section of breakwater at the shoreline, drive 4 piling to support a permanent boatlift and install a seasonal canopy adjacent to an existing 8 ft x 40 ft crib pier, 2 personal watercraft lifts, 2 tie-off piling, and the remaining 41 ft breakwater on an average of 105 ft of frontage along Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised August 30, 2012, as received by the NH Department of Environmental Services (DES) on August 30, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to modify existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris and breakwater material to be removed shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of docking facilities associated with a breakwater.
2. The removal of breakwater material to open a 6 ft gap at the shoreline will reduce the environmental impact of the docking facility and therefore the project meets the requirement of Rule Env-Wt 402.21, Modification of Existing Structures.
3. The applicant has an average of 105 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2012-01361 CIASULLI, TIMOTHY
TUFTONBORO Lake Winnepesaukee

Requested Action:

Remove 32.45 cu yd of breakwater from 259 sq ft of lakebed, relocate 7.44 cu yd of breakwater to a position beneath a 4 ft x 18 ft section of the existing pier, resulting in a full breakwater length of 49 linear ft in a dog-leg configuration. Remove a 3 ft x 14 ft

section of deck, dredge 4.47 sq ft from 209 sq ft of lakebed for water depth in a slip provided by the F-shaped docking facility associated with the dog-leg shaped breakwater, drive 2 piling to support a permanent boatlift with a 14 ft x 30 ft seasonal canopy on an average of 163 ft of shoreline frontage on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:
Con Com has no objections to proposed project

APPROVE PERMIT:

Remove 32.45 cu yd of breakwater from 259 sq ft of lakebed, relocate 7.44 cu yd of breakwater to a position beneath a 4 ft x 18 ft section of the existing pier, resulting in a full breakwater length of 49 linear ft in a dog-leg configuration. Remove a 3 ft x 14 ft section of deck, dredge 4.47 sq ft from 209 sq ft of lakebed for water depth in a slip provided by the F-shaped docking facility associated with the dog-leg shaped breakwater, drive 2 piling to support a permanent boatlift with a 14 ft x 30 ft seasonal canopy on an average of 163 ft of shoreline frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be completed in accordance with plans by Watermark Marine Construction dated August 28, 2012, as received by the Department on September 4, 2012.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
7. All dredged material, construction related debris, and rock from the removed portion of the breakwater not used to build the new 4 ft x 18 ft breakwater section shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Only the rocks from the structure(s) shall be used. No additional rocks shall be brought on site.
9. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
10. This permit may be used only once and does not authorize continued maintenance dredging which, if needed, shall not be permitted more frequently than once every 6 years, and a new permit shall be required for each dredge activity.
11. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
12. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), projects involving the modification of a breakwater.
2. The applicant has an average of 163 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
4. The proposed modifications to the docking facility will increase the number of slips provided by the facility from 2 slips to 3 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2012-01024 TROMBLY LAND TRUST
MILFORD Souhegan River

Requested Action:

Impact total of 1,453 sq. ft. along a total of 124 linear feet of frontage on the Souhegan River to install stone rip-rap bank stabilization at three (3) locations to protect cultivated farm fields from further erosion which has resulted during recent major storm events. In addition, establish a minimum 25 foot wide riparian buffer of indigenous vegetation along the river frontage of this property.

Conservation Commission/Staff Comments:

The Milford Conservation Commission (MCC) visited the site with the NHDES/ NHF&G / NRCS, were supportive of the need for the project and, in a letter dated April 19, 2012, recommend approval of the permit.

Inspection Date: 02/23/2012 by Frank D Richardson

Inspection Date: 02/23/2012 by Frank D Richardson

APPROVE PERMIT:

Impact total of 1,453 sq. ft. along a total of 124 linear feet of frontage on the Souhegan River to install stone rip-rap bank stabilization at three (3) locations to protect cultivated farm fields from further erosion which has resulted during recent major storm events. In addition, establish a minimum 25 foot wide riparian buffer of indigenous vegetation along the river frontage of this property.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land Consultants, PLLC dated April 17, 2012 as received by the NH Department of Environmental Services (DES) on April 24, 2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. DES Wetlands Bureau Southeast Region staff and the Milford Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. A minimum 25 foot wide "no-cut" riparian buffer, as recommended by the NH Fish & Game Department, will be established and maintained along the entire frontage of this property on the Souhegan River.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on February 23, 2012. Also participating in the inspection were staff from NH Department of Fish & Game, NH DES geologist Shane Csiki, staff from the Natural Resources Conservation Service (NRCS) and members of the Milford Conservation Commission.
6. The consensus among those participating in the field inspection on February 23, 2012 determined that this project can be implemented with minimum adverse impact to the River.
7. Because of the high energy at the erosion prone locations, stone rip-rap is the only viable option. Bioengineering and vegetative stabilization would not provide adequate protection at these locations.
8. The establishment of a minimum 25 foot wide riparian buffer recommended by the NH Department of Fish & Game will contribute to the long-term stabilization of the river banks and, in addition, provide wildlife habitat.
9. The Souhegan River Local Advisory Committee (SoRLAC) expressed concerns about this project, but are not opposed to the project.
10. The project area is within an area included in the NRCS Riparian Working Buffer Project through the NRCS Environmental Quality Incentives Program (EQUIP).
11. Following the February 23, 2012 site visit, The Milford Conservation Commission, in a letter dated April 19, 2012, commented: "There is a clear indication of critical erosion occurring to the Souhegan River Bank. Although rip rap is not the preferred practice for bank stabilization, it is an accepted practice in certain circumstances where there is rapid and severe erosion. The DES, NRCS, F&G, and MCC all recognize that the proposed solution to the erosion ... is the best option."

**2012-01543 BANDTEL, KARL
CENTER HARBOR Squam Lake**

Requested Action:

The Applicant requests reconsideration of the Department's decision to deny the application as incomplete and submits those items which had previously been lacking.

APPROVE RECONSIDERATION:

Reconsider and approve permit to: Install two 6 ft x 40 ft seasonal piers connected by a 6 ft x 18 ft seasonal walkway accessed by a 6 ft x 13 ft walkway over wetlands on an average of 664 ft of frontage along Squam Lake in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan Associates, PC dated May 22, 2012, as received by the NH Department of Environmental Services (DES) on June 14, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of this docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. This seasonal docking structure shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 4 slip seasonal docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

- 5. The applicant has an average of 664 feet of shoreline frontage along Squam Lake.
- 6. A maximum of 9 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2012-01671 PSNH
NASHUA Unnamed Wetland**

Requested Action:

Impact a total of 14,390 sq. ft. of palustrine scrub-shrub wetlands (14,382 sf temporary construction impacts & 8 sf permanent impacts for new structures) within the utility ROW for work associated with the replacement of two existing direct buried distribution lines with new overhead distribution lines.

Conservation Commission/Staff Comments:

No report or comments were received on this application from the Nashua Conservation Commission

APPROVE PERMIT:

Impact a total of 14,390 sq. ft. of palustrine scrub-shrub wetlands (14,382 sf temporary construction impacts & 8 sf permanent impacts for new structures) within the utility ROW for work associated with the replacement of two existing direct buried distribution lines with new overhead distribution lines.

With Conditions:

- 1. All work shall be in accordance with plans by GZA GeoEnvironmental, Inc. dated May 2012, as received by the NH Department of Environmental Services (DES) on June 25, 2012.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
- 3. NH DES Wetlands Bureau Southeast Region staff and the Nashua Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
- 4. Work areas shall be regraded to original contours following completion of work.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

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.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. No compensatory wetlands mitigation is required for this project which occurs in a previously disturbed public utility ROW. All but 8 square feet of the proposed impacts are temporary.

**2012-01947 CHILD DEVELOPMENT CENTER OF STRAFFORD COUNTY
ROCHESTER Headwaters Of Wardley Brook (aka Willow Brook)**

Requested Action:

Fill 5,336 square feet of wetland for construction of additional parking and installation of a pier for a footbridge associated with the expansion of an existing school.

APPROVE PERMIT:

Fill 5,336 square feet of wetland for construction of additional parking and installation of a pier for a footbridge associated with the expansion of an existing school.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates Inc. dated March 2012, as received by the NH Department of Environmental Services (DES) on 7/23/2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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 of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing school is expanding and there is a need for additional parking, and foot access to the playground across a small stream.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau reported that although there are species of concern reported for the vicinity, that they are not expected to occur on this site.
5. The Rochester Conservation Commission reported that they did not recommend the project, stating concerns related to snow removal as non-point source pollution; and use of off-site alternative parking locations.
6. In response to the comments of the Rochester Conservation Commission, DES finds that the City of Rochester granted planning approval to the project on 8/22/2012, which included technical review discussion of the snow management and subsequent management conditions; DES further finds that the alternative off-site parking requires foot travel along 1,000+/- feet of a busy city street with no sidewalks, and that this does not represent a safe or practicable alternative to on-site parking.

MINIMUM IMPACT PROJECT

2012-00918 CLAPP, DAVID
CONCORD Bow Brook

Requested Action:

Confirm emergency authorization to stabilize 94 linear feet (approximately 50 feet each side) to protect transmission pole guyed wire in danger of unearthing.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization to stabilize 94 linear feet (approximately 50 feet each side) to protect transmission pole guyed wire in danger of unearthing.

With Conditions:

1. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
2. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
3. In the associated application noted for the future brook stabilization and culvert repairs the applicant shall investigate the use of and provide additional bioengineered stabilization techniques in the design (such as the addition of coir logs, in-stream control structures and natural herbaceous and shrub plantings) and amend the existing rip-rap repairs with the addition of bioengineered stabilization techniques to further stabilize the stream banks and protect/enhance and the function and values the stream system.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. With imminent change in weather and public safety implications the bank needed to be stabilized immediately.
3. The appears to be a highly impacted section of Bow Brook.
4. The applicant will be submitting a future application for other repairs.
5. The Department has conditioned the emergency confirmation on requiring that the applicant include additional bioengineered stabilization techniques in the current and future stabilization design.

**2012-01657 JUNIPER LAND TRUST
TAMWORTH Unnamed Wetland**

Requested Action:

Impact 13 square feet of wetlands for inlet grading and placement of the inlet end associated with replacement in the upland of an existing non-jurisdictional drainage overflow pipe.

APPROVE PERMIT:

Impact 13 square feet of wetlands for inlet grading and placement of the inlet end associated with replacement in the upland of an existing non-jurisdictional drainage overflow pipe.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated 6/21/2012, as received by the NH Department of Environmental Services (DES) on 6/25/2012.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This is a routine maintenance project.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The majority of the work will occur outside of wetlands jurisdiction.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau occurring in the project vicinity.
5. The Tamworth Conservation Commission did not report.

**2012-01669 EXETER DPW, TOWN OF
EXETER Prime Wetland**

Requested Action:

Impact a total of 760 sq. ft. in DES Wetlands jurisdiction (665 sf temporary construction impacts & 65 sf permanent impacts) for work associated with the installation of 60 linear feet of 6-inch ductile iron water main and a 6-inch gate valve, tied into an existing water main.

Conservation Commission/Staff Comments:

The Exeter Conservation Commission recommends approval of this application.

APPROVE PERMIT:

Impact a total of 760 sq. ft. in DES Wetlands jurisdiction (665 sf temporary construction impacts & 65 sf permanent impacts) for work associated with the installation of 60 linear feet of 6-inch ductile iron water main and a 6-inch gate valve, tied into an existing water main.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated 09/25/11 (for permitting only 4-18-2012) as received by the NH Department of Environmental Services (DES) on June 25, 2012 .
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2012-02104 THE KURT M SWENSON REVOCABLE TRUST OF 2000
RYE Atlantic Ocean**

Requested Action:

Impact a total of 25,788 square feet within the previously developed tidal buffer zone for the reconstruction of the existing residential dwelling and work associated with the repair and/or reconstruction of the existing large rip-rap revetment/seawall, along 455+/- linear feet of shoreline frontage on the Atlantic Ocean.

APPROVE PERMIT:

Impact a total of 25,788 square feet within the previously developed tidal buffer zone for the reconstruction of the existing residential dwelling and work associated with the repair and/or reconstruction of the existing large rip-rap revetment/seawall, along 455+/- linear feet of shoreline frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with the 'Wetlands & Shoreland Plan' by Bill Phinney Site Planning and Landscape Design dated and revised through 7/13/12, as received by the NH Department of Environmental Services (DES) on August 6, 2012.
2. NH DES Wetlands Bureau Southeast Region staff (Portsmouth office) and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau may require a new application and/or further permitting by the Bureau.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. No work shall occur below the highest observable tide line.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. No concrete is to be used anywhere in the construction of the revetment and all work shall be dry laid or placed stone underlain with filter fabric.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The existing concrete and stone seawall is susceptible to erosion; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. All impacts will take place landward of the highest observable tide line (HOTL); therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Furthermore, all work will be performed in the previously disturbed tidal buffer zone.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project is also under the jurisdiction of the Shoreland Water Quality Protection Act and received an approved permit under file number 2012-02076.
6. The Rye Conservation Commission did not comment directly to the DES speaking for or against the proposed project.
7. No Federal agencies commented on the project.
9. In accordance with Env-Wt 304.04(a) the applicant received a letter of concurrence from the abutter whose property is within 20-feet of the proposed impacts.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2012-02110 R LIGOTTI REALTY TRUST
ALTON Lake Winnepesaukee

Requested Action:

Repair in kind an existing 22 ft 10 in x 33 ft 5 in boathouse supported by an 8 ft 5 in x 21 ft crib and a 7 ft 7 in x 22 ft crib, on 220 ft of frontage, Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Alton Con. Com. requests a 40 day suspension until they can investigate.
Con Com has no concerns 08-30-2012

APPROVE PERMIT:

Repair in kind an existing 22 ft 10 in x 33 ft 5 in boathouse supported by an 8 ft 5 in x 21 ft crib and a 7 ft 7 in x 22 ft crib, on 220 ft of frontage, Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated August 02, 2012, as received by the NH Department of Environmental Services (DES) on August 07, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

2012-02156 NH DOT
HOLDERNESS

Requested Action:

Repair road shoulder at a box culvert by placing granite along the wing

CONFIRM EMERGENCY AUTHORIZATION:

Repair road shoulder at a box culvert by placing granite along the wing

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x).
2. The project was necessary to stabilize the bank of an unnamed stream
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on Aug.9, 2012.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2012-02168

NHDOT

SANDWICH

Requested Action:

Confirm Emergency Authorization issued on August 13, 2012 to replace two 12-inch x 35-foot culverts in kind.

CONFIRM EMERGENCY AUTHORIZATION:

Replace two 12-inch x 35-foot culverts in kind.

With Conditions:

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

With Findings:

1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(x).
2. The project was necessary to replace two existing failed culverts.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 13, 2012.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2012-02260

ANASTACY, BARBARA

SANBORNTON Winnisquam Lake

Requested Action:

Impact 118 sq. ft. to repair 43 linear feet of existing retaining wall in the same configuration and location on Lake Winnisquam, Sanbornton.

Conservation Commission/Staff Comments:

Con Com did not sign Wetland Applicaiton

APPROVE PERMIT:

Impact 118 sq. ft. to repair 43 linear feet of existing retaining wall in the same configuration and location on Lake Winnisquam, Sanbornton.

With Conditions:

1. All work shall be in accordance with plans by Schuauer Environmental Consultants dated August 13, 2012, as received by the NH Department of Environmental Services (DES) on August 21, 2012.

2. Repair shall maintain existing size, location and configuration.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. Work shall be done during drawdown.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls that is performed in the dry during drawdown.

2012-02382 CHASE ISLAND ASSOCIATION
ATKINSON Big Island Pond

Requested Action:

Impact 800 sq. ft. in DES wetlands jurisdiction for work associated with 1) Emergency repairs to the deteriorated 20 foot long x 7+ foot diameter steel culvert over which the Chase Island Road causeway travels and 2) Rehabilitation of the existing culvert by slip-lining and reconstructing headwalls and the roadway surface as needed.

Conservation Commission/Staff Comments:

No comments received from the Atkinson Conservation Commission
Atkinson Board of Selectmen request expedited review which was granted.
This application was subject to expedited review & approval via SOP # 201

APPROVE PERMIT:

Impact 800 sq. ft. in DES wetlands jurisdiction for work associated with 1) Emergency repairs to the deteriorated 20 foot long x 7+ foot diameter steel culvert over which the Chase Island Road causeway travels and 2) Rehabilitation of the existing culvert by slip-lining and reconstructing headwalls and the roadway surface as needed.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. dated August 3, 2012, as received by the NH Department of Environmental Services (DES) on September 04, 2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Atkinson Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

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

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), Maintenance, repair or replacement of a nondocking structure such as a culvert, headwall, bridge ... etc.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project was issued an Emergency Authorization for repairs on September 06, 2012.
6. This application was reviewed and approved via SOP #201 on September 06, 2012.

FORESTRY NOTIFICATION

2012-01769 NH DRED
ANDOVER Unnamed Stream

COMPLETE NOTIFICATION:
Andover, Tax Map#14, Lot#1

2012-01899 SOUTHEAST LAND TRUST OF NEW HAMPSHIRE
EPPING Unnamed Stream

COMPLETE NOTIFICATION:
Epping, Tax Map#20, Lot#8

2012-02415 ROUILLARD, PAUL
MADBURY Unnamed Stream

COMPLETE NOTIFICATION:
Madbury, Tax Map#3, Lot#46

2012-02416 BAYROOT LLC
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg, Tax Map#A8, Lot#0435

2012-02419 PAULETTE E TASKER REV TRUST OF 2006
BARNSTEAD Unnamed Stream

COMPLETE NOTIFICATION:

Barnstead, Tax Map#2, Lot#29

2012-02421 MARTHA M SCOTT LIVING TRUST
TEMPLE Unnamed Stream

COMPLETE NOTIFICATION:

Temple, Tax Map#6, Lot#27,28,29,31,31-1

2012-02429 OUR LADY OF UNITY INC
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:

Newport, Tax Map#203,23 & 243,8&12

EXPEDITED MINIMUM

2012-01377 GOFFSTOWN, TOWN OF
GOFFSTOWN Unnamed Stream

Requested Action:

Dredge and fill approximately 205 sq. ft. of stream bed and bank to repair an existing 5 ft. x 7 ft. x 55 ft. box culvert damaged during the May 2006 floods. Work consists of resetting the outlet section of the culvert, new cut-off wall, headwall repairs, stream-bed restoration and repairs to a adjacent drainage swale.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill approximately 205 sq. ft. of stream bed and bank to repair an existing 5 ft. x 7 ft. x 55 ft. box culvert damaged during the May 2006 floods. Work consists of resetting the outlet section of the culvert, new cut-off wall, headwall repairs, stream-bed restoration and repairs to a adjacent drainage swale.

With Conditions:

1. All work shall be in accordance with plans by the Town of Goffstown revision date of August 10, 2012, as received by the NH Department of Environmental Services (DES) on August 14, 2012.
2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2010-01377 prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

5. Work shall be done during low flow.
6. The final surface of the stream channel bed shall be restored at natural grade using natural round stone or existing streambed materials and shall not include angular rip-rap.
7. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The application was reviewed as a repair because the structure will not be changed and the applicant is restoring the stream bed to a natural surface and elevations.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The proposed work is to repair a previously approved box culvert (NHDES Wetlands Bureau File #2001-00677) that was damaged during the flood in May 2006.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
7. The repairs have been designed to comply with Administrative Rule Env-Wt 904.01.
8. There are no proposed changes to the flow capacity of the existing culvert.
9. The project plans are stamped by a licensed professional engineer.

2012-02068 LEVINE, BENJAMIN
SANDOWN Phillips Ponds

Requested Action:

Impact a total of 85 square feet along the shoreline of Phillips Pond for the construction of a retaining wall 45-feet in length by 16-inches in width including 5-foot wide inset steps, install rain gardens, and the removal of 165 square feet of impervious concrete walkway and replace with pervious pavers.

APPROVE PERMIT:

Impact a total of 85 square feet along the shoreline of Phillips Pond for the construction of a retaining wall 45-feet in length by 16-

inches in width including 5-foot wide inset steps, install rain gardens, and the removal of 165 square feet of impervious concrete walkway and replace with pervious pavers.

With Conditions:

1. All work shall be in accordance with the 'Proposed Site Changes 2012' plan received by the NH Department of Environmental Services (DES) on August 2, 2012.
2. DES Southeast Region (Portsmouth office) staff shall be notified in writing prior to commencement of work and upon its completion.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
14. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
15. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
16. No fill shall be done for lot development.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04((m)) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the Wetlands Permit Application.

Requested Action:

Impact 10,071 square feet of wetlands for construction of an agricultural pond.

APPROVE PERMIT:

Impact 10,071 square feet of wetlands for construction of an agricultural pond.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated 7/10/2012, as received by the NH Department of Environmental Services (DES) on 8/6/2012.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 square feet of impact that meets the requirements of Env-Wt 303.04(p)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project area by the NH Natural Heritage Bureau.
5. The Newbury Conservation Commission signed the expedited minimum impact application.

2012-02196
MARLOW

SHARRON, RONALD

Requested Action:

Dredge and fill 2,973 square feet of palustrine forested wetlands for pond construction.

APPROVE PERMIT:

Dredge and fill 2,973 square feet of palustrine forested wetlands for pond construction.

With Conditions:

1. All work shall be in accordance with plans by M & W Soils, Inc., dated "DATE", 6-22-12 and 7-26-2012, as received by the Department on August 14, 2012.
2. All work shall be done during low flow conditions.
3. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Machinery shall not be located within surface waters, where practicable.
5. Machinery shall be staged and refueled in upland areas.
6. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.

8. Within three calendar 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.

9. All material removed during work activities shall be placed out of DES's jurisdiction.

10. Seed mix within stabilization areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.

11. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), pond construction.
2. A letter of support for the proposed project from the Marlow Fire Department was submitted with the application.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2012-02224

TOWN OF WILMOT

WILMOT Unnamed Wetland

Requested Action:

Dredge and fill 32 sq. ft. of wetlands to replace four 24 inch culverts "in-kind" along a 200 ft. section of Wilmot Center Road.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 32 sq. ft. of wetlands to replace four 24 inch culverts "in-kind" along a 200 ft. section of Wilmot Center Road.

With Conditions:

1. All work shall be in accordance with plan and narrative by the Wilmot Highway Department, as received by the NH Department of Environmental Services (DES) on August 16, 2012.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Any project not otherwise specified in this section that is located within the right-of-way of a public highway.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

AGRICULTURE MINIMUM

2012-02261 MUDGE, ELEANOR
LYME Connecticut River

Requested Action:

Dredge and fill approximately 1061 sq. ft. of river bank (Connecticut River) to stabilize drainage areas adjacent to an existing agriculture field.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill approximately 1061 sq. ft. of river bank (Connecticut River) to stabilize drainage areas adjacent to an existing agriculture field.

With Conditions:

1. All work shall be done in accordance with plans by Natural Resources Conservation Service, ("NRCS"), sheets 1 through 10 of 10 dated through August 2012, as received by the NH Department of Environmental Services (DES) on August 21, 2012. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. NRCS shall monitor construction to ensure that the areas are constructed in accordance with the approved plans and ensure adherence to NRCS designs for the remaining grade stabilization sites, nutrient management and tree/shrub establishment.
5. Work shall be done during low flow.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u),Maintenance or improvement of existing crop or

pasture land for continued agricultural use,
provided:

- (1) The applicant's county conservation district certifies in writing that:
 - a. The project is in accordance with a plan developed to standards of the "Best Management Wetland Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993, amended September 1998;
 - b. The project is necessary for or incidental to a preexisting and ongoing bonafide agricultural operation as defined by RSA 21:34-a; and
 - c. The plan is limited to those items addressed by the "Best Management Wetlands Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993, amended September 1998;
 - (2) The applicant accepts a permit condition stating that any change in use to a non-agricultural purpose will require further permitting by the department;
 - (3) The applicant shall record the permit at the registry of deeds;
 - (4) The improvement portion of the project does not impact more than 3 acres of wetland;
 - (5) The project is not in or adjacent to prime wetlands, is not in sand dunes, is not in the 100 foot tidal buffer zone, and does not meet the requirements of Env-Wt 303.02(k);
 - (6) The project will cause alteration only to wet meadows except where specifically described in "Best Management Wetlands Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993, amended September 1998;
 - (7) The application includes:
 - a. A complete copy of the county conservation district's cooperator agreement;
 - b. Conservation plan with accompanying map;
 - c. A USDA soil conservation service soils map with the site located;
 - d. A soils legend identifying poorly drained and very poorly drained map units.
 - e. Dated, labeled photograph(s) mounted on 8 1/2" x 11" sheets depicting portions of wetland, shoreline, or surface waters where proposed impact will occur, and showing all existing structures;
 - (8) The project involves poorly drained soils with no greater than 15% inclusion of very poorly drained soils as defined by Env-Wq 1014.02; and
 - (9) The project does not include filling or draining of wetlands of greater than 3,000 sq. ft. for placement of parking lots, or lot development, or of buildings, with the exception of agrichemical handling facility buildings.
2. DES inspected the site on July 17, 2012 and July 27, 2012 due to ongoing work being conducted adjacent to the bank of the Connecticut River. During the July 27, 2012 inspection it was determined that two of the proposed work areas will require stabilization work that requires a permit from the department. 3. This approval is for construction of a "Rock Chute" in those areas.

TRAILS NOTIFICATION

2012-02346 BRIDGEWATER MOUNTAIN SNOWMOBILE CLUB
BRISTOL Unnamed Stream

Requested Action:

Trails: Bristol, Tax Map #212, Lot#26

COMPLETE NOTIFICATION:

Trails: Bristol, Tax Map #212, Lot#26

LAKES-SEASONAL DOCK NOTIF

2012-02385 VIRGIN, STEPHEN
NEW HAMPTON Waukegan Lake

Requested Action:
Install seasonal dock.

DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN:
Install seasonal dock.

With Findings:
Install seasonal dock.

2012-02389 JONES, KAREN
NORTHWOOD Jenness Pond

Requested Action:
Installation of a seasonal dock.

COMPLETE NOTIFICATION:
Installation of a seasonal dock.

With Findings:
Installation of a seasonal dock.

ROADWAY MAINTENANCE NOTIF

2012-02426 GILMANTON TOWN OF
GILMANTON Unnamed Stream Unnamed Wetlands

COMPLETE NOTIFICATION:
Site #1 - replace 24" x 40' culvert with a 36" x 50' culvert.
Site #2 - Replace two 15" x 30' culvert with a 18" x 40' culvert.

2012-02427 DEPT OF TRANSPORTATION BUREAU OF RAIL & TRANS
CARROLL Unnamed Stream Unnamed Wetland

COMPLETE NOTIFICATION:
Replace 20" culvert with 30" culvert & rebuild header.

2012-02428 HANCOCK, TOWN OF
HANCOCK Unnamed Stream Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 30" culvert with a 36" culvert. Extending the inlet & outlet approx. 5 ' each.

PERMIT BY NOTIFICATION

2012-02400 HALLERAN, ROY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

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

2012-02407 LIVOLI, CHARLES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

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

change in size, location or configuration.

CSPA PERMIT

2009-02942 JANINE M PARKINSON REV TRUST OF 1999
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Amend permit to add 48 sq ft of impervious area to construct steps on cabin #11.

Impact 6,262 sq ft to construct new septic system for 8 cabins including shared leachfield and collection system with individual septic tanks, pump lines, and gravity lines.

APPROVE AMENDMENT:

Impact 6,310 sq ft to construct new septic system for 8 cabins including shared leachfield and collection system with individual septic tanks, pump lines, and gravity lines and steps on cabin #11.

With Conditions:

1. All work shall be in accordance with revised plans by Joanne K. Coppinger dated July 28, 2012 and received by the Department of Environmental Services ("DES") on July 28, 2012
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 13.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 13,070 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 14,669 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01399 STATE OF NH FISH & GAME DEPARTMENT
BRISTOL Newfound Lake

Requested Action:

Amend permit to increase the impervious area by 1,457 sq ft in order to control traffic circulation.

Impact 3957 sq.ft. for the repairs to public boat access facility.

APPROVE AMENDMENT:

Impact 5,414 sq ft for the repairs to public boat access facility.

With Conditions:

1. All work shall be in accordance with revised plans by Fay, Spfford & Thorndike, LLC dated September 5, 2012 and received by the Department of Environmental Services ("DES") on September 5, 2012 .
2. This permit is contingent on approval by the DES Wetlands Bureau.
3. No more than 48.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2012-01944

TETRAULT, LORI/PAUL

PITTSBURG Back Lake

Requested Action:

Permanently impact 6,393 sq. ft. and temporarily impact 644 sq. ft. of protected shoreland to replace an existing 3 bedroom house with a new 3 bedroom house, add a garage and associated driveway and access adjacent to Back Lake, in Pittsburg.

APPROVE PERMIT:

Permanently impact 6,393 sq. ft. and temporarily impact 644 sq. ft. of protected shoreland to replace an existing 3 bedroom house with a new 3 bedroom house, add a garage and associated driveway and access adjacent to Back Lake, in Pittsburg.

With Conditions:

1. All work shall be in accordance with plans by North Country Septic Design revision dated August 15, 2012 and received by the NH Department of Environmental Services (DES) on August 16, 2012.
2. No more than 22.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 5,633 sq. ft. of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

2012-02273 **MOLIN, JOAN**
SALEM Arlington Pond

Requested Action:

Impact 16,770 sq. ft. in order to raze existing structure and construct a new dwelling and septic system.

APPROVE PERMIT:

Impact 16,770 sq. ft. in order to raze existing structure and construct a new dwelling and septic system.

With Conditions:

1. All work shall be in accordance with plans by Lavelle Associates dated June 7, 2012 and received by the NH Department of Environmental Services (DES) on April 23, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 17% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.