State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588

LETTER OF DEFICIENCY
WET 2004-30

July 28, 2004

Mark & Helen Donovan
PO Box 613
Alton Bay NH 03810

RE: DES Wetlands File #2000-01163, Route 28A, Alton

Dear Mr. and Ms. Donovan:

On June 11, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 33 as Lot 32 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, NH Code of Administrative Rules Wt 100-700 and Wetlands and Non-Site Specific Permit # 2000-1163 (the "Permit"). The Permit authorized the replacement of an 8' x 38'6" crib pier and a 12' x 38' 6" crib pier connected with a 10' x 30'2" wharf with two 6' x 38'6" piling piers, 11'10" apart, connected by a 10' x 30'2" wharf in accordance with plans by Ross J. Bagley Marine Construction Inc. as received by DES on June 7, 2000 (the "Plans").

During the inspection the following deficiencies were documented:

1. A 12' x 2'4" wooden walkway was installed between the piers over Lake Winnipesaukee. This walkway was neither shown on the Plans nor authorized by the Permit.

2. The 30'2" x 10' concrete pad along the shore was not replaced with wood as specified by the Permit and Plans.

3. A review of DES records indicates that to date the Department has not received a recorded copy of the Permit. Condition 2 of the Permit stipulated that the Permit shall not be effective until it has been recorded with the Registry of Deeds Office and required that a copy of the registered permit be submitted to the DES Wetlands Bureau prior to construction.

In response, you are requested to take the following actions:

1. Within 30 days of the date of this letter, please submit an as-built plan of the docking facility to DES. This plan should be dated and dimensioned or drawn to scale, and should include the location of the docking facility relative to: a) the normal high water line (elevation 504.32 on Lake Winnipesaukee), b) the abutting property lines, and c) other structures on the frontage located less than 30 feet from the normal high water line.

2. Upon receipt of the as-built plan, DES will amend the Permit to allow for retention of the 30'2" x 10' concrete pad along the shore and the 12' x 2'4" walkway between the piers. Please note that you will be required to record the amended Permit with the Registry of Deeds Office and submit

http://www.state.nh.us

a copy of the recorded amended Permit to DES. Failure to record the amended Permit with the Registry of Deeds Office or submit a copy of the recorded amended Permit to DES may result in further enforcement and will hinder your ability to obtain permits for repairs or modifications to the docking facility in the future.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

D. Forst
Shoreland Program Supervisor
DES Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9307

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Alton Conservation Commission
Alton Board of Selectmen
USACOE