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

"Corrected"
LETTER OF DEFICIENCY
#SP-2004-03
April 27, 2004

Priscilla Field
C/O Robert Doherty III
36 Shore Drive
Goffstown, NH 03045

RE: DES Wetlands File #2004-00185 36 Shore Dr, Goffstown

Dear Mr. Doherty and Ms. Field:

On April 7, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property; identified as Goffstown Tax Map 22, Lot 1, Shore Drive, Goffstown, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, the Comprehensive Shoreland Protection Act ("CSPA"), RSA 482-A, the New Hampshire Wetlands Law, and RSA 149-M, as well as the applicable rules promulgated by these statutes.

During the April 7, 2004 inspection, DES personnel observed or learned the following with regard to RSA 149-M:

- A pile of solid waste, specifically construction and demolition debris, measuring approximately 600 square feet, was observed within 25 feet of the Pisctaquog River. Some of the demolition debris observed included used bricks, pieces of granite, porcelain, tiles, wood and wallboard.

This letter serves to inform you that the above referenced Property conditions constitute violations of RSA 149-M, specifically:

RSA 149-M:9,I	Operation of an unpermitted solid waste facility.
RSA 149-M:9,II	Failure to dispose of solid waste at a permitted solid waste facility.

During the April 7, 2004 inspection, DES personnel observed or learned the following with regard to RSA 483-B:

- Within the natural woodland buffer of the protected shoreland, a well-distributed stand of trees, saplings, shrubs and groundcovers had not been left in place. Trees, saplings and bushes had recently been clear-cut along the bank of the Piscataquog River. Several disturbed areas, totaling 71 linear feet, were observed where plants had been removed by the roots leaving the bank unstable.

This letter serves to inform you that the above referenced Property conditions constitute violations of RSA 483-B, specifically:

RSA 483-B:9,V(a)(2)(A)	A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place.

DES believes that the cited deficiencies with regard to RSA 149-M can be corrected by completing the following requested remedial actions within the time indicated:

1. **Immediately** cease operating an unpermitted waste facility.

2. **Immediately** cease disposing of solid waste at an unpermitted waste facility.

3. Remove all solid waste at the Property, specifically construction and demolition debris, by **June 1, 2004**, to a solid waste facility permitted to handle such wastes. Burning of this material is not allowed.

4. By **June 8, 2004**, submit to DES written confirmation that these steps have been completed, including **copies of all disposal receipts** for the solid waste, at the address below.

Please address all correspondence and reports regarding this matter to:

Carl Woodbury
Department of Environmental Services
29 Hazen Drive
Concord, NH 03301
Fax: (603) 271-2456
Phone (603) 271-3899

DES believes that the cited deficiencies with regard to RSA 483-B can be corrected by completing the following requested remedial actions within the time indicated:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES.

   The restoration plan should be prepared and stamped by a Certified Wetlands Scientist, and outline the replacement of native and natural vegetation and restoration of the natural bank and shoreline of the Piscataquog River. Please submit the following with the restoration plan:

   a. A plan with dimensions, drawn to scale, showing;
      i. existing conditions,
      ii. proposed conditions after restoration with native vegetation.

b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species.

d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

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.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with the aforementioned statutes 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.

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 statutes and rules.

All documents submitted in response to RSA 483-B should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095
Phone (603) 271-6876

For more information regarding these statutes and rules, you can go to the DES website at www.des.state.nh.us. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,

COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Goffstown Conservation Commission
Goffstown Board of Selectmen
US Army Corps of Engineers
C.F. Woodbury, SIS