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 2004-34

August 4, 2004

Rose Finnigan
121 Algonquin Trail
Ashland, MA 01721-1995

RE: DES Wetlands File #2000-2200 Tanglewood Shores, Moultonborough

Dear Ms. Finnigan:

On July 15, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 09 as Lot 11 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, NH Code of Admin. Rules Wt 100-700 and Wetlands and Non-site Specific Permit #2000-2200 (the "Permit'). The Permit authorized the replacement of a 4' x 40' seasonal pier with a 6' x 30' seasonal pier and 7'x 3' concrete pad and 138 sq ft of impacts to the lakebed and bank for installation of a waterline in accordance with plans by Winnipesaukee Marine Construction received by DES on October 10, 2000 (the "Plans").

During the inspection the following deficiencies were documented:

1. The seasonal pier was not in the location specified by the Plans and measured 6' x 40'8" which is 10'8" longer than authorized by the Permit.

2. An approximately 80 sq ft bluestone patio (the "Patio") was installed 4' from the normal high water line (elevation 504.32 on Lake Winnipesaukee). The Patio is not shown on the Plans or in photographs submitted with the original application received by DES on June 8, 2000. Pursuant to RSA 483-B, the Comprehensive Shoreland Protection Act, patios must be located at least 20 feet landward of the normal high water line.

3. A 209 sq ft area was denuded of vegetation along 19'3" of shoreline. The denuded area extended approximately 11' landward of the normal high water line. Comparison of the June 8, 2000 photographs of the Property with current site conditions indicate that at least 4 large trees and several shrubs were removed from the denuded area and that additional shrubs were removed from the area where the waterline was installed in the bank. During the inspection, DES personnel observed that the areas were vegetation had been removed showed a high potential for erosion. Pursuant to RSA 483-B, a healthy, well-distributed stand of trees, saplings, shrubs and ground cover must be maintained within 150 ft of the reference line (elevation 504.32 on Lake Winnipesaukee).

4. A review of DES records indicates that the Department has not received a copy of the Permit recorded with the Registry of Deeds Office as required by Specific Condition #7 of the Permit.

http://www.state.nh.us

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

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review. The restoration plan should include provisions for removal of the Patio and vegetative stabilization.of the denuded area and areas disturbed by installation of the waterline and Patio. Submit the following with the restoration plan:

a. A plan, dimensioned or drawn to scale, showing:
   1. Existing conditions including the location of all structures on the frontage, the abutting property lines and the normal high water line (elevation 504.32 on Lake Winnipesaukee); and,
   2. The removal of the Patio and revegetation of disturbed areas;

b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration areas;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration areas;

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date; and,

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

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

3. Within 30 days of the date of this letter submit a plan and proposal to DES to retain a 6' x 40' seasonal pier on the frontage. DES will require that you reduce the docking facility to no greater than 6' x 40' at the time of the next repairs to the docking facility.

4. Within 30 days of the date of this letter submit a copy of the recorded Permit to DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, 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 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

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,

COPY

D. Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL # 7003 2260 0005 9209 9345

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