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 2005-32

October 03, 2005

David J Gale
678 Old Homestead Hwy
East Swanzey, NH 03446

RE: DES Wetlands File #2005-01983 647 & 649 West Swanzey Rd, Swanzey

Dear Mr. Gale:

On September 22, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Swanzey, Tax Map 73 as Lot 26 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 8800 square feet of fill had been placed in a wetland,
2. A ditch measuring approximately 110 feet long and 5 feet wide had been excavated on the south side of the property.

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

1. By December 1, 2005, submit a restoration plan to DES for review and approval, prepared by a Certified Wetland Scientist. The restoration plan shall include provisions for removing the recent fill and restoring the wetland to its original grade and vegetation on the Property and for stabilizing the ditch. Submit the following with the restoration plan:

a. A plan with dimensions, drawn to scale, showing:
1. Existing conditions, with wetland boundaries; and
2. Proposed conditions after reestablishing the jurisdictional areas;

b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) to be installed prior to the start of restoration activities;

c. A detailed description of the method to be used for removal of the fill;

d. A detailed description of the type and quantity of wetland seed mix for the stabilization of the ditch and a proposed planting plan for the revegetation of the restoration area; and

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

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. 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:

Dawn Buker, Compliance Specialist
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) 271-4066 or email me at dbuker@des.state.nh.us.

Sincerely,

COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 7999

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