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 #2005-0028

September 26, 2005

David & Cheryl Labrie
26 Tates Brook Road
Somersworth, NH 03878

RE: Wetlands Bureau Complaint File #2005-2072, Labrie, 26 Tates Brook Road, Somersworth Tax Map D6 / Lot 24-83.

Dear David & Cheryl Labrie:

As you are aware, on September 15, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town of Somersworth Tax Map D6 as Lot 24-83 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

It has been determined that filling of approximately 10,000 sq. ft. of freshwater wetlands took place on the property without a permit from the DES Wetlands Bureau.

DES requests that you take the following action:

1. Retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.

2. Submit both the existing conditions plan, and a restoration plan no later than **October 26, 2005** for review and approval including:

   a. A plan with dimensions for the removal of the unpermitted fill in wetlands as quantified above and regrading the disturbed areas to original contours;
   b. Planting plan for the stabilization of the removal areas;
   c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
   d. Construction sequence and timetable for accomplishing remediation no later than **November 26, 2005**.

3. Retain a qualified wetland consultant to supervise and execute the requests of this letter.

4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

NHDES Wetlands Complaint File #2005-2072

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, 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.

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:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
50 International Drive
Suite 200
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at *dprice@des.state.nh.us*.

Sincerely,

Dori Wiggin
East Region Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7002 2410 0001 6279 1208

cc: Rene Pelletier, Manager, Land Resources Management Program
DES Legal Unit
Tracey Boisvert, DES Wetlands Bureau
Somersworth Conservation Commission
NH Soil Consultants, Inc.