The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
WET 06-038

May 3, 2006

Annette Davidson
73 Charles St
New York, NY 10014

RE: DES Wetlands File #2003-00735 75 Tuttle Rd, Chesterfield

Dear Ms. Davidson:

On March 16, 2006 and April 18, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Chesterfield Tax Map 10 as Lot B2 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

Following the March 16, 2006, site inspection you and your contractor BC Construction agreed to voluntarily bring the site into compliance with the permit conditions and immediately stabilize the site.

During the April 18, 2006 site inspection the following deficiencies were documented:

1. Hay bales and silt fence had been placed in the stream channel creating a "dam" and restricting water flow.
2. The recently dredged pond has not been stabilized, the water in the pond was turbid and was discharging silty water.
3. The sides of the pond had not been stabilized. Some areas around the perimeter of the pond had been sparsely mulched. No vegetation or erosion control blankets had been placed over the bare soils on the sides of the pond to prevent erosion or siltation of the pond.
4. Silty water was observed to be pooled behind the hay bale "dam" in the stream channel. Silt deposition on the vegetation along the stream channel indicates that the silty water is being discharged downstream.
5. Approximately 15 linear feet of sediment deposition, 1-2 inches thick was observed in the stream channel downstream of the dam outlet.
6. The intermittent stream was observed to flow around the berm in the diversion ditch and not into the pond as depicted on the plans for the approved permit.
7. A posted copy of the permit could not be located on site.

The following conditions of the Wetlands and Non-Site Specific Permit # 2003-0735 have not been adhered to:

1. Specific condition #2 provides that this permit is contingent on approval by the DES Dam Safety Program for any work directly related to the outlet. This permit was not obtained prior to reconstruction of the outlet structure.
2. Specific condition #4 requires that appropriate siltation, erosion and turbidity controls shall be in place prior to construction and shall remain in place until the area is stabilized.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-2147 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

3. Specific condition #5 requires that all steps necessary be taken to ensure that no water quality violations on the Property.
4. Specific condition #12 requires that within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting.
5. General condition #1 requires that a copy of this permit be posted on site in a prominent location visible to inspecting personnel.

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

1. **Within 15 days of receipt of this Letter of Deficiency**, submit a sediment and erosion control plan to DES for review and approval. Have the restoration plan prepared by a professional, certified by CPESC in erosion and sediment control and include provisions for immediately stabilizing the pond and areas adjacent to the pond, removing the hay bale "dam" in the stream channel, reducing the turbid water discharge and reestablishing the original hydrology of the intermittent stream on the Property. 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, including the intermittent stream channel;
3. Location and type of proposed siltation, erosion and turbidity controls.

b. A detailed description of the proposed means of erosion control and stabilization of the restoration area. This shall include both immediate temporary and permanent measures;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis);

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date no later than June 1, 2006;

e. A description of the method of documenting site stability and restoration of the jurisdictional areas on the Property. This should include at a minimum an initial monitoring progress report within 10 days of completion of the stabilization and restoration activities and monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Immediately retain a qualified erosion and sediment control specialist, certified by CPESC, to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. 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, Wetlands Compliance Inspector
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 Dawn Buker at (603) 271-4066.

Sincerely,

COPY for

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 5511

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Chesterfield Conservation Commission
Chesterfield Board of Selectmen
USACOE
Bill Couts, BC Construction