The State of New Hampshire

Department of Environmental Services

Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
WET 06-034

April 14, 2006

Richard and Marjorie Hallberg
1 Mayhew Turnpike
Bridgewater, NH 03222

RE: DES Wetlands File #2006-00730 Whittemore Heights Road, Bridgewater

Dear Mr. and Ms. Hallberg:

On April 5, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Bridgewater Tax Map 113 as Lot 7.3 (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. A dry hydrant and associated piping had been installed in a pond without a permit from DES;

2. A 120' long culvert had been installed in a pond and associated wetland without a permit from DES; and

3. Approximately 60' linear feet of rock had been placed in the pond without a permit from DES.

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

1. By April 28, 2006, retain a certified wetland scientist to prepare an after-the-fact dredge and fill application to retain the dry hydrant and to develop a restoration plan to remove the rock, fill, and culvert from the pond. Submit the name and address of the certified wetland scientist to DES in writing by April 28, 2006.

2. By May 28, 2006, submit the after-the-fact application and restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removal of the culvert, rock, and fill from the wetland and surface water. 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.*) and stabilization of the restoration area;

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; 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.

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 imposition of 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:

Linda Magoon
DES Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at *lmagoon@des.state.nh.us*.

Sincerely,

COPY for

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 1820 0005 8303 0224

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Eric Thomas, DES Subsurface Bureau
Bridgewater Conservation Commission
Bridgewater Board of Selectmen
USACOE