The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
SP 06-012

July 12, 2006

Daniel P Regan
40 Partridge Rd
Windham, NH 03087

RE: DES Wetlands File #2005-02342 93 Algonquin Rd, Enfield

Dear Mr. Regan:

On June 9, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Enfield Tax Map 44 as Lot 30 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800 and RSA 483-B, the Comprehensive Shoreland Protection Act (CSPA) and NH Code of Admin. Rules Env-Ws 1400-1411.

Based on the inspection and further file review, the following deficiencies were documented:

1. DES documented a sloped beach measuring approximately 36.5 feet by 14 feet along the immediate shoreline with a retaining wall measuring approximately 47 feet long immediately landward of the sloped beach. DES has no record of a permit issued for this beach.

2. A stone retaining wall had been constructed over a pre-existing concrete pad along the shoreline with a portion of the stone retaining wall measuring approximately 5 feet by 1.5 feet extending from the concrete pad into the lake. DES has no record of a permit issued for this work.

3. DES documented an enclosed porch measuring approximately 12 feet wide by 13.5 feet deep located approximately 43.5 feet from the reference line, of which approximately 78 square feet of the enclosed structure is located between the primary building line setback and the reference line.

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

1. Within 45 days of receipt of this Letter of Deficiency, submit a stamped survey plan documenting the reference line, primary building line and the foot print of the primary residence to include all decking and the enclosed porch. For any portion of the enclosed porch located between the primary building line and the reference line, provide a plan to remove the portion of the enclosed porch which extends lakeward of the primary building line. (According to tax records, the enclosed, finished porch was added to the lakefront side of the house in 2003).

2. The deficiencies documented for beach and wall construction will be reviewed under permit application #2006-01509, received by DES on June 19, 2006, in accordance with RSA 482-A and the applicable rules under Env-Wt 100-800.
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

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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:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
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 Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 8074

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Enfield Conservation Commission
Enfield Board of Selectmen
USACOE
DES Wetland File #2006-1509