

TM 115-002-000

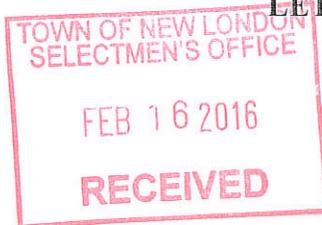


The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

**LETTER OF DEFICIENCY  
LRM 16-004**



February 10, 2016

Raul & Karen LLC  
12 Academy St #4  
New Haven, CT, 06511

**RE: Land Resources Management File #2015-03302 (EMD 3105), 29 Boulder Point, New London, Tax Map 15/Lot Number 2**

TM 115-002-000

Dear Raul & Karen LLC:

On December 15, 2015 personnel from the Department of Environmental Services (DES) Land Resources Management Program conducted an inspection of the above-referenced property. The purpose of the inspection was to determine compliance with RSA 482-A, the NH Wetlands statute and applicable rules adopted under that statute. More specifically, the purpose of the inspection was in response to concerns brought to DES concerning the recent reconstruction of the bath house / cottage without a permit from DES.

During the inspection, DES personnel observed and documented the following:

1. A rock "pad" at the toe of the slope of the foundation of the bath house was constructed in the water of Lake Sunapee. The rock pad measured approximately six feet wide by approximately 30 feet long for a total of approximately 180 square feet. This is a violation of RSA 482-A:3, I(a), which states *"No person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."*
2. The stone foundation of the bath house appeared to have been reconstructed lakeward in the water of Lake Sunapee. The foundation measured approximately 25.5 feet long by approximately 10 feet high for a total of approximately 255 square feet. This is also a violation of RSA 482-A:3, I(a).
3. A "bump-out" in the decking in the living space of the bath house also appeared to have been constructed lakeward over the water of Lake Sunapee. The bump-out measured approximately 14.4 feet long by approximately 2.9 feet wide for a total of approximately 41.76 square feet. This is a violation of RSA 482-A:26 I, which states *"No person shall construct any structure suitable for use as a dwelling if the structure or any part of the structure extends beyond the shoreline of any public water or publically-owned waterbody."* RSA 482-A:26, IV(b) states "Shoreline" means the shoreline which exists when the surface of the water is at the mean high water level. The natural mean high water mark of Lake Sunapee is 1094.15 feet.

On December 22, 2015, DES issued a Notice of Findings noting that as a result of the inspection, more information was necessary to determine if violations of RSA 482-A had occurred. DES received this additional information on January 14, 2016.

In order to determine the full extent of violations on the property it is necessary to determine where the location of the Natural Mean High Water Mark is in relation to the work done to this structure. Therefore, DES requests the following:

1. By **March 18, 2016**: Please submit a surveyed plan, drawn to scale and stamped by a licensed surveyor depicting the structural footprint of the bath house / cottage, the upper decking, the foundation, and the fill for the foundation in relation to the Natural Mean High Water Mark of 1094.15 feet.

DES reserves the right to issue further compliance actions based upon review of the stamped, surveyed plan and determination of the full extent of violations on the property.

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 from DES.

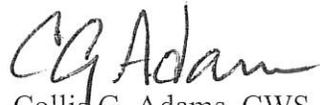
If compliance is not achieved within this period, DES may take further action against you including issuing an order requiring that the deficiencies be corrected and/or referring the matter to the New Hampshire Department of Justice for injunctive relief. DES personnel may re-inspect the property at a later date to determine whether you have come into, and are maintaining, full compliance with applicable laws and rules. DES reserves the right to pursue monetary penalties for the deficiencies noted in this letter as well as any deficiencies noted in subsequent inspections of the property.

Please address all documents, correspondence and submissions in response to the foregoing requests to DES, as follows:

Jen Drociak, Compliance Specialist  
Land Resources Management Program  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

If you have any questions about this letter, please contact Jen at (603) 271-4062 or by e-mail at [jen.drociak@des.nh.gov](mailto:jen.drociak@des.nh.gov).

Sincerely,



Collis G. Adams, CWS, CPESC  
Administrator  
Wetlands Bureau

CERTIFIED MAIL: 7012 0470 0001 6069 8610

cc: DES Legal Unit  
New London Board of Selectmen ✓  
New London Conservation Commission

cc: Rene Pelletier, Asst. Director, Water Division