

TM 103, Lot 12



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



TOWN OF NEW LONDON  
SELECTMEN'S OFFICE  
JUL 24 2015  
RECEIVED

Thomas S. Burack, Commissioner

LETTER OF DEFICIENCY  
LRM 15-018

July 20, 2015

William, Judith & David Breed  
21.5 Lyme Road  
Hanover, NH 03755

**RE: Land Resources Management File #2015-01284 (EMD 2917 ) 47 Moyahs Ln, New London, Tax Map 103 / Lot 12**

Dear William, Judith & David Breed

On July 14, 2015, personnel from the Department of Environmental Services (DES) conducted an inspection of the above-referenced property. The purpose of the inspection was to determine compliance with RSA 482-A, NH Wetlands Law, RSA 483-B, NH Surface Water Quality Protection Act, and applicable rules relative construction and / or reconstruction on your property without one or more permits from DES.

During the inspection, DES personnel observed the following deficiencies:

1. A wooden handicap ramp had been constructed in Wetlands jurisdiction (from the top of the rock retaining wall to the beach) without a permit from DES, a violation of RSA 482-A:3.
2. A wooden porch, stairs, and ramp had been constructed off the side of the house in Shoreland jurisdiction without a permit from DES, a violation of RSA 483-B:5.
3. A rock retaining wall had begun to be partially reconstructed in Wetlands jurisdiction without a permit from DES, a violation of RSA 482-A:3.

Subsequently, before the inspection on July 14, 2015, DES personnel issued Mr. David Breed a letter on June 1, 2015 requesting that by June 29, 2015, a Wetlands permit application be completed and submitted to DES for the reconstruction of the rock retaining wall. DES records indicate this was never received.

DES believes these deficiencies can be corrected by taking the following action(s):

1. By **August 14, 2015**, please retain a certified wetland scientist or qualified environmental professional to complete and submit a Shoreland Impact Permit application for item #2 above, and a Wetlands Permit application for items #1 and #3 above. Please inform DES of the name and contact information of the qualified environmental professional retained.
2. By **September 11, 2015**, please have the qualified environmental professional submit the Shoreland Impact and Wetlands Permit applications to DES for the work conducted without a permit above.

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.

RSA 483-B, the New Hampshire Surface Water Quality 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 waters. RSA 483-B and Env-Wq 1400 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

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.

If compliance is not achieved within this period, DES may take further action 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  
29 Hazen Drive / PO Box 95  
Concord, NH 03302-0095

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

Sincerely,

  
Collis G. Adams, CWS, CPESC  
Administrator  
Wetlands Bureau

CERTIFIED MAIL: 7007 3020 0000 5327 9955

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

ec: Rene Pelletier, Asst. Director, Water Division