



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



March 14, 2002

**REVISED RESTORATION PLAN APPROVAL**

Kevin Price  
Ossipee Realty Corporation  
d/b/a Ossipee Lake Marina  
65 Marina Road  
Ossipee, NH 03836

RE: File # 1998-01483

Dear Mr. Price:

On August 2, 2001, the Department of Environmental Services ("DES") received a proposed site restoration plan (the "Restoration Plan") for your property located off Alvino and Charles Roads, more particularly described on Town of Freedom Tax Map 31A as Lot (the "Property"). On October 26, 2001 DES issued a Restoration Approval letter to address the wetlands violations that were the subject of DES enforcement action, specifically, for filling a wetland without a permit from DES. The October 26, 2001 restoration approval **incorrectly authorized the construction of a boardwalk** as a part of the August 2, 2001 Restoration Plan.

DES is issuing this revised Restoration plan being issued to supercede and revoke the prior October 26, 2001 Restoration Approval letter. **Construction of the boardwalk and any other associated docking facility would be entertained separately only after submission of a standard dredge and fill application and proposal with DES.** Please be advised that, because the boardwalk is shown to be closer than 20' from the mean high water level, the Comprehensive Shoreland Protection Act may prohibit this construction. Because of this, construction of the boardwalk is not authorized by DES. In addition, for proposed dock or marina construction, review of Wt 400 should be made prior to application submittal.

DES hereby approves the Restoration Plan *except for construction of the boardwalk*, subject to the following specific conditions. If there is a conflict between the Restoration Plan and this Revised Restoration Plan Approval, the Revised Restoration Plan Approval will control.

1. Approximately 3,000 sq.ft. of wetlands shall be restored and/or created, constructed, monitored and managed in accordance with the Restoration Plan drawn by Gary Flaherty & Associates dated July 18, 2001 and received by DES on August 2, 2001 except for boardwalk construction.
2. The construction/restoration shall be done according to the Restoration Plan *except for construction of the boardwalk* and as conditioned by this Revised Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
3. All persons involved in restoration activities on the Property shall have read and become

**familiar with the provisions of the Restoration Plan and this *Revised Restoration Plan Approval* prior to beginning restoration work on the Property. A copy of the Restoration Plan and this **Revised Restoration Plan Approval** shall be kept posted at the Property during the time restoration work continues on the Property. -**

4. Siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

5. A certified wetland scientist shall supervise the restoration activities on the Property to ensure that the restoration is activities on the Property is accomplished pursuant to this Revised Restoration Plan Approval.

6. All material removed during restoration activities shall be removed down to the level of the original hydric soils.

7. All material removed during restoration activities shall be placed out of DES's jurisdiction.

8. All steps shall be taken during the construction/restoration necessary to assure that no water quality violations occur on the Property.

9. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.

10. This Restoration Plan Approval does not relieve the owner from the obligation to obtain other local, state or federal permits that may be required.

11. Transfer of ownership of the Property shall require notification to DES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, if required, prior to such transfer of ownership.

12. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.

13. The qualified wetlands consultant shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 20 days of the projected restoration compliance date, but in no event shall the initial monitoring report be submitted later than June 15, 2002 . The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.

14. Remedial measures may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.

DES personnel may conduct another inspection at a later date to determine compliance with the provisions of the approved restoration plan and all other applicable DES statutes and rules.

Following completion of the restoration work, monitoring reports should reference DES File Number 1998-01483, and should be addressed as follows:

Department of Environmental Services  
Water Division, Wetlands Bureau  
6 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Attn: Earle Chase

If you have any questions concerning the contents of this Revised Restoration Plan Approval letter, please do not hesitate to contact Earle or myself. I can be reached at (603) 271-2147.

Sincerely,



Mary Ann Tilton  
Senior Enforcement Officer  
DES Wetlands Bureau

cc: Freedom Conservation Commission  
Freedom Board of Selectmen  
Gary Flaherty, Flaherty and Associates  
Representative David Babson  
David Smith  
Rene Pelletier