



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



**LETTER OF DEFICIENCY
LRM 20-006**

February 24, 2020

Ice Castles LLC

RE: Land Resources Management File #2020-00163, 24 Clark Farm Road, North Woodstock, Tax Map 105/Lot 10

Dear Mr. Davis:

On December 4, 2019, personnel from the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program conducted an inspection of the above-referenced property. The purpose of the inspection was to follow up on inspections performed on April 24 and May 3, 2019, observe current construction activities, and determine whether the site was being constructed and managed in compliance with the conditions of Alteration of Terrain permit AoT-1499, issued by NHDES on October 5, 2018. The approval of AoT-1499 incorporated plans by Pathways Consulting, LLC entitled "Alteration of Terrain Plans for Ice Castles, LLC", dated August 2018, latest revisions dated October 5, 2018 (hereinafter referred to as permitted plans).

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

1. A sediment pond and trenches had been constructed on the east side of the parking lot. This is in the approximate location of what appears on the permitted plans as 'pocket pond' and 'sediment basin 2'. A second sediment pond was constructed to the northeast of the north end of the parking area identified on the permitted plans. This pond does not appear on the permitted plans. Several stormwater management features on the permitted plans have not been constructed on site including: sediment and infiltration basin 1, grass swales in parking area, and a rain garden near an existing barn structure. Previously, during the April 24, 2019 inspection, NHDES documented that no permanent stormwater management features had been installed at that time.

In accordance with Alteration of Terrain rule Env-Wq 1505.02, stormwater management features must be installed before grading the site, and the features must be stabilized before directing run-off to them.

In accordance with Alteration of Terrain rule Env-Wq 1503.21(d)(5)a: changes to a stormwater management system cannot be made without receiving either a new permit or permit amendment.

2. New wetlands flagging had been placed to the northwest and west of the north end of the parking area identified on the permitted plans. An Ice Castle representative stated that this wetland delineation was done in 2019. Wetlands flagging appears to show an expansion of wetland boundaries identified on the AoT permit application plans. Some impacts to the wetlands within this flagged area were observed. These included a new road crossing of the flagged wetlands on the northwest side, and construction of an ice castle structure within wetlands flagged on the west side. Additionally, on the south side of the property near the existing barn structure, silt fence had been placed in the wetlands, rather than around the perimeter as shown on the permitted plans. In addition, an Ice Castle representative indicated that horse drawn wagon rides were being offered in an area that required crossing a jurisdictional area identified as Gordon Pond Brook. No bridge or other type of crossing was in place at the site of the crossing.

The NHDES has no record of the issuance of a wetlands permit for the wetlands impacts observed on the site. According to the NH Wetlands statute RSA 482-A:3 I. (a) '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.'

NHDES believes these deficiencies can be corrected by taking the following actions:

1. Please submit monitoring reports prepared by a CPESC or P.E. to NHDES once every week and/or within 24 hours of rainfall in excess of 0.50 inches, until otherwise requested by NHDES, **beginning immediately**.
2. **By April 15, 2020**, please submit to NHDES either a permit amendment or a new Alteration of Terrain permit application. Consult Env-Wq 1503.22(c) which explains the criteria for qualifying for a permit amendment. If the changes requested do not meet the criteria, a new permit application is needed. The application must be prepared by a P.E. in accordance with Env-Wq 1500.
3. **By April 15, 2020**, please submit to NHDES a plan containing the wetlands delineation performed on the property in 2019, and identifying any impacts made to wetlands. This plan must be prepared and stamped by a Certified Wetlands Scientist.

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 NHDES.

RSA 485-A was enacted to protect water supplies, to prevent pollution in the surface and groundwaters of the state, and to prevent potential health hazards.

If compliance is not achieved within this period, NHDES 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. NHDES 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. NHDES 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 NHDES, as follows:

Amy Hudnor
Land Resources Management Program
Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
e-mail: amy.hudnor@des.nh.gov

Should you have any questions regarding this letter, please contact Amy at Amy.Hudnor@des.nh.gov or (603) 271-6876.

Sincerely,



Ridgely Mauck, P.E.
Administrator
Alteration of Terrain Bureau

CERTIFIED MAIL: 7017 2680 0000 0644 6881

cc: NHDES Legal Unit
Woodstock Select Board/Conservation Commission
Pathways Consulting

ec: Rene Pelletier, Assistant Director, NHDES Water Division
Jeffrey Blecharczyk, Compliance Supervisor, NHDES Land Resources Management