

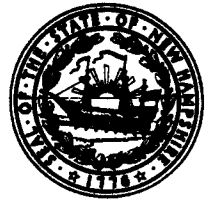


State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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

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

October 26, 2001



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"). This site has been the subject of DES enforcement action for filling a wetland without a permit from DES. DES hereby approves the Restoration Plan as submitted, subject to the following specific conditions.

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.
2. The construction/restoration shall be done according to the Restoration Plan and as conditioned by this 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 Restoration Plan Approval prior to beginning restoration work on the Property. A copy of the Restoration Plan and this 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 qualified wetlands consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this 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 December 1, 2001. 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. A second monitoring report is due on August 1, 2002 to ensure that the restoration area has become successfully established as a wetland as defined by the Corps of Engineers Wetlands Delineation Manual dated January 1987.

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 Restoration Plan Approval letter,

please do not hesitate to contact me. 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  
David Smith  
Rene Pelletier, Land Resources Manager  
Representative David Babson