

BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

crberry@metrocast.net

January 11, 2023

City of Rochester Planning Office
Attention: Ryan O'Connor, Senior Planner
33 Wakefield Street
Rochester, NH 03867

RE: Knox Marsh Development LLC
20 Flat Rock Bridge Road
Conservation Commission #1 Submission

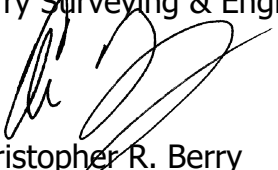
Mr. O'Connor,

As you know the abutting land owner has caused damage to the buffer and wetlands located on my clients project site. As you have instructed, we are filing for a conditional use permit to restore the area that is located on our subject parcel. Enclosed is the Conditional Use Application, attachments, and a plan demonstrating the areas currently impacted. The restoration of the buffer will depend on how NHDES and our wetlands scientist determine the methodology used to restore the wetlands. We assume at a minimum the buffer will be re-set to the original grade, loamed and seeded with the revised conservation mix, and planted with native plantings to re-establish its function and value to the wetland.

Enclosed please find:

- 10 Half Scale Site Plans, applications and attachments, and project site plan for reference.

Berry Surveying & Engineering


Christopher R. Berry
Principal, President

Application for Conditional Use
Conditional Uses and Buffer Reductions
Section 42.19 - Conservation Overlay District
City of Rochester, NH

Date: 1-11-23

Property information

Tax map #: 210 ; Lot #(s): 64; Zoning district: R1 & HC

Property address/location: 20 Flat Rock Bridge Road

Name of project (if applicable): Oldenburg Drive

Property owner

Name (include name of individual): Knox Marsh Development LLC, Robert Baldwin

Mailing address: 242 Central Ave., Dover, NH 03820

Telephone #: 603-986-2373 Fax

Applicant/developer (if different from property owner)

Name (include name of individual): Same Mailing
address:

Telephone #: Fax #:

Engineer/designer

Name (include name of individual): Berry Surveying & Engineering, Kenneth A. Berry PE,
LLS, Christopher R. Berry Project Manager

Mailing address: 335 Second Crown Point Road, Barrington, NH 03825

Telephone #: 603-332-2863 / 603-781-3403 Fax #:

Email address: k.berry@berrysurveying.com crberry@metrocast.net

Professional license #: PE 14243, LLS 805

Proposed Project

Please describe the proposed project: Restore wetlands and buffer on the project site previously
disturbed by the abutting land owner.

Please describe the existing conditions: The wetland has been partially disturbed due to the
removal of loam and stockpiling of materials. Parts of the buffer on the subject parcel have been disturbed.

Please fill in **one of the next two sections – for either Conditional Uses or Buffer Reductions**

Conditional Uses

For Conditional Uses only, justify the proposal in terms of each of the criteria below (in accordance with subsection 42.19 (i) (1) (A)). All four criteria must be satisfied.

(i) The proposed construction is essential to the productive use of land not in the COD.

This project is for the restoration of a wetland and a buffer, not required disturbance for a project design.

(ii) Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.

A restoration plan and permit is being developed for the wetlands areas and will be done in concert with NHDES. The disturbed buffer will be regraded, seeded with an updated conservation mix, and planted with shrubs and trees as specified by the wetlands scientist.

(iii) There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.

Feasibility is not a consideration for this type of restoration project.

(iv) Economic advantage is not the sole reason for the proposed location of work.

_Whereas this project is not due to the development of a site, economics are not a factor. This disturbance was not conducted by the owner of the site.

(Buffer Reductions on next page)

Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner), *and/or* the agent.

I (we) hereby submit this Conditional Use application to the City of Rochester Conservation Commission and Planning Board pursuant to the City of Rochester Zoning Ordinance and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant/developer (if different from property owner)/as agent, I attest that I am duly authorized to act in this capacity.

Signature of property owner: _____



Date: 1-11-23_____

Signature of applicant/developer: _____

Date: _____

Signature of agent: _____

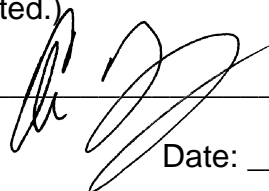


Date: _____1-11-23

Authorization to enter subject property

I hereby authorize members of the Rochester Conservation Commission and Planning Board, and other pertinent City departments, boards and agencies to enter my property for the purpose of evaluating this application including performing any appropriate inspections. This authorization applies specifically to those particular individuals legitimately involved in evaluating, reviewing, or inspecting this specific application/project. It is understood that these individuals must use all reasonable care, courtesy, and diligence when entering the property. (It is not necessary to sign this provision if a Planning Board application has been submitted.)

Signature of property owner: _____

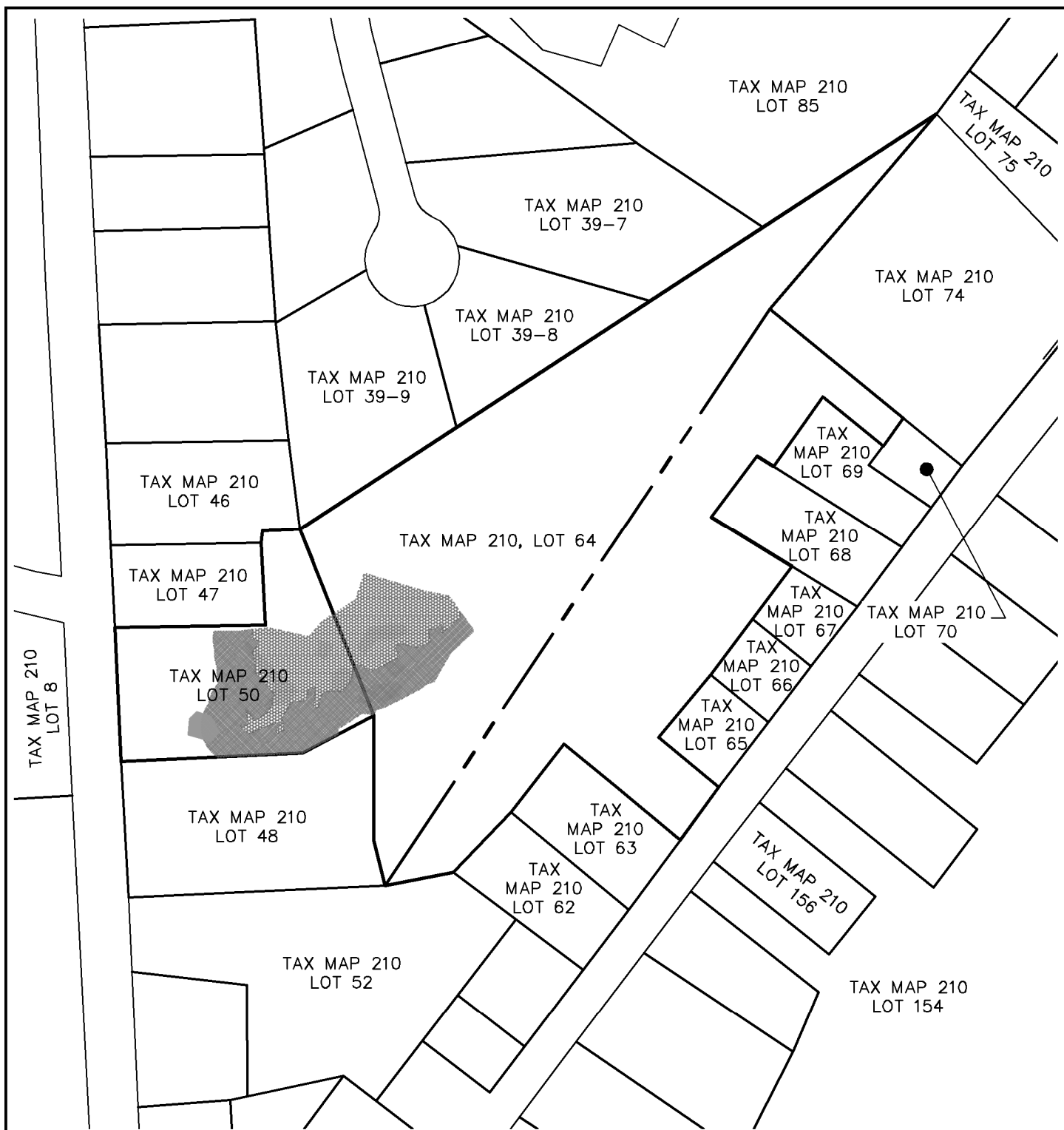


Date: _____1-11-23

Conservation Commission Recommendation:

Name of project

5



TAX MAP
KNOX MARSH DEVELOPMENT LLC
FLAT ROCK BRIDGE ROAD
ROCHESTER, N.H.
TAX MAP 210, LOT 64

REV. DATE:

BERRY & SURVEYING
ENGINEERING

335 SECOND CROWN POINT RD.
BARRINGTON, N.H. 332-2863

SCALE : NONE

DATE : JANUARY 11, 2023

FILE NO. : DB 2022-028

TAX MAP 210, LOT 8

CASTELLANO, STEPHEN C. &
KATHERINE M.
51 LAKESHORE DR
STRAFFORD, NH 03884

TAX MAP 210, LOT 39-7

OKEEFE, MICHAEL A.
20 KODIAK CT
ROCHESTER, NH 03868

TAX MAP 210, LOT 39-8

BOWER, LAWRENCE D. III &
SHIELA G.
25 KODIAK CT
ROCHESTER, NH 03868

TAX MAP 210, LOT 39-9

BERTSIMAS, MARTHA S.
23 KODIAK CT
ROCHESTER, NH 03868

TAX MAP 210, LOT 46

FAZEKAS ERVIN REVOC TRUST &
VESSELS, SUSANNA
51 ESSEX ST
SANFORD, ME 04073

TAX MAP 210, LOT 47

FAZEKAS ERVIN REV TRUST
FAZEKAS KATHLEEN A REV TRUST
141 WAKEFIELD ST
ROCHESTER, NH 03867

TAX MAP 210, LOT 48

PACKYS INVESTMENT
PROPERTIES, LLC
PO BOX 77
FARMINGTON, NH 03835

TAX MAP 210, LOT 50

WE DIG IT EXCAVATING &
TRUCKING LLC
7 DAVIS BLVD
ROCHESTER, NH 03868

TAX MAP 210, LOT 52

OKEEFE MARTIN AUCTIONS
PARTNERSHIP
88 MILTON RD
ROCHESTER, NH 03867

TAX MAP 210, LOT 62

MAYOTE, TINA L.
16 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 63

REARDON, DONALD & RACHEL
18 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 65

NICHOLS, RONALD W.
22 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 66

COOK, DALE R. JR
22A FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 67

AMORIM, DEREK
24 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 68

AMORIM, EDISON A.
30 RIVERLAWN AVE
ROCHESTER, NH 03868

TAX MAP 210, LOT 69

HOUSE, GERALDINE I.
28 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 70

EMERY, KELLY
30 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 74

NYE, KEITH B.
32 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 75

NICKLESS, JAMES J. AND DONNA L.
36 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03868

TAX MAP 210, LOT 85

63 SALMON FALLS LLC
761 WASHINGTON RD
RYE, NH 03870

TAX MAP 210, LOT 154

SMITH, NATHAN M.
56 CRANBERRY MEADOW RD
BERWICK, ME 03901

TAX MAP 210, LOT 156

ZIELFELDER, TIMOTHY R.
19 FLAT ROCK BRIDGE RD
ROCHESTER, NH 03867

ABUTTERS
KNOX MARSH DEVELOPMENT LLC
FLAT ROCK BRIDGE ROAD
ROCHESTER, N.H.
TAX MAP 210, LOT 64

REV. DATE:

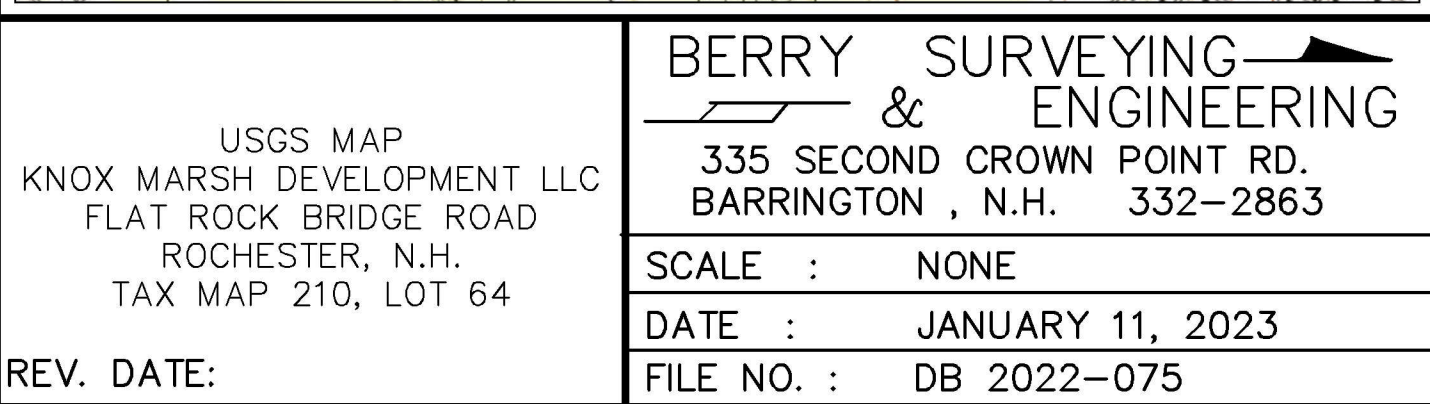
BERRY SURVEYING & ENGINEERING

335 SECOND CROWN POINT RD.
BARRINGTON, N.H. 332-2863

SCALE : NONE

DATE : JANUARY 11, 2023

FILE NO. : DB 2022-075



#1



#2



#3



#4



#5



#6



PROJECT PICTURES
KNOX MARSH DEVELOPMENT LLC
FLAT ROCK BRIDGE ROAD
ROCHESTER, N.H.
TAX MAP 210, LOT 64

REV. DATE:

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335 SECOND CROWN POINT RD.
BARRINGTON , N.H. 332-2863

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#7




#8



PROJECT PICTURES
MHG 4 FUND, LLC
287 ROCHESTER HILL ROAD
ROCHESTER, N.H.
TAX MAP 254, LOT 18

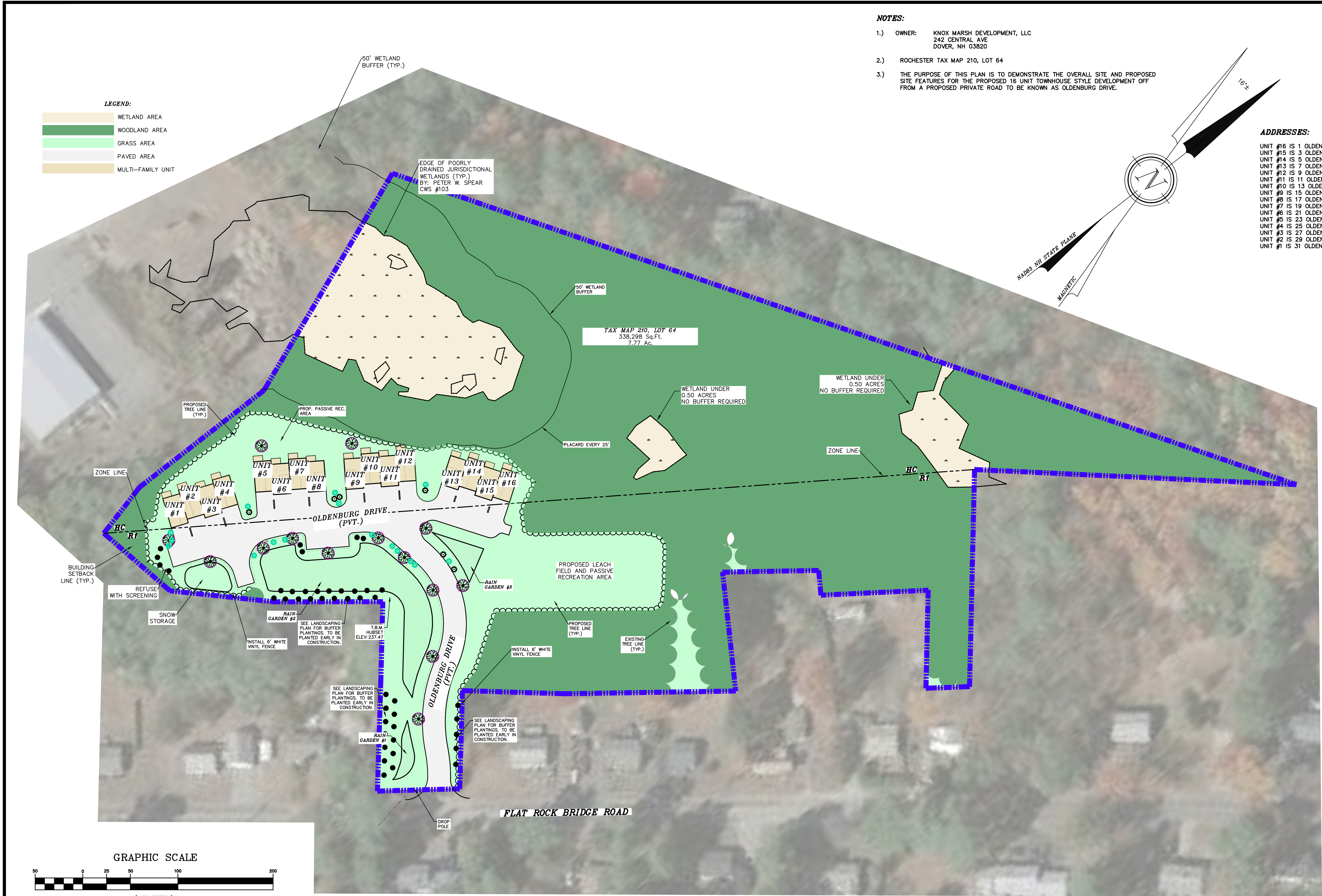
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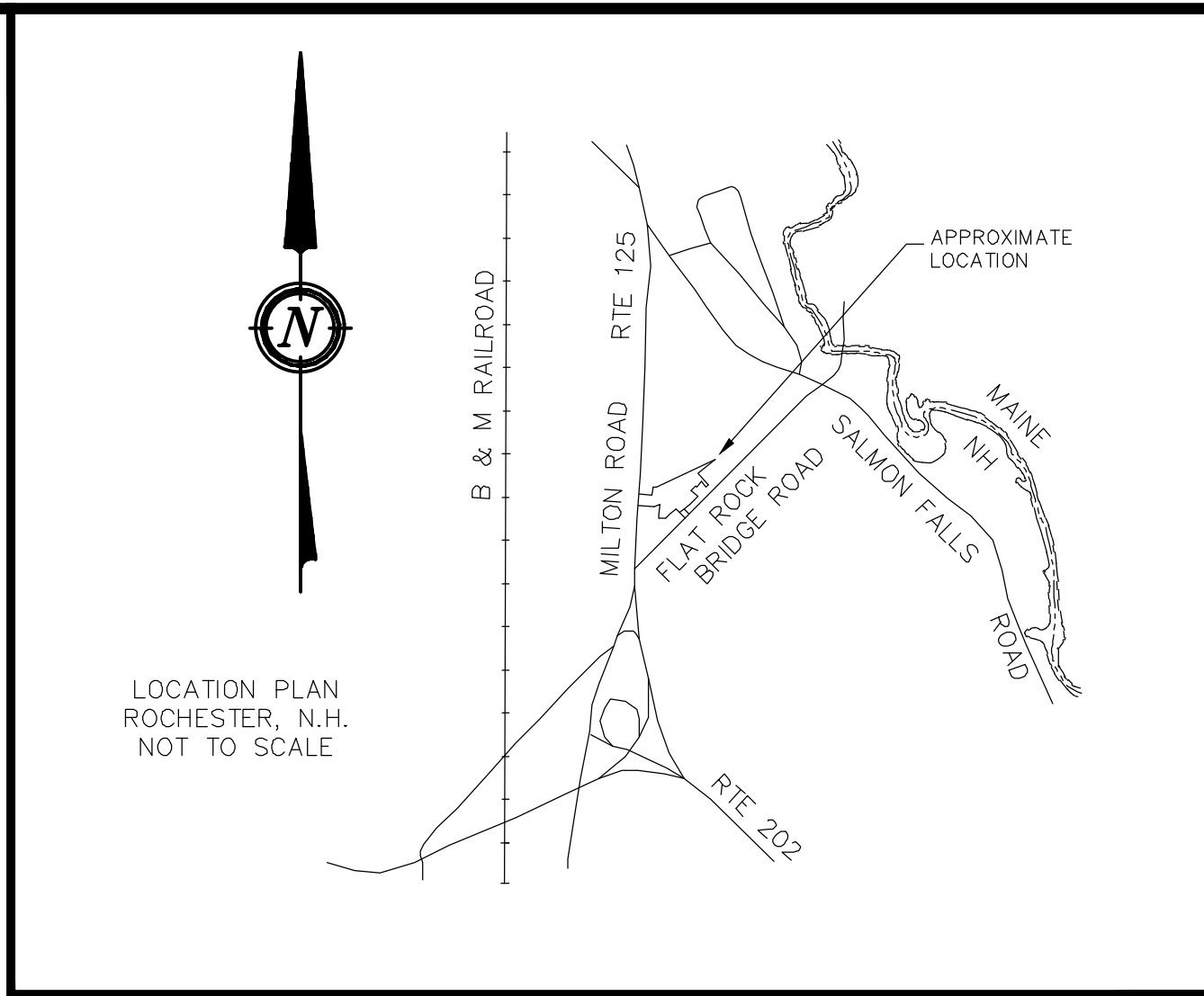
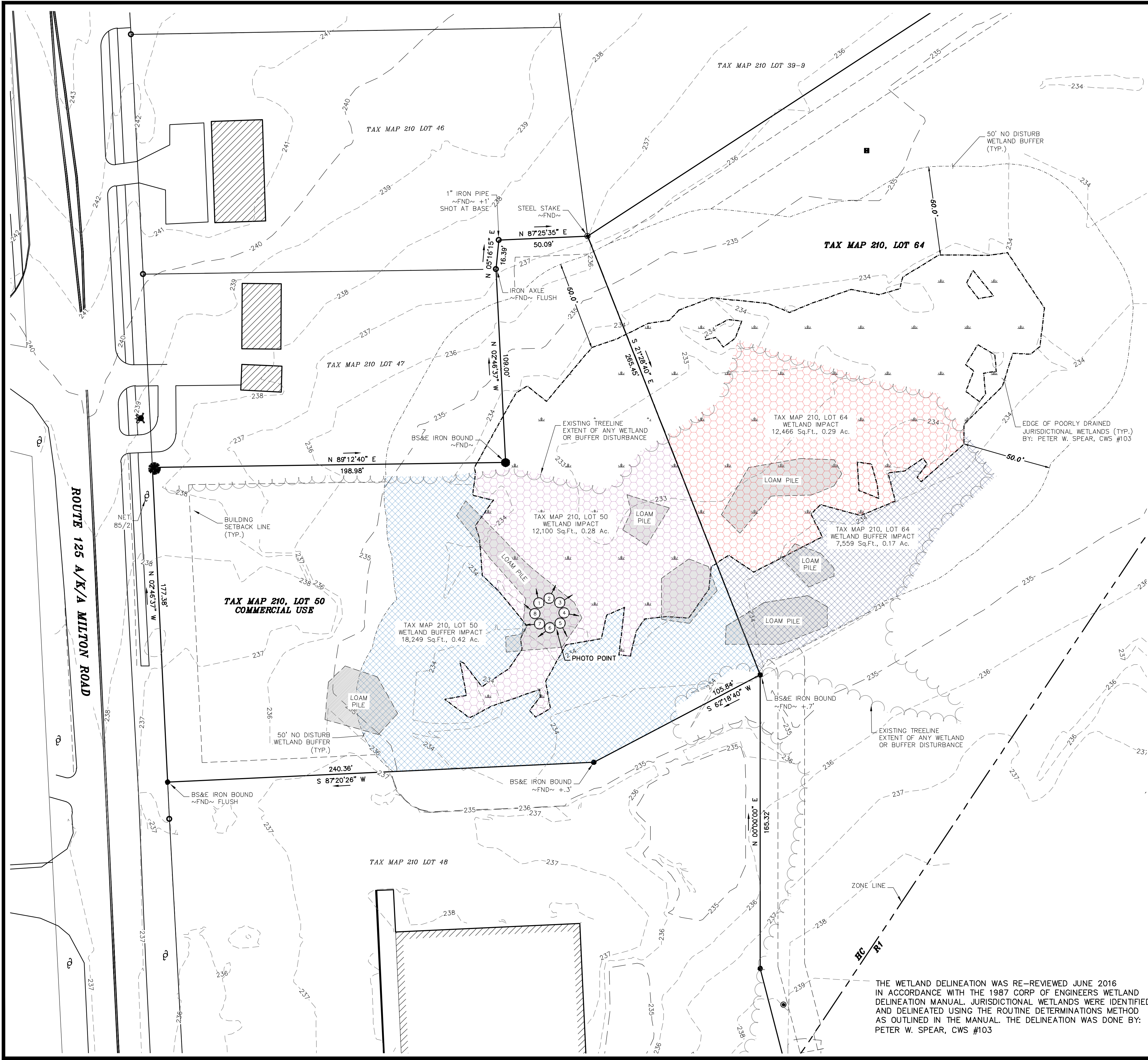
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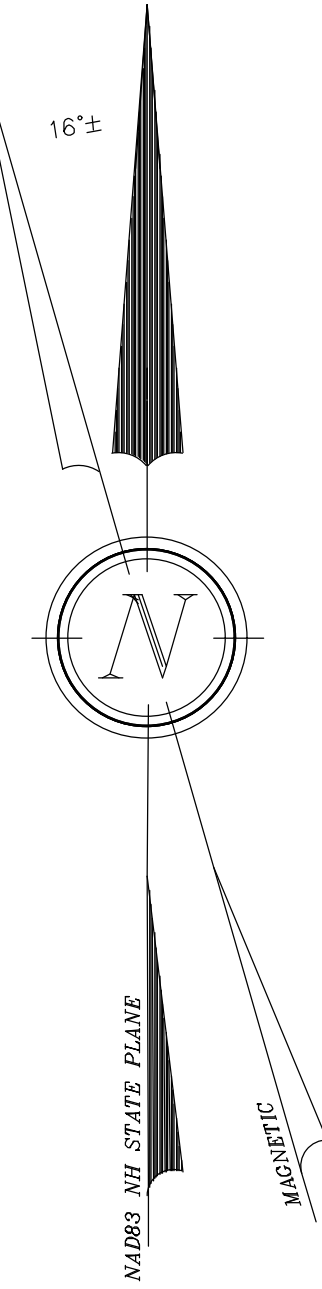
REVISION		DATE	DESCRIPTION

OVERVIEW SITE PLAN
LAND OF
KNOX MARSH DEVELOPMENT LLC
FLAT ROCK BRIDGE ROAD
ROCHESTER, N.H.
TAX MAP 210, Lot 64

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863
SCALE : 1 IN. EQUALS 50 FT.
DATE : NOVEMBER 22, 2022
FILE NO. : DB 2022 - 028



- NOTES:
- 1.) OWNER: KNOX MARSH DEVELOPMENT, LLC
242 CENTRAL AVENUE
DOVER, NH 03820
 - 2.) TAX MAP 210, LOT 64
B.) LOT AREA: 338,298 SQ. FT., 7.77 AC.
C.) S.C.R.D. BOOK 5047, PAGE 333
 - 3.) ZONING: RESIDENCE 1 (R1)
MINIMUM LOT SIZE: 10,000 SQ. FT.
MINIMUM FRONTAGE: 100'
MINIMUM FRONT SETBACK: 10'
MINIMUM SIDE SETBACK: 10'
MINIMUM REAR SETBACK: 20'
 - 4.) ZONING: HIGHWAY COMMERCIAL (HC)
MINIMUM LOT SIZE: 20,000 SQ. FT.
MINIMUM FRONTAGE: 100'
MINIMUM FRONT SETBACK: 20'
MINIMUM SIDE SETBACK: 10'
MINIMUM REAR SETBACK: 25'
MAX. BUILDING HEIGHT:
 - 5.) PLAN INTENT: THE INTENT OF THIS PLAN IS TO REPRESENT THE EXISTING CONDITIONS OF TAX MAP 210, LOT 64 AND TAX MAP 210, LOT 50 AS OF 2023.
 - 6.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THESE TWO PARCELS DO NOT FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD ZONE, REF: FEMA COMMUNITY #33017C0203D, DATED MAY 17, 2005.
 - 7.) PARCELS ARE LOCATED WITHIN THE SAME USDA NRCS SOIL DESIGNATION OF HgA - HINCKLEY LOAMY SAND, 0 TO 3 PERCENT SLOPES, HSG A. REF: WEBSOIL SURVEY 2/12/2015.
 - 8.) DATUM: PROJECT DATUM IS BASED ON GPS COORDINATES ESTABLISHED WITH A TOPCON HIPER SR RECEIVER IN 2012 AND REPRESENTED IN NEW HAMPSHIRE STATE PLAN COORDINATES NAD 1983 AND VERTICALLY BY NAVD 1988.



- LEGEND:
- IRON BOUND (FND)
 - IRON PIPE (FND)
 - STEEL STAKE (FND)
 - UTILITY POLE
 - FIRE HYDRANT
 - TREE
 - WETLAND LINE
 - 50' WETLAND BUFFER
 - BUILDING SETBACK LINE
 - APPROXIMATE ABUTTING LOT LINES
 - ZONE LINE
 - WETLAND BUFFER IMPACT LOT 64
 - WETLAND IMPACT LOT 64
 - WETLAND BUFFER IMPACT LOT 50
 - WETLAND IMPACT LOT 50

THE WETLAND DELINEATION WAS RE-REVIEWED JUNE 2016 IN ACCORDANCE WITH THE 1987 CORP OF ENGINEERS WETLAND DELINEATION MANUAL. JURISDICTIONAL WETLANDS WERE IDENTIFIED AND DELINEATED USING THE ROUTINE DETERMINATIONS METHOD AS OUTLINED IN THE MANUAL. THE DELINEATION WAS DONE BY: PETER W. SPEAR, CWS #103

PETER W. SPEAR
CWS #103

REVISION	DATE	DESCRIPTION

CONDITIONAL USE PLAN LAND OF KNOX MARSH DEVELOPMENT LLC FLAT ROCK BRIDGE ROAD ROCHESTER, N.H. TAX MAP 210, LOT 64
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BERRY SURVEYING & ENGINEERING 335 SECOND CROWN POINT ROAD BARRINGTON, NH 03825 (603)332-2863 SCALE: 1 IN. EQUALS 30 FT DATE : NOVEMBER 22, 2022 FILE NO. : DB 2022 - 028
