

NOV 22 2010

Planning Dept.



**Application for Conditional Use**  
Conditional Uses and Buffer Reductions  
Section 42.19 - Conservation Overlay District

Date: 11-17-10

**Property information**

Tax map #: 131; Lot #(s): 62-2; Zoning district: R-2

Property address/location: Brock Street

Name of project (if applicable): Marsh View Housing for the Elderly

**Property owner**

Name (include name of individual): Rochester Family Housing, Inc.

Mailing address: c/o Rochester Housing Authority, 77 Olde Farm Lane, Rochester, NH

Telephone #: 332-4126 Fax #: 332-0039

**Applicant/developer** (if different from property owner)

Name (include name of individual): Rochester Housing Authority

Mailing address: 77 Olde Farm Lane, Rochester, NH 03867

Telephone #: 332-4126 Fax #: 332-0039

**Engineer/designer**

Name (include name of individual): Dana C. Lynch, P.E.

Mailing address: c/o Civilworks, Inc., PO Box 1166, Dover, NH 03821-1166

Telephone #: 749-0443 Fax #: 749-7348

Email address: civilworksdoover@comcast.net Professional license #: 5745

**Proposed Project**

Please describe the proposed project: Construction of a 12 unit elderly housing facility along with an access driveway, parking, utilities, and landscaping. The subject project has obtained a NHDES Wetland Permit #2010-01347 dated 11-4-10 to fill 7,093 s.f. of wetlands.

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(continued Conditional Use application Tax Map: 131 Lot: 62-2 )

*\*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 within the CO District. SEE ATTACHED NARRATIVE

(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.  
SEE ATTACHED NARRATIVE

(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.  
SEE ATTACHED NARRATIVE

(iv) Economic advantage is not the sole reason for the proposed location of construction.  
SEE ATTACHED NARRATIVE

**Buffer Reductions**

For Buffer Reductions only, justify the proposal in terms of each of the criteria below (in accordance with subsection 42.19 (i) (2) (B)). All four criteria must be satisfied.

(i) The structure for which the exception is sought cannot feasibly, after consideration of all reasonable alternatives, be constructed on a portion or portions of the lot, which lie outside the CO district, *or* the application of the CO district eliminates greater than 50% of the buildable area located on the parcel *or* in the judgment of the Planning Board, the proposed site layout would result in a significantly higher quality design. (on next page)

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(continued Conditional Use application Tax Map: \_\_\_\_\_ Lot: \_\_\_\_\_ )

N/A

(ii) The proposed structure and use must be consistent with the purpose and intent of Section 42.19 and provisions must be made to ensure that drainage from the structure will not adversely impact any wetlands. \_\_\_\_\_

N/A

(iii) There shall be no impervious areas for parking within the reduced buffer for which the Conditional Use Approval is sought. \_\_\_\_\_

N/A

(iv) The maximum building coverage is limited to 50% of the outer half of the buffer zone, as shown in the diagram below. \_\_\_\_\_

N/A

(v) Best management practices must be demonstrated to the satisfaction of the Planning Board. \_\_\_\_\_

N/A

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[office use only]

**Conservation Commission Recommendations:**

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Planning Division

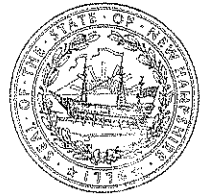
**NARRATIVE ACCOMPANYING  
APPLICATION FOR CONDITIONAL USE**

**Marsh View Housing for the Elderly  
Tax Map 131, Lot 62-2**

- (i) The proposed construction is located as close to Brock Street as possible and represents the least impacting alternative that could be designed to productively use the residentially zoned property and avoid additional impacts to the larger, more valuable wetlands on the site. The proposed layout provides the greatest possible buffer protection to the Cochecho River.
- (ii) The site has been designed to maintain a 50 ft. buffer between wetlands and structures or pavement. Grading for slopes and drainage amenities respects maintenance of a 25 ft. buffer. Construction activities will be limited by orange construction fence placed at the limits of construction to prevent accidental encroachment and appropriate siltation/erosion turbidity controls shall be in place prior to commencement of construction activities, shall be maintained during construction, and remain in place until the site is stabilized.
- (iii) Access to the site is limited by grades and the alternative proposed is the least disruptive to the site. Access is facilitated by a previously approved and recorded access easement on land directly to the south and owned by others.
- (iv) The originally contemplated use of the property was for four (4) six-unit buildings or a total of 24 units. The current proposal consists of 12 units and, due to efforts to minimize the project footprint and overall impact, results in higher per unit construction costs.



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

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**WETLANDS AND NON-SITE SPECIFIC PERMIT 2010-01347**

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Permittee: Rochester Housing Authority  
13 Well Sweep Acres  
Rochester, NH 03867  
Project Location: 24 Straws Point Road, Rochester  
Rochester Tax Map/Lot No. 131 / 62-2  
Waterbody:

**NOTE**

**CONNECTIONS**

APPROVAL DATE: 11/04/2010

EXPIRATION DATE: 11/04/2015

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

**PERMIT DESCRIPTION:** Dredge and fill 7,093 square feet of isolated, disturbed wet meadow wetland for construction of a multi-unit elderly housing development and associated stormwater management structures.

**THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:**

1. All work shall be in accordance with plans by Civilworks Engineers dated 11/11/2009, as received by the NH Department of Environmental Services (DES) on 5/24/2010, and per materials received from GZA GeoEnvironmental Inc. dated 9/22/2010 as received on 9/23/2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

**GENERAL CONDITIONS THAT APPLY TO ALL DES WETLANDS PERMITS:**

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by DES;
6. This permit shall not be extended beyond the current expiration date.
7. This project has been screened for potential impacts to **known** occurrences of rare species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have received only cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.
8. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: \_\_\_\_\_

Dori Wiggin, East Region Supervisor  
DES Wetlands Bureau

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BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

OWNER'S SIGNATURE (required)

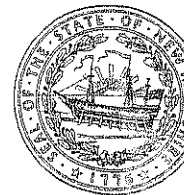
CONTRACTOR'S SIGNATURE (required)



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

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NOTICE TO RECIPIENTS OF MINOR IMPACT N.H. WETLANDS PERMITS

Your permit was approved by the New Hampshire Wetlands Bureau as a minor impact project, and your project will be reviewed by the U.S. Army Corps. of Engineers for possible approval under the Army Corps New Hampshire State Programmatic General Permit - SPGP. The Army Corps will notify you within thirty (30) days if they will require additional information or an individual federal permit application.

If you do not hear from the Army Corps within thirty (30) days, and your project meets the conditions of the SPGP (attached), your project will automatically be approved under the SPGP. You should contact the Army Corps, at 1-800-343-4789, if your project does not meet the conditions of the SPGP.

NO WORK SHOULD BE DONE WITHOUT AUTHORIZATION FROM THE ARMY CORPS UNLESS THIRTY (30) DAYS HAVE PASSED AFTER N.H. WETLANDS BUREAU APPROVAL. AND ALL CONDITIONS OF THE SPGP ARE MET.

THESE APPROVALS DO NOT RELIEVE YOU FROM OBTAINING ANY NECESSARY LOCAL PERMITS THAT MAY BE REQUIRED BY YOUR TOWN.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO GIVE US A CALL AT 603-271-2147

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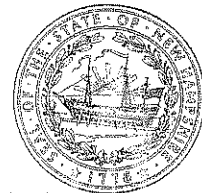
THIS NOTICE WAS SENT WITH MINOR IMPACT PERMIT # 2010-1347 ON 11/4/10 BY Stw

CC: U.S. ARMY CORPS. OF ENGINEERS



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



November 04, 2010

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File 1001010

Rochester Housing Authority  
13 Well Sweep Acres  
Rochester, NH 03867

**RE: NHDES Wetlands File # 2010-01347 Rochester Housing Authority - Brock St. - Rochester Tax Map/Lot # 131 / 62-2**

Dear Rochester Housing Authority:

Attached please find Wetlands Permit # 2010-01347 to Dredge and fill 7,093 square feet of isolated, disturbed wet meadow wetland for construction of a multi-unit elderly housing development and associated stormwater management structures.

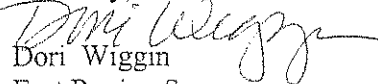
The decision to approve this application was based on the following findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The development is confined to the disturbed area adjacent to a City street, away from the larger wetland area and the Cocheco River, and has incorporated low impact development techniques into its design.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Rochester Conservation Commission did not report.
6. The Cocheco River LAC was notified by certified mail and did not report.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

Your permit must be signed, and a copy must be posted in a prominent location on site during construction. If you have any questions, please contact the Pease District Office at (603) 559-1507.

Sincerely,

  
Dori Wiggan  
East Region Supervisor  
DES Wetlands Bureau

cc: Rochester Conservation Commission  
Rochester Municipal Clerk  
GZA

Rochester Conservation Commission  
Minutes from May 26, 2010 Meeting  
(Approved July 28, 2010)

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Members Present:

Linda Norris, Acting Chair  
Kyle Jones, Alternate  
Jeff Winders  
Meredeth Lineweber

Staff: Marcia J. Gasses, Recording Secretary

**The Chair convened the Public Meeting at 6:38 P.M.**

Minutes: The members reviewed the minutes of the April 28, 2010 regular meeting. A motion was made by Meredith Lineweber and seconded by Kyle Jones to accept the minutes as written. The motion passed unanimously.

**Discussion:**

**Severino Conservation Easement**

Marc L'Heureux representing Tom Severino handed out maps of the subject parcel and pictures of emblems they will be hanging to designate the conservation area.

Jeff Winders asked if there were questions from Commission members. Mr. Winders explained that he would like to see boundary lines marked, one stake in the middle of each line.

Mr. L'Heureux explained that conservation markers will be placed every 75' in addition to permanent markers splitting each property line.

Mr. Winders would like to see a kiosk installed with general information about the area available to visitors and recognition for the Severino Company. Mr. Winders mentioned that wetland crossings were present on the woods road and that there are sharp tree saplings that need to be cut off at the ground to prevent injury to visitors. A plan to address invasive species needs to be developed along with a forest management plan. Mr. Winders expressed confusion over who actually would own the conservation land and asked that this be clarified. Marcia Gasses will check with the City Manager for clarification.

Linda Norris suggested contacting Bambi Miller to locate an invasive species specialist. Mr. L'Heureux explained that invasive species are often identified but left in place.

Mr. Winders brought to the commissions attention that they had not heard from DES regarding this parcel as mitigation.

Ms. Norris asked what steps would be taken to remove the trash on the parcel. Mr. L'Heureux stated that a crew would be on site May 27, 2010.



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Mr. Winders raised the concern of wheeled vehicles/ ATV's accessing the property. Mr. L'Heureux explained that signs will go up regarding the prohibited use of wheel vehicles.

Mr. Winders requested information regarding what account the \$5000 paid by Severeno went to for the easement monitoring. Marcia Gasses will check to see if it went to the Conservation Fund.

Mr. Winders inquired who his contact with DES is. Mr. L'Heureux explained the David Price is the contact at DES.

Mr. Winders asked if there are any additional mitigation requirements. Mr. L'Heureux stated that their mitigation requirements are fulfilled.

Mr. Winders requested two copies of the wetlands map. Mr. Winders went on to explain what is involved in putting together baseline documentation.

Ms. Lineweber stated she would like to meet one more time on this item.

Mr. Winders will come up with a laundry list of things that need to be done and the name of the invasive species specialist. Mr. Winders and Mr. L'Heureux exchanged information so that they would be able to correspond regarding any unresolved issues.

**Conservation Overlay District - Condition Use Review**  
None to discuss

**Dredge and Fill Applications:**

**Rochester Housing Authority, Brock Street**

Dana Lynch an engineer with Civil Works and Jamie Long with GZA represented the applicant.

Mr. Lynch described the housing project for the Rochester Housing Authority. The building will be built into the side of the embankment with parking on the lower level. There will be a 6450' building footprint. There is a substantial grade difference between the driveway and the site. There will be .32 acres of impervious surface. The proposal includes the filling in of two wetland areas.

Mr. Winders commented on the Japanese knot weed that is on the site.

Board members brought up questions regarding sidewalks, turning lanes, and lighting. Mr. Lynch discussed the installation of sidewalks and a drop off and pick up area. He went on to explain to the board that the reason they are here is for the filling in of two areas. During an examination of the site there was a considerable amount of debris found. A deed restriction will be placed on a portion of the parcel preventing further development. There is a total wetland impact of 7093'. Mr. Lynch was looking for the Commissions endorsement.

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Mr. Long, the wetland scientist for the project described the areas to be impacted as wet pockets from previous excavation.

Mr. Winders described the wildlife habitat located along the river.

Mr. Lynch explained that there would be approximately five acres that would be under deed restriction.

Mr. Winders asked Mr. Lynch about possible inclusion in a future River Walk.

Mr. Long explained that the Shoreland Protection Regulations allow for a six-foot path. It is a nice red maple flood plain.

Mr. Lynch explained that the owners had wanted to turn the area over to the City but they were not interested. He will look into writing into the deed an understanding regarding the potential for a future river walk.

Mr. Winders asked for an explanation of the storm water management for the site. Mr. Lynch gave an overview of the plan and explained that everything would be sheet flow. The flow patterns were described for the commission.

Mr. Winders inquired as to whether there were any rare or endangered species identified during the evaluation of the site. Mr. Winders went on to describe the recent flooding and what could be done to improve the floodplain.

Mr. Long talked about the dynamics of streams and added that clean-up efforts along streams are good projects for Boy Scout troops. He went on to say that some debris are best left in place.

Mr. Winders would like to see improvements to the site.

Mr. Lynch stated to the commission that he is looking for a motion from the board to endorse the dredge and fill permit.

A motion was made by Mr. Winders and seconded by Mr. Jones to endorse the application, with the stipulation to look at restoration along the riverbank beyond what the applicant is proposing. The vote was three in favor and one abstention.

Mr. Lynch told the Commission he would have a notation on the site plan that a member of the Conservation Commission would need to go out and review the debris removal areas with the contractor hired by the applicant.

#### **NH DOT - Spaulding Turnpike**

The commission members reviewed the application, which included a plan for upgrades and repairs to drainage at mile marker 15.3 on the Spaulding Turnpike. Mr. Winders expressed a concern when looking at this type of construction is whether the animals will

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still be able to cross. The project appeared to be limited to new headers and is being done to protect against undermining from heavy water flow. The members had no comment to make to DES regarding the project.

**Violation:**

There were none.

**Correspondence:**

- a) The Strafford Rivers Conservancy/Post Card/Rivers Cruise/June 12
- b) NHDES Letter/DOT/Spaulding Turnpike/re: dredge & fill
- c) NHDES Letter/Forestry Notification/Map 234 Lot 13 & Map 248 Lot 19

Ms. Norris informed the commission that she had not had time to review this item.

**Reports**

None

**Old Business:**

Mr. Winders opened the discussion with an update of the Smith-Berube Conservation Easement. The baseline documentation has been completed on this easement.

The appraised value of the property is \$135,000.

The residual value of the property is \$65,000.

The development value is \$70,000.

The DES contribution is \$17,500.

DES contribution for closing costs \$1167.25

Amount required from the Conservation Fund is \$51,332.75.

Mr. Winders explained to the commission that they need to make sure the minutes authorizing expenditure from the Conservation Fund for acquisition are in the folder. Jeff is working to collect all documentation for the closing.

The Commission needs to give out credit to everyone. At this time Mr. Winders asked the members to endorse spending the full \$70,000 from the Conservation Fund to allow this project to close with the understanding that the DES would reimburse the City with their portion.

A motion was made by Mr. Winders and seconded by Ms. Norris to endorse spending \$70,000 from the Conservation Fund with the understanding \$18,667.25 would be reimbursed from NHDES for a total reduction in the Conservation Fund of \$51,332.75. The vote passed unanimously.

**New Business**

None

**Other Business**

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None

**A motion was made by Mr. Winders at 8:30 p.m. and seconded by Mr. Jones to go into non public session pursuant to RSA 91-a:3 II (d). The motion passed unanimously by roll call vote.**

At 9:15 p.m. a motion was made by Mr. Winders and seconded by Ms. Norris to come out of non-public session and seal the minutes. The motion passed unanimously.

Ms. Winders informed the board he had been working with the City Manager on a resolution to allow the interest generated by the Conservation Fund to stay within the Conservation Fund instead of going into the general fund.

Mr. Winders asked the members if it would be acceptable to be reimbursed for his mileage for travel done while working on conservation projects. This is likely an item that members are entitled to and Mr. Winders will follow up with Caroline Lewis in the Planning Department on the process.

**Adjournment:**

A motion was made by Ms. Norris and seconded by Ms. Lineweber to adjourn at 9:22 p.m.. The motion passed unanimously.

Respectfully submitted,

Marcia J. Gasses  
Recording Secretary