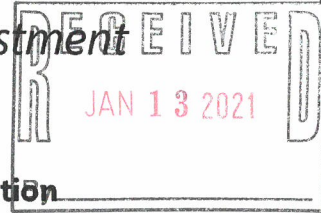


City of Rochester, New Hampshire

Zoning Board of Adjustment



Variance Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE	
CASE NO.	_____
DATE FILED	_____
ZONING BOARD CLERK	

Applicant:
10 Farmington Road, LLC

E-mail: via Counsel sroberts@hpgrlaw.com Phone: 603.436.0666

Applicant Address: 549 US Route 1 Bypass Portsmouth, NH 03801

Property Owner: Rene G. & Luanne Cardinal

Property Owner Address: 14 Farmington Road P.O. Box 316 Rochester, NH 03866-0316

Variance Address: 10/14 Farmington Road Rochester

Map Lot and Block No: 221-158 to be aquired to support an expansion of the business at 221-159

Description of Property: Lot 158 contains a residential home

Proposed use or existing use affected: Lot 159 home to be razed, expansion of existing commercial building onto Lot 158 with parking, etc

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section _____

and asks that said terms be waived to permit alteration of land within wetland buffer to allow parking and site improvements

(access road) necessary to support expansion of existing business on lot 159

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a variance.

Signed: Rene G. Cardinal Date: 1/12/2021 X



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

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CASE NO. _____

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The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a variance.

Signed: [Signature] Date: 1-13-21



City of Rochester, New Hampshire
Zoning Board of Adjustment

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:
See attached Memorandum

2) If the variance were granted, the spirit of the ordinance would be observed because:
See attached Memorandum

3) Granting the variance would do substantial justice because:
See attached Memorandum

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:
See attached Memorandum

5.) Unnecessary Hardship:

- a. Owning to special **conditions of the property that distinguish it from other properties in the area**, denial of the variance would result in an unnecessary hardship because:
- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

See attached Memorandum

And:

- ii. The proposed use is a reasonable one because:

See attached Memorandum

- b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

See attached Memorandum

MEMORANDUM



TO: Rochester Zoning Board of Adjustment (“ZBA”)
FROM: Stephen H. Roberts, Esquire
DATE: January 12, 2021
RE: 10 Farmington Road, LLC, Applicant
Rene & Luanne Cardinal, Owners
Project Location: 14 & 10 Farmington Road
Tax Map 221, Lot 158 & 159
Granite Ridge Development/Conservation Overlay District

Dear Chair Spector and Zoning Board Members:

On behalf of 10 Farmington Road (“Applicant”), please accept this Memorandum and the attached exhibits in support of the applications for Variances to be considered by the Zoning Board of Adjustment (“ZBA”) at its February 10, 2021 meeting.

I. EXHIBITS

- A. Plan Set – issued by TF Moran, Inc.
 - Existing Conditions
 - Proposed Conditions
- B. Site Photographs
- C. Wetlands Functions and Values Report issued by Chris Danforth, CWS.
- D. Tax Map 221

II. PROJECT/HISTORY

10 and 14 Farmington Road are developed properties on Route 11 near Route 16. 10 Farmington Road is developed with an existing business – Key Auto Collision, LLC. 14 Farmington Road is located behind Key Collision and developed with a home. Access to Rt. 11 for both properties and a third parcel is by Cardinal Drive. Both properties are in the Granite Ridge Development District (“GRD”). Lot 158 is also subject to the Conservation Overlay District and significantly burdened by the wetlands and associated 50 ft. buffer. Applicant owns Lot 159 and holds an option to purchase Lot 158. Applicant intends raze the existing residence, merge both lots, and expand the commercial building at 10 Farmington Road (the “Project”). The expanded business will require additional parking spaces and an access road around the rear of the building to allow adequate circulation of delivery trucks. Applicant’s team reviewed the proposed project with City Staff who advised zoning relief and a conditional use permit were required for activity within the 50 ft. wetland buffer.

- III. **PERMITS REQUIRED**
1. Rochester Conservation Commission Review

2. Conditional Use Permit

3. Site Plan Review and Approval

IV. **RELIEF REQUIRED**

<u>RZO Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>§275-12.3 & 12.8.B.8 and C</u> <u>Buffer Defined</u> <u>Uses Allowed</u>	50’ buffer	Home on Lot 158	Raze home on Lot 158 construct delivery access road and parking lot to serve expanded commercial building on lot 159.

- V. **VARIANCE REQUIREMENTS**
1. **The variances will not be contrary to the public interest.**

2. **The spirit of the ordinance is observed.**

The first step in the ZBA’s analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007). Upon examination, it must be determined whether granting the variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives”. Id. “Mere conflict with the zoning ordinance is not enough”. Id.

The ZBA is to consider Rochester’s Zoning Ordinance enacted under RSA 674:16 to promote the health, safety, and general welfare and with specific purposes identified in RZO 275-1.3:

- To implement the goals and provisions of the City's Master Plan – Proposed is further commercial development in the Granite Ridge Development District
- To promote an orderly pattern of development and encourage the most appropriate use of land throughout the City – Proposed is expansion of an existing business onto an adjoining lot. Upon approval, lots will be merged.
- To preserve and enhance the value of land and buildings – Redevelopment of Lot 158 will increase its value and allow for expansion of the existing business on Lot 159.
- To encourage the provision of high-quality housing for people of all income levels – not applicable.
- To revitalize the downtown and other village and neighborhood commercial areas – expansion of an existing business in the GRD Zone is beneficial.
- To foster economic development and provide opportunities for business growth – this proposal will allow an existing business in the GRD to expand.

- To enhance the walkability, diversity, interest, beauty, and vibrancy of the City's neighborhoods – expansion of an existing business furthers economic growth in the GRD.
- To conserve natural, historic, and cultural resources – impact on the wetland will be minimal.
- To preserve the City's rural character and scenic beauty and promote agriculture – these purposes of the Ordinance will not be undermined by the Project.
- To foster the creation of parks, recreation facilities, and open spaces – not applicable.
- To provide a range of transportation choices and mitigate traffic congestion – an existing business will expand into another lot; two lots will become one, reducing traffic and congestion.
- To promote excellence in architecture, landscaping, site layout, signage, and civic design – the proposed Project will not undermine these purposes of the Ordinance.
- To encourage innovation, flexibility, and a collaborative review process in the development of land – the Project will receive review by the Planning Board and Conservation Commission.
- To recognize and respect the rights of property and business owners – the Project will benefit the Applicant and owner of the existing commercial business as well as the Cardinals.
- To promote public health and secure safety from fire, flood, and other hazards – the Project will result in a code compliant expansion and related site improvements enhancing vehicular circulation.
- To prevent overcrowding of land while at the same time promoting compact development patterns – expansion of the business into Lot 158 and related site improvements will not overcrowd the land; access to air light and space for abutting properties will remain.
- To facilitate the adequate provision of infrastructure and utilities – these purposes are not undermined by the Project, which will consolidate two parcels into one parcel and allow an existing business to expand.
- To preserve the best of the City's traditional character – these purposes are not undermined by the Project.
- To enhance the sense of community – the Project does not undermine these purposes of the Ordinance.
- To make Rochester a more attractive, vibrant, and healthy community for its residents, businesses, property owners, and visitors – the expansion of the existing business furthers this objective.

The ZBA must also consider the purposes of the GRD Zone which includes maximization of developable areas on parcels within the district through creation of flexible dimensional requirements. RZO §275-8.1.D. Here, a variance is required because this existing lot is burdened by wetlands and the associated 50 ft. buffer on the east side, which cross the property in a V-shape with its apex more than halfway across the lot. On the west side, a 50 ft. right of way further compresses the developable area of Lot 158. A variance to permit grading, road access, and parking within the 50 ft. wetland buffer, does not “in a marked degree conflict

with the ordinance such that it violates the ordinance's basic zoning objectives". Malachy Glen, supra, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variances violates basic zoning objectives is to examine whether granting the variances would threaten the public health, safety or welfare. (emphasis added)

Here, the proposed grading, parking, and road access support expansion of an existing permitted commercial use in the Granite Ridge Development. Danforth's report confirms that the proposed location of the parking, road access, grading, and retaining wall will avoid direct impact to the wetland and minimize impact to the wetland buffer so will not negatively affect the functions and values of the wetland system. **(Exhibit C)**. Accordingly, the requested variance neither alters the essential character of the locality nor threatens the public health, safety, or welfare.

3. Granting the variance will not diminish surrounding property values.

Redevelopment of the existing residential lot to support expansion of a permitted commercial use will not diminish property values. Adequate buffer to the remaining residential property will be maintained and subject to Planning Board review of the Site Plan Application.

4. Denial of the variances results in an unnecessary hardship.

- a. Special conditions exist that distinguish the property/project from others in the area.

Special conditions exist in that both Lots 158 and 159 are subject to a 50 ft. right-of-way to an abutting lot. The buildable area on Lot 158 is further reduced by the wetlands on the opposite side of the property which, with their associated 50 ft. buffer, form a large V-shape over the middle part of the property. These circumstances combine to create special conditions. Noting that the Applicant has the right to redevelop lot 157 which contains an existing home and driveway in close proximity to the wetland, any development of Lot 158 would involve wetland buffer relief.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Wetland use restrictions and wetland buffers exist to preserve wetlands by reducing the impact of uses, structures, and impervious surfaces and controlling storm water runoff so wetlands can retain their ability to filter pollution, trap sediment, retain and absorb chemicals,

produce oxygen and harbor wildlife. Road access and buffer reductions are permitted by Conditional Use Permit. In addition, Applicant has submitted expert opinion that the impact to the wetland can be mitigated by appropriate construction measures that will control stormwater runoff and erosion. **(Exhibit C)**. The design will capture all runoff from the proposed impervious areas, provide detention and treatment of stormwater prior to discharge; other erosion control measures will also be utilized. Accordingly, balancing the Applicant and the property owner's rights against the purpose of the regulations, there is no fair and substantial relationship between the general public purposes of the ordinance and its specific application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). The proposed use of the Property is permitted by right in the Granite Ridge Development District and consistent with the overall intent of the Ordinance. Road access and reduced buffers are also permitted by Conditional Use Permit by the Planning Board. As such, and for all of the reasons stated above, the proposed use is reasonable.

5. Substantial justice will be done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice". Malachy Glen, supra at 109.

Applicant is constitutionally entitled to the use of the lot as he sees fit; including the development of the existing residential lot to support his expanding business on Lot 159, subject only to the effect of the parking lot, road access, retaining wall and grading upon the wetland. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the

tangible property itself, *but rather the right to possess, use, enjoy and dispose of it.* Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added).

The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69. To “determine whether an ordinance is arbitrary and unreasonable, the injury or loss to the landowner must be balanced against the gain to the public.” Metzger v. Town of Brentwood, 117 N.H. 497, 501 (1977). In other words, [w]hen the restriction as applied to a particular piece of land is unnecessary to accomplish a legitimate public purpose or the gain to the public is slight but the harm to the citizen and his [or her] property is great, the exercise of the police power becomes arbitrary and unreasonable and this court will afford relief under the constitution of this state. Id. at 503.

Because the Project does not encroach into the wetlands, and measures can be implemented to control erosion and stormwater runoff, and is necessary to support expansion of a permitted existing business in the GRD, there will be no gain to the public from denying the variances and no harm to the public in granting the variances. Conversely, denial of the variance causes great harm to Applicant and Owners as road access and parking cannot be constructed preventing expansion of the existing business and denying Owners the constitutional right to dispose of their property as they see fit. Accordingly, no legitimate public purpose is served by denying the requested relief and denial would result in an unconstitutional taking.

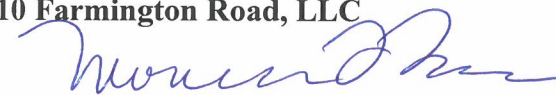
VI. CONCLUSION

For all the reasons state herein, Applicant respectfully requests that the ZBA grant the requested relief.

We look forward to presenting this project to the zoning board on February 10, 2021.

Respectfully submitted,

10 Farmington Road, LLC



By: Stephen H. Roberts
Monica F. Kieser

IMPERVIOUS SURFACE	AREA
DRIVEWAY	1,400 SF
TOTAL AREA WITHIN BUFFER	1,400 SF



Seacoast Division
TFM[®]

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.ifmoran.com

FILE	47424.00	DR	DKE	FB	-	SHEET 1 OF 3
		CK	CRR	CADFILE	47424-00 - WET EXHIBIT	

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48 Constitution Drive, Bedford, N.H. 03110

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HORIZONTAL SCALE 1"=40'

A horizontal scale bar with alternating black and white segments. The segments are labeled 40, 20, and 0 from left to right, indicating distances in feet.

[illegible]



1. THE PURPOSE OF THIS PLAN IS TO SHOW THE WETLAND BUFFER IMPACTS AS A RESULT OF A PROPOSED 8,000-S.F. BUILDING ADDITION WITH ASSOCIATED PARKING EXPANSION.
2. EXISTING FEATURES DEPICTED ON THIS PLAN ARE A RESULT OF A PARTIAL FIELD SURVEY CONDUCTED BY TFMORAN INC.
3. WETLANDS INFORMATION DEPICTED ON THIS PLAN IS FROM A WETLANDS DELINEATION PERFORMED BY A CERTIFIED WETLAND SCIENTIST.
4. PROPOSED IMPACT WITHIN WETLAND BUFFER:

<u>IMPERVIOUS SURFACE</u>	<u>AREA</u>
PARKING	6,957 SF
BUILDING	1,174 SF
TOTAL	8,131 SF
GRADING	5,088 SF
TOTAL IMPACT WITHIN WETLAND BUFFER	13,219 SF

HORIZONTAL SCALE 1"=40'

[illegible]

TAX MAP 221 LOT 159
PROPOSED WETLAND BUFFER IMPACT PLAN
10 FARMINGTON ROAD
ROCHESTER, NEW HAMPSHIRE
COUNTY OF STRAFFORD
PREPARED FOR
10 FARMINGTON ROAD, LLC

1"=80' (11"X17")
SCALE: 1"=40' (22"X34")

DECEMBER 10, 2020

TFM[®]

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

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1/12/2021

30 Farmington Rd - Google Maps

Exhibit B

Google Maps 30 Farmington Rd



Google

Rochester, New Hampshire



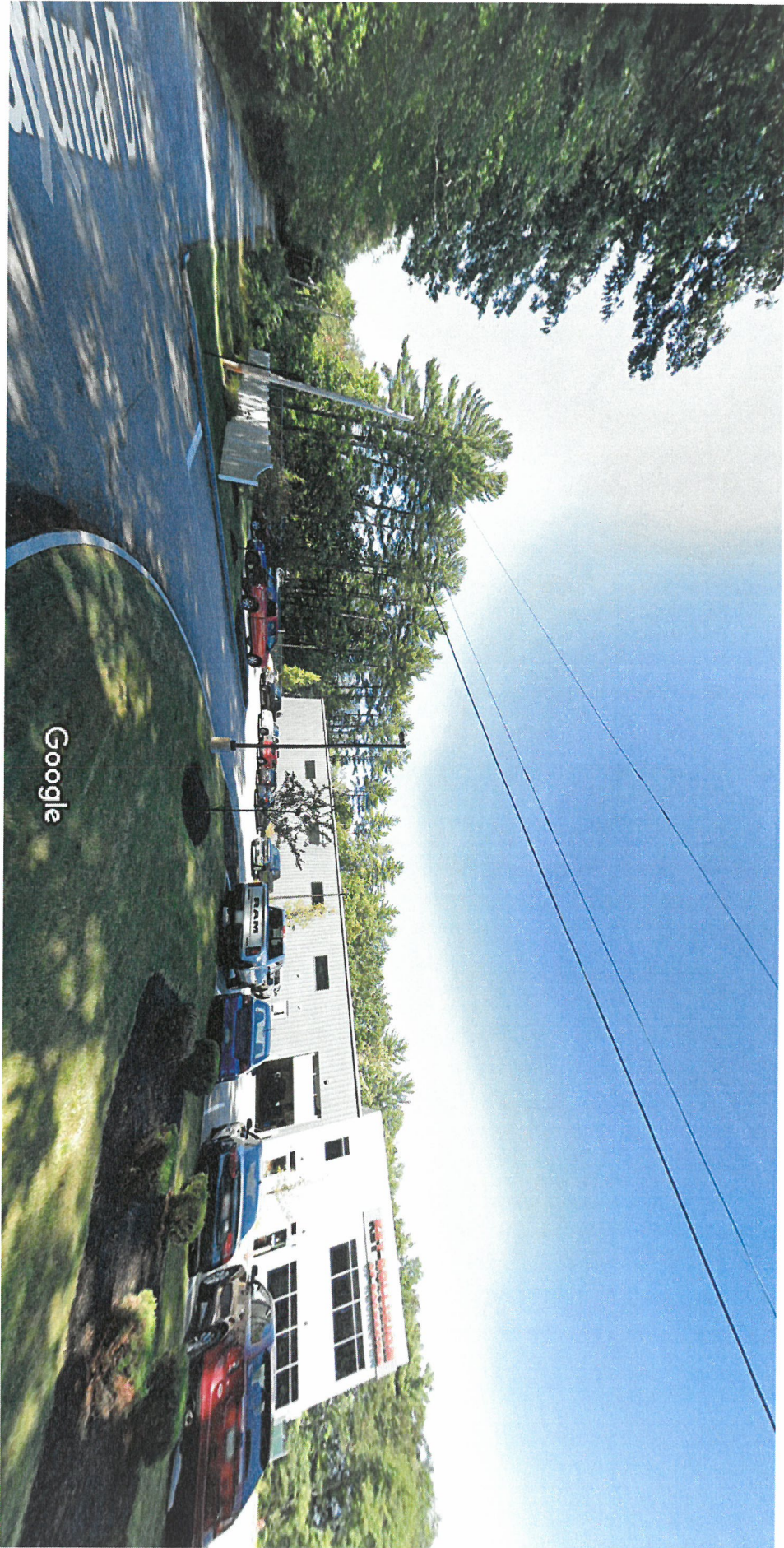
Street View

Image capture: Sep 2019 © 2021 Google

1/12/2021

10 Cardinal Dr - Google Maps

Google Maps 10 Cardinal Dr



Rochester, New Hampshire



Street View

Image capture: Sep 2019 © 2021 Google



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

NEW
HAMPSHIRE
200

Site Photos
Application for Conditional Use – Buffer Reduction
10 Farmington Road, Tax Map 221, Lots 158 & 159



Photo #1: Wetland buffer to be impacted adjacent to residential driveway facing west.



Photo #2: Wetland buffer to be impacted facing north towards existing commercial building.

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T (603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
170 Commerce Way–Suite 102, Portsmouth, NH 03801
T (603) 431-2222



Photo #3: Wetland buffer to be impacted facing southwest towards property line.



Photo #4: Wetland buffer to be impacted adjacent to residential building facing southwest.

EXHIBIT C

Wetland Functional Assessment Report

FOR

Map 0221, Lot 0159-000
10 Farmington Road
Rochester, NH

PREPARED FOR

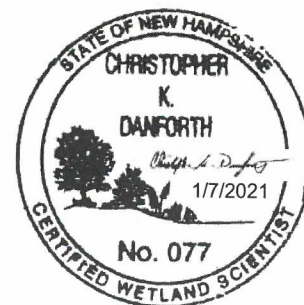
Key Collision.
10 Farmington Road
Rochester, NH

PREPARED BY

TFMORAN, INC.
48 Constitution Drive
Bedford, NH 03110

JN: 47424.10

January 7, 2021



Wetland Functions and Values Assessment

TFMoran, Inc (TFM) has prepared this document to accompany a development proposal to the City of Rochester Department of Planning and Development. The proposed project involves the expansion of a parking lot for an existing business resulting in the encroachment into the wetland buffer. Direct impacts to the wetland have been avoided under this proposal.

This report has been prepared using the Army Corps Highway Methodology guidelines to provide a functional assessment of the wetlands buffer that are subject to impact by this project. The 'Highway Methodology' is descriptive approach used to describe wetlands and assessing them based on 14 wetland functions and values. This assessment is used as a guide to determine the significance of the proposed impacts and to determine appropriate compensatory mitigation options, if required, for the project.

The following reference documents were used in this functional evaluation and assessment.

- Granitview GIS (https://granitview.unh.edu/html5viewer/index.html?viewer=granit_view)
- NRCS Web Soil Survey for Strafford County
- US Army Corps of Engineers "The Highway Methodology Workbook – Supplement".
- NH Department of Fish & Game Wildlife Action Plan, 2015.
- Google Earth Pro (vers.7.3.3)
- City of Rochester GIS

Project Site Characterization

Onsite investigations were conducted by a TFM Wetland Scientist on November 14, 2020. Jurisdictional wetlands were delineated in the area of the proposed project and includes an adjacent residential property. An isolated wetland was observed between the two lots and extends northwesterly to an adjacent property. The portion of the wetland between the two lots is classified as a forested wetland that receives seasonal runoff from an isolated wetland that appears to be a vernal pool. A culvert under Cardinal Drive conveys runoff to a wetland on the south side of Cardinal Drive. The surrounding uplands are forested or developed for residential or commercial use.

According to soils data obtained from the NRCS Web Soil Survey for Strafford County, the project area soils are mapped as Gloucester soils (GsB). These till soils are somewhat excessively drained typically with a deep water table and no bedrock within 80". The surrounding soils are mapped as Hinkley loamy sand (HaB), an

outwash soil that is excessively drained and no bedrock or watertable within 80 inches. These soils are pervious and provide recharge potential given the high infiltration capacity (high Ksat values).

The forested wetlands are dominated by a mixed overstory canopy of deciduous and coniferous trees including red maple (*Acer rubrum*), paper birch (*Betula paperifera*), White Ash (*Fraxinus americana*), Red Oak (*Quercus rubra*), American Beech (*Fagus grandifolia*), and Eastern white pine (*Pinus strobus*). The intermediate shrub/sapling layer consists of broadleaved, meadowsweet (*Spiraea latifolia*), steeplebush (*Spiraea tomentosa*), gray birch (*Betula populifolia*), maleberry (*Lyonia ligustrina*), and Highbush Blueberry (*Vaccinium corymbosum*). Herbaceous species include tussock sedge (*Carex stricta*), woolgrass (*Scirpus cyperinus*) Boneset (*Eupatorium perfoliatum*), soft rush (*Juncus effusus*), cinnamon fern (*Osmundastrum cinnamommeum*) and sensitive fern (*Onoclea sensibilis*). Invasive plant species including multiflora rose (*Rosa multiflora*) and glossy buckthorn (*Frangula alnus*), are common throughout the site.

The NH Wildlife Action Plan Maps indicate no significance for Highest Ranked Wildlife Habitat and no supporting habitat land cover in respect to the developed areas on each lot. The wetland areas maintain natural vegetative cover however the area is limited between the developed areas.

Wetland Functional Assessment Criteria

Wetland functions and their significance were evaluated using the US Army Corps Highway Methodology guidelines. A Wetland Functional Assessment form and a list of criteria for each wetland function used in the assessment are included in this report. The form helps to develop a qualitative assessment of a wetland for each of the 14 wetland functions and values. The following is a list of the 14 wetland functions and values with a brief description for each.

- 1. (1&2) **Groundwater recharge/discharge:** This function considers the potential for a wetland to serve as a groundwater recharge and/or discharge area. Recharge should relate to the potential for the wetland to contribute water to an aquifer. Discharge should relate to the potential for the wetland to serve as an area where ground water can be discharged to the surface.
- 2. **Floodflow Alteration:** This function considers the effectiveness of the wetland in reducing flood damage by attenuation of floodwaters for prolonged periods following precipitation events.
- 3. **Fish and Shellfish Habitat:** This function considers the effectiveness of seasonal or permanent water bodies associated with the wetland in question for fish and shellfish habitat.

4. **Sediment/Toxicant/Pathogen Retention:** This function reduces or prevents degradation of water quality. It relates to the effectiveness of the wetland as a trap for sediments, toxicants or pathogens.
5. **Nutrient Removal/Retention/Transformation:** This function relates to the effectiveness of the wetland to prevent adverse effects of excess nutrients entering aquifers or surface waters such as ponds, lakes, streams, rivers or estuaries.
6. **Production Export:** This function relates to the effectiveness of the wetland to produce food or usable products for human, or other living organisms.
7. **Sediment/Shoreline Stabilization:** This function relates to the effectiveness of a wetland to stabilize stream banks and shorelines against erosion.
8. **Wildlife Habitat:** This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with wetlands and the wetland edge. Both resident and or migrating species must be considered.
9. **Recreation:** This value considers the effectiveness of the wetland and associated watercourses to provide recreational opportunities such as canoeing, boating, fishing, hunting and other active or passive recreational activities. Consumptive opportunities consume or diminish the plants, animals or other resources that are intrinsic to the wetland, whereas non-consumptive opportunities do not.
10. **Educational/Scientific Value:** This value considers the effectiveness of the wetland as a site for an "outdoor classroom" or as a location for scientific study or research.
11. **Uniqueness/Heritage:** This value relates to the effectiveness of the wetland or its associated water bodies to produce certain special values. Special values may include such things as archeological sites, unusual aesthetic quality, historical events, or unique plants, animals, or geological features.
12. **Visual Quality/Aesthetics:** This value relates to the visual and aesthetic qualities of the wetland.

13. **Threatened or Endangered Species Habitat:** This value relates to the effectiveness of the wetland or associated water bodies to support threatened or endangered species.

Project Area Wetland Functional Assessment

The area of proposed development does not impact the wetland directly but will be within some portion of the locally enforced 50-foot wetland buffer. Principal wetland functions and values supported by the wetland includes Groundwater Recharge, Wildlife Habitat, and Rare or Threatened Species Habitat. The following is a description of the wetland functions and values that occur in or adjacent to the project area based on this assessment.

Groundwater Recharge

Groundwater recharge is a principal wetland function in this wetland complex. The site is located on or adjacent to a glacial outwash terrace with excessively drained soils. The depressional wetland captures and stores stormwater runoff from the surrounding uplands and recharges the watertable. The pervious nature of the parent material implies high infiltration rates and therefore a propensity for groundwater recharge capacity. The recharge capacity is also dependent on the fluctuation of the local watertable. The transmissivity of the overburden will influence the duration of flooding in the depression. This hydroperiod is a critical element of vernal pool viability. The wetland soils consist of sandy mineral soils that permit high transmissivity of groundwater through the system. This function can be mitigated through infiltration of stormwater collected from the developed site. Stormwater collected through a drainage system will ensure that site runoff is controlled, and by directing collected site runoff to an infiltration basin, post development hydrology will remain the same as the predevelopment condition.

Wildlife Habitat

Wildlife Habitat is a principal function of this wetland complex found at the northwesterly end of the site. The wetland complex contains forested wetland areas and a potential vernal pool that straddles the westerly property line. Although the surrounding areas are actively utilized for commercial and residential use, signs of wildlife presence and utilization were evident. The upland/wetland areas provide cover and concealment, food sources and a conduit between larger wetland complexes such as the Cocheco River corridor or Baxter Lake complex. the larger wetland systems that are present support a broad range of both game and nongame wildlife. This wetland is part of the larger mosaic of wildlife habitat types found in the vicinity.

Endangered Species Habitat

This value considers the suitability of the wetland or adjacent uplands to support threatened and/or endangered species. The NH Natural Heritage Bureau indicates a potential species or habitat in the vicinity of the project. The diversity of the habitat and proximity to other wetlands make this area important to supporting rare, threatened or endangered species important. The potential vernal pool (requires confirmation of obligate or facultative indicator species) is a priority resource area with potential habitat for Blanding's turtle, spotted turtle, and marbled salamander.

Discussion

This project is located in a developed area with mixed commercial and residential use adjacent to NH Rte. 11, a primary arterial road off the Spaulding Turnpike. The wetland functions as a wildlife habitat island that supports transient species moving through the area to larger more intact habitat complexes. The groundwater recharge function helps in maintaining the groundwater table. Although the project will not directly impact the wetland, buffer areas that are important to some wildlife species may be impacted however the continuity of the wetland buffer is isolated and already fragmented by existing roads and building development around the wetland.

The principal functions and values supported by the wetlands found on the property include Groundwater Recharge, Wildlife Habitat, and potential Endangered Species Habitat as discussed above. To compensate for lost functions of groundwater recharge, the development can be designed to include measures to infiltrate stormwater runoff from the developed site. Appropriate infiltration measures will maintain the preconstruction groundwater hydrology rather than allowing stormwater to runoff in an uncontrolled manner. Wildlife habitat functions are more difficult to mitigate as the habitat area will be diminished by the expansion, however, the impacts during construction can be mitigated by using wildlife friendly perimeter controls and erosion control blankets, drop inlets in-lieu of catchbasins and avoiding wildlife that may be present during construction. Long term mitigation may include enhanced habitat features and protection of the vernal pool.

Conclusions & Recommendations

No wetlands subject to direct impact from this proposed project Although increased impervious surfaces will lead to a greater volume of storm water runoff, measures that will treat the runoff to remove contaminants and control the rate and/or volume of runoff from the site can be managed to maintain the preconstruction condition. If proper temporary erosion control measures are implemented prior to and during construction, there should be no impact to the adjacent resource areas. A permanent erosion and sediment control plan will be implemented at the end of the construction project to ensure the site is stabilized in the long term as well.

Key Collision-Rochester

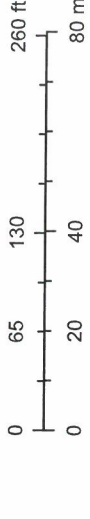


Approximate
location of wetland

1/7/2021, 11:31:26 AM

□ Tax Parcels

1:2,000



Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HERE, HERE, IPC

ArcGIS Online - Rochester NH-Web GIS



Photo #1: View of wetland from the east looking north. Proposed development area is to the right and left in the photo.



Photo #2: Northerly end of the wetland at the property line with the potential vernal pool in the background.



Photo #3: Buffer area between the wetland and the existing building to be expanded (looking east).



Photo #4: View of wetland looking south from location of Photo #3. The wetland ends at the red maple in the background.

Wetland Function-Value Evaluation Form

Total area of wetland <2ac Human made? No Is wetland part of a wildlife corridor? or a "habitat island"? Yes

Adjacent land use Residential /Commercial Distance to nearest roadway or other development <100'

Dominant wetland systems present Forested Wetland (PFO1B) Contiguous undeveloped buffer zone present Partial

Is the wetland a separate hydraulic system? Isolated If not, where does the wetland lie in the drainage basin?

How many tributaries contribute to the wetland? none Wildlife & vegetation diversity/abundance (see attached list)













Wetland I.D. Wetland A

Latitude 43.32215N Longitude 71.000617W

Prepared by: CKD Date 12/14/2020

Wetland Impact:
Type None/Buffer Area 0.0ac+/-

Evaluation based on:
Office XX Field XX
Corps manual wetland delineation completed? Y XX N

Function/Value	Suitability		Rationale	Principal	Comments
	Y	N	(Reference #)*	Function(s)/Value(s)	
 Groundwater Recharge/Discharge	XX		2,3,4,5,8,9,11,15	XX	Wetland infiltrates groundwater
 Floodflow Alteration			1,5,6,7,8,9,13,15,		No restrictive outlet or extended storage capacity
 Fish and Shellfish Habitat		XX			No permanent water or waterway associated with project
 Sediment/Toxicant Retention		XX			wetland substrate is not adequate to retain sediment or contaminants from proximal sources.
 Nutrient Removal		XX	3,5,8,9,11		Nutrient utilization is limited due to lack of vegetation density and diversity of lower level trophic consumers
 Production Export		XX			limited production of food and browse is available
 Sediment/Shoreline Stabilization		XX			
 Wildlife Habitat	XX		3,4,5,7,8,10,13,15,16,17,18,19,20	XX	This wetland is isolated and contains an potential unconfirmed vernal pool
 Recreation		XX			No recreational opportunities exist on this limited area of wetland
 Educational/Scientific Value		XX			Wetland is accessible but located on private land with no unique significance
 Uniqueness/Heritage		XX			Wetland is accessible but located on private land with no unique significance
 Visual Quality/Aesthetics		XX			Wetland and upland buffer provide back drop and buffer between properties
ES Endangered Species Habitat	XX				Priority Resource areas is in the vicinity of the project
Other					

Notes:

* Refer to backup list of numbered considerations.

