



**City of Nashua**  
**Planning Department**  
 229 Main Street  
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090  
 WEB www.nashuanh.gov

**SPECIAL EXCEPTION APPLICATION (ZBA)**

**PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.** 5

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. Please print clearly or type.

**1. SPECIAL EXCEPTION INFORMATION**

a. ADDRESS OF REQUEST   
 Zoning District  Sheet  Lot

b. SPECIAL EXCEPTION(S) REQUESTED:

c. LAND USE CODE SECTION(S) REQUESTING SPECIAL EXCEPTION(S) FROM:

**2. GENERAL INFORMATION**

a. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)

(Print Name):   
 Applicant's signature  Date   
 Applicant's address   
 Telephone number H:  C:  E-mail:

b. **PROPERTY OWNER (Print Name):**

\*Owner's signature  Date   
 Owner's address   
 Telephone number H:  C:  E-mail:

**\*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).**

<b>OFFICE USE ONLY</b>	Date Received <u>5/14/19</u>	Date of hearing <u>6/11/19</u>	Application checked for completeness: <u>CF</u>
PLR# <u>2019-00092</u>	Board Action _____		
\$ <u>440</u> application fee <input checked="" type="checkbox"/>	<b>RECEIVED</b> MAY 14 2019 CF	Date Paid _____	Receipt # _____
\$ <u>15</u> signage fee <input checked="" type="checkbox"/>		Date Paid _____	Receipt # _____
\$ _____ certified mailing fee <input type="checkbox"/>		Date Paid _____	Receipt # _____

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

a. Describe the nature of your proposal. Please be specific.

It is proposed to construct a 25-unit residential development along with associated site improvements. As part of the project, it is proposed to impact approximately 1,226 square feet of a 'critical' wetland and 7,596 square feet of associated wetland buffer in order to construct a private driveway and gravel trail. See attached plans and project narrative for details.

b. Does your proposal involve the physical construction or expansion of a structure? Yes [X] No [ ] If yes, describe how the size of the addition (and any existing structure) compares with the physical size of surrounding properties.

Twenty-five (25) single-family, detached residential units will be constructed along with private roadways and associated site improvements.

c. Do you anticipate the need for additional on-site parking space as a result of your proposal? Yes [ ] No [X] If yes, approximately how many square feet of paved or designated parking space will be provide for both existing and proposed usage?

N/A

d. What effects would the requested use have upon surrounding traffic congestion and pedestrian safety?

The proposed request has no direct relationship to traffic or pedestrian safety; however, a traffic consultant has been hired to determine the impacts, if any, resulting from the proposed project. Pedestrian safety will be maintained through the use of on-site sidewalks and trails.

e. What measures will be taken (if any) to insure that your proposal will not impair the integrity or be out of character with the zoning district or immediate neighborhood?

The development is a permitted use in the R-40 zone. The type and style of the proposed residential buildings will be consistent with the surrounding properties.

4. SPECIAL EXCEPTION – ADDITIONAL QUESTIONS

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

a. Total number of employees [ ] Number of employees per shift [ ]

b. Hours and days of operation [ ]

c. Number of daily and weekly visits to the premises by customers, clients, vendors, and solicitors [ ]

**SPECIAL EXCEPTION APPLICATION**

Address

Page 3

d. Number of daily and weekly commercial deliveries to the premises

e. Number of parking spaces available

f. Describe your general business operations:


g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access, and circulation:


*I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those point specifically mentioned are affected by action taken on this appeal.*

*Kevin Slattery, Pres*

Signature of Applicant

5/13/19

Date

Kevin Slattery for Etchstone Properties, Inc.

Print Name

Date

**ETCHSTONE PROPERTIES, INC. – 35 GROTON ROAD**

**SPECIAL EXCEPTION GENERAL CONDITION #4.** Any special regulations for the use set forth in this article are fulfilled. (Section 190-115 B of the Nashua land Use Code):

- 1) That the use or activity proposed and its attendant impacts cannot reasonably be avoided.

**The proposed impacts are a result of the proposed construction of a private driveway crossing in order to access the rear portion of the property.**

- 2) That the least damaging route and methodology has been selected, and that which is being proposed is the best practicable alternative available.

**Overall, the proposed design minimizes wetland and wetland buffer impacts through the use of a 'cluster'-type development and by locating proposed houses and roadways away from wetland and buffer areas throughout the site. The design of the proposed private driveway crossing minimizes the impacts to the wetland and buffer by crossing at the narrowest location of the existing wetland, using the minimum driveway width as allowed by the Fire Department, and by the use of steep slopes and guardrail along the impact area.**

- 3) That reasonable and acceptable impact mitigation measures have been incorporated where necessary and appropriate to minimize wetland loss or degradation.

**Mitigation measures, if any, have yet to be finalized with the Conservation Commission.**

- 4) That the overall impact of encroaching into wetland or buffer areas is necessary for the productive use of adjoining buildable land and, as such non-encroachment is outweighed by the benefits thereby derived.

**Development of properties such as this is important to the overall growth and vitality of the community and will provided needed residential services to the area.**

- 5) That no significant impact on the habitat of rare or endangered species or exemplary communities, as listed by the State of New Hampshire or federal government, will result.

**Minimal impacts, if any, are anticipated. See NHB report.**

- 6) That the best available adequate erosion and sedimentation control methods are incorporated.

**Temporary and permanent erosion control measures will be implemented for the duration of the project's construction.**

- 7) That the proposed activity or use shall not significantly impair wetland capacity to provide important wildlife and fishery functions, including habitat, food, shelter, breeding, migratory and over-wintering.

**Due to the nature of this development proposal (private driveway crossing), the capacity of the wetlands to provide wildlife and fishing functions is not adversely impacted.**

- 8) That the project shall not impair the stability of a water body's bank.

**The proposed project will not adversely impact the stability of the banks of any existing wetland areas.**

- 9) That the wetland and buffer function of hydrologic absorption capacity and storage shall not be impaired.

**The proposed design will attempt to maintain existing drainage patterns and will include stormwater management measures to mimic existing hydrologic absorption capacity and storage conditions on site.**

## **I. NARRATIVE REPORT**

As required by the Nashua Conservation Commission Wetlands and Buffer Delineation and Protection Plan, the proposed residential development is described in the narrative below. The order of our responses is the same as shown on the attached Wetlands and Buffer Delineation and Protection Plan application form.

### **A. Existing Conditions**

1. The subject property is located at 35 Groton Road, which is located in the southwesterly portion of Nashua, NH. The property is known to the Nashua Assessors Department as Map 'D', Lot 23, measures 25.291 acres in size and is located in the R-40 residential zone. The site is abutted by City-owned conservation land to the north and east, single-family residential uses to the west, and Groton Road and undeveloped land to the south.

A single-family dwelling (un-occupied) and a barn were located in the central portion of the site but have been or are scheduled to be demolished. A long gravel driveway provides access to the dwelling from Groton Road. The majority of the property is undeveloped and is comprised of a mix of forested uplands and mowed hayfields.

Brendan Quigley, NH certified wetland scientist (#239) of Gove Environmental Services, Inc., Exeter, NH flagged wetlands in November 2018. Hayner/Swanson, Inc. subsequently surveyed the flagged locations to produce the attached plans.

The wetland delineation was conducted utilizing the following standards:

1. US Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (Jan 1987) AND Regional Supplement to Corps of Engineers Wetland Delineation Manual; Northcentral and Northeast Region, Version 2.0, January 2012.
2. Field Indicators of Hydric Soils in the United States, Version 8.0, 2016 AND (for disturbed sites) New England Hydric Soils Technical Committee. 2017 Version 4, Field Indicators for Identifying Hydric Soils in New England. New England Interstate Water Pollution Control Commission, Lowell, MA.
3. National Wetland Plant List, Version 3.3 (2016).

Three areas of wetland were identified on the site and demarcated with consecutively numbered flagging labeled A1 through A59, B1 through B49, and C1 through C28. A sketch plan depicting the location and designation of these three wetlands is enclosed with this report.

Both the A and the B series wetland areas lie along an intermittent stream flowing from Groton Road, through the site to the northern property boundary. The stream channel is poorly defined through much of the wetland area but flow is clearly south to north. No culvert was identified under Groton Road, the stream may originate from groundwater discharge on the site a culvert under Groton Road may be buried or otherwise disturbed.

The A series wetland is primarily a wet meadow and emergent wetland situated between areas of maintained upland field and. This wetland type is classified as PEM1B under the Cowardin classification system<sup>1</sup>. Prominent species in this area are Reed Canary Grass (*Phalaris arundinacea*), Meadowsweet (*Spiraea latifolia*), sensitive fern (*Onoclea sensibilis*), and Cattail (*Typha latifolia*). A cart path at the northern end of the wet meadow separates it from the B series to which it is connected through a culvert. The B series wetland lies in a wooded portion of the property dominated by large Eastern White Pine (*Pinus strobus*), Eastern Hemlock (*Tsuga canadensis*), and lesser amounts of smaller hardwoods. Only a small portion of the wetland can be called forested however. The majority lies within what appears to be an old impoundment, likely created as a farm pond but now largely drained. There is a mix of vegetation in this area ranging from algae and Cattail to small Red Maple (*Acer rubrum*). Immediately north of the cart path the stream is better defined and the wetland is dominated by woody invasive species, most prominently Oriental Bittersweet (*Celastrus orbiculatus*), and Multiflora Rose (*Rosa multiflora*). Overall the wetland can be classified as a mix of deciduous forested and aquatic bed wetland types (PFO1B/PAB1x).

The C series wetland is located in the western portion of the site between Groton Road and maintained field. The wetland is surrounded by a narrow wooded area dominated by White Pine which is more mature along the road and younger to the east. The wetland itself is an isolated scrub shrub wetland with permanently or near permanently flooded hydrology (PSS1H). The dominant vegetation in the wetland is Buttonbush (*Cephalanthus occidentalis*) which forms a shrub thicket covering much of the wetland.

2. Generally speaking, the A and B series wetlands are relatively undisturbed and typical of rural, post agricultural areas. The alteration of these wetlands was historic in nature and related to past agricultural uses. This includes the impoundment of water in the B series wetland, a channelized portion of the A series wetland in the field, and the possible expansion of the A series due a restricted outlet at the cart path. An excavated area in the trees adjacent to the A series may have been a borrow area or attempted farm pond. This area did not contain the hydric soils

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<sup>1</sup> Classification of Wetlands and Deepwater Habitats of the United States. USFW Manual FWS/OBS-79/31 (1979)

necessary to qualify as a wetland. Lastly, there are no indications of historic or recent disturbance to the C series wetland.

3. A review request was submitted to New Hampshire Natural Heritage Bureau for the presence of known species of concern on or near the site. A response was pending as of the date of this letter.
4. Aside from the vernal pool breeding activity described below, few direct wildlife observations were made during the site visits. These include songbirds and common small mammals such as Grey Squirrel, and Chipmunk. The wetlands, fields, and forested areas likely support habitat for a variety of wildlife. Wetland C appears to be good habitat for other amphibian species particularly turtles. The presence of vernal pool breeding suggests that fish are absent from this area despite apparently permanent or near permanent shallow pond. Wetlands A and B likely also support some amphibian species but to a lesser extent given the dominance of saturated rather than flooded conditions.

The proximity of conservation land to the east and north of the site enhances the modest habitat elsewhere on the site. Numerous common mammals likely use the field, forest, edge habitat for hunting, foraging or movement. The open field areas are also excellent hunting areas for raptors.

5. The existing wetlands appear to be fed by a combination of surface water runoff and groundwater. The site contains two distinct drainage patterns. The majority of the site drains into the easterly wetland complex that flows north. A smaller portion of the site drains into the westerly pond, which has no outlet. Based on recently performed test pits, it appears that the groundwater table elevation throughout the site is fairly consistent and coincides with the water elevations observed in the wetland areas.
6. The majority of the property is undeveloped and is comprised of a mix of forested uplands and mowed hayfields. Invasive species (oriental bittersweet, multiflora rose and reed canary grass) were observed at the time of wetland flagging; however, a detailed invasive species inventory has not been performed throughout the site.
7. The site contains two distinct drainage patterns. The majority of the site drains into the easterly wetland complex that flows north. A smaller portion of the site drains into the westerly pond, which has no outlet.
8. There is approximately 2,260 square feet of impervious area on site, including the existing structures.
9. The existing topography generally slopes from the perimeter to the on-site wetlands located on the westerly and easterly portions of the site.



site off in all directions. The topography is considered slight to moderate in the majority of the site with grades ranging from 120 in the center to 148 along the edges. See attached plans for details.

10. A single-family dwelling (un-occupied) and a barn were located in the central portion of the site but have been or are scheduled to be demolished. A long gravel driveway provides access to the dwelling from Groton Road. The majority of the property is undeveloped and contains a mix of forested uplands and mowed hayfields. The property is located in the R-40 residential zone.
11. A vernal pool investigation was conducted on 4/5/19 and 4/17/19. During these visits all wetlands were investigated for the presence of vernal pool breeding activity. Two areas of vernal pool breeding were identified on the site. Wetland C was noted as a potential vernal pool last fall when the delineation was completed. This was confirmed on 4/5 when extensive Wood Frog (*Lithobates sylvaticus*) chorusing was heard in this area. A total of 75 Wood Frog egg masses and 35 Yellow Spotted Salamander egg masses were subsequently counted in this pool. Due to the difficulty posed by the dense buttonbush and depth (up to 4-feet) of the pool this count very likely does not account for all the egg masses present in the pool.

Less intense Wood Frog chorusing was also heard in a limited portion of wetland A during the first visit. This was somewhat surprising since the shallowly ponded dense herbaceous vegetation in this wetland is not typical vernal pool habitat. Upon returning for egg mass counts no wood frog egg masses were able to be located. However, a total of 12 Yellow Spotted Salamander egg masses were counted. Several photos of the vernal pools have been included in this report.

12. There are no public wells located on this site. The existing dwelling was serviced by an on-site private well.
13. There are no public trails on the site. The site is adjacent to the City-owned Terrell Homestead Conservation Land and Southwest Trail System.

## **B. Proposed Project Activity**

1. The proposed residential project includes the construction of 25-unit single-family detached units, along with associated private roads and site improvements. The project will be developed as a 'cluster'-type development (conservation subdivision) in accordance with Nashua Land Use Code Section 190-40. Access to the site will be provided via a new, private roadway off of Groton Road. Twenty-two units are proposed in the central portion of the site and three units are proposed in the northeast portion of the site. Access to these three units will be provided via a private driveway, which will require a crossing of the existing

stream. The site will be serviced by on-site private septic systems, water by Pennichuck Water Works, on-site propane, and underground electric and telecommunications utilities.

2. The intent of the stormwater management system for this project will be to address the qualitative and quantitative aspects of stormwater runoff to prevent adverse downstream impacts by the project. Runoff from the majority of the proposed development area, including the roads and building rooftops, will be captured via curbing and catch basins and directed into a stormwater management area located in the rear portion of the site. It is in this location that stormwater treatment, storage and infiltration will occur. These practices will reduce runoff velocities, settle suspended solids and remove pollutants from the runoff. Flow will then be discharged in a controlled manner into adjacent wetland to the north. The net result is that paved areas will receive qualitative treatment and, due to the detention capabilities of the stormwater management areas, there will be no increase in peak rates of runoff leaving this site.
3. Sedimentation and erosion control measures for the proposed project consist of temporary measures and permanent measures, in accordance with *New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction*, December 2008, prepared by New Hampshire Department of Environmental Services.

Temporary measures will consist of temporary seeding, mulching, diversion ditches, jute meshing, stone check dams, gravel construction entrances, and silt fencing. Silt sack devices are to be installed on catch basin structures that receive surface stormwater. Temporary sediment ponds may be constructed at the contractor's discretion for interception of overland stormwater flows during significant storm events and dewatering activities, if needed. Upon final stabilization, temporary measures are to be removed.

Permanent measures for paved and non-paved areas consist of permanent seeding, tree/shrubbery landscaping and, of course, the aforementioned, on-site stormwater management area in the northwest corner of the site. The Contractor shall remove all temporary erosion control measures from the site prior to the issuance of a certificate of occupancy.

Recommendations for site maintenance and inspection procedures are included in the final site plan set. In general, the maintenance of the entire stormwater management system (catch basin grates/sumps, treatment areas, headwall outlets) requires regular inspections and remedial work if necessary. Accumulation of sediment, grit and debris within the above-mentioned elements shall be removed with a vacuum truck. Disposal of this material shall be at an off-site location, in a legal manner.

4. As mentioned above, the goal of the project design will be to mimic existing drainage patterns and work with existing grades as best possible to order to balance the earthwork necessary to construct the proposed roads and units. This project will add approximately 3 acres of impervious area to this site.
5. The proposed site plans show the areas of existing vegetation to remain upon completion of this project.
6. The enclosed Wetland/Buffer Impact Plans show and quantify the impacts to the site.
7. It is likely that the construction of this project will contain trailers for the contractor's office. The location of these trailers has yet to be determined. Similarly, stockpiles of material will be part of the construction process. If stockpiles are to be left untouched for over fourteen days, they shall be seeded or surrounded with silt fencing.
8. The site is not located within the Water Supply Protection District.
9. No open water bodies are being impacted by this development.

**C. Post Construction**

1. No plan to remove invasive species is proposed.
2. Buffer restoration is not proposed for this project.
3. Landscaping is shown on the site plan set.
4. The proposed private roadways will be maintained by the future homeowner's association.
5. The selected contractor shall be responsible for the removal of non-biodegradable erosion control measures and other construction materials upon construction completion. No contractor has yet been selected for this project.
6. Photos of all completed work in the buffer shall be submitted upon completion of this project.

**D. Mitigation**

1. To be discussed with Nashua Conservation Commission.
2. To be discussed with Nashua Conservation Commission.
3. To be discussed with Nashua Conservation Commission.

**II. SITE PLAN/DRAWING**

Please see the attached plans set for the required criteria in items 1 through 7.



**Photo 1: Looking west along Groton Road from existing driveway**



**Photo 2: Looking east along Groton Road from existing driveway**



**Photo 3: Looking north from Groton Road towards easterly portion of site**



**Photo 4: Looking north from Groton Road towards wetlands**



**Photo 5: Looking west from existing house towards field**



**Photo 6: Looking east towards existing cart road and former well house**

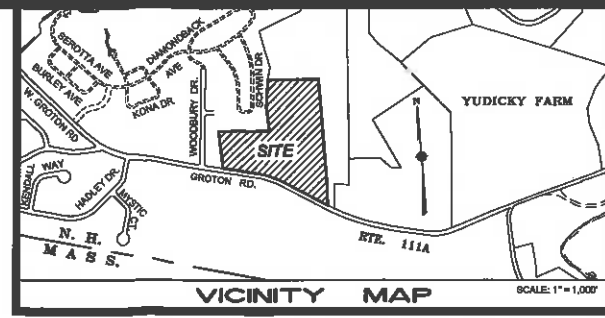
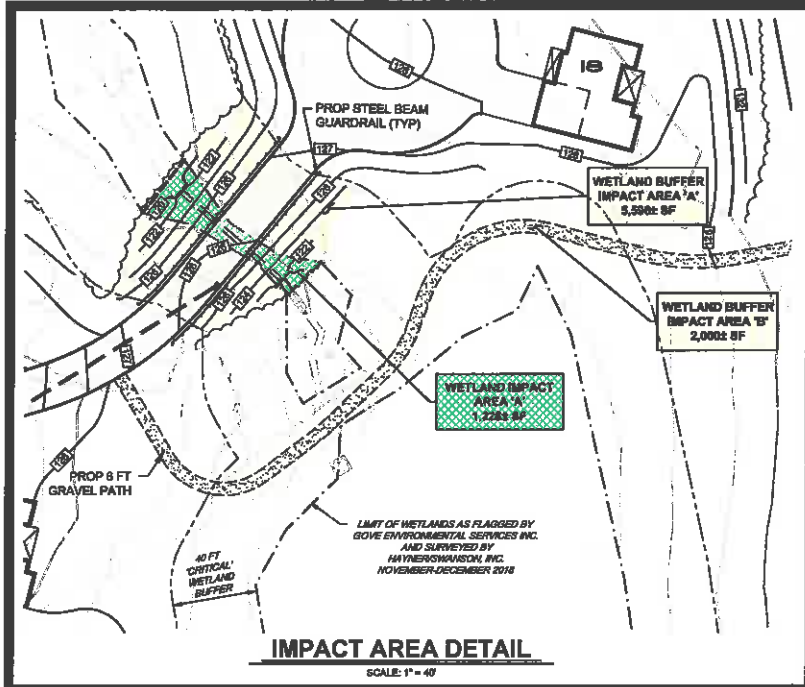


**Photo 7: Looking north from cart road towards wetlands/stream**



**Photo 8: Looking north from cart road towards field**





- NOTES:**
- TOTAL SITE AREA: 26.291 ACRES (1,101,620 SF)
  - PRESENT ZONING: R-46; RURAL RESIDENCE
  - LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSORS MAP 'D'.
  - SITE SHALL BE SERVICED BY PRIVATE ON-SITE SEPTIC, WATER BY PENNHUCK WATER WORKS, PRIVATE ON-SITE PROPANE, AND UNDERGROUND POWER AND TELECOMMUNICATIONS UTILITIES.
  - PURPOSE OF PLAN: TO SHOW WETLAND AND WETLAND BUFFER IMPACTS FOR THE PROPOSED 25-UNIT RESIDENTIAL PROJECT.
  - OWNER OF RECORD: MAP 'D', LOT 25 ETCHSTONE PROPERTIES, INC. 179 AMHERST STREET NASHUA, NEW HAMPSHIRE 03064 BK 0133, PG. 205

**CONSULTANT CONTACTS**

**SURVEYOR/CIVIL ENGINEER**  
THOMAS E. ZALAK, JR., P.E.  
HAYNES SWANSON, INC.  
3 CONGRESS STREET  
NASHUA, NH 03082  
(603) 883-2087

**WETLANDS/SOILS CONSULTANT**  
BRENDAN QUIGLEY  
GOVE ENVIRONMENTAL SERVICES, INC.  
8 CONTINENTAL DRIVE  
BUILDING 2, UNIT 4  
DEXTER, NH 03033  
(603) 778-0844

**WETLAND/BUFFER IMPACT TABLE**

AREA	WETLAND IMPACT (SF±)	WETLAND BUFFER IMPACT (SF±)
A	1,228	5,898
B	N/A	1,990
TOTAL	1,228	7,888

- LEGEND**
- EXISTING GROUND CONTOUR
  - EXISTING SPOT ELEVATION
  - PROPOSED GRADE
  - PROPOSED SPOT GRADE
  - STORM DRAIN & CATCH BASIN
  - STORM DRAIN & MANHOLE
  - STORM DRAIN & HEADWALL
  - STORM DRAIN & END SECTION
  - TREE LINE
  - STONE WALL
  - BUILDING SETBACK LINE
  - WETLAND FLAGGING LIMIT
  - WETLAND BUFFER LINE
  - CURBING
  - PAVEMENT SAWCUT
  - PROPOSED PAVEMENT
  - WETLAND IMPACT AREA
  - WETLAND BUFFER IMPACT AREA

**PRELIMINARY DESIGN REVIEW**

PREPARED FOR/RECORD OWNER:  
**ETCHSTONE PROPERTIES, INC.**  
179 AMHERST STREET  
NASHUA, NEW HAMPSHIRE 03064 (603) 880-3038

WETLAND/BUFFER IMPACT PLAN  
(MAP 'D', LOT 25)  
**35 GROTON ROAD**  
NASHUA, NEW HAMPSHIRE

**IHSI** Haynes Swanson, Inc.  
Civil Engineers/Land Surveyors  
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Scale: 1" = 60'  
Date: 22 APRIL 2018  
1 of 1  
Sheet: 5155  
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