

BERRY SURVEYING & ENGINEERING

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August 17, 2019

Town of Nottingham
Planning Office
Attn: JoAnna Arendarczyk, Planning Secretary
139 Stage Road
P.O. Box 114
Nottingham, NH 03820

RE: Domus Developers Inc.
Subdivision Review
Old Turnpike Road
Nottingham, NH
Tax Map 6, Lot 22

Mr. Chairman, Members of the Nottingham Planning Board,

On behalf of Domus Developers Inc., Berry Surveying & Engineering (BS&E) is requesting a 90 day extension for the project located along US Route 4 in Nottingham, NH approved by the Nottingham Planning Board on September 11, 2019. This approval is set to expire on September 11, 2020. In addition to this request we are supplying the board with a brief list of modifications which were required by the NHDOT to date.

Reasons for the request:

In general there have been two major delays in the final permitting of this project outside the control of the applicant.

- **Alternation of Terrain and Wetlands Permitting.** Both of these agencies require a sign off from New Hampshire Fish and Game (NH F&G) for this particular project due to the proximity to specific species of concern. In addition to the standard Best Management Practices typically required the applicant was required to prepare a vernal pool study demonstrating that there were no vernal pools on the project site. There were no vernal pools found on the project site. Once the environmental scientist was engaged, conducted the work and submitted the findings to NH F&G we were then requested to provide a permanent level of protection to the open space. The applicant hired DTC attorneys to work with NHDES and NH F&G to prepare a document which satisfied the requirement.

When this was finally resolved in June of this year, we requested a letter from NH F&G stating that the Wetlands Bureau and the Alteration of Terrain Bureau (AoT) were free to

issue permits on the project. We were instructed that both permitting agencies would reach out independently to NH F&G. Wetlands has reached out to NH F&G and has issued their permit. AoT has reached out and has not received the required correspondence back to issue the permit. We have verified however that all other outstanding items have been taken care of and a permit can be issued upon completed signoff from NH F&G.

In the past six months the permitting process with AoT has become much more difficult with respect to NH F&G. This has to do with a recent interpretation of the rules which requires NH F&G to formally approve a project for permitting. This interpretation has resulted in the AoT rules being modified and the implementation of additional study requirements.

- NHDOT. A package was submitted to District VI on September 11, 2019. The district did not provide the initial review response until May of 2020. We, as the applicant's agent, did request updates on the review between submission and the first review, however minimal response was provided. In the May response, NHDOT requested that we review storm water discharge to the swale line along the Right Of Way adjacent to the proposed Ada Drive. In a follow-up phone call with the Assistant District Engineer, BS&E was asked to review swale capacity of the existing swale line and report our findings back prior to final design and submission. This work was conducted and submitted to NHDOT. A follow up call was conducted to this submission where it was decided that installing a cross country drainage pipe was preferred over discharge to the swale. (See list of revisions below). In addition to copious other minor revisions, this change was made, drainage analysis was updated, and all plan correlations made. This was submitted back to NHDOT on August 17, 2020 as of the writing of this request. Though we are hopeful there are no other outstanding comments to address, we cannot control the pace in which NHDOT reviews and responds to our last submission.

Many of the above delays are likely due to the shutdown many experienced during the first quarter of this year. Though all of the agencies have been running as efficiently as possible we are experiencing longer delays due to long queue lengths in permitting. We are hopeful that this extension is not needed however in the event it is we wanted to ask in advance of the expiration. The proposed expiration would be December 11, 2020.

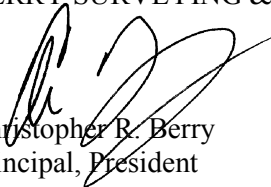


Overview of Plan Modifications.

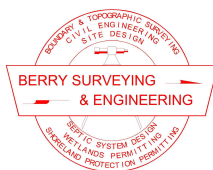
The following were plan modifications required by NHDOT:
Addition of easement around existing culverts located on the subject parcel and coordination with the Right of Department the granting of the easement.
Modification of the driveway profiles of Ada Drive and the shared driveway access. This resulted in the regarding of Ada Drive. The design intent remained the same.
The installation of a cross country culvert through the front of the project site on Ada Drive to a discharge point into the woods.

Enclosed is a half scale set of plans specifically prepared for NHDOT with the changes highlighted for ease in review.

BERRY SURVEYING & ENGINEERING



Christopher R. Berry
Principal, President



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