



TOWN OF NOTTINGHAM

ZONING BOARD OF ADJUSTMENT

139 Stage Road, P.O. Box 114, Nottingham, NH 03290 - email: plan.zone@nottingham-nh.gov Tel (603) 679-9597 Fax (603) 679-1013

**THE ZONING BOARD WILL NOT ACCEPT
INCOMPLETE OR LATE APPLICATIONS**

PLEASE READ BEFORE FILLING OUT YOUR APPLICATION

Check the following boxes when complete to ensure application completeness:

- ☒ The **“Applicant’s Name”** on the application must be the property owner(s) of record
 - include a copy of the Deed and Tax card
- ☒ The applicant’s **mailing address** should be listed underneath the applicant’s name(s).
- ☒ **All owners must also sign** the application on the last page.
- ☒ **“Representative”** need only be filled out if someone else will be making the presentation for the applicant. This information must also be included on the last page of the application.
- ☒ Under **“Location of Property”** you need not fill out the tax map, parcel & zone if you do not know it. Simply list the address of the property involved.
- ☒ For **“previous Zoning Board action on this property”** see the Land Use Clerk.
- ☒ If you are seeking a **VARIANCE, you are required to complete the five points of law on your application. Failure to do so will result in a delay or a denial. Be as thorough as possible! Your case rests on these points!** If you have any questions, feel free to contact the Land Use Clerk. These points begin on page 4 and continue on through to page 5.
 - You or your representative may be required to **VERBALLY** present all five points of law during the Public Hearing.
- ☒ **Please make copies for yourself so that you will have the same information the Board has when you present to them. All relevant information, plans, drawings, etc. must be submitted with your application** so that they may be on file in the Land Use Office as public information. *Remember, the more prepared you are, the less time you will need to spend before the Board.*
 - Please bring six (6) copies of any additional materials that were not submitted with your application (i.e. drawings, photographs, more detailed explanations or reasoning) to the meeting.
- ☒ **Six (6) sets of 11”x17” plans drawn to scale** which show lot location, lot size, setbacks, locations and dimensions of all structures (see the Nottingham Zoning Ordinance definition), powerlines (overhead & underground), well & septic radius of abutters if known and open spaces on the lot in question and on the adjacent lots and ownership of adjoining lots of land (*professionally drawn NOT required*).
- ☒ For certified mailings of Public Hearing Notices **Please print and provide three (3) sets of MAILING LABELS (6.66cm x 2.54cm) for each abutter, owner(s) and representative (if applicable).** *If an owner/abutter is repeated on your list with the exact same name and mailing address, they will only be counted once.*
 - Notices for the public hearing with the Zoning Board of Adjustment will be published in a local newspaper, posted in at least two (2) public places and will be sent via certified mail to the **property**

owner(s), abutters and any other parties the Board may deem to have an interest (including any representative) at least five (5) days before the date of the hearing.

- Please read the paragraph on page 7 of the application regarding **abutters**. The Land Use office can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION FOR THIS LIST FROM THE ASSESSOR'S OFFICE.** When verifying the correct owner and mailing information, you are required to use the assessing information only.
- Please note that the abutters have the right to attend the meeting to speak for or against your case and ask any questions they may have. However, abutters do not vote on your case. Only the Board may vote.

□ The Land Use Clerk will calculate the Fee total upon application submittal. Fee Schedule page: 9

For your information:

- Applications are due Before 2:30pm on the scheduled deadline date to be on the following month's agenda but you are **strongly encouraged to apply earlier in case any additional issues need to be addressed.**
 - **Applications will not be accepted after 2:30 on the deadline date.**
 - **Incomplete applications will not be accepted at any time.**
- The Zoning Board of Adjustment meetings take place on the third Tuesday of the month in Conference Room 1 at the Nottingham Municipal Offices, 139 Stage Road, unless otherwise posted.
- Meetings begin at 7:00P.M. Your actual hearing time is dependent on the number of cases being heard that night and the other business of the Board.
- Decisions of the Zoning Board can be based **only** on the testimony presented at the public hearing. **It is the applicant's responsibility to provide the evidence in support of the criteria for the application.**
- The Board reserves the right to continue cases to either the following month or another agreed upon date, time and location, should the meeting run to a late hour.
- Meetings are recorded on tape. Please approach the Board for your presentation and speak clearly into the microphone so that your case may be recorded accurately.
- Your case will be decided during deliberations, which typically occurs immediately following your presentation. You are welcome to stay to hear your decision. You will also receive notification in the mail of the Board's decision. If you would rather stop by and obtain your copy, please make arrangements with the Land Use Clerk.
- **Seeking a SPECIAL EXCEPTION TO OPERATE A HOME OCCUPATION (HOME BUSINESS)?**
 - Please note that the State may have separate requirements for business licensing. Such requirements would be independent of this Special Exception and **it is the applicant's responsibility to ensure that any and all State requirements are fulfilled.**
- In order to prepare yourself for your presentation, please familiarize yourself with the following:

MEETING PROCEDURES

1. The Chair reads the case into the record
2. The applicant makes their presentation.
3. The Board addresses the applicant with questions and/or comments.
4. Those in favor of the request are asked to speak at the microphone.
5. Those opposed or have questions regarding the request are asked to speak at the microphone.
6. The applicant may rebut any comments or questions.
7. The opposition may then also rebut.
8. The Board addresses the applicant with any additional comments or questions.
9. The case is taken under advisement immediately and voted on unless the Board chooses to do so at a later time- but within 30 days.



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Zoning Board of Adjustment Application for Appeal- VARIANCE

PLEASE READ THE APPLICATION RULES AND GUIDELINES BEFORE COMPLETING THE APPLICATION

LOCATION OF PROPERTY: Street Address Mitchell Road
7 1N
Tax Map Lot Sub-Lot

Applicant's information:

Name(s): <u>Robert Diberto</u>	
Address: <u>324 N.H.Route 108 Madbury N.H. 03823</u>	Phone #: <u>603-781-4321</u>
E-mail: <u>stonegreyhouse@gmail.com</u>	

Owner(s) information (if same as applicant write same):

Name(s): <u>Same</u>	
Address:	Phone #:
E-mail:	

Representative's information (if applicable):

Name(s): <u>Christopher R. Berry, Berry Surveying & Engineering</u>	
Address: <u>335 Second Crown Point Road</u> <u>Barrington N.H. 03825</u>	Phone #: <u>603-332-2863</u>
E-mail: <u>crberry@metrocast.net</u>	

Property information:

Lot Dimensions: Front 50 Rear 50 Side 50 Side 50
Lot Area: Acres 40.55 Square Feet 1,766,568
Present Use of Property Vacant land
Proposed Use of Property Proposed 14 lot subdivision

Please provide a copy of the recent deed and tax card for this property.

The signer shall be the owner; or the signer shall provide a letter signed by all the property owners giving the signer permission to represent the owner in presentation of this application.

I certify that the information provided is to the best of my knowledge, complete and correct.

OWNER(S) <u>Robert Diberto</u>		<u>10/26/20</u>
Printed name	Signature	Date
Printed name	Signature	Date
Printed name	Signature	Date

NOTE: This application is not acceptable unless all statements following have been completed. Additional information may be supplied on a separate sheet if needed.

VARIANCE REQUEST

A variance is requested from Article III Section B.4 of the zoning ordinance to permit:
Fill 6,717 SF of a PF01/4eg wetland as part of the road construction for the subdivision.

Previous Zoning Board action on this property: None

SUPPORTING INFORMATION

1. The variance would not be contrary to the public interest because:
See attached

2. The spirit of the ordinance is observed:
See attached

3. Substantial justice is done:
See attached

4. The values of the surrounding properties are not diminished:
See attached

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(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; and

See attached

ii) The proposed use is a reasonable one.

See attached

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

See attached

I understand that I **MUST** appear in person at the public hearing

OR

If I cannot appear in person,

I will designate the representative or agent, in writing below, to act on my behalf:

I hereby designate Christopher R. Berry of Berry Surveying & Engineering

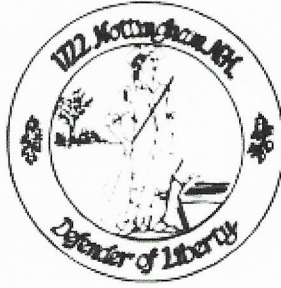
to represent me as a representative/agent in the pursuance of this appeal.

Property Owner(s) *Chris Berry* 10-26-2020 _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date



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AUTHORIZATION TO ENTER UPON SUBJECT PROPERTY

The property owner(s), by the filing of this application, hereby give permission for the members of the Nottingham Planning Board and such agents or employees of the Town as the Nottingham Planning Board may authorize, to enter upon the property which is the subject of this application at any reasonable time for the purpose of such examinations, surveys, tests and/or inspections as may be appropriate to enable this application to be processed.

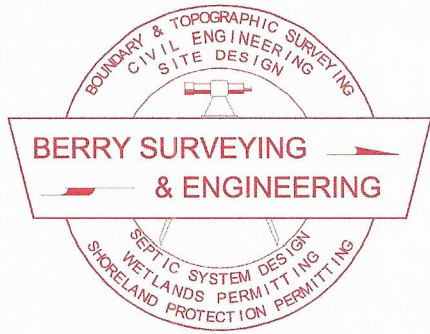
I/We hereby waive and release any claim or right I/we may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on my/our property in connection with this application. This authorization expires in one year from date of signature

Property Owner(s) Rob DeLoe 10-26-20 _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date

Property Owner(s) _____
Signature Date Signature Date



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

October 26, 2020

Town of Nottingham
Planning Office
Attn: JoAnna Arendarczyk, Planning Secretary
139 Stage Road
P.O. Box 114
Nottingham, NH 03290

RE: Robert Diberto
Variance Request
Mitchell Road
Nottingham, NH
Tax Map 7, Lot 1N

Chairperson, Members of the Nottingham Zoning Board,

On behalf of Robert Diberto, Berry Surveying & Engineering (BS&E) is submitting an application for a variance in support of the proposed subdivision off Mitchell Road.

Background and General Narrative:

Robert Diberto owns the parcel known as Tax Map 7, Lot 1N. Berry Surveying and Engineering has conducted an on-site survey of the parcel which includes a topographic analysis as well as a wetlands analysis. All wetlands found on the parcel have been flagged by a certified wetland scientist, John P. Hayes. Very Poorly Drained soils have been delineated and a Site Specific Soils Survey for the project has been conducted. The lot is vacant and mostly wooded.

The Proposal:

The proposal is to subdivide the existing parcel into 14 parcels. Two new roads will be constructed as part of the subdivision.

The first road, known as Stone Grey Drive will be constructed off Mitchell Road near the eastern corner of the lot and loop through the center of the parcel and back onto Mitchell Road near the southwest corner of the lot. Stone Grey Drive will be 20 feet wide with 2' gravel shoulders on either side. This roadway will provide access to 9 lots. After design review with the Planning Board, a loop road is preferred and is supported by the Subdivision Regulations. The second road, known as Lipizzan Drive will be constructed off Stone Grey Drive. Lipizzan Drive will be constructed as a cul-de-sac and provide access to three additional lots. The remaining 2 lots will

be accessed by a shared driveway off Mitchell Road. As part of the subdivision design, an intensive drainage analysis was done. Both roads will be crowned to divert runoff to roadside swales. In areas of wetland crossings, curbing and catch basins will be used to limit the disturbance within the buffer. From there the runoff will be diverted to detention ponds and gravel wetlands. These ponds will detain and treat the generated runoff.

All necessary erosion and sediment control measures will also be taken to ensure that no sediment runs off into the adjacent wetlands or abutting parcels. Silt soxx and construction fence will be used to protect the adjacent wetlands during the construction process. Construction entrances will be utilized in order to prevent sediment from going onto Mitchell Road.

With respect to minimization we offer the following design characteristics of the design:

- Impact Area #1
 - Box culvert with a bury depth to promote migration of amphibians and small mammals. This is done in coordination with NH Fish and Game whereas there are three species of concern within the general area of the project site. Box culvert is designed to not promote attenuation within the wetlands and passes the 100 year storm event.
 - Headwalls are used to reduce overall impact at the inlet and outlet.
 - 2:1 side slopes lined with a natural fiber to minimize fill extensions. Natural fiber was used in coordination with NH Fish and Game. Guard Rail is used along the 2:1 slopes where appropriate.
 - Perpendicular crossing is used to reduce the grading impact prior to and within the wetlands areas.
 - Storm flows are captured and directly routed to treatment cells with no untreated discharge to wetlands.
 - Centerline profiles are held to be as close to the existing grade as practical while still allowing vertical headroom for the box culvert.

- Impact area #2
 - 36" oversized culvert with a bury depth to promote migration of amphibians and small mammals. This is done in coordination with NH Fish and Game whereas there are three species of concern within the general area of the project site. The culvert is designed to not promote attenuation within the wetlands and passes the 100 year storm event.
 - Headwalls are used to reduce overall impact at the inlet and outlet.
 - 2:1 side slopes lined with a natural fiber to minimize fill extensions. Natural fiber was used in coordination with NH Fish and Game. Guard Rail is used along the 2:1 slopes where appropriate.
 - Perpendicular crossing is used to reduce the grading impact prior to and within the wetlands areas.



- Storm flows are captured and directly routed to treatment cells with no untreated discharge to wetlands.
- Centerline profiles are held to be as close to the existing grade as practical while still allowing vertical headroom for the box culvert.

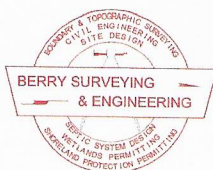
The proposed project was presented in front of the Town of Nottingham Conservation Commission on June 9th, 2020. The Conservation Commission looked favorably upon the project and did not have any major concerns with the design.

At the Planning Board meeting, it was determined that the project would require a variance to the Zoning Regulations for the proposed dredging and filling of wetlands.

Specific Variance Request & Criteria for Approval:

As noted on page 1, the request is a variance to allow for two wetlands crossing to access buildable upland areas.

1. *The variance would not be contrary to the public interest because:*
In the instance of wetlands and the prohibition on dredging and filling, the public interest lies in the potential for downstream affects due to increasing flow and potential loss of flood storage and attenuation. In this case due to the level of design and engineering that has been conducted along with a documented hydraulic analysis which demonstrates there is no increase in flow downstream the public interest is met. The proposed treatment systems provide for full attenuation of flow for flood storage events in support of this public interest. As demonstrated above in the least impacting alternatives analysis the project proposes the smallest footprint practical within the wetland area for use, access and future maintenance, which provides a balance to the needs and rights of the land owner and the impact on the natural resource.
2. *The spirit of the ordinance is observed:*
The spirit and intent of the ordinance is to protect high valued wetlands and discourage unnecessary disturbance. A functions and values analysis was done by the certified wetland scientist (the report is included in this submission) and it was determined that the wetlands being disturbed are common woodland wetlands (PFO1/4eg). The project was designed to cross the wetlands at the least sensitive area as possible. There are very poorly drained wetlands on site that hold more value and those areas were deliberately avoided. The spirit of the ordinance is to allow the productive use and access to developable upland areas in a responsible environmental manner. As indicated above, through the use of Low Impact Development measures and innovative wetland crossing methods, the spirit of the ordinance is preserved without detriment to the natural resource.



3. *Substantial justice is done:*

Due to the large engineering and environmental assessment conducted by the applicant, which carefully reviewed crossing locations, crossing types, total project secondary impacts and stormwater affects, the benefit to the applicant far outweighs the impacts on the natural resource whereas the impacts have been reduced and limited to the greatest extent practical. These methods have been reviewed and supported by the Nottingham Conservation Commission.

4. *The values of the surrounding properties are not diminished:*

The wetland disturbance will be conducted in the center of the parcel, away from external boundaries. A drainage analysis was done to ensure that there would be no increase in runoff downstream of the proposed development. In addition, there will be an existing natural woodland buffer separating the proposed subdivision from all other existing uses due to the internal looping nature of the project which promotes a more centralized development. This design does not require land clearing or development in close proximity to abutting land owners. Due to all of these direct and indirect reasons the surrounding properties will have no diminished values.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

A. *For purposes of this subparagraph “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:*

- 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;*

Robert Diberto’s property is unique in that it contains a wetland that spans across the center of the parcel, dividing it into two separate upland areas. Several concept subdivisions were presented to the Town, containing both open space subdivisions and conventional subdivisions. The open space subdivision would feature two separate cul-de-sac roads that ran up either side of the wetland, leaving the center of the lot untouched. However, the planning Board favored the conventional subdivision with a “loop road” that would connect to Mitchell Road on both ends of the property. The only way to achieve this design would be to cross the existing wetland in order to create the loop. There would be no way to access both upland areas and loop back to Mitchell Road without crossing the wetlands. Denial of the variance would put the applicant at odds with the Planning Board and the recommendations previously made, and would deny access to productive developable uplands, which will pose a direct unnecessary hardship to the applicant. Due to this special condition of the property, the applicant has undertaken extensive work and environmental design to ensure that in this



instance there is no fair and substantial relationship between the general public purpose and this application.

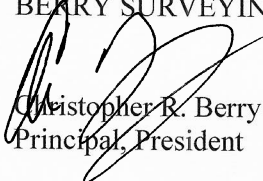
ii. *The proposed use is a reasonable one.*

The proposed use is a reasonable one because the proposed design was done to have the least adverse effect in the wetlands as possible by crossing at the narrowest points and the least valued locations. In addition to the crossing location, the proposed best management practices were designed to act as not only treatment area but also buffers between the proposed development and existing wetlands. These practices will allow the applicant to gain access to valuable, productive uplands in congruence with the Subdivision Regulations and the Planning Boards concerns, at no risk of harm to any abutting land owner, and is therefore a reasonable use.

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

The special condition of the property which cannot be overcome by any other means is the natural wetlands feature which segments the parcel, disconnecting the productive uplands. Prohibition from crossing would pose an unnecessary hardship for the applicant whereas the land would no longer be accessible and therefore would not be permitted to be reasonably used in conformance with ordinance.

Respectfully Submitted,
BERRY SURVEYING & ENGINEERING


Christopher R. Berry
Principal, President



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
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WETLANDS FUNCTIONAL ASSESSMENT WORKSHEET

Water Division/Land Resource Management
Wetlands Bureau

Check the Status of your Application



RSA/Rule: RSA 482-A / Env-Wt 311.03(b)(10); Env-Wt 311.10

APPLICANT LAST NAME, FIRST NAME, M.I.:

As required by Env-Wt 311.03(b)(10), an application for a standard permit for minor and major projects must include a functional assessment of all wetlands on the project site as specified in Env-Wt 311.10. This worksheet will help you compile data for the functional assessment needed to meet federal (US Army Corps of Engineers (USACE); if applicable) and NHDES requirements. Additional requirements are needed for projects in tidal area; please refer to the Coastal Area Worksheet for more information.

Both a desktop review and a field examination are needed to accurately determine surrounding land use, hydrology, hydroperiod, hydric soils, vegetation, structural complexity of wetland classes, hydrologic connections between wetlands or stream systems or wetland complex, position in the landscape, and physical characteristics of wetlands and associated surface waters. The results of the evaluation are to be used to select the location of the proposed project having the least impact to wetland functions and values (Env-Wt 311.10). This worksheet can be used in conjunction with the Written Narrative (NHDES-W-06-089) or Avoidance and Minimization Checklist (NHDES-W-06-050) to address Env-Wt 313.03 (Avoidance and Minimization). If more than one wetland/ stream resource is identified, multiple worksheets can be attached with the application. All wetland, vernal pools, and stream identification (ID) numbers are to be displayed and located on the wetlands delineation of the subject property.

SECTION 1 - LOCATION (USACE HIGHWAY METHODOLOGY)

ADJACENT LAND USE: FORESTED RESIDENTIAL

CONTIGUOUS UNDEVELOPED BUFFER ZONE PRESENT? Yes No

DISTANCE TO NEAREST ROADWAY OR OTHER DEVELOPMENT (in feet): ADJACENT TO 2 ROADWAYS

SECTION 2 - DELINEATION (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)

CERTIFIED WETLAND SCIENTIST (if in a non-tidal area) or QUALIFIED COASTAL PROFESSIONAL (if in a tidal area) who prepared this assessment: JOHN P. HAYES III CWS# 018 CSS# 87

DATE(S) OF SITE VISIT(S): 5/29/19 DELINEATION PER ENV-WT 406 COMPLETED? Yes No

CONFIRM THAT THE EVALUATION IS BASED ON:

- Office and
 Field examination.

METHOD USED FOR FUNCTIONAL ASSESSMENT (check one and fill in field if "other"):

- USACE Highway Methodology.
 Other scientifically supported method (enter name/ title):

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

SECTION 3 - WETLAND RESOURCE SUMMARY (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)	
WETLAND ID: WETLAND A	LOCATION: (LAT/ LONG) /
WETLAND AREA:	DOMINANT WETLAND SYSTEMS PRESENT: L
HOW MANY TRIBUTARIES CONTRIBUTE TO THE WETLAND? NONE	COWARDIN CLASS: PFO1E AND PFO1Eg
IS THE WETLAND A SEPARATE HYDRAULIC SYSTEM? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if not, where does the wetland lie in the drainage basin?	IS THE WETLAND PART OF: <input type="checkbox"/> A wildlife corridor or <input type="checkbox"/> A habitat island? IS THE WETLAND HUMAN-MADE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
IS THE WETLAND IN A 100-YEAR FLOODPLAIN? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ARE VERNAL POOLS PRESENT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, complete the Vernal Pool Table)
ARE ANY WETLANDS PART OF A STREAM OR OPEN-WATER SYSTEM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ARE ANY PUBLIC OR PRIVATE WELLS DOWNSTREAM/ DOWNGRADIENT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PROPOSED WETLAND IMPACT TYPE:	PROPOSED WETLAND IMPACT AREA:

SECTION 4 - WETLANDS FUNCTIONS AND VALUES* (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)

The following table can be used to compile data on wetlands functions and values. The reference numbers indicated in the "Functions/ Values" column refer to the following functions and values:

1. Ecological Integrity (from RSA 482-A:2, XI)
2. Educational Potential (from USACE Highway Methodology: Educational/Scientific Value)
3. Fish & Aquatic Life Habitat (from USACE Highway Methodology: Fish & Shellfish Habitat)
4. Flood Storage (from USACE Highway Methodology: Floodflow Alteration)
5. Groundwater Recharge (from USACE Highway Methodology: Groundwater Recharge/Discharge)
6. Noteworthiness (from USACE Highway Methodology: Threatened or Endangered Species Habitat)
7. Nutrient Trapping/Retention & Transformation (from USACE Highway Methodology: Nutrient removal)
8. Production Export (Nutrient) (from USACE Highway Methodology)
9. Scenic Quality (from USACE Highway Methodology: Visual Quality/Aesthetics)
10. Sediment Trapping (from USACE Highway Methodology: Sediment /Toxicant Retention)
11. Shoreline Anchoring (from USACE Highway Methodology: Sediment/Shoreline Stabilization)
12. Uniqueness/Heritage (from USACE Highway Methodology)
13. Wetland-based Recreation (from USACE Highway Methodology: Recreation)
14. Wetland-dependent Wildlife Habitat (from USACE Highway Methodology: Wildlife Habitat)

First, determine if a wetland is suitable for particular function and value ("Suitability" column) and indicate the rationale behind your determination ("Rationale" column). Please use the rationale reference numbers listed in Appendix A of USACE *The Highway Methodology Workbook Supplement*. Second, indicate which functions and values are principal (Principal Function/value?" column). As described in *The Highway Methodology Workbook Supplement*, "functions and values can be principal if they are an important physical component of a wetland ecosystem (function only) and/or are considered of special value to society, from a local, regional, and/or national perspective".

"Important Notes" are to include characteristics the evaluator used to determine the principal function and value of

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

the wetland.				
FUNCTIONS/ VALUES	SUITABILITY Y (Y/N)	RATIONALE (Reference #)	PRINCIPAL FUNCTION/VALUE? (Y/N)	IMPORTANT NOTES
1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NOT ENOUGH OF THE REQUIRED FUNCTIONS AND VALUES PRESENT AS DEFINED IN RSA 482-A:2, XI
2	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2, 13	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NO KNOWN EDUCATIONAL VALUE
3	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1, 2	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	WETLAND NOT ASSOCIATED WITH A WATERCOURSE
4	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1, 3, 5, 6, 8, 9, 18	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	WETLAND SYSTEM HAS FLAT AREAS, AND THE ABILITY TO POTENTIAL TO FOR FLOOD WATER STORAGE
5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2, 5, 6,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	WETLAND SOILS ARE LOAMY IN TEXTURE NO EVIDENCE OF VARYING WATER LEVELS.
6	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NONE RECORDED ON PROPERTY
7	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	WETLAND IS SUFFICIENT FOR THE ATTENUATION AND RETENTION
8	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6, 4, 7	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	WETLAND IS PREDOMINANTLY RETAINING NUTRIENTS
9	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	5, 7, 10, 11	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	WETLAND IS NOT VISIBLE FROM ADJACENT ROADWAYS
10	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3, 4, 5, 7, 8	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NO NO ASSOCIATED WATERCOURSE IS PRESENT VERY SLOW WATER FLOW
11	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2, 4, 12, 15	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	LITTLE OR NO EROSION EVIDENT
12	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NO SPECIAL VALUES KNOWN ON THIS SITE.
13	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NO PUBLIC ACCESS TO WETLAND AREA

lrm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

14	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1, 2 1, 3, 4, 5, 8, 13, 16, 19	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NO EVIDENCE OF MIGRATORY SPECIES WETLAND AREA SUPPORTED BY RESIDENTIAL AREA
----	--	---	--	--

SECTION 5 - VERNAL POOL SUMMARY (Env-Wt 311.10)

Delineations of vernal pools shall be based on the characteristics listed in the definition of "vernal pool" in Env-Wt 104.44. To assist in the delineation, individuals may use either of the following references:

- *Identifying and Documenting Vernal Pools in New Hampshire 3rd Ed.*, 2016, published by NHF&G; or
- The USACE *Vernal Pool Assessment* draft guidance dated 9-10-2013 and form dated 9-6-2016, Appendix L of the USACE New England District *Compensatory Mitigation Guidance*.

All vernal pool ID numbers are to be displayed and located on the wetland delineation of the subject property.

"Important Notes" are to include documented reproductive and wildlife values, landscape context, and relationship to other vernal pools/wetlands.

Note: For projects seeking federal approval from the USACE, please attach a completed copy of The USACE "Vernal Pool Assessment" form dated 9-6-2016, Appendix L of the USACE New England District *Compensatory Mitigation Guidance*.

VERNAL POOL ID NUMBER	DATE(S) OBSERVED	PRIMARY INDICATORS PRESENT (LIST)	SECONDARY INDICATORS PRESENT (LIST)	LENGTH OF HYDROPERIOD	IMPORTANT NOTES
1					
2					
3					
4					
5					
6					
7					

irm@des.nh.gov or (603) 271-2147

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www.des.nh.gov

John P. Hayes III CSS, CWS,
7 Limestone Way
North Hampton, NH 03862
603-205-4396
johnphayes@comcast.net

8/16/17

Job# 17-022

To: Bob Diberto
334 Route 108
Madbury NH

Re: Wetland Delineation: 8/2/17, 8/10/17 and 8/14/17
Map 7 Lot 1N Route 4 Nottingham & Map 13 Lot 35-1B Mitchell Road Barrington NH

Dear Bob:

This letter reports the completion of a wetland delineation conducted on the above referenced property by John P. Hayes III on August 2, 10, and 17, 2017. The parcel 59 acres in size, and is located on the southwest side of Route 4, and northeast of Mitchell Road, in Nottingham, and Barrington, NH. The purpose of the delineation is to assess any potential future site development options. Soil textures in the areas delineated consist mainly of glacial till.

The wetland delineation was conducted in accordance with the 1987 Army Corps of Engineers Wetlands Delineation Manual using the Routine Determinations Method, as required by the New Hampshire Department of Environmental Services Wetlands Bureau and the US Army Corps of Engineers.

The following standards were used to determine jurisdiction under the manual and to classify the wetland systems on the site:

- 1) *Field Indicators for Identifying Hydric Soils in the United States* Version 7.0. 2010.
- 2) *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: North central and Northeast Region* Version 2.0 2012
- 3) *Field Indicators for Identifying Hydric Soils in New England* New England Hydric Soils Technical Committee. April 2004. 3rd Edition. NEIWPC Lowell, MA. .
- 4) *National List of Plant Species That Occur in Wetlands: 2012 New Hampshire*. United States Department of the Interior. Fish and Wildlife Service. NERC-88/18.29.
- 5) *Corps of Engineers Wetlands Delineation Manual*, January 1987. Wetlands Research Program Technical Report Y-87-1.
- 6) *Classification of Wetlands and Deep water Habitats of the United States*. December 1979. US Department of the Interior. Fish and Wildlife Service. FWS/OBS-79/31.

The wetland delineation complies with the poorly drained soil criteria defined in SSSNNE Special Publication No.1 "High Intensity Soil Map of New Hampshire Standards" dated April 2008, and definitions by the towns of Nottingham and Barrington. Wetland soils in the area meet hydric soil criterion X.A, and V on the parcel. Some very poorly drained soils are present within portions of the wetlands, However, this delineation does not differentiate between poorly and very poorly drained soil. Therefore the soil wetland boundary cannot be used to determine local setback requirements to very poorly drained soils.

A sketch of the approximate flagged line(s) with start and stop points is enclosed. This sketch is a general representation of the location of the wetland boundary and is only intended to aid your survey location of the wetland flags. There is no representation of its accuracy. It is strongly recommended that the flagged line(s) be survey located as soon as possible and depicted on a base plan.

Wetland boundaries identified on the property are witnessed in the field with pink, wetland delineation flagging tape hung periodically on vegetation using an alpha-numeric system as follows:

A1 to A93 (stop)

B1 to B39 (stop)

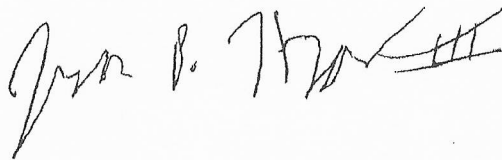
C1 to C81 (stop)

According to the "Classification of Wetlands and Deep water Habitats of the United States" (USFWS December 1979) the wetland areas delineated the A line would be classified as a combination of a Palustrine, Forested, Broad Leaved, and Needle leaved deciduous systems, that are seasonally flooded and or saturated, with organic soils present. (PFO1/4Eg).

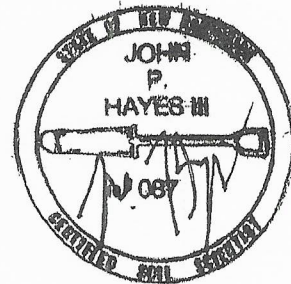
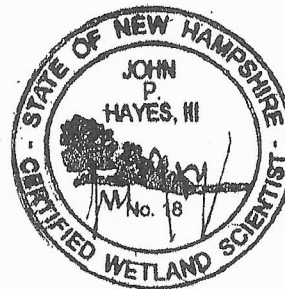
The plant species located in or near the wetlands include, but are not limited to: Red maple (*Acer rubrum*), White oak (*Quercus alba*), Grey Birch (*Betula populifolia*), Yellow birch (*Betula alleghaniensis*), White pine (*Pinus strobes*), Eastern Hemlock (*Tsuga canadensis*), Highbush blueberry (*Vaccinium corymbosum*), Witch hazel (*Hamamelis virginiana*), Silky dogwood (*Cornus amomum*), Northern arrow-wood (*Viburnum dentatum*), River Grape (*Vitis riparia*), Gold thread (*Coptis trifolia*), Wintergreen (*Gaultheria procumbens*), Partidgeberry (*Mitchella repens*), Cinnamon fern (*Osmunda cinnamomea*), and Sensitive fern (*Oncoclea sensibilis*), and Royal fern (*Osmunda regalis*).

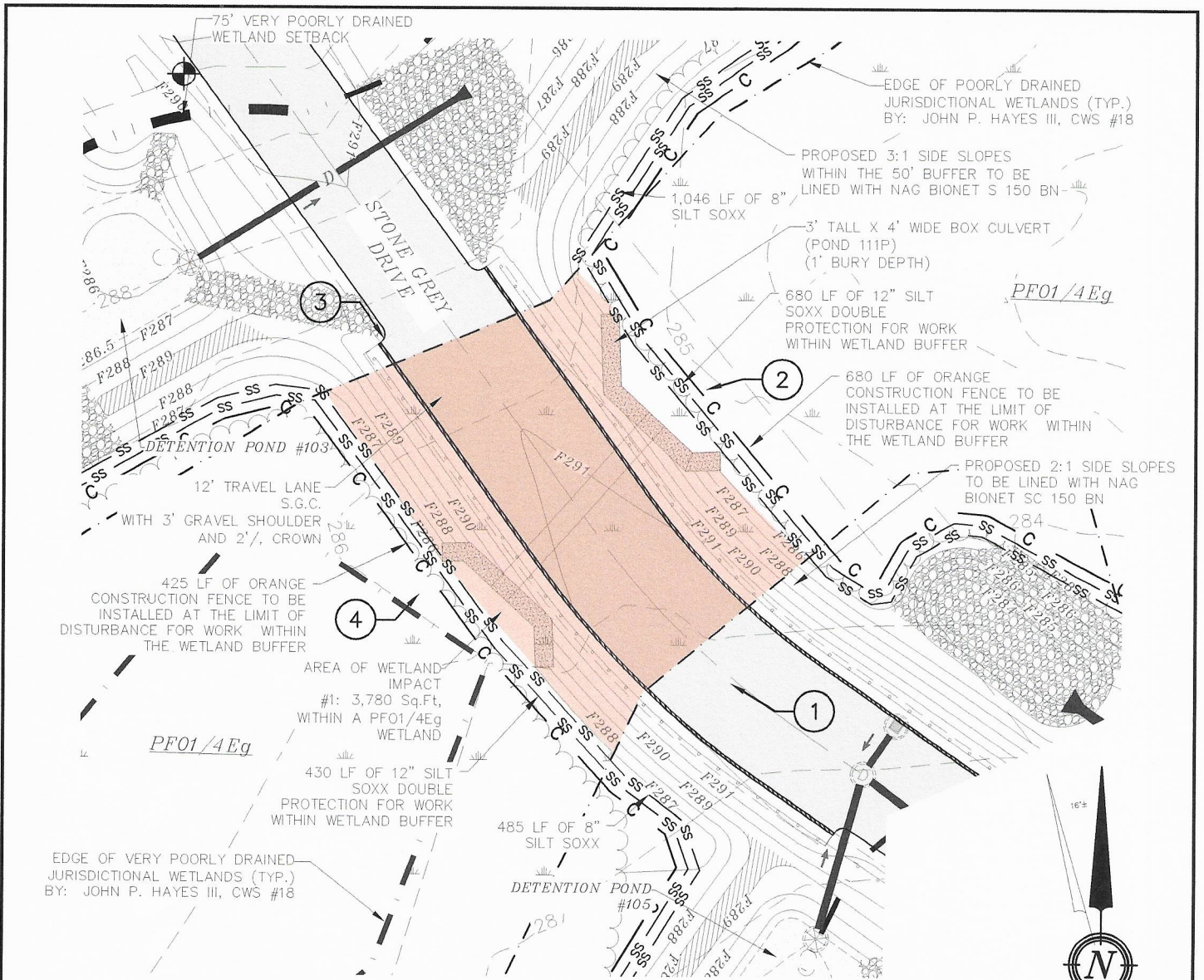
Please contact me if you have any questions or if I can be of further assistance.

Sincerely,



John P. Hayes III CWS, CSS,





NOTES:

- 1.) OWNER & APPLICANT: ROBERT L. DIBERTO
324 N.H. ROUTE 108
MADBURY, NH 03823
- 2.) TAX MAP 7, LOT 1N
- 3.) LOT AREA: 1,766,568 Sq. Ft., 40.55 Ac.
- 4.) R.C.R.D.: BOOK 5834, PAGE 599

LEGEND:

-  PHOTO POINT
-  WETLAND LINE
-  WETLAND BUFFER

WETLAND IMPACT AREA #1
ROBERT DIBERTO
 MITCHELL ROAD
 NOTTINGHAM, N.H.
 TAX MAP 7, LOT 1N

BERRY & SURVEYING
 &
ENGINEERING
 335 SECOND CROWN POINT RD.
 BARRINGTON, N.H. 332-2863

SCALE : 1 IN. EQUALS 30 FT.

DATE : OCTOBER 26, 2020

FILE NO. : DB 2018-125

#1



#2



#3



#4



IMPACT AREA #1 PICTURES
 ROBERT DIBERTO
 MITCHELL ROAD
 NOTTINGHAM, N.H.
 TAX MAP 7, LOT 1N

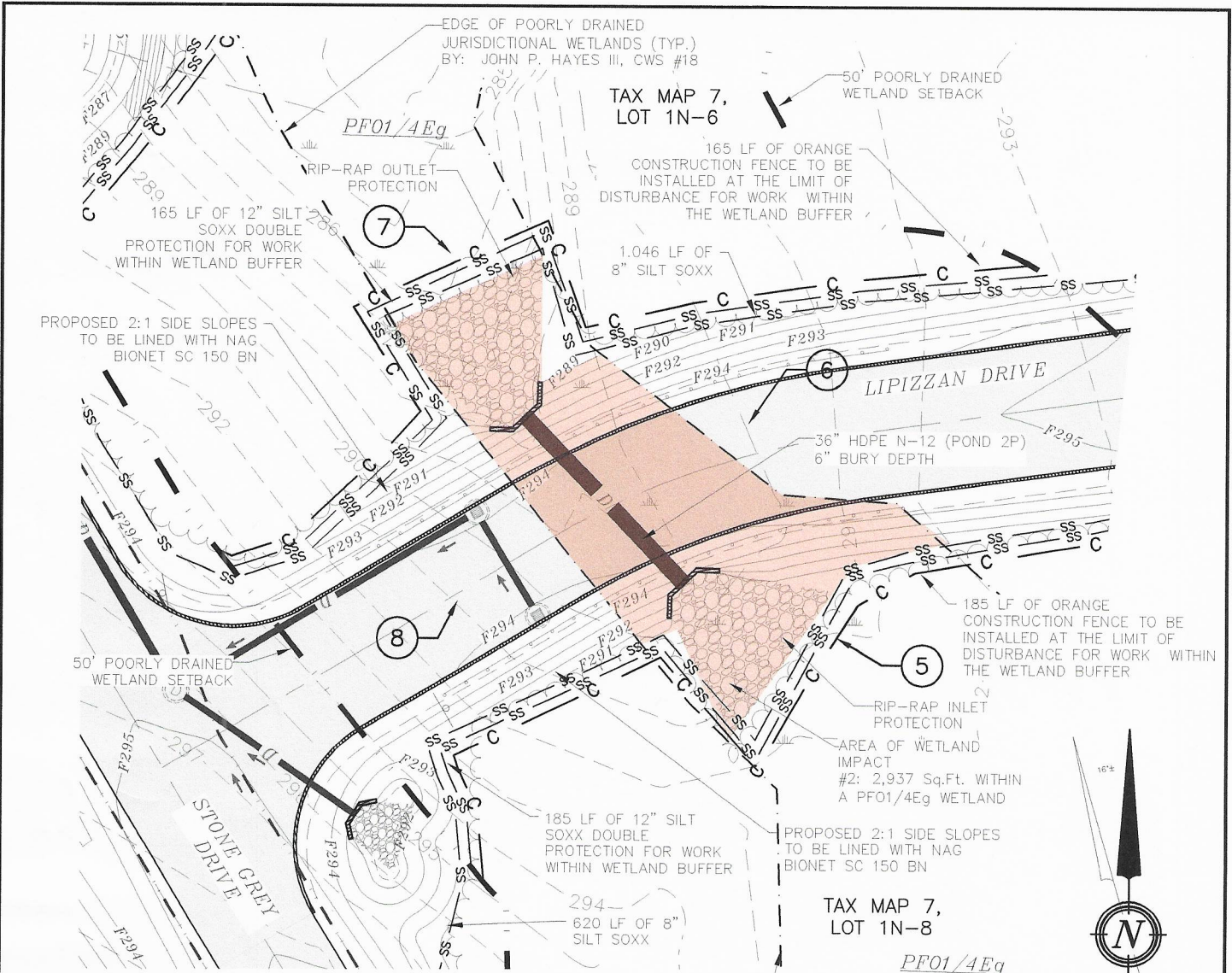
BERRY SURVEYING 
 & ENGINEERING

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

SCALE : NONE

DATE : OCTOBER 26, 2020

FILE NO. : DB 2018-125



NOTES:

- 1.) OWNER & APPLICANT: ROBERT L. DIBERTO
324 N.H. ROUTE 108
MADBURY, NH 03823
- 2.) TAX MAP 7, LOT 1N
- 3.) LOT AREA: 1,766,568 Sq. Ft., 40.55 Ac.
- 4.) R.C.R.D.: BOOK 5834, PAGE 599

LEGEND:

- PHOTO POINT
- WETLAND LINE
- WETLAND BUFFER

WETLAND IMPACT AREA #2
ROBERT DIBERTO
 MITCHELL ROAD
 NOTTINGHAM, N.H.
 TAX MAP 7, LOT 1N

BERRY & SURVEYING
 &
ENGINEERING
 335 SECOND CROWN POINT RD.
 BARRINGTON, N.H. 332-2863

SCALE : 1 IN. EQUALS 30 FT.
 DATE : OCTOBER 26, 2020
 FILE NO. : DB 2018-125

#5



#6



#7



#8



IMPACT AREA #2 PICTURES
ROBERT DIBERTO
MITCHELL ROAD
NOTTINGHAM, N.H.
TAX MAP 7, LOT 1N

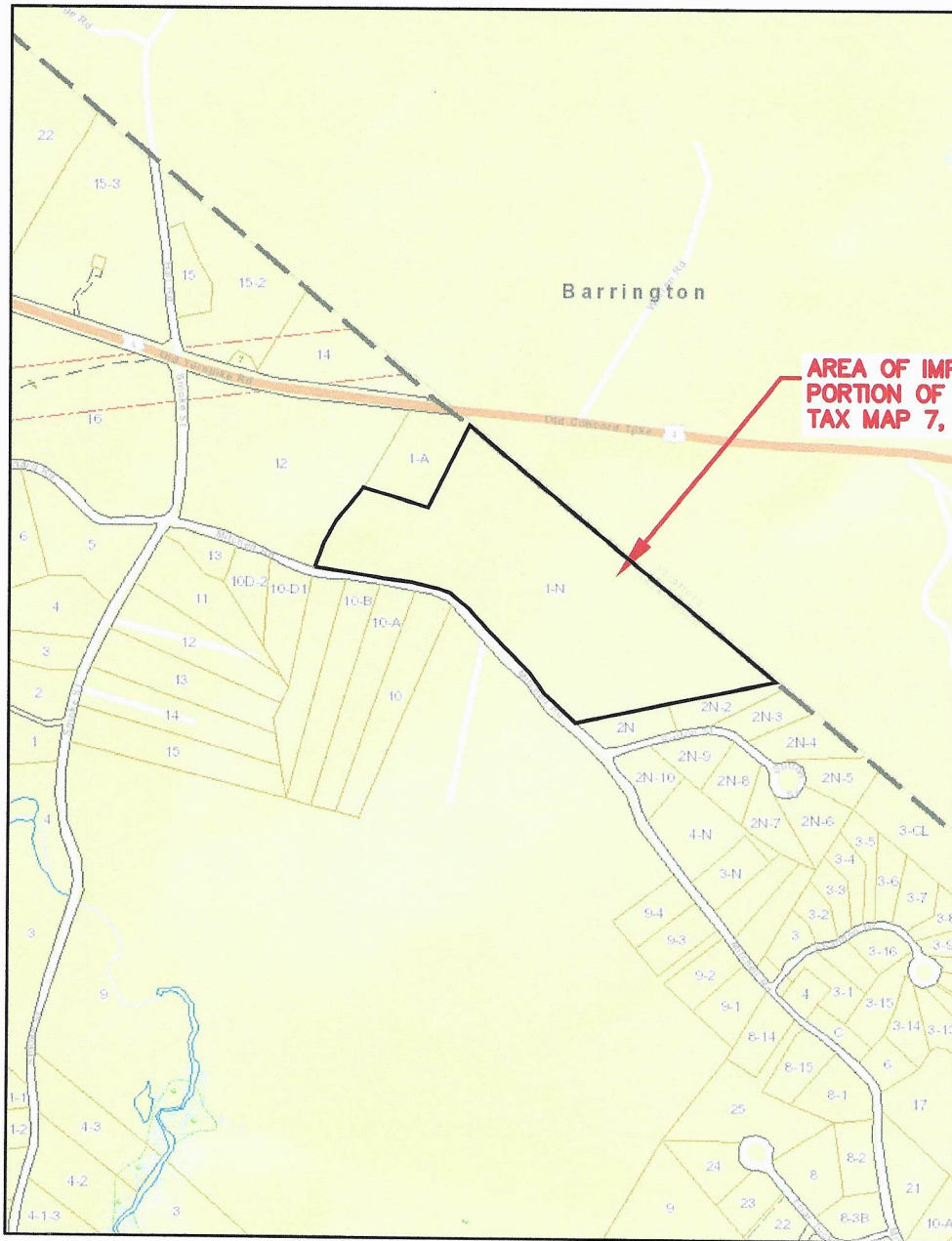
BERRY SURVEYING & ENGINEERING

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


SCALE : NONE

DATE : OCTOBER 26, 2020

FILE NO. : DB 2018-125



TAX MAP
 ROBERT DIBERTO
 MITCHELL ROAD
 NOTTINGHAM, N.H.
 TAX MAP 7, LOT 1N

BERRY SURVEYING 
 & ENGINEERING
 335 SECOND CROWN POINT RD.
 BARRINGTON, N.H. 332-2863

SCALE : NONE

DATE : OCTOBER 26, 2020

FILE NO. : DB 2018-125