



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825
Phone: (603) 332-2863
Fax: (603) 335-4623
www.BerrySurveying.Com

September 20, 2023

Town of Nottingham Planning Board
Attention: Board Chair, Ed Viel
139 Stage Road
PO Box 114
Nottingham, NH 03290

RE: Owner: Frederick Fernald
Applicant: Owl Ridge Builders
Smoke Street and Fort Hill Road
Open Space Subdivision Conditional Use Permit

Chairperson & Members of the Nottingham Planning Board:

In accordance with the Zoning Ordinance, Open Space Subdivision Section 7. Procedural Requirements (b) & (c) the following Conditional Use Permits are hereby requested:

1. Identification of Conditional Use Request: Section 8.2 (g) Landscape Buffers

- To permit the landscape buffer requirement to be reduced in three key areas:
 - Entrance to Frederick Lane to permit the Stormwater Gravel Wetland (SGW) and reshaping to permit a safer road alignment.
 - To permit Frederick Lane to be placed closer to the southern adjacent boundary line.
 - To permit the Infiltration Rain Garden to be placed with the perimeter buffer at the end of Frederick Lane.

Explanation:

In all three instances the project is designed around the landscape and has been optimally designed to reduce impact.

Entrance and General Road Placement: There is no place along this access point where the 100' landscape buffer would not be impacted. The impact would either take place on the northern boundary or as designed, on the southern boundary. The northern boundary is much closer to an abutting home and portlet business. The southern boundary is impacted by an implied utility easement. Additionally, the norther boundary would require a much larger cut slope to enter the parcel and rides along a higher elevation. As designed, the road is designed with a good entrance grade, preserves wetlands and wetland buffers, and presents the subdivision with an opportunity

to provide the 100' buffer to the future residents of the subdivision from the portlet company. The design places like impacts together, and provides for a robust stormwater design in so doing. Buffering at the entrance is proposed to soften the view of the subdivision and stormwater system from Smoke Street.

Road at Sta.: 3+00: The road in this section is closer than 100' to the boundary. It is proposed to be adjacent to the already impactful utility easement. This provides the best topographic advantage to the design and follows the existing drainage flows on the project site. The design aims to work with the land. The design provides for the profile and section to be in a cut slope in this location so the road is 4' below the abutting adjacent grade. Vegetation is proposed mid-way up the slope to provide an addition to any loss as a result of the construction. This vegetation is specifically placed in an area where the vegetation on the abutting lot to the south is reduced or removed.

Infiltration Rain Garden at the end of Frederick Lane: The position of the pond was chosen for the suitability in the landscape when compared to the road design. The pond needs to be down slope from impervious surfaces and should be laid generally parallel with the slope. Additionally, these types of ponds should be placed over the soils with the best capacity of infiltration. The pond is needed to ensure the Ground Water Recharge Volume is met, stormwater treatment through bio-filtration, and peak stormwater rates and volumes are met. Placing the pond adjacent to the proposed road is best for maintenance and operation. The pond is specifically design to infiltrate clean water back into the aquifer. If the pond were moved east, it would be perpendicular to the slope, still impede the 100' buffer and be atop soils with less capacity to infiltration stormwater. The project is specifically designed to keep the road way infrastructure out of the buffer, so the only object found within is the pond and its grassed side slopes. Additional vegetation is provided to the toe of slope to further shield it from the abutting northern lot. The ponds position against the abutting lot is below the residential aspects and cleared land used for tillage and portlet storage.

Conditional Use Criteria:

d. Such modifications shall be consistent with the purposes and objectives of this section;

Of the entire parcel, the only request is for the sections on Frederick Lane. These areas are impact in the existing condition as described above. The application does a good job of designing the best project possible and provides for mitigation in key areas.

d. All lots shall comply with the NH Department of Environmental Services for subsurface wastewater management under RSA 485:38

There is no change in NHDES Subsurface suitability.

f. all lots shall fall within the standards contained herein

The lots in the subdivision comply with the buffer and provide for the buffers to be part of the Open Space. This is contrast with private ownership of the buffers, which would be prone to

Owl Ridge Builders, Smoke Street OSS Conditional Use Requests September 20, 2023
incursion over time. We would also note that the buffer requirement is from abutting “land uses”
and not necessarily the boundary line. In that instance the project provides larger than required
buffers.

g. shall not be detrimental to public health, safety or welfare

The buffers provided protect the health, safety and welfare of the abutting land owners.

BERRY SURVEYING & ENGINEERING

Christopher R. Berry, S.T., Project Manager
Principal, President