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Letter of Intent

For

Site Plan and Conditional Use Permit Applications 10 Pettee Brook Lane Mixed Use Commercial/Residential Development Tax Map 2 / Lot 12-11

October 3, 2012

1.0 Project Purpose

The purpose of this application is to amend the existing site plan and conditional use approval issued at the July 28, 2010 planning board meeting and the subsequent amendment approved at the October 12, 2011 planning board meeting for the site plan and conditional use permits and the Lot Line revision.

The reason for this amendment is a relocation of the utility connection from the right of way and the relocation of the pad mounted transformer on the subject lot. The transformer pad will now be located within the 75' wetland buffer setback. In addition, the Owner is making improvements to the exterior siding from what was originally proposed at the planning board meeting. During the approval process, the planning board requested that the applicant provide new plans to show any significant changes to the exterior siding, therefore these renderings are enclosed.

2.0 Proposed Conditions

The proposal is to relocate the proposed utility connection from the southeast corner of the building to the northwest corner of the building. The utility line will run overhead from Pettee Brook road to a new pole on the west side of Rosemary Lane, then feed the new building via underground connections. The reason for the change is the original location was included a pole mounted transformer which will no longer work. Subsequently, the pad mounted transformer will not fit in the southeast corner of the property and meet the required setbacks. The only possible location on the parcel is within the wetland buffer setback. The benefits of this change in design is relocating the utility connections and meters to the rear of the parcel and relocating the bike rack to an indoor location. There will be no other changes to the site that will change the conditions of the approvals.

3.0 Conditional Use Permit Application

The following outlines how this project complies with the provisions of the general conditions for Conditional Use Permit contained within Section 175-23.C and specific conditions for CUP contained within Section 175-61.B for the Wetlands Conservation Overlay (WCO) District of the Town of Durham Zoning Ordinance. This amended design does not change the original design

intent and therefore all of the original statements with respect to the CUP general conditions remain unchanged and are not included. Because of the change within the wetland buffer, we do anticipate presenting the project to the conservation commission again. The following information is provided to prove compliance with Section 175-61B.

175-61.B

1. *There is no alternative location on the parcel that is outside of the WCO District that is feasible for the proposed use.*

One third of the parcel is encumbered by the wetland conservation district. With the lot line adjustment plan, approximately one half of the new parcel is encumbered. The property is currently developed within the WCO District more intensely in the existing condition and this proposed development will improve the current conditions. No alternative location on the parcel that is outside the WCO District is available that would allow the proposed use or improve the existing conditions to the extent proposed.

2. *The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.*

The proposed site layout and associated grading and drainage design has been prepared with the primary intent of minimizing soil disturbance by maintaining the existing grades of the property to the extent feasible. This design change incorporates a retaining wall and level grading to minimize erosion. All of the drainage structures incorporated into the design will maintain the original intent and this change will not create a negative impact to the design. The overall impact will ultimately be an improvement as it removes pavement from the area directly adjacent to the brook and replaces it with vegetation, lawn and rain garden.

3. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland and on the adjacent shoreland and water body as well as downstream water bodies, and mitigation activities will be undertaken to counterbalance any adverse impacts.*

Every feasible effort has been made in the design of the site layout and grading to minimize any detrimental impacts described above and mitigation activities incorporated as well. These include:

- o Use of temporary erosion control measures like silt soxx along the brook; temporary and permanent stormwater control systems; and regular sweeping of public roadway to minimize tracking of dirt onto paved areas. Temporary construction fence is proposed around the site to provide better assurance that construction equipment will not stray into the wetlands.
- o Construction of a stormwater collection/treatment/rain garden system between the building brook/wetland will infiltrate runoff from up to the 1" storm event which represents 90% of rain storms.
- o Intensive planting plan to enhance wetland/shoreland buffer and screen the building. The historic pedestrian trail will be relocated and be incorporated into the landscaping and drainage system area to deter use of the buffer.
- o A change in the majority of the impervious area on the site from pavement to building roof. This change and the incorporation of the stormwater system will be a vast improvement to the stormwater runoff from the site.

- Temporary disturbances to the shoreland buffer to allow construction of the above will be fully reclaimed with either top soil/seed/mulch/matting or appropriate vegetative buffer plantings as shown on the included Landscape Plan.
4. *Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.*
- Any disturbances outside of the current limits of disturbance on the property will be fully restored and re-vegetated. Please refer to the Landscape Plan for more information.