

# TOWN OF MILFORD

## Office of Community Development

Planning • Zoning • Building Safety • Code Enforcement • Health  
Economic Development • Active Projects



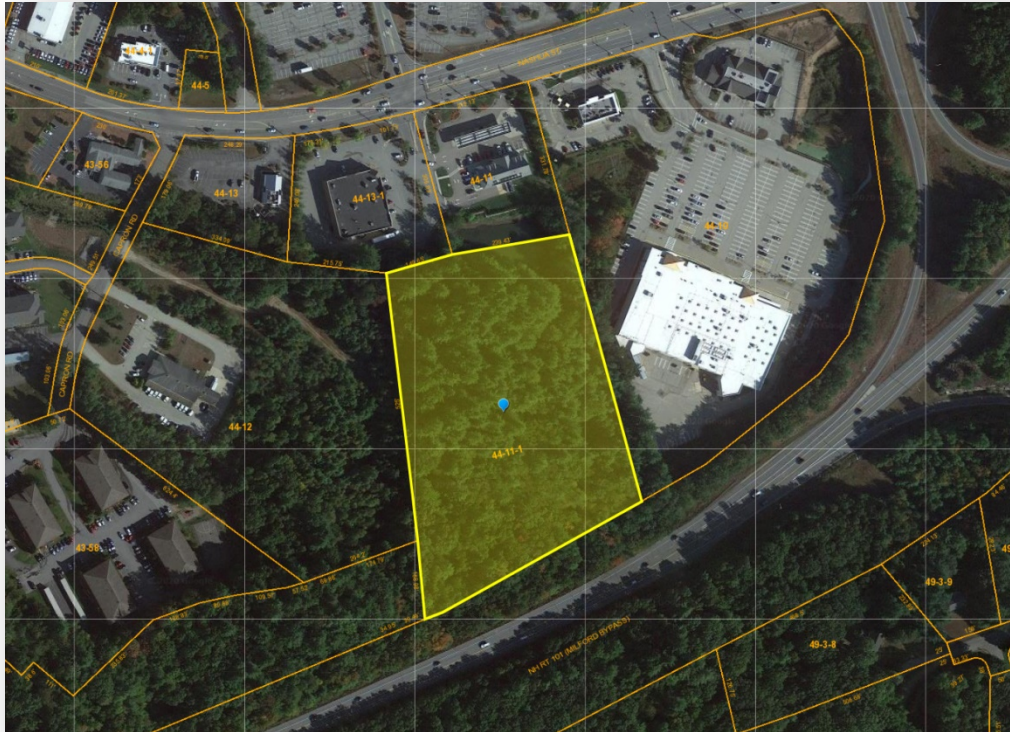
### Administrative Review

**Date:** August 14, 2020  
**To:** Jason Plourde, Chair, Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2020-18:** MVC Eye Care / Kevin Chauvette for the property located at Milford Tax 44, Lot 11-1 – Special Exception Application (*Continued from August 6, 2020*)

The applicants are before the Board of Adjustment seeking a SPECIAL EXCEPTION Milford Zoning Ordinance, Article VI, Section 6.02.6.B to impact approximately 2,700 square feet within the 25 foot wetland buffer area to construct a driveway entrance to a commercial development/office in the Integrated Commercial-Industrial ('ICI') District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
  - a. The subject property is approximately 6.85 acres and is undeveloped.
  - b. No current utilities on the subject property. Property would be serviced by municipal water and sewer.
  - c. The property contains no linear frontage on a Class V roadway or better. Access to the property would be through an existing access/egress easement along Map 13 Lot 1, 571 Nashua Street.
  - d. The subject property lies within the Integrated Commercial-Industrial Zone ('ICI') requiring a minimum area of 20,000 square feet and 150 linear feet of frontage. A variance has been filed concurrently with this application.
2. The proposal calls for extending the 25' wide driveway/roadway from Nashua Street/NH Route 101A servicing Walgreens Pharmacy and Cumberland Farms into the subject property. Said extension would impact approximately 8,200 square feet of delineated wetland area and 2,700 square feet of wetland buffer area. The driveway/roadway would provide access to a proposed 5,654 sq. ft. building and 40 space commercial development.
3. The proposed work within the wetland buffer area is not listed as an accepted use under Section 6.02.5. Pursuant to Section 6.02.6.B, a Special Exception from the Board of Adjustment is required for any project not listed in 6.02.5.
4. The applicant is in the process of submitting a wetlands crossing permit to the NH Department of Environmental Services for the 8,200 square feet of wetland disturbance.
5. The applicant appeared before the Planning Board to conduct a conceptual review of the proposed commercial development. Staff is awaiting comments and input from the Conservation Commission.

**Aerial Photo(s) of Subject Property:**



**Tax Map of Subject Property:**





**ZBA Application**

MILFORD ZONING BOARD OF ADJUSTMENT  
PB \_\_\_\_\_ ZBA \_\_\_\_\_ Office \_\_\_\_\_

TOWN OF MILFORD  
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JUN 22 2020

**GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS**

Date Received: 6-22-2020  
Case Number: 2020-18  
Application Number: \_\_\_\_\_  
Hearing Date: 7-16-2020  
Decision Date: \_\_\_\_\_  
Decision: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 0 Nashua Street

Tax Map / Parcel #: 44-11-1 Lot Size: 6.85 Acres

**PROPERTY CURRENTLY USED AS**

Undeveloped

*If the application involves multiple lots with different owners, attach additional copies of this page.*

**PROPERTY OWNER**

Name: ASRT, LLC

Address: 111 Bow Street

City/State/Zip: Portsmouth, NH 03801

Phone: 603 234-3400

Email: John@SamonasGroup.com

*The applicant is the person who is making this proposal on behalf of themselves, the owner or a third party. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, an engineer or lawyer, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.*

**APPLICANT/REPRESENTATIVE**

SAME AS OWNER MVC Eye Care

Name: Kevin Chauvette,

Address: 2075 South Willow Street

City/State/Zip: Manchester, NH 03103

Email: kchauvette@outlook.com

Phone: ( 603 ) 644-6100 Cell: ( )

The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all code requirements applicable to this application.

[Signature] 6/21/20  
Property Owner's signature Date

**Zoning District (check one):**

- Residence A
- Residence B     Residence R
- Commercial
- Limited Commercial
- Industrial
- Integrated Commercial-Industrial
- Integrated Commercial-Industrial-2

**Overlay District (check any that apply):**

- West Elm Street Overlay
- Nashua/Elm Street Overlay
- Commerce & Community Overlay
- Open Space & Conservation
- Wetlands Conservation
- Groundwater Protection
- Floodplain Management

**APPLICATION FEES**

Application Fee: \$75.00

Abutters Fee: \$4 x 12 \$48.00

Amount received: \$123.00

Date Received: \_\_\_\_\_

Check \_\_\_\_\_ Cash \_\_\_\_\_

check # 11781

*THE FEES ASSOCIATED WITH THIS APPLICATION DO NOT APPLY TO ANY OTHER FEES REQUIRED FOR APPROVAL OF THIS PROJECT. PLANNING, IMPACT, BUILDING AND OTHER FEES MAY APPLY.*



**ZBA Application – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

Date Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application #: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Decision Date: \_\_\_\_\_  
 Decision: \_\_\_\_\_

PROPERTY INFORMATION
Street Address: Nashua Street
Tax Map / Parcel #: 44-11-1
<p><i>A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board of Adjustment. Most special exceptions have a list of additional criteria that must be met in order for the ZBA to approve the application.</i></p> <p><b>*Note that in addition to the specific criteria that may be listed for a particular special exception, all special exceptions are subject to the general criteria in Section 10.02.1 of the Zoning Ordinance.</b></p>
<p>What section of the Zoning Ordinance are you applying under?</p> <p>Article <u>6.02.6</u> Section _____</p> <p>Describe the <b>use</b> you are proposing under the above section of the Ordinance.          Proposed 5,564 SF Professional Office / Retail Building - MVC Eye Care</p> <p>Special Exception is requested for Wetland/Wetland Buffer Impact 6.02.6 to gain access to lot.</p>

**Application for (check all that apply):**

Home Occupation  
 Self-Storage Facilities  
 Accessory Dwelling Unit  
 Office in Res-A & B  
 Wetland Buffer Impact  
 Change/Expansion of Non-conforming Use/Structure  
 Side/Rear yard setback reduction       Other

**General Criteria Section 10.02.1**

Describe the project you are requesting a Special Exception for:  
 Special exception is requested to gain access to parking for new office/commercial use.

**Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:**

- A. The proposed use is similar to those permitted in the district because:  
 Use is permitted
- B. The specific site is an appropriate location for the proposed use because:  
 Use is permitted - Zoned Integrated Commercial Industrial
- C. The use as developed will not adversely affect the adjacent area because:  
 Abutting sites are retail or commercial office
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because:  
 Access will be at the existing traffic light on Nashua Street.
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:  
 Building has been designed for specific use.



**ZBA Application - Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

***Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section::***

**HOME OCCUPATION CRITERIA 10.02.3**

1. The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than one (1) non-resident person employed in connection with such occupation.
2. There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.
3. The home occupation shall not exceed 25% of the combined gross floor area of the existing home and any accessory structures, or 1,000 SF, whichever is less.
4. Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only.
5. The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.

**SELF-STORAGE FACILITIES 10.02.4**

1. Is the Self-storage facility located in one of the following areas?  
Frontage on Rte. 13 North, Rte. 13 South, and/or the following lots of land on North River Road: Map 8, Lots 11, 11-1, 19, 48, 49, 50, 51, 53 and 53-5
2. Is a 15 foot perimeter landscaped buffer along all sides of the property being proposed?
3. Does the buffer proposed meet 10.02.4.2/3 of the Milford Zoning Ordinance?
4. Is there any outside storage being proposed?
5. Are all building set back at least 50 feet from the front lot line?
6. Has a Site Plan Application been submitted to the Milford Planning Board? Yes No Date:



## **ZBA Application – Special Exception**

### **MILFORD ZONING BOARD OF ADJUSTMENT**

<b>ACCESSORY DWELLING UNITS 10.02.6</b>
1. Is the property going to be Owner Occupied?
2. Has a Building Permit application been made? Copy of permit application attached?
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?
6. Is there adequate off-street parking? How many spaces?
7. Are any additional curb cuts being proposed?
8. Are all necessary additional entrances or exits located to the side or rear of the building to the maximum extent possible? Please note on the plan.
9. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval.
10. Is there only one (1) ADU on the property?
11. Is the ADU no more than 750 square feet? How many square feet is the ADU?
12. Does the ADU have no more than two (2) bedrooms? Please show on plans.
13. If inside the existing dwelling, is there at least <b>one</b> common wall with a door between the two spaces at least 32 inches wide? Please show on plans.
14. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
<i>For Existing Unpermitted ADUs</i>
15. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
16. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?
17. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?





**ZBA Application – Special Exception**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

<b>OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7</b>
1. Is the specific site of the proposed office use located in an existing building that is an appropriate location for the proposed use and ancillary to the Residential Use permitted by right? Please explain.
2. Will the use as proposed adversely affect adjacent Residential areas? Please explain.
3. Will there will be any nuisance, such as but not limited to: noise, odor, hours of operation, traffic, deliveries and lighting associated with this use? Please explain.
4. Will there be any outside storage? Please explain.
5. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)? Yes <input type="checkbox"/> No <input type="checkbox"/> Date of hearing:
<b>WETLAND AND WETLAND BUFFER IMPACT 6.02.6</b>
1. Has the need for the project been addressed? Please explain. Undeveloped lot created by subdivision May 2013. Only access into site is by access easement from Nashua Street.
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain. Yes. Entrance drive has been shifted as far west to reduce impact to wetland/wetland buffer.
3. Has the impact on plants, fish and wildlife been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. Drainage areas to be designed as part of final permitting. Areas reserved for drainage are shown non conceptual plan.
6. Has the cumulative impact if all parties owning or abutting the affected wetland were allowed to alter or impact the wetland or buffer area in the same way? Please explain. Function and Values Report will be completed by Wetlands Scientist
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain. Function and Values Report will be completed by Wetlands Scientist
8. Has a comment from the Milford Conservation Commission been solicited? Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Conservation Commission Meeting attended: <b>TBD</b>

MAP 44 LOT 10  
559 NASHUA STREET  
(RETAIL CENTER)  
OSJ OF MILFORD, NH LLC  
375 COMMERCE PARK ROAD  
NORTH KINGSTON, RI 02852  
ZONE ICI

MAP 44 LOT 11  
583 NASHUA STREET  
(CONV. STORE & GAS STATION)  
ASRT, LLC  
CUMBERLAND FARMS INC.  
185 FLANDERS ROAD  
WESTBOROUGH, MA 01581  
ZONE ICI

MAP 44 LOT 11-1  
0 NASHUA STREET  
(VACANT LAND)  
ASRT, LLC  
111 BOW STREET  
PORTSMOUTH NH 03801

MAP 44 LOT 13-1  
571 NASHUA STREET  
(PHARMACY)  
WALGREEN EASTERN CO. INC  
REAL ESTATE TAX DEPT.  
PO BOX 1159  
DEERFIELD, IL 60015-1159  
ZONE ICI

MAP 43 LOT 12  
14 CAPRON ROAD  
(US POST OFFICE)  
US POSTAL SERVICE  
6 GRIFFIN ROAD  
N. WINDSOR, CT 06006-7001  
ZONE ICI

MAP 43 LOT 57  
28 EAST RIDGE DRIVE  
(APARTMENTS & SELF STORAGE)  
LITTLE NELL TRUST  
GERALDINE M. DUPONT TRUSTEE  
289 PINE STREET  
MANCHESTER, NH 03101  
ZONE B

TOWN OF MILFORD  
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JUN 22 2020

PB ZBA Office

**REFERENCE PLAN**

1. TAX LOT 44 LOT 11, SUBDIVISION PLAN, 583 NASHUA STREET (NH ROUTE 101A), MILFORD, NEW HAMPSHIRE, OWNED 7 PREPARED FOR, JOHN SAMONAS\* SCALE:1"=50', DATED FEBRUARY 19, 2012, REVISED APRIL 22, 2013

**GENERAL NOTES:**

1. OWNER OF RECORD:  
MAP 44 LOT 11-1  
ASRT, LLC  
111 BOW STREET  
PORTSMOUTH, NH 03801  
BOOK 8769 PAGE 0003
2. THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY. BASE INFORMATION WAS TAKEN ENTIRELY FROM REFERENCE PLANS BY OTHERS AND THE TOWN OF MILFORD GIS. THIS PLAN IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
3. PROPOSED IS A 5,654 SF PROFESSIONAL OFFICE WITH SUPPORTING INFRASTRUCTURE FOR MVC EYE CARE.
4. THE SUBJECT PARCEL 44-11-1 IS ZONED ICI - INTEGRATED COMMERCIAL-INDUSTRIAL.
5. A PORTION OF LOT 44-11-1 LIES WITHIN THE LEVEL II PROTECTION AREA AS SHOWN ON THIS PLAN. REFER TO MAP ENTITLED "GROUNDWATER PROTECTION DISTRICT - MILFORD, NH", DATED OCTOBER 24, 2002 OR AS AMENDED.
6. YARD REQUIREMENTS: EACH STRUCTURE SHALL BE SET BACK AT LEAST THIRTY (30) FEET FROM THE FRONT LOT LINE AND FIFTEEN (15)

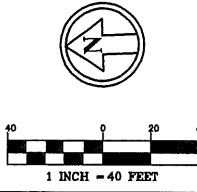
- FEET FROM SIDE AND REAR PROPERTY LINES. (COMPLIES) THE MINIMUM FRONTAGE REQUIRED = 150' (FRONTAGE FOR EXISTING LOT IS ON NH ROUTE 101 WITH AN ACCESS EASEMENT ACROSS LOT 44-13-1 FROM NASHUA STREET)
7. THE PROPOSED SITE WILL BE SERVICED BY TOWN WATER AND TOWN SEWER. CONTRACTOR/ENGINEER WILL COORDINATE WITH UTILITY COMPANIES LOCATION AND REVISIONS TO EXISTING SERVICE LINES AND CONNECTIONS.
  8. ALL WORK TO BE DONE IN CONFORMANCE WITH THE TOWN OF MILFORD REGULATIONS. ALL STRUCTURES, AND DRAINAGE TO MEET TOWN OF MILFORD SPECIFICATIONS.
  9. THE MAXIMUM HEIGHT OF THE PROPOSED BUILDING OR STRUCTURE IN THE INTEGRATED COMMERCIAL-INDUSTRIAL DISTRICT SHALL BE FORTY (40) FEET. (COMPLIES)
  10. ALL OUTDOOR LIGHTING SHALL BE DOWNCAST AND SO DIRECTED AND SHIELDED THAT NO GLARE WILL SPILL OUT ONTO NEIGHBORING PROPERTIES OR ROADS.
  11. PARKING CALCULATIONS:  
ALL OFF-STREET PARKING AND LOADING OR UNLOADING SPACES SHALL BE AT LEAST TEN FEET (10') FROM ANY PUBLIC STREET RIGHT-OF-WAY AND SHALL BE SEPARATED FROM SUCH RIGHT-OF-WAY BY A GRANITE CURB AND LANDSCAPING AS REQUIRED IN 6.08 LANDSCAPING STANDARDS.  
REQUIRED:  
4 PER PRACTITIONER - 2 TOTAL FUTURE PRACTITIONERS X 4 = 8 SPACES REQUIRED  
PLUS ONE PER EVERY 2 EMPLOYEES - 10 EMPLOYEES / 2 = 5 SPACES REQUIRED  
RETAIL SPACE=APPROX. 750 SF = 1000 SF = 3 SPACES REQUIRED  
MINIMUM REQUIRED SPACES = 16  
PROPOSED ON SITE = 40 (ADDITIONAL PARKING SHOWN TO ALLOW FOR SHIFT CHANGE & ADDITIONAL EMPLOYEES)

12. OPEN SPACE: AN AMOUNT EQUAL TO NOT LESS THAN THIRTY (30) PERCENT OF THE TOTAL LOT AREA SHALL BE PROVIDED, MORE THAN 30% PROVIDED
13. IN THE EVENT ACCUMULATIONS OF WINTER SNOW VOLUMES GENERATED EXCEED ON-SITE STORAGE CAPACITIES, EXCESS VOLUMES OF SNOW SHALL BE REMOVED FROM THE SITE BY THE PROPERTY OWNER AND DISPOSED OF AT A LEGAL DUMPING SITE.
14. ALL GRASS AND LANDSCAPED AREA MAINTENANCE SHALL BE PERFORMED WITH JUDICIOUS USE OF ORGANIC PESTICIDES, HERBICIDES AND FERTILIZERS, ALL OF WHICH SHALL BE APPLIED BY A LICENSED APPLICATOR.
15. LOT 44-11-1 DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP NUMBER 33011C0458D WITH AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
16. ALL WATER, SEWER, ROAD (INCLUDING PARKING LOT) AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF MILFORD'S WATER UTILITIES DEPARTMENT AND PUBLIC WORKS DEPARTMENT STANDARDS.
17. PROPERTY OWNER IS RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE ON-SITE CONVEYANCE SWALES, AND, RAIN-GARDENS.
18. THE PROJECT IS SUBJECT TO POLICE IMPACT FEES.
19. A SPECIAL EXCEPTION IS REQUIRED FOR IMPACT OF THE 25' WETLAND BUFFER TO ACCESS THE SITE FROM AN EXISTING ACCESS EASEMENT THROUGH LOT 44-13-1. APPLICATION HAS BEEN MADE TO TOWN OF MILFORD ZONING BOARD OF ADJUSTMENT.
20. A PERMIT WILL BE REQUIRED FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES WETLANDS BUREAU TO CONSTRUCT THE ACCESS DRIVE AS SHOWN ON PLAN. THE STATE PROCESS REQUIRES A REVIEW BY THE MILFORD CONSERVATION COMMISSION.



**The Dubai Group, Inc.**  
136 Harvey Rd. Bldg B101  
Londonderry, NH 03053  
603-458-6462

Engineers  
Planners  
Surveyors  
TheDubayGroup.com



REVISIONS:			
REV:	DATE:	COMMENT:	BY:

DRAWN BY: REK  
CHECKED BY: DM  
DATE: JUNE 17, 2020  
SCALE: 1"=40'  
MVC Conceptual Plan June 22 2020  
DEED REF: -

PROJECT:  
**MVC EYE CARE**  
MAP 44 LOT 11-1  
NASHUA STREET  
MILFORD, NH

FOR  
**MVC Eye Care**  
2075 SOUTH WILLOW STREET  
MANCHESTER, NH 03103

SHEET TITLE:  
**OVERVIEW PLAN**



**Town of Milford**  
CONSERVATION COMMISSION

1 Union Square  
Milford, NH 03055-4240  
(603) 249-0628  
www.milford.nh.gov/conservation  
conservation@milford.nh.gov



August 17, 2020

To: Zoning Board of Adjustment

**Re: Case # 2020-18 Map44 Lot11-1 Special Exception Application  
MVC Eye Care / Kevin Chauvette**

To the Board,

Several members of the Milford Conservation Commission (MCC) visited the site in the company of Luke Hurley, wetland scientist, and Randy Knowles, Dubai Group, who are representing the applicant on August 17, 2020.

The members walked the prospective area of the wetland and buffer impact and the future location of the building and parking lot. The members used the criteria in Section 6.02.7 of the Milford Zoning Ordinance to evaluate the wetland buffer impact. The MCC members approve this application because:

1. This crossing is necessary to access the lot
2. The culvert is being placed in the narrowest section of the wetland which will minimize the impact to the wetland functions
3. A 24" reinforced concrete pipe is larger than the existing structure which will permit easier wildlife movement through the wetland
4. The capacity for the wetland to continue to hold and treat stormwater will not be diminished by this crossing
5. The wetland is on a site that has seen a lot of human activity in the past. This crossing should not have any impact on the wetland capacity to hold water so that the surrounding landscape won't flood. Any embankment required for the crossing will be stabilized per regulations to avoid the erosion of materials into the wetland. The additional materials shouldn't have any effect on the buffer functionality
6. The cumulative effect if any or all abutters were to exercise the same degree of impact will probably not harm the functionality of the wetland and buffer. This appears to be a wetland complex which was designed to hold and continues to manage stormwater runoff from the surrounding properties and from the Route 101 Bypass, and
7. The impact of this project does not appear to substantively alter the functionality of the wetland or its buffer. It may improve wildlife movement through the wetland with the installation of the larger concrete pipe.

Very Respectfully,

Chris Costantino  
Milford Conservation Commission | Coordinator



**The Dubai Group, Inc.**

136 Harvey Road, Bldg B101

Londonderry, NH 03053

603-458-6462 thedubaygroup.com

## MEMORANDUM

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To: Zoning Board of Adjustment

Date: August 19, 2020

From: Doug MacGuire, PE

Re: Special Exception Criteria

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### **General Criteria Section 10.02.1**

*A. Proposed use is similar to those permitted in the district because:*

The wetland crossing is allowed via the special exception criteria within the Ordinance.

*B. The specific site is an appropriate location for the proposed use because:*

The location of the proposed wetland crossing was chosen as the point of least impact to the wetland area. The crossing will occur at a point where there is an existing break in the wetlands and will be widened to accommodate the proposed driveway only impacting a finger portion of the wetland.

*C. The use as developed will not adversely affect the adjacent area because:*

The crossing is proposed at the point of least impact to the existing wetlands. A 24-inch reinforced concrete pipe is proposed to be installed to maintain wetland connectivity through the crossing area allowing wildlife and drainage flow patterns to remain consistent.

*D. There will be no nuisance or serious hazard to vehicles or pedestrians because:*

The crossing has been sized to accommodate vehicular traffic safely and a sidewalk is proposed to allow for safe pedestrian access.

*E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:*

The crossing will have a proposed 24-inch reinforced concrete pipe to allow for wildlife and drainage connectivity between the existing wetland areas.



## **Wetland and Wetland Buffer Impact 6.02.6**

### *1. Has the need for the project been addressed?*

This is an undeveloped lot created by subdivision in May 2013. The only access to the site is via an existing access easement from Nashua Street.

### *2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers?*

The location of the proposed wetland crossing was chosen as the point of least impact to the wetland area. The crossing will occur at a point where there is an existing break in the wetlands and will be widened to accommodate the proposed driveway only impacting a finger portion of the wetland.

### *3. Has the impact on plants, fish and wildlife been addressed?*

The crossing proposes a 24-inch reinforced concrete pipe to connect the two existing wetland fingers. The pipe type was chosen specifically, as it has been found to naturalize and be used by the wildlife.

### *4. Has the impact on the quality and quantity of the surface and ground waters been addressed?*

The crossing proposes a 24-inch reinforced concrete pipe to connect the two existing wetland fingers. This will provide adequate passage of stormwater to eliminate any quantity issues during storm events. The buffer areas impacted will be allowed to naturalize and the driveway will be curbed. The curbing will direct driveway runoff via a closed drainage system to treatment areas prior to discharge to the wetlands preserving water quality.

### *5. Has the potential for increased flooding, erosion and sedimentation been addressed?*

The crossing pipe has been sized to eliminate the potential for flooding. Erosion and sedimentation will be addressed by stabilizing the disturbed side slopes with loam and seed and ensuring runoff from the driveway is collected and directed away from the crossing area.

### *6. Has the cumulative impact been addressed if all parties owning or abutting the affected wetland were allowed to alter or impact the wetland or wetland buffer area in the same way?*

If abutting properties were able to propose impacts to wetland areas where the disturbance is minimized and the crossing culvert were sized appropriately as this application proposes, cumulative impact would be minimized.



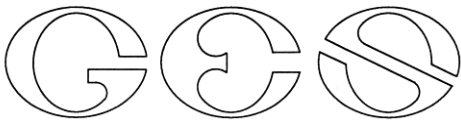
*7. Has the impact of the values and function of the overall wetland and wetland complex been addressed?*

A function and values assessment has been completed by the wetland scientist who performed the wetland delineation on site. His letter concludes that due to the crossing location and existing conditions surrounding the wetland area, the impact to the function and values are minimized.

*8. Has comment from Milford Conservation Commission been solicited?*

Yes

*Date of Conservation Commission Meeting attended:* August 13, 2020



GOVE ENVIRONMENTAL SERVICES, INC.

August 10, 2020

Randy Knowles, ASLA  
Vice President Planning  
The Dubai Group Inc.  
136 Harvey Road Bldg. B101  
Londonderry, NH 03053

Re: MVC Eyecare, Milford  
Subject: Functions and Values Assessment

Dear Mr. Knowles

Per your request I completed a functions and values assessment of the wetland area on the above-referenced parcel as it applies to the proposed impacts for access into the site. The wetland is a combination of forested/scrub shrub, intermittent stream and open ponded wetland system, dominated by red maple and white pine in the tree layer, highbush blueberry, winter berry and dogwood in the shrub layer and cinnamon, sensitive fern, sedges and grasses in the herbaceous layer within the intermittent stream portion. The pond area is comprised of similar vegetation throughout the classes, however, is primarily devoid of vegetation in the open water portion.

Overall, the ponded area, which this assessment focuses on, has moderate to low functions and values. This is due to the proximity of the pond to urban development consisting of active gas station, pharmacy, and large retail stores. Because of the proximity to these sites, there is the potential for various pollutants to runoff into the pond, where it can be collected and naturally treated and attenuated with the long duration of holding time with the lack of a well defined outlet. Also, because of the holding of water, it presents the additional functions/values of moderate wildlife habitat, scientific value due to the easy access and visual quality/aesthetics, as the contrasting area is heavily developed.

Based on the location of the proposed crossing, this will limit the impact to the far western portion of the wetland and will not result in the loss of any of these functions and values, as there is a cart path cutting through this area currently. By limiting the impacts to this side, the overall functions and values will not be diminished.

Please let me know if you have any questions or need anything else.

Sincerely,

Luke D. Hurley, CWS, CSS  
Vice President  
Gove Environmental Services, Inc.

# Wetland Function-Value Evaluation Form

Total area of wetland: \_\_\_\_\_ Human made? \_\_\_\_\_ Is wetland part of a wildlife corridor? No or a 'habitat island'? \_\_\_\_\_  
 Adjacent land use Urban, highway \_\_\_\_\_ Distance to nearest roadway or other development 20 feet \_\_\_\_\_  
 Dominant wetland systems present POW \_\_\_\_\_ Contiguous undeveloped buffer zone present No \_\_\_\_\_  
 Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin? Middle \_\_\_\_\_  
 How many tributaries contribute to the wetland? 1 \_\_\_\_\_

Wetland ID: 1  
 Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Prepared by: LDH Date 8/10/20  
 Wetland Impact:  
 Type Fill \_\_\_\_\_ Area 8,200 sf  
 Evaluation based on:  
 Office \_\_\_\_\_ Field X \_\_\_\_\_  
 Corps manual wetland delineation completed? Y X N

Function/Value	Occurrence Y/N	Rationale (Reference #)*	Principal Function/Value(s)	Comments
Groundwater Recharge/Discharge	Y	1,2,5,7,9,15	Y	
Floodflow Alteration	Y	3,4,5,6,7,8,9,10,11,13,15,17	Y	
Fish and Shellfish Habitat				No fish or shellfish were observed
Sediment/Toxicant Retention	Y	1,2,3,4,5,6,7,12,13,	Y	
Nutrient Removal	Y	2,4,5,6,7,10,	Y	
Production Export	N		N	
Sediment/Shoreline Stabilization	N		N	
Wildlife Habitat	N	3,5,6,7,8,	N	
Recreation	N		N	
Educational/Scientific Value	Y	3,4,8,12,	N	
Uniqueness/Heritage	N		N	
Visual Quality/Aesthetics	Y	1,2,3,5,6,9,11	Y	
Endangered Species Habitat				Unknown
Other				

Notes:

\*Refer to backup list of numbered considerations.



CUMBERLAND FARMS

MAP 44 LOT 11-1  
0 NASHUA STREET  
(VACANT LAND)  
ASRT, LLC  
111 BOW STREET  
PORTSMOUTH NH 03801

EXIST ACCESS DRIVE

RAIN GARDEN

299.0 299.0

PROPOSED BUILDING FOOTPRINT  
5,654 +/- SF

14 = 251

8' WALK

18'

24'

18'

299.0

299.0

40 PARKING SPACES  
SHOWN ON SITE

WETLAND IMPACT  
APPROXIMATELY  
1600 +/- SF



APPROXIMATE WETLAND BUFFER IMPACT  
FOR ACCESS TO LOT 44-11-1  
(ZBA SPECIAL EXCEPTION REQUESTED)  
TOTAL APPROXIMATELY 5900 +/- SF

2000 +/- SF PAVEMENT THROUGH BUFFER  
3900 +/- SF REVEGETATED SLOPES (TEMPORARILY  
IMPACT)

WALGREENS

WALGREENS

70 LF 24" PCP  
FBS INV. = 292.60  
FBS OUT = 290  
SS = 0.036

PRELIMINARY  
GRADING AUG 13 2020