

# TOWN OF MILFORD

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



## Administrative Review

**Date:** July 1, 2023  
**To:** Andrea Kokko Chappell, Chair - Zoning Board of Adjustment  
**From:** Terrey Dolan, Community Development Director  
**Subject:** **Case #2023-02 689 North Main Street, LLC and Salt Creek Properties, LLC. for the property located at Tax Map 43, Lot 20-2. Variance Application (Continued from 6/15/23)**

The applicants are before the Board of Adjustment seeking a Variance from Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the retail sale of petroleum products in the Groundwater Protection District on a property located in the Commercial and Limited Commercial Zoning Districts. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
  - a. The subject property is approximately two acres (87,120 sq. ft.) with approximately 324 feet of frontage on South Street and 234 linear feet of frontage on Nathaniel Drive. The property is undeveloped with a substantial forested area along the rear easter portion the property.
  - b. The property would be serviced by municipal water and sewer.
  - c. The subject property is primarily zoned Commercial with the remaining easterly portion falling in the Integrated Commercial Industrial Zoning District. The property is situated within the Town's southerly commercial corridor and close proximity to the Route 101 bypass (1,500 linear feet). To the north, the subject property abuts an existing commercial store, Electric Supply and undeveloped property. To the east, the property abuts undeveloped property and to the west, Kincaid Auto. To the south, the subject parcel abuts undeveloped land across Nathaniel Drive and to the southwest, a single-family residence.
  - d. The property falls within the Level 1 Groundwater Protection District. The purpose of the district is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas.
2. On March 9, 2023, the applicants appeared before the Milford Conservation Commission to present the proposal and receive input and comments. The Conservation Commission tabled the discussion seeking additional site information contained in the wetland permit. Since that time, the Commission held site walk and met to discuss application on April 13, 2023. On June 8, 2023, the applicant appeared before the Commission seeking additional guidance and input. See attached Commission memorandum.
3. The applicant is seeking relief from Milford Zoning Ordinance, Article VI, Sections 6.01.3.B.7 to allow the retail sale of petroleum products in the Groundwater Protection District. Although the Ordinance contains certain exemptions the use/storage of liquid petroleum products, the retails sale of petroleum products and exceeding the 5,000 gallon aggregate tank capacity is prohibited in the Level I Groundwater Protection District. Thus, the Applicant requires a Variance to permit such use.

The proposed gas station falls within the 1,300 linear feet Wellhead Protection Area of the two public water systems: (1) Little Arrows Childcare Services, 365 South Street (Map 43 Lot 13) and (2) the property located at 15 Hammond Road Map 43 Lot 74). The former is an active source of water for the business while the well for the Hammond Road property is no longer in use.

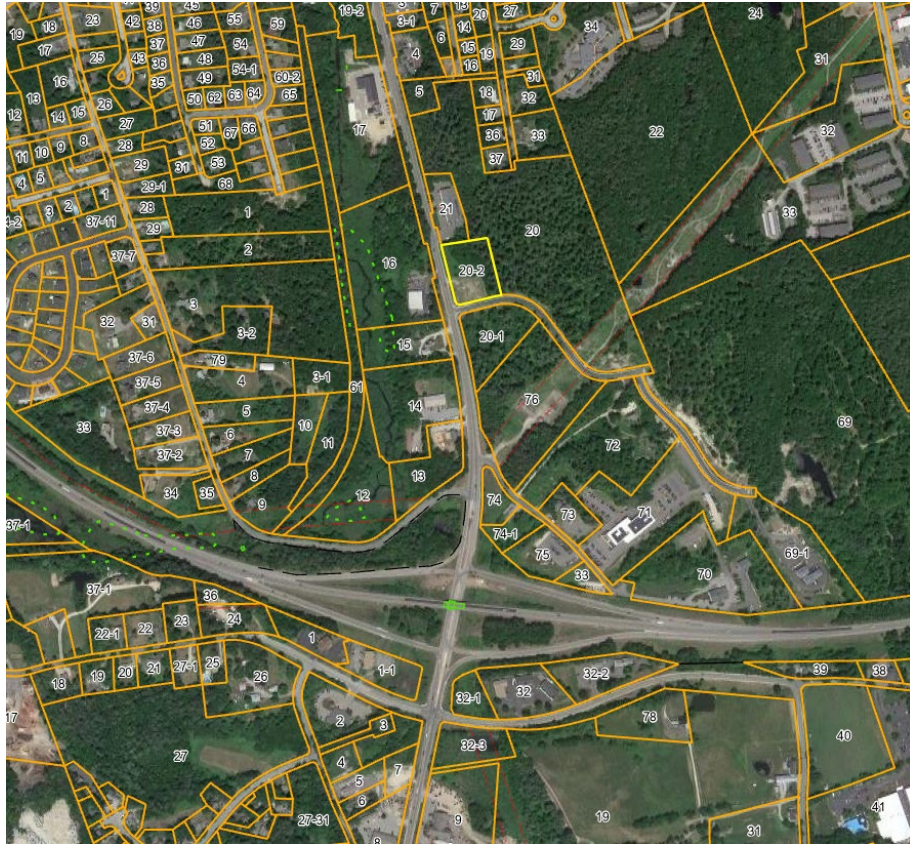
The applicant has a filed a concurrent Special Exception Application (see Case #2023-01) from the Milford Zoning Ordinance, Article VI, Sections 6.02.6.A and B to disturb approximately 2,299 square feet of wetlands area and 7,202 square feet of wetland buffer area to allow the construction gas station store, pump stations, access driveway and parking areas, and related stormwater water management structures. On June 15, 2023, the Board of Adjustment approved the Special Exception Request.

In addition to requiring a Special Exception and Variance, the project will also require approval by the Planning Board for a major site plan application, subdivision application (lot line adjustment) and local stormwater permit. It is recommended that the Board request formal input from the Planning Board.

In addition to local permitting, the project will require both a Wetlands Permit and Alteration of Terrain Permit from NHDES

4. As part of the Board deliberation, the applicant should be prepared to discuss the following:
  - a. The applicant should explain what stormwater management design alternatives were considered to minimize the overall impact the Groundwater Protect District, the delineated wetland resource area, and buffer.
  - b. The applicant should details what spill prevention control countermeasures will be place. As a condition, it is recommended that the operator of the facility submit a spill prevention control countermeasures (SPCC) plan to be approved by both the Planning Board and the Fire Department.
  - c. The applicant should explain how the project will ensure the continued protection of the Town's groundwater and meet the Town's Stormwater Ordinance.
  - d. The applicant should demonstrate how the project will comply with the Zoning Ordinance, Section 6.01.2 Performance Standards (relevant sub-sections).

**Aerial Photos of Subject Property:**





# Zoning Map

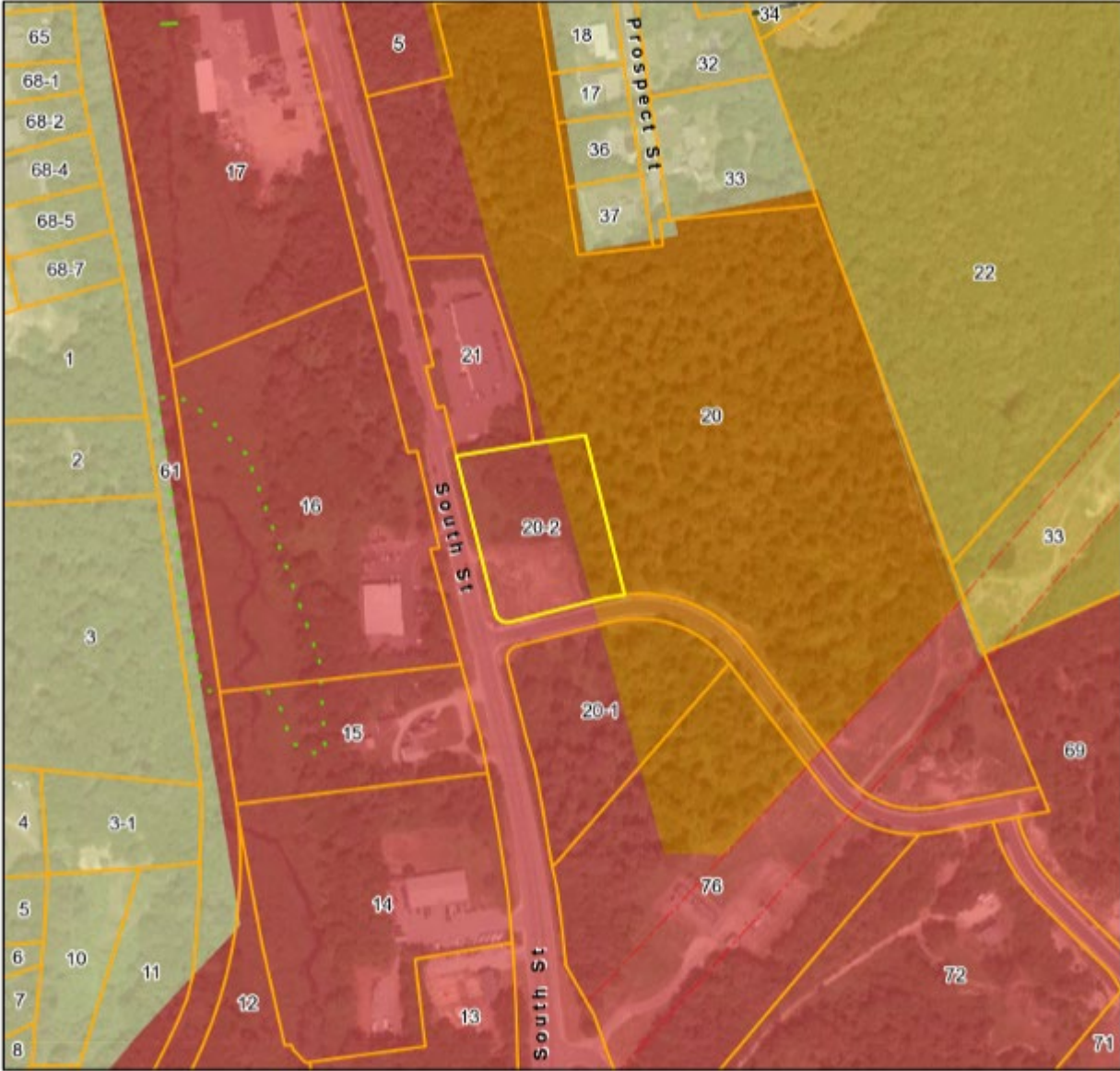
Town of Milford, NH

1 inch = 300 Feet



www.cai-tech.com

March 13, 2023



Parcel - Poly	Wetland	Limited Commercial
Street Names	Right of Way	Residence A
Private Road	Utility	Residence B
Property Line	Bridge	
Public Road	Commercial	

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# Groundwater Protection District

Town of Milford, NH

1 inch = 500 Feet



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March 13, 2023



Parcel - Poly	Wetland	RoadNotPar
Private Road	Private Road ROW	Level 1 Protection Area
Property Line	Utility	Level 2 Protection Area
Public Road	Bridge	

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# ZBA Application

## MILFORD ZONING BOARD OF ADJUSTMENT

### GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

#### PROPERTY INFORMATION

Street Address: South Street

Tax Map / Parcel #: 43-20-2

Lot Size: 2.001

#### PROPERTY CURRENTLY USED AS

Vacant Land

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

#### PROPERTY OWNER

Name: Salt Creek Properties, LLC

Address: P.O. Box 967

City/State/Zip: Amherst, NH 03031

Phone: ( )

Email:

*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

Name: 689 North Main Street, LLC

Address: 689 North Main Street

City/State/Zip: Leomeinster, MA 10453

Email:

Phone: ( ) 1-978-549-2222

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.

Property Owner's signature

Date:

Date Received:

Case Number: TOWN OF MILFORD

RECEIVED

Application Number:

Hearing Date: FEB 16 2023

Decision Date:

Decision: PB ZBA Office

#### 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 20 95.00

Amount received: 322.00

Date Received: 2/10/23

Check  Cash

*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 – Variance**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

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

PROPERTY INFORMATION
Street Address: South Street
Tax Map / Parcel #: Tax Map 43; Lot 20-2
<i>A Variance is a use which is not permitted by the Zoning Ordinance. Approval from the Zoning Board of Adjustment is required to allow any use or deviation from the Zoning Ordinance. Please work with the Zoning Administrator to make sure your application is complete and you know what will be required of you at the hearing.</i>
What section of the Zoning Ordinance are you asking to be varied? Article <u>VI</u> Section <u>6.01.3.B.7a</u> Describe the variance you are requesting under the above section of the Ordinance. To allow a gas station at this location. _____ _____ _____

General Criteria Section 10.01
<b><i>Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.I</i></b>
1. Granting the Variance would not be contrary to the public interest because: <div style="text-align: center;">See enclosed letter</div>
2. If the Variance were granted, the spirit of the ordinance would be observed because: <div style="text-align: center;">See enclosed letter</div>
3. Granting the Variance would do substantial justice because: <div style="text-align: center;">See enclosed letter</div>
4. Granting the Variance would not diminish the value of surrounding properties because: <div style="text-align: center;">See enclosed letter</div>
5. Unnecessary Hardship: <i>This section is the central portion of your argument and is the critical factor that the Zoning Board of Adjustment will need to determine what is unique to your property and not generally applicable to other properties in the area or in town.</i>



**ZBA Application – Variance**  
**MILFORD ZONING BOARD OF ADJUSTMENT**

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:

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 because :

See enclosed letter

AND

ii. The proposed use is a reasonable one because:

See enclosed letter

(B) Explain how, if the criteria in paragraph (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:

(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized **physical disability** to reside in or regularly use the premises, provided that:

1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:

In addition, Variances may have extra criteria that must be met. This includes, but is not limited to:

**6.03.5 Floodplain Management:** The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C. If your project is covered by this regulation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.

**ATTACHMENTS – additional information may be needed to help the Zoning Board of Adjustment fully understand your petition.**

- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.



February 15, 2023

Town of Milford  
Planning Development - Zoning Board of Adjustments  
1 Union Square  
Milford, New Hampshire 03055

**Re: Variance & Special Exception Application  
Route 13 Gas Station - Tax Map 43; Lot 20-2  
Corner of South Street (Route 13) & Nathaniel Drive  
Milford, New Hampshire 03101 - KNA Project # 21-0526-1A**

Dear Chairman and Board Members:

The above referenced parcel is being submitted for a Variance and Special Exception from the Milford Zoning Board. The property is located at the corner of South Street and Nathaniel Drive. The variance requested is from **Article VI Overlay Districts; Section 6.01.3 Uses; B.7.a Prohibited Uses** to allow for the retail sale of petroleum projects. The included documents outline the applicants request for this variance and Special Exception. All required information has been included within the submittal package. KNA will be present to further discuss the variance at the scheduled hearing.

*1. Granting the variance would not be contrary to the public interest because:*

**Granting the will not be contrary to the public interest. More specifically, the requested variance will not unduly conflict with the basic purposes of the relevant zoning provisions and a new station being built to today's standards would neither alter the essential character of the area nor threaten public health, safety, or welfare.**

**The location of this request at the interchange of Route 101 and Route 13 were you already have vehicles coming and going from this location to access travel routes to the north, south, east, and west would suggest this location is perfect to assist the general public. Also due to advances in permitting, construction and monitoring of any type of potential containment to the State of New Hampshire water supply these facilities pose a very minor risk to the ground waters of New Hampshire and I would suggest due to other issue facing the State that this type of use has shown to be a very safe and efficient way to service the public while protection it at the same time with all the required station standards that are in place these days. As such the applicant does not believe this variance would be contrary to the public interest.**

*2. If the variance were granted, the spirit of the ordinance would be observed because;*

**The applicant believes that the spirit of the ordinance would be to protect the Groundwater of the State of NH from possible pollutants and in 2023 Gas station are designed, permitted, constructed and monitored to the highest of standards to protect all of the ground water in the state and not just Milford so with an proposed new state of the art facility the applicant believes this variance would be in the spirit of the ordinance.**

3. *Granting the variance would do substantial justice because;*

**Due to the location of this parcel at the interchange of two major State Routes and on the outer end of the protective well radius substantial justice would be done for the current owner and the applicant to develop the parcel in a manner that serves the communities at the appropriate roadway interchanges.**

4. *Granting the variance would not diminish the value of surrounding properties because;*

**The construction of a state of the art million dollar facility that is designed, permitted, constructed and monitored per current regulations would not diminish the value of surrounding properties and in reality this type of development usually increases the values of surrounding properties when located in an appropriate location like this.**

5. *Owing to special conditions of the property that distinguish it from other properties in the area; denial of the variance would result in unnecessary hardship because;*

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 because;*

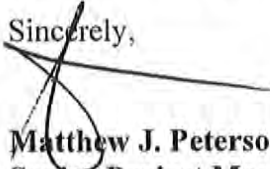
**The location of this parcel at the interchange of Route 101 and Route 13 distinguish it from other locations in Town, that were allowed gas stations, and its location on the very outer limits of the protective radius also distinguish it from other properties in town. Not allowing a state-of-the-art gas station at a location that see the majority of commuter traffic pass by it again distinguishes it from other parcel in Town and is why the applicant feels there is no substantial relationship between the general purposes of the ordinance and the specific violation being applied to the property for all variances being requested.**

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

***The applicant believes a proposed state of the art gas station at the interchange of two major state routes in Milford is a reasonable one.***

If you have any questions or comments, please contact me at (603) 627-2881.

Sincerely,

  
**Matthew J. Peterson**  
**Senior Project Manager**  
Keach Nordstrom Associates  
10 Commerce Park North, Suite 3B  
Bedford, NH 03110

*Civil Engineering*

*Land Surveying*

*Landscape Architecture*



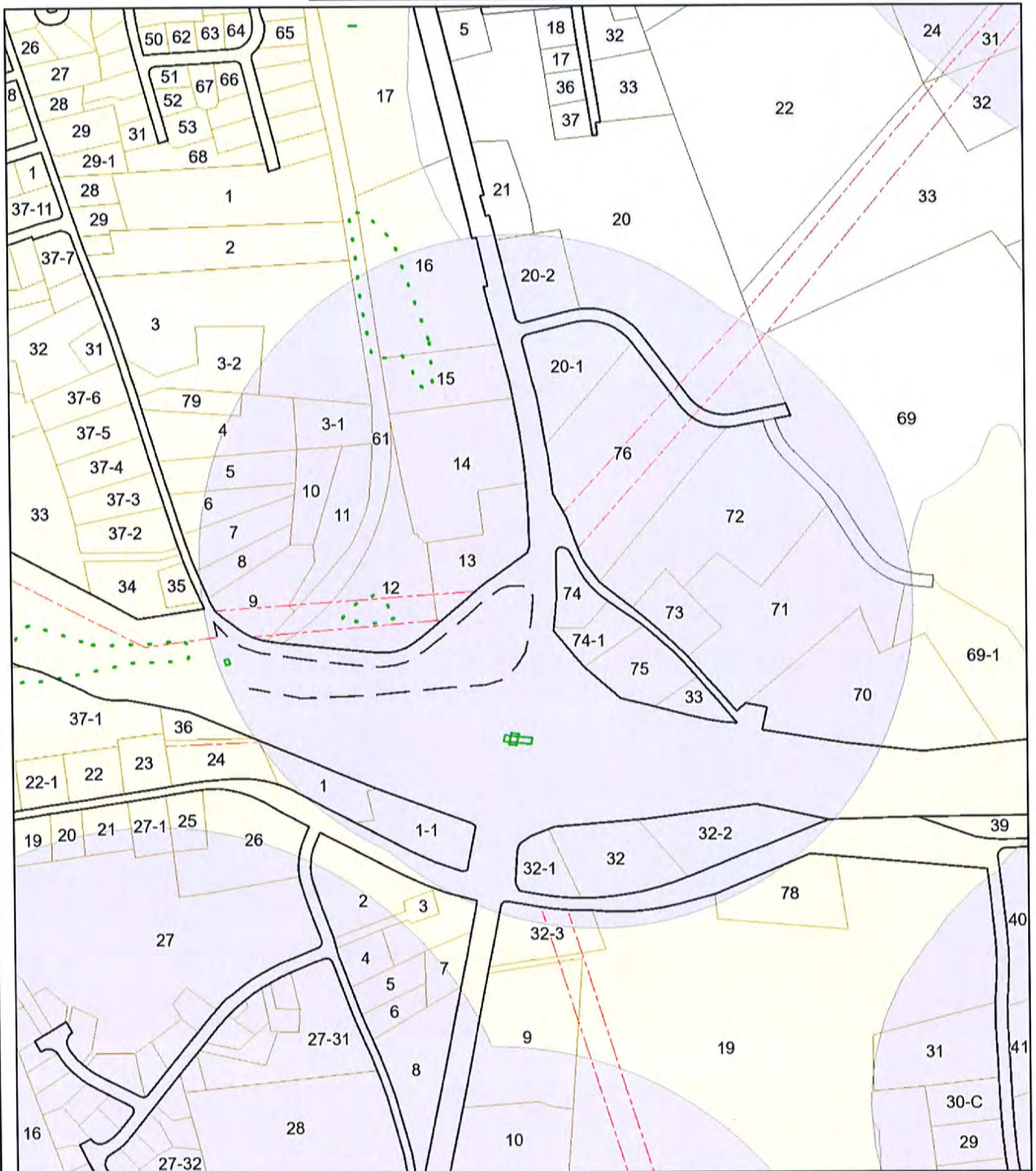
Milford, NH

1 inch = 552 Feet



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February 16, 2023



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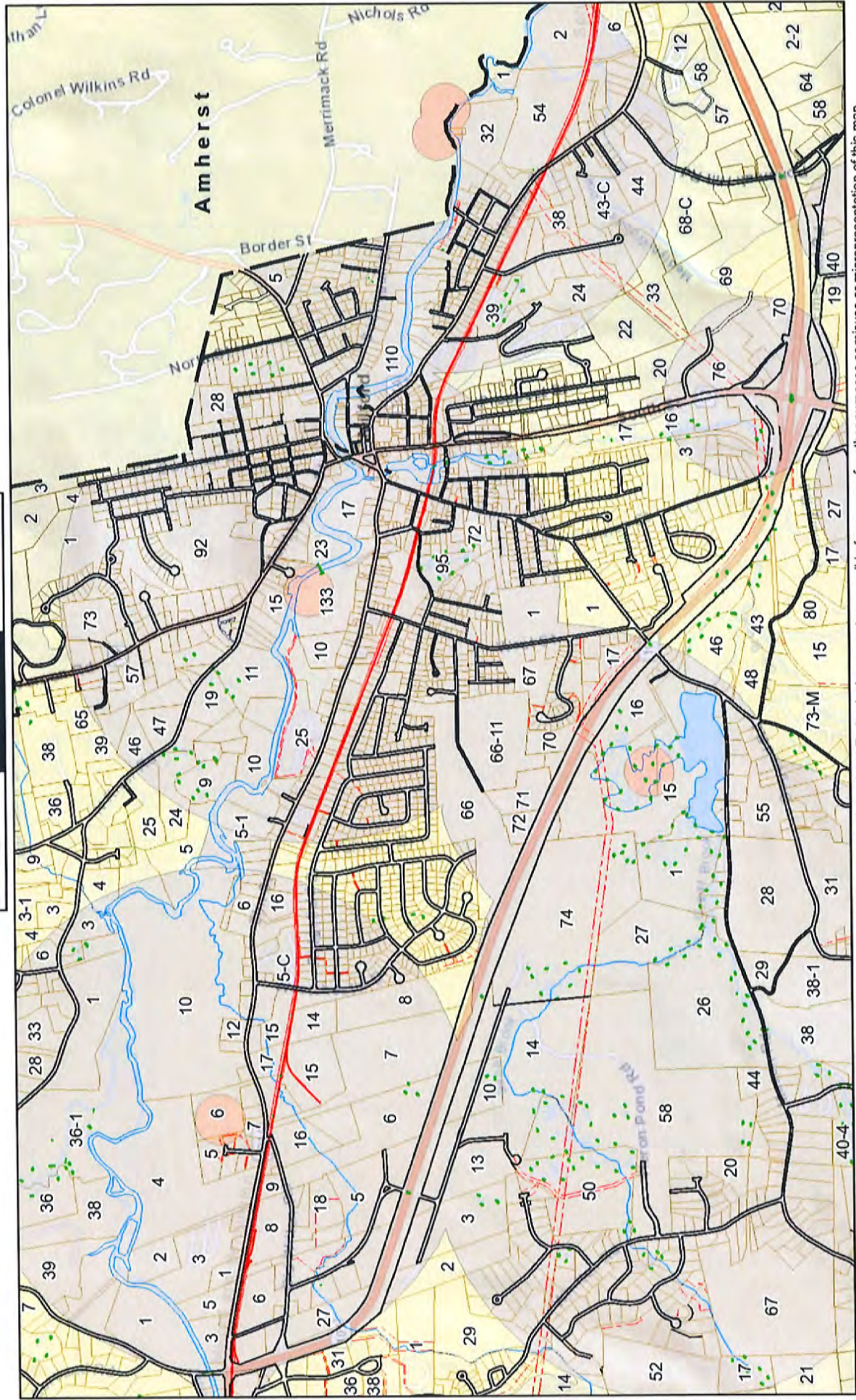
February 16, 2023

Milford, NH

1 inch = 2210 Feet



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**Photo #1:** looking north into wetland. 9/28/2022



**Photo #2:** Looking south into wetland. 9/28/2022



**Photo #3:** Looking east into lot. Cleared area. 9/28/2022



**Photo #4:** Looking north into brush area. 9/28/2022



**Photo #5:** Looking north on NH Route 13. 9/28/2022



**Photo #6:** Looking south on NH Route 13. 9/28/2022

The  
Highway  
Methodology  
Workbook  
*Supplement*



**US Army Corps  
of Engineers®**  
New England District

**Wetland Functions and Values**  
*A Descriptive Approach*



# Wetland Function-Value Evaluation Form

Wetland I.D. # 1  
 Latitude 42.82261 Longitude 71.6466  
 Prepared by: AEC Date 2/9/2023  
 Wetland Impact: Type Fill Area 2,299sf

Evaluation based on:  
 Office  Field   
 Corps manual wetland delineation completed? Y  N

Total area of wetland 2,299sf Human made? NO Is wetland part of a wildlife corridor? NO or a "habitat island"? Yes  
 Adjacent land use Commercial Distance to nearest roadway or other development 85 ft  
 Dominant wetland systems present Isolated forested Wetland (PFOIB) Contiguous undeveloped buffer zone present NO  
 Is the wetland a separate hydraulic system? Yes If not, where does the wetland lie in the drainage basin? N/A  
 How many tributaries contribute to the wetland? None Wildlife & vegetation diversity/abundance (see attached list)

Function/Value	Suitability Y/N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
Groundwater Recharge/Discharge	N	5	Isolated Wetland	
Floodflow Alteration	N	3,5,6,9	low flood storage	
Fish and Shellfish Habitat	N	1,2	NO fish in wetland	
Sediment/Toxicant Retention	N	4		
Nutrient Removal	2	3,7,11		
Production Export	2	1	highly blueberry	
Sediment/Shoreline Stabilization	N	3		
Wildlife Habitat	N	14		
Recreation	2		Wetland is on Private Property	
Educational/Scientific Value	2		Wetland is on Private Property	
Uniqueness/Heritage	2	1,2,10		
Visual Quality/Aesthetics	2	11,12		
ES Endangered Species Habitat	2		NO state listed threatened or endangered species present	
Other				

Notes: \* Refer to backup list of numbered considerations.



# Appendix A

## Wetland evaluation supporting documentation; Reproducible forms.

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Below is an example list of considerations that was used for a New Hampshire highway project. Considerations are flexible, based on best professional judgment and interdisciplinary team consensus. This example provides a comprehensive base, however, and may only need slight modifications for use in other projects.



**GROUNDWATER RECHARGE/DISCHARGE**— This function considers the potential for a wetland to serve as a groundwater recharge and/or discharge area. It refers to the fundamental interaction between wetlands and aquifers, regardless of the size or importance of either.

### CONSIDERATIONS/QUALIFIERS

1. Public or private wells occur downstream of the wetland.
2. Potential exists for public or private wells downstream of the wetland.
3. Wetland is underlain by stratified drift.
4. Gravel or sandy soils present in or adjacent to the wetland.
5. Fragipan does not occur in the wetland.
6. Fragipan, impervious soils, or bedrock does occur in the wetland.
7. Wetland is associated with a perennial or intermittent watercourse.
8. Signs of groundwater recharge are present or piezometer data demonstrates recharge.
9. Wetland is associated with a watercourse but lacks a defined outlet or contains a constricted outlet.
10. Wetland contains only an outlet, no inlet.
11. Groundwater quality of stratified drift aquifer within or downstream of wetland meets drinking water standards.
12. Quality of water associated with the wetland is high.
13. Signs of groundwater discharge are present (e.g., springs).
14. Water temperature suggests it is a discharge site.
15. Wetland shows signs of variable water levels.
16. Piezometer data demonstrates discharge.
17. Other



**FLOODFLOW ALTERATION (Storage & Desynchronization)**— This function considers the effectiveness of the wetland in reducing flood damage by water retention for prolonged periods following precipitation events and the gradual release of floodwaters. It adds to the stability of the wetland ecological system or its buffering characteristics and provides social or economic value relative to erosion and/or flood prone areas.

### CONSIDERATIONS/QUALIFIERS

1. Area of this wetland is large relative to its watershed.
2. Wetland occurs in the upper portions of its watershed.
3. Effective flood storage is small or non-existent upslope of or above the wetland.
4. Wetland watershed contains a high percent of impervious surfaces.
5. Wetland contains hydric soils which are able to absorb and detain water.
6. Wetland exists in a relatively flat area that has flood storage potential.
7. Wetland has an intermittent outlet, ponded water, or signs are present of variable water level.
8. During flood events, this wetland can retain higher volumes of water than under normal or average rainfall conditions.
9. Wetland receives and retains overland or sheet flow runoff from surrounding uplands.
10. In the event of a large storm, this wetland may receive and detain excessive flood water from a nearby watercourse.
11. Valuable properties, structures, or resources are located in or near the floodplain downstream from the wetland.
12. The watershed has a history of economic loss due to flooding.
13. This wetland is associated with one or more watercourses.
14. This wetland watercourse is sinuous or diffuse.
15. This wetland outlet is constricted.
16. Channel flow velocity is affected by this wetland.
17. Land uses downstream are protected by this wetland.
18. This wetland contains a high density of vegetation.
19. Other

FISH AND SHELLFISH HABITAT (FRESHWATER) — This function considers the effectiveness of seasonal or permanent watercourses associated with the wetland in question for fish and shellfish habitat.

### CONSIDERATIONS/QUALIFIERS

1. Forest land dominant in the watershed above this wetland.
  2. Abundance of cover objects present.
- STOP HERE IF THIS WETLAND IS NOT ASSOCIATED WITH A WATERCOURSE
3. Size of this wetland is able to support large fish/shellfish populations.
  4. Wetland is part of a larger, contiguous watercourse.
  5. Wetland has sufficient size and depth in open water areas so as not to freeze solid and retain some open water during winter.
  6. Stream width (bank to bank) is more than 50 feet.
  7. Quality of the watercourse associated with this wetland is able to support healthy fish/shellfish populations.
  8. Streamside vegetation provides shade for the watercourse.
  9. Spawning areas are present (submerged vegetation or gravel beds).
  10. Food is available to fish/shellfish populations within this wetland.
  11. Barrier(s) to anadromous fish (such as dams, including beaver dams, waterfalls, road crossing) are absent from the stream reach associated with this wetland.
  12. Evidence of fish is present.
  13. Wetland is stocked with fish.
  14. The watercourse is persistent.
  15. Man-made streams are absent.
  16. Water velocities are not too excessive for fish usage.
  17. Defined stream channel is present.
  18. Other

Although the above example refers to freshwater wetlands, it can also be adapted for marine ecosystems. The following is an example provided by the National Marine Fisheries Service (NMFS) of an adaptation for the fish and shellfish function.

**FISH AND SHELLFISH HABITAT (MARINE)** — This function considers the effectiveness of wetlands, embayments, tidal flats, vegetated shallows, and other environments in supporting marine resources such as fish, shellfish, marine mammals, and sea turtles.

**CONSIDERATIONS/QUALIFIERS**

1. Special aquatic sites (tidal marsh, mud flats, eelgrass beds) are present.
2. Suitable spawning habitat is present at the site or in the area.
3. Commercially or recreationally important species are present or suitable habitat exists.
4. The wetland/waterway supports prey for higher trophic level marine organisms.
5. The waterway provides migratory habitat for anadromous fish.
6. Essential fish habitat, as defined by the 1996 amendments to the Magnuson-Stevens Fishery & Conservation Act, is present (consultation with NMFS may be necessary).
7. Other



**SEDIMENT/TOXICANT/PATHOGEN RETENTION** — This function reduces or prevents degradation of water quality. It relates to the effectiveness of the wetland as a trap for sediments, toxicants, or pathogens in runoff water from surrounding uplands or upstream eroding wetland areas.

**CONSIDERATIONS/QUALIFIERS**

1. Potential sources of excess sediment are in the watershed above the wetland.
2. Potential or known sources of toxicants are in the watershed above the wetland.
3. Opportunity for sediment trapping by slow moving water or deepwater habitat are present in this wetland.
4. Fine grained mineral or organic soils are present.
5. Long duration water retention time is present in this wetland.
6. Public or private water sources occur downstream.
7. The wetland edge is broad and intermittently aerobic.
8. The wetland is known to have existed for more than 50 years.
9. Drainage ditches have not been constructed in the wetland.

**STOP HERE IF WETLAND IS NOT ASSOCIATED WITH A WATERCOURSE**

10. Wetland is associated with an intermittent or perennial stream or a lake.
11. Channelized flows have visible velocity decreases in the wetland.
12. Effective floodwater storage in wetland is occurring. Areas of impounded open water are present.
13. No indicators of erosive forces are present. No high water velocities are present.
14. Diffuse water flows are present in the wetland.
15. Wetland has a high degree of water and vegetation interspersion.
16. Dense vegetation provides opportunity for sediment trapping and/or signs of sediment accumulation by dense vegetation is present.
17. Other




**NUTRIENT REMOVAL/RETENTION/TRANSFORMATION** — This function considers the effectiveness of the wetland as a trap for nutrients in runoff water from surrounding uplands or contiguous wetlands and the ability of the wetland to process these nutrients into other forms or trophic levels. One aspect of this function is to prevent ill effects of nutrients entering aquifers or surface waters such as ponds, lakes, streams, rivers, or estuaries.

**CONSIDERATIONS/QUALIFIERS**


1. Wetland is large relative to the size of its watershed.
2. Deep water or open water habitat exists.
3. Overall potential for sediment trapping exists in the wetland.

4. Potential sources of excess nutrients are present in the watershed above the wetland.
  5. Wetland saturated for most of the season. Pounded water is present in the wetland.
  6. Deep organic/sediment deposits are present.
  7. Slowly drained fine grained mineral or organic soils are present.
  8. Dense vegetation is present.
  9. Emergent vegetation and/or dense woody stems are dominant.
  10. Opportunity for nutrient attenuation exists.
  11. Vegetation diversity/abundance sufficient to utilize nutrients.
- STOP HERE IF WETLAND IS NOT ASSOCIATED WITH A WATERCOURSE.
12. Waterflow through this wetland is diffuse.
  13. Water retention/detention time in this wetland is increased by constricted outlet or thick vegetation.
  14. Water moves slowly through this wetland.
  15. Other

**PRODUCTION EXPORT (Nutrient)** — This function evaluates the effectiveness of the wetland to produce food or usable products for humans or other living organisms. 

**CONSIDERATIONS/QUALIFIERS**

1. Wildlife food sources grow within this wetland.
2. Detritus development is present within this wetland
3. Economically or commercially used products found in this wetland.
4. Evidence of wildlife use found within this wetland.
5. Higher trophic level consumers are utilizing this wetland.
6. Fish or shellfish develop or occur in this wetland.
7. High vegetation density is present.
8. Wetland exhibits high degree of plant community structure/species diversity.
9. High aquatic vegetative diversity/abundance is present.
10. Nutrients exported in wetland watercourses (permanent outlet present).
11. "Flushing" of relatively large amounts of organic plant material occurs from this wetland.
12. Wetland contains flowering plants that are used by nectar-gathering insects.
13. Indications of export are present.
14. High production levels occurring, however, no visible signs of export (assumes export is attenuated).
15. Other

**SEDIMENT/SHORELINE STABILIZATION** — This function considers the effectiveness of a wetland to stabilize streambanks and shorelines against erosion. 

**CONSIDERATIONS/QUALIFIERS**

1. Indications of erosion or siltation are present.
2. Topographical gradient is present in wetland.
3. Potential sediment sources are present up-slope.
4. Potential sediment sources are present upstream.
5. No distinct shoreline or bank is evident between the waterbody and the wetland or upland.
6. A distinct step between the open waterbody or stream and the adjacent land exists (i.e., sharp bank) with dense roots throughout.
7. Wide wetland (>10') borders watercourse, lake, or pond.
8. High flow velocities in the wetland.
9. The watershed is of sufficient size to produce channelized flow.
10. Open water fetch is present.
11. Boating activity is present.
12. Dense vegetation is bordering watercourse, lake, or pond.
13. High percentage of energy-absorbing emergents and/or shrubs border a watercourse, lake, or pond.
14. Vegetation is comprised of large trees and shrubs that withstand major flood events or erosive incidents and stabilize the shoreline on a large scale (feet).
15. Vegetation is comprised of a dense resilient herbaceous layer that stabilizes sediments and the shoreline on a small scale (inches) during minor flood events or potentially erosive events.
16. Other



**WILDLIFE HABITAT** — This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with wetlands and the wetland edge. Both resident and/or migrating species must be considered. Species lists of observed and potential animals should be included in the wetland assessment report.<sup>1</sup>

#### CONSIDERATIONS/QUALIFIERS

1. Wetland is not degraded by human activity.
2. Water quality of the watercourse, pond, or lake associated with this wetland meets or exceeds Class A or B standards.
3. Wetland is not fragmented by development.
4. Upland surrounding this wetland is undeveloped.
5. More than 40% of this wetland edge is bordered by upland wildlife habitat (e.g., brushland, woodland, active farmland, or idle land) at least 500 feet in width.
6. Wetland is contiguous with other wetland systems connected by a watercourse or lake.
7. Wildlife overland access to other wetlands is present.
8. Wildlife food sources are within this wetland or are nearby.
9. Wetland exhibits a high degree of interspersion of vegetation classes and/or open water.
10. Two or more islands or inclusions of upland within the wetland are present.
11. Dominant wetland class includes deep or shallow marsh or wooded swamp.
12. More than three acres of shallow permanent open water (less than 6.6 feet deep), including streams in or adjacent to wetland, are present.
13. Density of the wetland vegetation is high.
14. Wetland exhibits a high degree of plant species diversity.
15. Wetland exhibits a high degree of diversity in plant community structure (e.g., tree/shrub/vine/grasses/mosses)
16. Plant/animal indicator species are present. (List species for project)
17. Animal signs observed (tracks, scats, nesting areas, etc.)
18. Seasonal uses vary for wildlife and wetland appears to support varied population diversity/abundance during different seasons.
19. Wetland contains or has potential to contain a high population of insects.
20. Wetland contains or has potential to contain large amphibian populations.
21. Wetland has a high avian utilization or its potential.
22. Indications of less disturbance-tolerant species are present.
23. Signs of wildlife habitat enhancement are present (birdhouses, nesting boxes, food sources, etc.).
24. Other

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<sup>1</sup>In March 1995, a rapid wildlife habitat assessment method was completed by a University of Massachusetts research team with funding and oversight provided by the New England Transportation Consortium. The method is called WETHings (wetland habitat indicators for non-game species). It produces a list of potential wetland-dependent mammal, reptile, and amphibian species that may be present in the wetland. The output is based on observable habitat characteristics documented on the field data form. This method may be used to generate the wildlife species list recommended as backup information to the wetland evaluation form and to augment the considerations. Use of this method should first be coordinated with the Corps project manager. A computer program is also available to expedite this process.

**RECREATION (Consumptive and Non-Consumptive)** — This value considers the suitability of the wetland and associated watercourses to provide recreational opportunities such as hiking, canoeing, boating, fishing, hunting, and other active or passive recreational activities. Consumptive opportunities consume or diminish the plants, animals, or other resources that are intrinsic to the wetland. Non-consumptive opportunities do not consume or diminish these resources of the wetland.



#### CONSIDERATIONS/QUALIFIERS

1. Wetland is part of a recreation area, park, forest, or refuge.
2. Fishing is available within or from the wetland.
3. Hunting is permitted in the wetland.
4. Hiking occurs or has potential to occur within the wetland.
5. Wetland is a valuable wildlife habitat.
6. The watercourse, pond, or lake associated with the wetland is unpolluted.
7. High visual/aesthetic quality of this potential recreation site.
8. Access to water is available at this potential recreation site for boating, canoeing, or fishing.
9. The watercourse associated with this wetland is wide and deep enough to accommodate canoeing and/or non-powered boating.
10. Off-road public parking available at the potential recreation site.
11. Accessibility and travel ease is present at this site.
12. The wetland is within a short drive or safe walk from highly populated public and private areas.
13. Other

**EDUCATIONAL/SCIENTIFIC VALUE** — This value considers the suitability of the wetland as a site for an "outdoor classroom" or as a location for scientific study or research.



#### CONSIDERATIONS/QUALIFIERS

1. Wetland contains or is known to contain threatened, rare, or endangered species.
2. Little or no disturbance is occurring in this wetland.
3. Potential educational site contains a diversity of wetland classes which are accessible or potentially accessible.
4. Potential educational site is undisturbed and natural.
5. Wetland is considered to be a valuable wildlife habitat.
6. Wetland is located within a nature preserve or wildlife management area.
7. Signs of wildlife habitat enhancement present (bird houses, nesting boxes, food sources, etc.).
8. Off-road parking at potential educational site suitable for school bus access in or near wetland.
9. Potential educational site is within safe walking distance or a short drive to schools.
10. Potential educational site is within safe walking distance to other plant communities.
11. Direct access to perennial stream at potential educational site is available.
12. Direct access to pond or lake at potential educational site is available.
13. No known safety hazards exist within the potential educational site.
14. Public access to the potential educational site is controlled.
15. Handicap accessibility is available.
16. Site is currently used for educational or scientific purposes.
17. Other



**UNIQUENESS/HERITAGE** — This value considers the effectiveness of the wetland or its associated waterbodies to provide certain special values. These may include archaeological sites, critical habitat for endangered species, its overall health and appearance, its role in the ecological system of the area, its relative importance as a typical wetland class for this geographic location. These functions are clearly valuable wetland attributes relative to aspects of public health, recreation, and habitat diversity.

#### CONSIDERATIONS/QUALIFIERS

1. Upland surrounding wetland is primarily urban.
2. Upland surrounding wetland is developing rapidly.
3. More than 3 acres of shallow permanent open water (less than 6.6 feet deep), including streams, occur in wetlands.
4. Three or more wetland classes are present.
5. Deep and/or shallow marsh or wooded swamp dominate.
6. High degree of interspersed vegetation and/or open water occur in this wetland.
7. Well-vegetated stream corridor (15 feet on each side of the stream) occurs in this wetland.
8. Potential educational site is within a short drive or a safe walk from schools.
9. Off-road parking at potential educational site is suitable for school buses.
10. No known safety hazards exist within this potential educational site.
11. Direct access to perennial stream or lake exists at potential educational site.
12. Two or more wetland classes are visible from primary viewing locations.
13. Low-growing wetlands (marshes, scrub-shrub, bogs, open water) are visible from primary viewing locations.
14. Half an acre of open water or 200 feet of stream is visible from the primary viewing locations.
15. Large area of wetland is dominated by flowering plants or plants that turn vibrant colors in different seasons.
16. General appearance of the wetland visible from primary viewing locations is unpolluted and/or undisturbed.
17. Overall view of the wetland is available from the surrounding upland.
18. Quality of the water associated with the wetland is high.
19. Opportunities for wildlife observations are available.
20. Historical buildings are found within the wetland.
21. Presence of pond or pond site and remains of a dam occur within the wetland.
22. Wetland is within 50 yards of the nearest perennial watercourse.
23. Visible stone or earthen foundations, berms, dams, standing structures, or associated features occur within the wetland.
24. Wetland contains critical habitat for a state- or federally-listed threatened or endangered species.
25. Wetland is known to be a study site for scientific research.
26. Wetland is a natural landmark or recognized by the state natural heritage inventory authority as an exemplary natural community.
27. Wetland has local significance because it serves several functional values.
28. Wetland has local significance because it has biological, geological, or other features that are locally rare or unique.
29. Wetland is known to contain an important archaeological site.
30. Wetland is hydrologically connected to a state or federally designated scenic river.
31. Wetland is located in an area experiencing a high wetland loss rate.
32. Other



**VISUAL QUALITY/AESTHETICS** — This value considers the visual and aesthetic quality or usefulness of the wetland.



**CONSIDERATIONS/QUALIFIERS**

1. Multiple wetland classes are visible from primary viewing locations.
2. Emergent marsh and/or open water are visible from primary viewing locations.
3. A diversity of vegetative species is visible from primary viewing locations.
4. Wetland is dominated by flowering plants or plants that turn vibrant colors in different seasons.
5. Land use surrounding the wetland is undeveloped as seen from primary viewing locations.
6. Visible surrounding land use form contrasts with wetland.
7. Wetland views absent of trash, debris, and signs of disturbance.
8. Wetland is considered to be a valuable wildlife habitat.
9. Wetland is easily accessed.
10. Low noise level at primary viewing locations.
11. Unpleasant odors absent at primary viewing locations.
12. Relatively unobstructed sight line exists through wetland.
13. Other

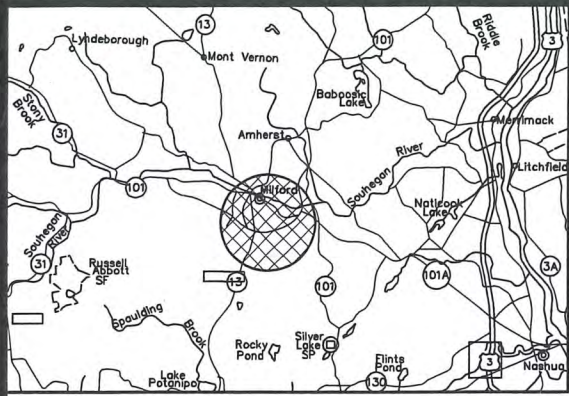
**ENDANGERED SPECIES HABITAT** — This value considers the suitability of the wetland to support threatened or endangered species.

**ES**

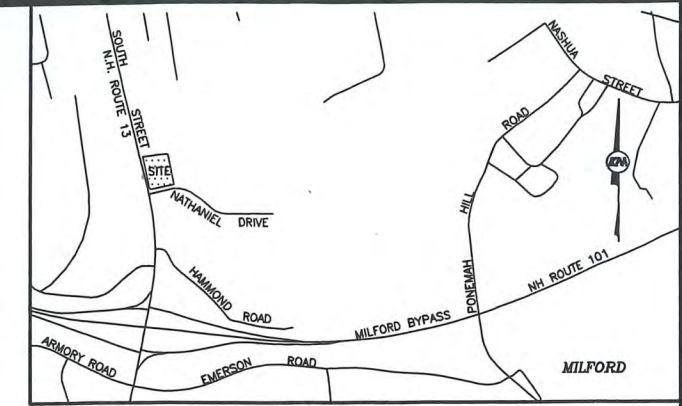
**CONSIDERATIONS/QUALIFIERS**

1. Wetland contains or is known to contain threatened or endangered species.
2. Wetland contains critical habitat for a state or federally listed threatened or endangered species.

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VICINITY PLAN  
NOT TO SCALE



VICINITY PLAN  
SCALE: 1" = 1,000'±

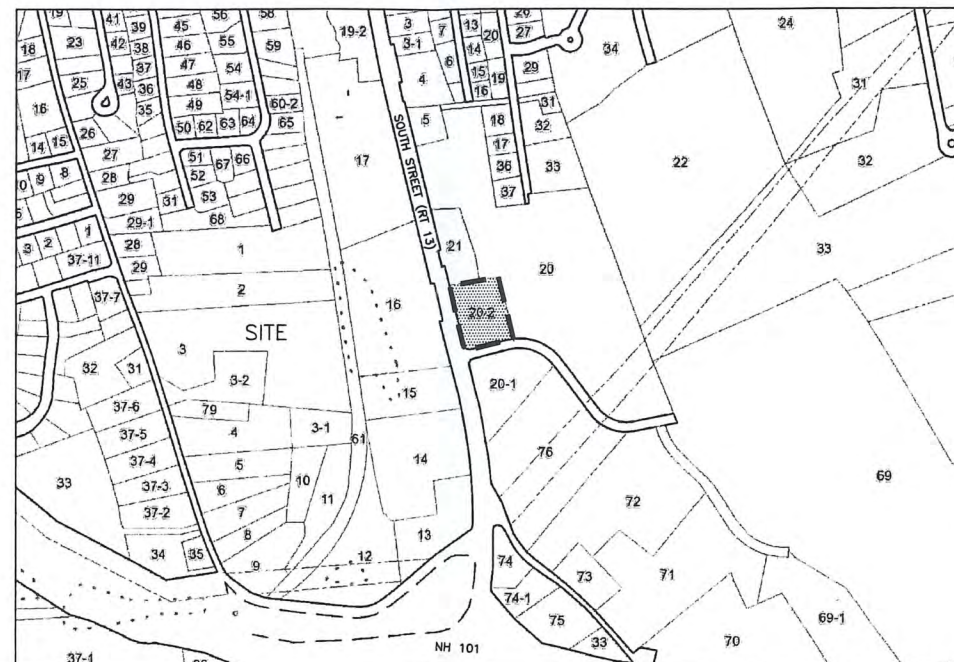
# ZBA EXHIBIT IMPACT PLAN SET

## MILFORD RASHID GAS STATION

### MAP 43 LOT 20-2

### SOUTH STREET

### MILFORD, NEW HAMPSHIRE



TAX MAP PLAN  
SCALE: 1" = 500'±

**OWNER**  
SALT CREEK PROPERTIES, LLC  
PO BOX 967  
AMHERST, NEW HAMPSHIRE 03031

**APPLICANT**  
689 NORTH MAIN STREET, LLC  
689 NORTH MAIN STREET  
LEOMEINSTER, MASSACHUSETTS 10453

**PREPARED BY:**  
KEACH-NORDSTROM ASSOCIATES, INC.  
10 COMMERCE PARK NORTH, SUITE 3  
BEDFORD, NEW HAMPSHIRE 03110  
(603) 627-2881



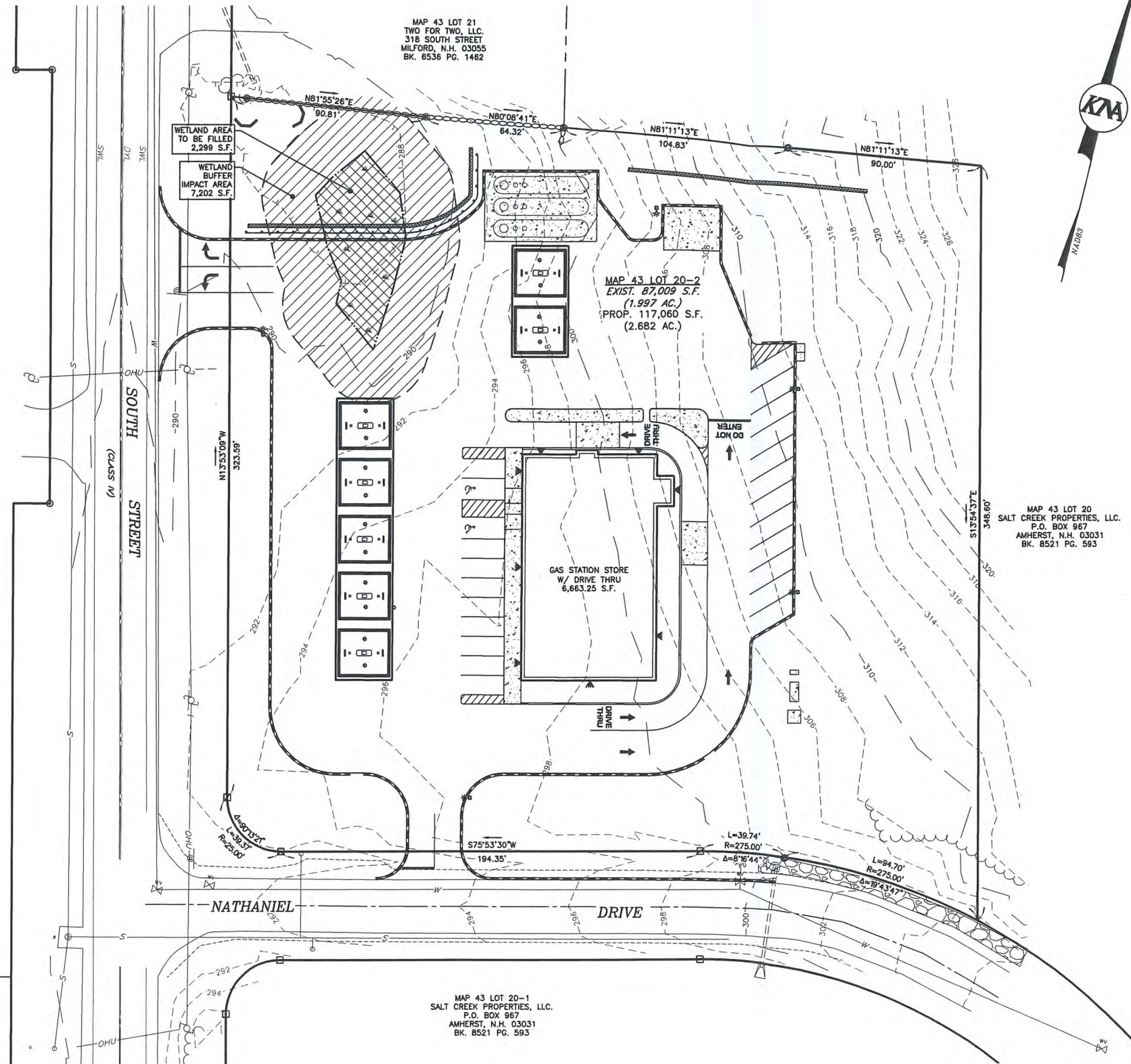
**KMA** KEACH-NORDSTROM ASSOCIATES, INC.  
Civil Engineering Land Surveying Landscape Architecture  
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

FEBRUARY 16, 2023

PROJECT NO. 21-0526-1A

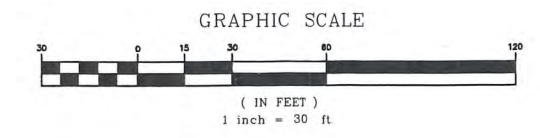
<u>SHEET TITLE</u>	<u>SHEET No.</u>
EXISTING CONDITIONS PLAN	1
WETLAND IMPACT PLAN	2
NON-RESIDENTIAL SITE PLAN	3
GRADING & DRAINAGE PLAN	4
EROSION CONTROL DETAILS	5





**LEGEND**

- GB-F GRANITE BOUND FOUND
- IPP-F IRON PIPE FOUND
- IR-F IRON ROD FOUND
- DH-F DRILL HOLE FOUND
- DH-S DRILL HOLE SET
- UTILITY POLE
- WATER VALVE
- HYDRANT
- SEWER MANHOLE
- CATCH BASIN
- FLARED END SECTION
- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- OHU OVERHEAD UTILITIES
- TREETLINE
- EOP EDGE OF PAVEMENT
- 10' CONTOUR
- 2' CONTOUR
- STONEWALL
- PROPOSED EDGE OF PAVEMENT
- PROPOSED SIGN
- PROPOSED LIGHT
- PROPOSED TREETLINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED BITUMINOUS CURB
- PROPOSED GUARDRAIL



**REMOVALS/DEMOLITION NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED REMOVALS ASSOCIATED WITH THE DEVELOPMENT OF MAP 43 LOTS 20-2.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING "DIG SAFE" AT 811 AT LEAST 72 HOURS BEFORE DIGGING.
3. ALL STUMPS, ROOTS, BRANCHES, BRUSH, WOODS AND OTHER PERISHABLE MATERIAL RESULTING FROM THE CLEARING AND GRUBBING OPERATIONS SHALL BE DISPOSED OF BY AN APPROVED METHOD.
4. STRIP, STOCKPILE AND REUSE ON-SITE GRAVEL AND FILL AREAS WHERE APPROPRIATE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DESIGN ENGINEER.
5. REMOVE ALL ASPHALT, CURBING, CONCRETE, VEGETATION, TREES, SHRUBS, LIGHT POLES, SIGNAGE AND STRUCTURES WITHIN THE HATCHED AREA, UNLESS OTHERWISE NOTED.
6. EXISTING ASPHALT REMOVED FROM THE SITE AS PART OF THIS SITE PLAN SHALL BE GROUND AND REUSED AS FILL OR TRUCKED OFFSITE AND DISPOSED OF BY AN APPROVED METHOD.
7. DEBRIS REMOVED FROM THE SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.

MAP 43 LOT 16  
 KINCAID REALTY TRUST  
 523 SOUTH STREET  
 MILFORD, N.H. 03055  
 BK. 8044 PG. 1262

MAP 43 LOT 20  
 SALT CREEK PROPERTIES, LLC.  
 P.O. BOX 967  
 AMHERST, N.H. 03031  
 BK. 8521 PG. 593

MAP 43 LOT 15  
 BRENDA J. SILVA, TRUSTEE  
 BRENDA SILVA REVOCABLE TRUST  
 184 NASHUA STREET  
 MILFORD, N.H. 03055  
 BK. 5626 PG. 1752

MAP 43 LOT 20-1  
 SALT CREEK PROPERTIES, LLC.  
 P.O. BOX 967  
 AMHERST, N.H. 03031  
 BK. 8521 PG. 593



**WETLAND CERTIFICATION:**  
 JURISDICTIONAL WETLANDS SHOWN ON THIS PLAN WERE DELINEATED IN AUGUST OF 2022 BY CHRISTOPHER K. DANFORTH CWS #077. THE WETLANDS WERE DELINEATED ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (1987) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2, JANUARY 2012. DOMINANT HYDRIC SOILS WITHIN THE WETLAND(S) WERE IDENTIFIED USING "FIELD INDICATORS OF HYDRIC SOILS OF THE UNITED STATES" A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, NRCS, VERSION 8.1, 2017. DOMINANCE OF HYDROPHYTIC VEGETATION WAS DETERMINED USING THE USACE 2020 NATIONAL WETLAND PLANT LIST, NWPL 2020 VERSION 3.5 HTTP://WETLAND-PLANTS.USACE.ARMY.MIL.

**WETLAND IMPACT PLAN  
 MILFORD RASHID GAS STATION  
 MAP 43 LOT 20-2  
 SOUTH STREET  
 MILFORD, NEW HAMPSHIRE  
 HILLSBOROUGH COUNTY**

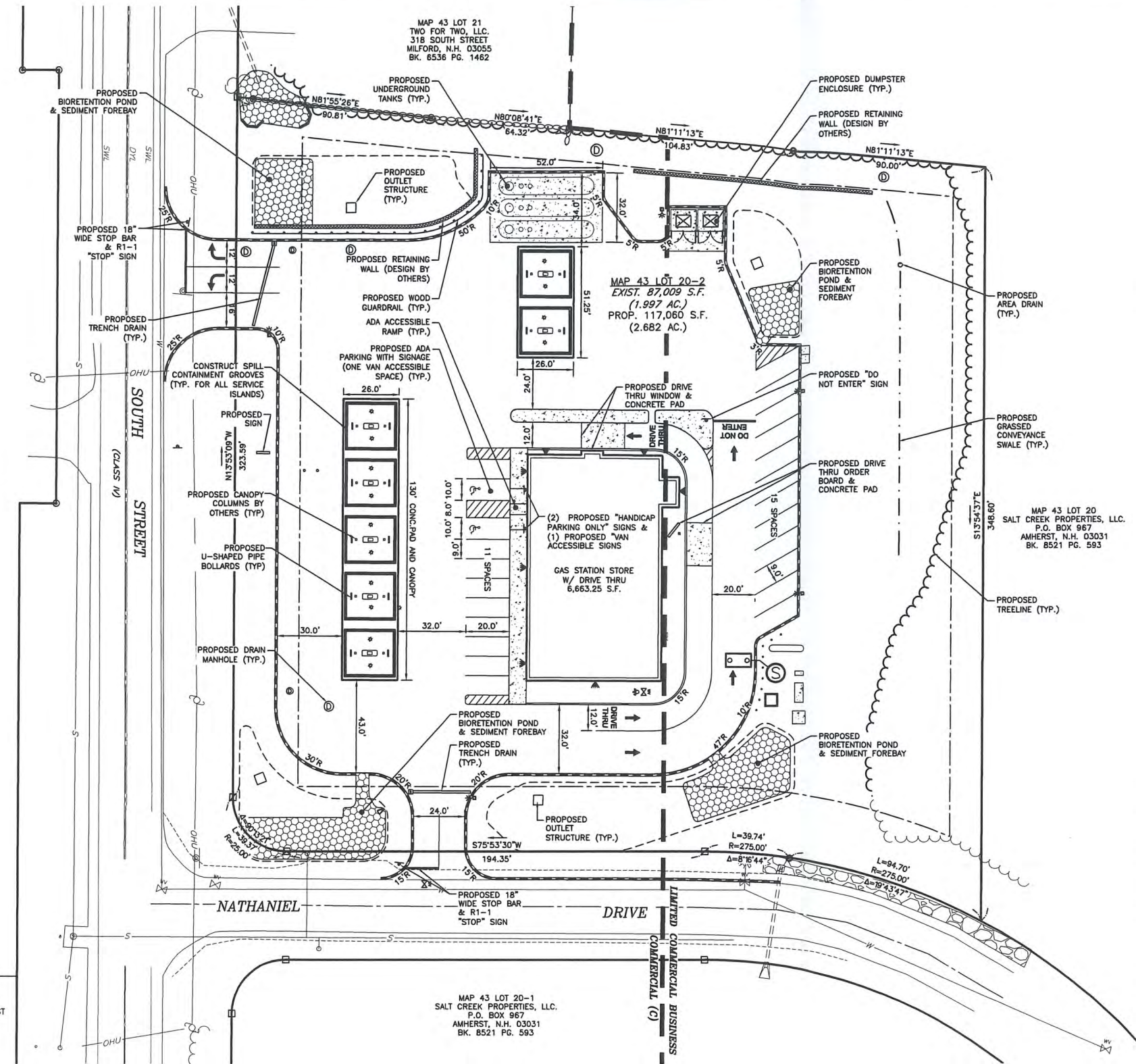
<p><b>OWNER:</b>                  SALT CREEK PROPERTIES, LLC                  P.O. BOX 967                  AMHERST, NH 03031                  BK. 8521 PG. 593</p>	<p><b>APPLICANT:</b>                  689 NORTH MAIN STREET LLC                  689 NORTH MAIN STREET                  LEOMINSTER, MA 10453</p>
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**KEACH-NORDSTROM ASSOCIATES, INC.**  
 Civil Engineering Land Surveying Landscape Architecture  
 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: FEBRUARY 16, 2023      SCALE: 1" = 30'  
 PROJECT NO: 21-0526-1A      SHEET 2 OF 5

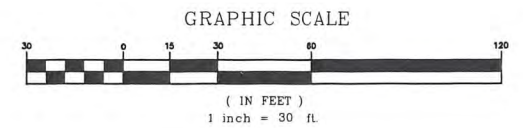
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- GENERAL NOTES:**
- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED CONSTRUCTION OF A GAS STATION AND RETAIL STORE WITH DRIVE-THRU WINDOW ON MAP 43 LOT 20-2.
  - MAP 43 LOT 20-2 INDICATES TOWN OF MILFORD, NEW HAMPSHIRE TAX ASSESSOR'S MAP AND LOT NUMBER.
  - EXISTING: MAP 43 LOT 20-2 = 87,009 SF, OR 1.997 ACRES  
PROPOSED W/ L/A FROM LOT 20 = 117,060 SF, OR 2.682 ACRES
  - PRESNT OWNER OF RECORD:  
SALT CREEK PROPERTIES, LLC  
P.O. BOX 967  
AMHERST, NH 03031  
BK. 8521 PG. 593
  - THE SUBJECT PARCEL IS LOCATED WITHIN THE LIMITED COMMERCIAL BUSINESS, AS WELL AS THE COMMERCIAL (C) ZONING DISTRICT AND IS PARTIALLY LOCATED WITHIN THE LEVEL 1 GROUNDWATER PROTECTION AREA AND IS SUBJECT TO THE FOLLOWING DIMENSIONAL REGULATIONS:  
MINIMUM LOT REQUIREMENTS (FOR UNITS SERVED BY WATER AND SEWER) ARE AS FOLLOWS:  
- MINIMUM LOT AREA: 20,000 SF  
- MINIMUM LOT FRONTAGE: 150 FEET (CLASS V OR BETTER)  
- MAXIMUM BUILDING HEIGHT: 35 FEET (RESIDENTIAL STRUCTURES)  
MINIMUM BUILDING SETBACKS:  
- FRONT: 30 FEET  
- SIDE: 15 FEET (30 FEET BORDERING A STREET)  
- REAR: 15 FEET  
- WETLAND: 25 FEET (50 FEET FOR NAMED POND OR STREAM)  
MINIMUM OPEN SPACE: 30%
  - SUBJECT PARCEL IS SERVICED BY MUNICIPAL SEWER AND WATER.
  - TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE IN SEPTEMBER OF 2022.
  - HORIZONTAL DATUM IS NAD 83 AND VERTICAL DATUM IS NAVD 88 OBTAINED THROUGH GPS OBSERVATIONS BASED UPON NHDOT CONTROL POINT 303-0340.
  - SITE SPECIFIC SOIL MAPPING WAS PERFORMED BY THOMAS CARR, CSS#018, OF MERIDIAN LAND SERVICES, INC. OF AMHERST, NH ON NOVEMBER 21 & 29, 2022.
  - WETLAND MAPPING WAS PERFORMED BY WETLAND SCIENTIST CHRISTOPHER K. DANFORTH, NO. 077, OF KEACH NORDSTROM ASSOCIATES OFFICE, IN AUGUST OF 2022.
  - EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF MILFORD, MAP NUMBER 33011C04590, PANEL NUMBER 459 OF 701 EFFECTIVE DATE: SEPTEMBER 25, 2009, INDICATES THAT NO PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
  - THE LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.
  - OPEN SPACE CALCULATIONS:  
2.682 ACRES x 30% OPEN SPACE (MINIMUM) = 0.805 ACRES REQUIRED  
2.682 ACRES TOTAL - 1.381 ACRES OF IMPERVIOUS = 1.301 ACRES (48.5%) OPEN SPACE
  - PROPOSED PARKING CALCULATIONS: AUTOMOTIVE SERVICES (GAS STATION) = 1 PER EMPLOYEE + 1 PER 1,000 SF OR 4 PER BAY  
REQUIRED = 14 BAYS x 4 = 56 SPACES  
PROPOSED = 196 SPACES (INCLUDES 10 HANDICAP SPACES)
  - THIS PROJECT REQUIRES THE FOLLOWING STATE, FEDERAL, AND LOCAL PERMITS:  
PERMIT STATUS PERMIT NO. EXPIRATION DATE  
NHDES AOT PENDING -  
USEPA CONSTRUCTION GENERAL PERMIT NEEDED BEFORE CONSTRUCTION -  
NHDES SEWER CONNECTION PERMIT PENDING -  
NHDES MINIMUM IMPACT EXPEDITED WETLAND PENDING -
  - SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH TITLE III OF THE AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION AND GRADE.
  - FLOWED SNOW FROM THE DRIVEWAYS/PARKING AREA, AND SIDEWALK SHALL BE STORED IN THE DESIGNATED AREAS SHOWN IN THIS PLAN SET. WHEN THE SNOW STORAGE AREAS ARE AT CAPACITY, SUBSEQUENT SNOW SHALL BE HAULED OFF-SITE AND DISPOSED OF IN AN ENVIRONMENTALLY SOUND FASHION AND IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
  - WATER, SEWER, PARKING AREA AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF MILFORD'S WATER UTILITIES DEPARTMENT AND PUBLIC WORKS DEPARTMENT STANDARDS.
  - AS-BUILT PLANS SHALL BE DELIVERED TO THE BUILDING DEPARTMENT PRIOR TO A CERTIFICATE OF OCCUPANCY BEING ISSUED.

**LEGEND**

	GRANITE BOUND FOUND
	IRON PIPE FOUND
	IRON ROD FOUND
	DRILL HOLE FOUND
	DRILL HOLE SET
	UTILITY POLE
	WATER VALVE
	HYDRANT
	SEWER MANHOLE
	CATCH BASIN
	FLARED END SECTION
	ABUTTER LINE
	PROPERTY LINE
	WETLAND
	OVERHEAD UTILITIES
	WATER LINE
	DRAINAGE LINE
	TREELINE
	EDGE OF PAVEMENT
	10' CONTOUR
	2' CONTOUR
	STONEWALL
	SOIL LINE
	SETBACK
	EASEMENT
	ZONE LINE
	PROPOSED EDGE OF PAVEMENT
	PROPOSED EASEMENT
	PROPOSED SIGN
	PROPOSED LIGHT
	PROPOSED TREELINE
	PROPOSED EDGE OF PAVEMENT
	PROPOSED VERTICAL GRANITE CURB
	PROPOSED BITUMINOUS CURB
	PROPOSED CHAIN LINK FENCE
	PROPOSED GUARDRAIL



MAP 43 LOT 15  
BRENDA J. SILVA, TRUSTEE  
BRENDA SILVA REVOCABLE TRUST  
184 NASHUA STREET  
MILFORD, N.H. 03055  
BK. 5626 PG. 1752

MAP 43 LOT 20-1  
SALT CREEK PROPERTIES, LLC.  
P.O. BOX 967  
AMHERST, N.H. 03031  
BK. 8521 PG. 593

**UTILITY NOTE**

THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-NORDSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORDSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.



**CERTIFICATION:**

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING SEPTEMBER OF 2022. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.

LICENSED LAND SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

**NON-RESIDENTIAL SITE PLAN  
MILFORD RASHID GAS STATION**

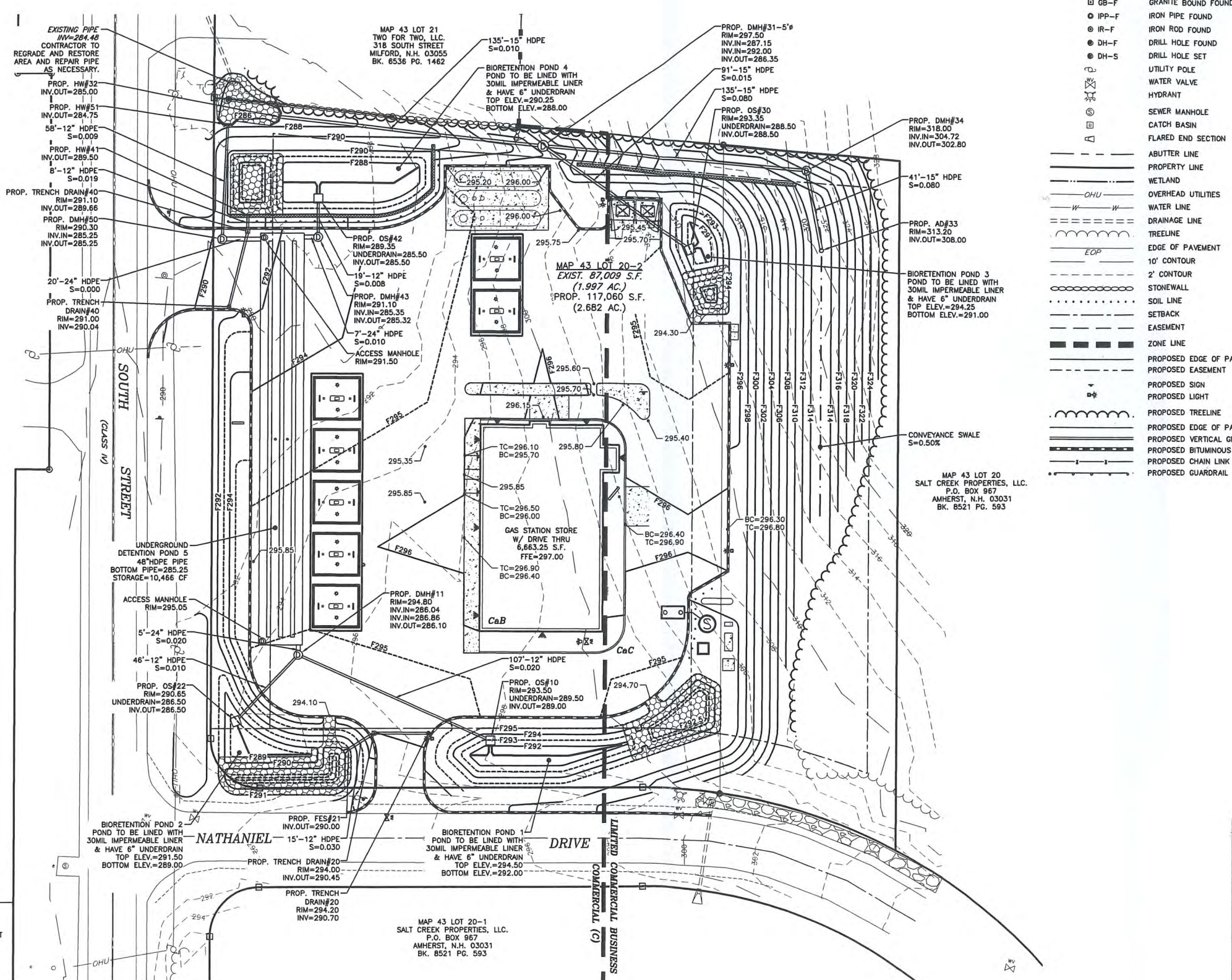
MAP 43 LOT 20-2  
SOUTH STREET  
MILFORD, NEW HAMPSHIRE  
HILLSBOROUGH COUNTY

<b>OWNER:</b> SALT CREEK PROPERTIES, LLC P.O. BOX 967 AMHERST, NH 03031 BK. 8521 PG. 593	<b>APPLICANT:</b> 689 NORTH MAIN STREET LLC 689 NORTH MAIN STREET LEOMINSTER, MA 10453
--	---

**K/A** KEACH-NORDSTROM ASSOCIATES, INC.  
Civil Engineering Land Surveying Landscape Architecture  
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 827-2881

REVISIONS		
No.	DATE	DESCRIPTION

DATE: FEBRUARY 16, 2023 SCALE: 1" = 30'  
PROJECT NO: 21-0526-1A SHEET 3 OF 5

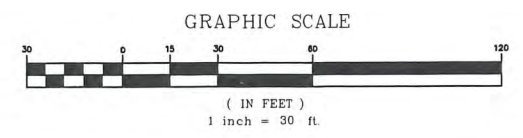


LEGEND

- GB-F GRANITE BOUND FOUND
- IPP-F IRON PIPE FOUND
- IR-F IRON ROD FOUND
- DH-F DRILL HOLE FOUND
- DH-S DRILL HOLE SET
- U UTILITY POLE
- W WATER VALVE
- H HYDRANT
- SM SEWER MANHOLE
- CB CATCH BASIN
- FE FLARED END SECTION
- AL ABUTTER LINE
- PL PROPERTY LINE
- WETLAND
- OHU OVERHEAD UTILITIES
- WL WATER LINE
- DL DRAINAGE LINE
- TL TREELINE
- EP EDGE OF PAVEMENT
- C 10' CONTOUR
- C 2' CONTOUR
- SW STONEWALL
- SL SOIL LINE
- SB SETBACK
- E EASEMENT
- ZL ZONE LINE
- PEP PROPOSED EDGE OF PAVEMENT
- PEE PROPOSED EASEMENT
- PS PROPOSED SIGN
- PLI PROPOSED LIGHT
- PTL PROPOSED TREELINE
- PEPV PROPOSED EDGE OF PAVEMENT
- PVCG PROPOSED VERTICAL GRANITE CURB
- PBC PROPOSED BITUMINOUS CURB
- PLF PROPOSED CHAIN LINK FENCE
- PG PROPOSED GUARDRAIL

- CONSTRUCTION NOTES:**
1. ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF MILFORD, AND SHALL BE BUILT IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS. ALL WORK PERFORMED IN THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION, APPROVED AND ADOPTED 2010 ARE HEREBY INCORPORATED BY REFERENCE.
  2. CONSTRUCTION SHALL CONFORM TO THE TYPICAL SECTIONS AND DETAILS SHOWN ON THE PLANS. ALL DRAINAGE PIPES SHOWN SHALL BE HDPE. CATCH BASINS SHALL BE TYPE B, AND HAVE 3' SUMPS UNLESS OTHERWISE NOTED.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS, PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION, AND APPROPRIATE REMEDIAL ACTION TAKEN BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING "DIG SAFE" AT 811 AT LEAST 72 HOURS BEFORE DIGGING.
  4. ALL DRAINAGE PIPE SHALL BE INSTALLED FOLLOWING MANUFACTURER'S INSTALLATION INSTRUCTIONS.
  5. A QUALIFIED PROFESSIONAL SHALL BE RETAINED TO PERFORM THE INFILTRATION TESTING AT THE BIORETENTION POND POST CONSTRUCTION, AND SHALL PROVIDE THE INFORMATION AND TEST RESULTS TO THE TOWN OF MILFORD TO VERIFY THE ASSUMED INFILTRATION RATES USED IN THE STORMWATER MODEL.

LOAM & SEED ALL DISTURBED AREAS (TYP.)



**GRADING & DRAINAGE PLAN**  
**MILFORD RASHID GAS STATION**  
 MAP 43 LOT 20-2  
 SOUTH STREET  
 MILFORD, NEW HAMPSHIRE  
 HILLSBOROUGH COUNTY

<b>OWNER:</b> SALT CREEK PROPERTIES, LLC P.O. BOX 967 AMHERST, NH 03031 BK. 8521 PG. 593	<b>APPLICANT:</b> 689 NORTH MAIN STREET LLC 689 NORTH MAIN STREET LEOMINSTER, MA 10453
--	---

**KMA** KEACH-NORDSTROM ASSOCIATES, INC.  
 Civil Engineering Land Surveying Landscape Architecture  
 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 827-2861



**NPDES NOTE**

THIS PROJECT DISTURBS IN EXCESS OF 1-ACRE OF LAND. THEREFORE IT WILL BE REQUIRED TO OBTAIN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT COVERAGE AS ISSUED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA). THE OWNER/DEVELOPER AND "OPERATOR" (GENERAL CONTRACTOR) SHALL EACH BE REQUIRED TO PREPARE AND SUBMIT A NOTICE OF INTENT (NOI) TO THE EPA PRIOR TO THE START OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE PREPARATION AND IMPLEMENTATION OF A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) MEETING THE REQUIREMENTS OF THE CURRENT CONSTRUCTION GENERAL PERMIT.

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: FEBRUARY 16, 2023 SCALE: 1" = 30'  
 PROJECT NO: 21-0526-1A SHEET 4 OF 5



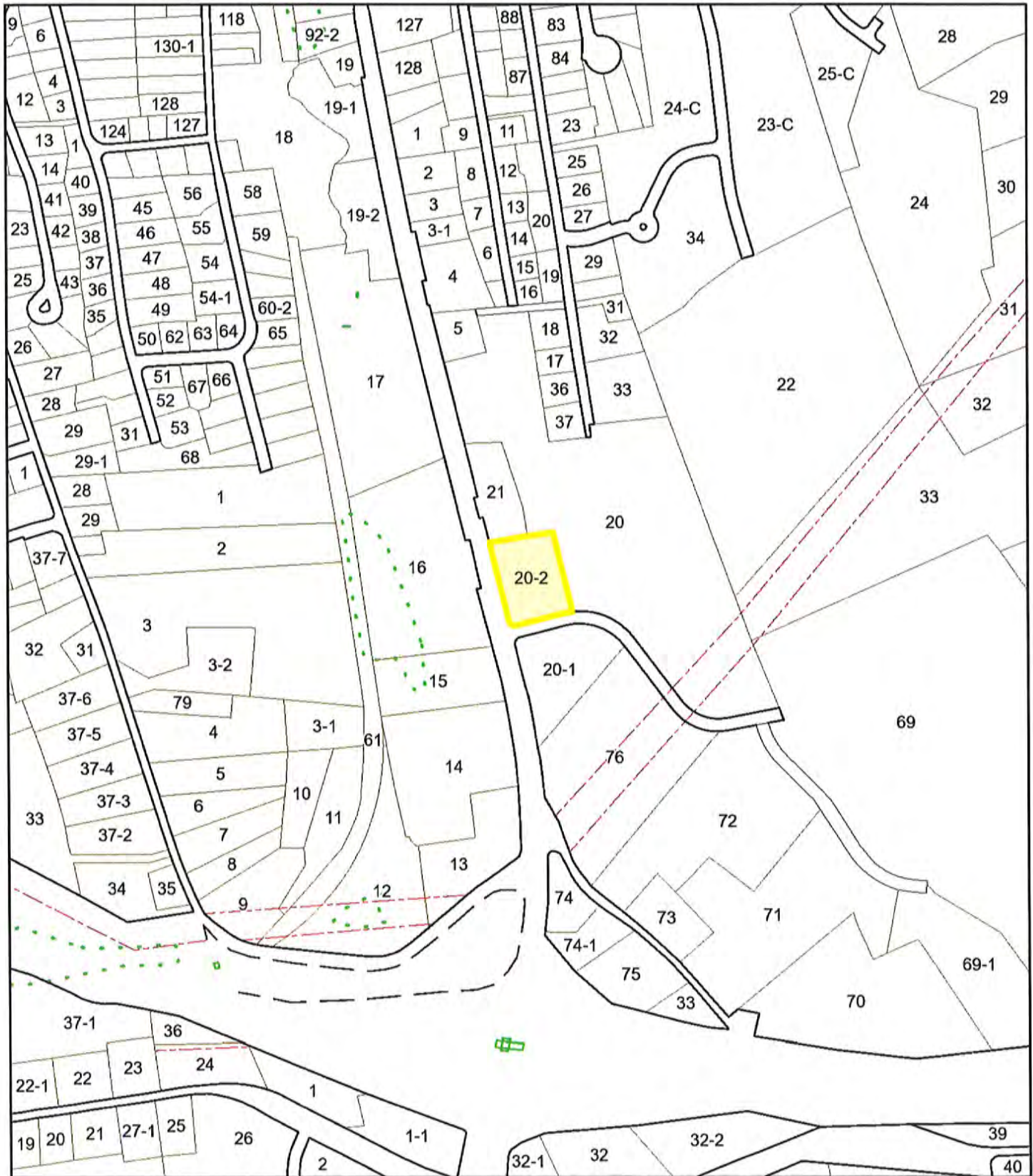


TOWN OF MILFORD  
RECEIVED  
Milford, NH FEB 16 2023  
1 inch = 552 Feet  
PB 1104 ZBA Office 1656



www.cai-tech.com

December 13, 2022



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





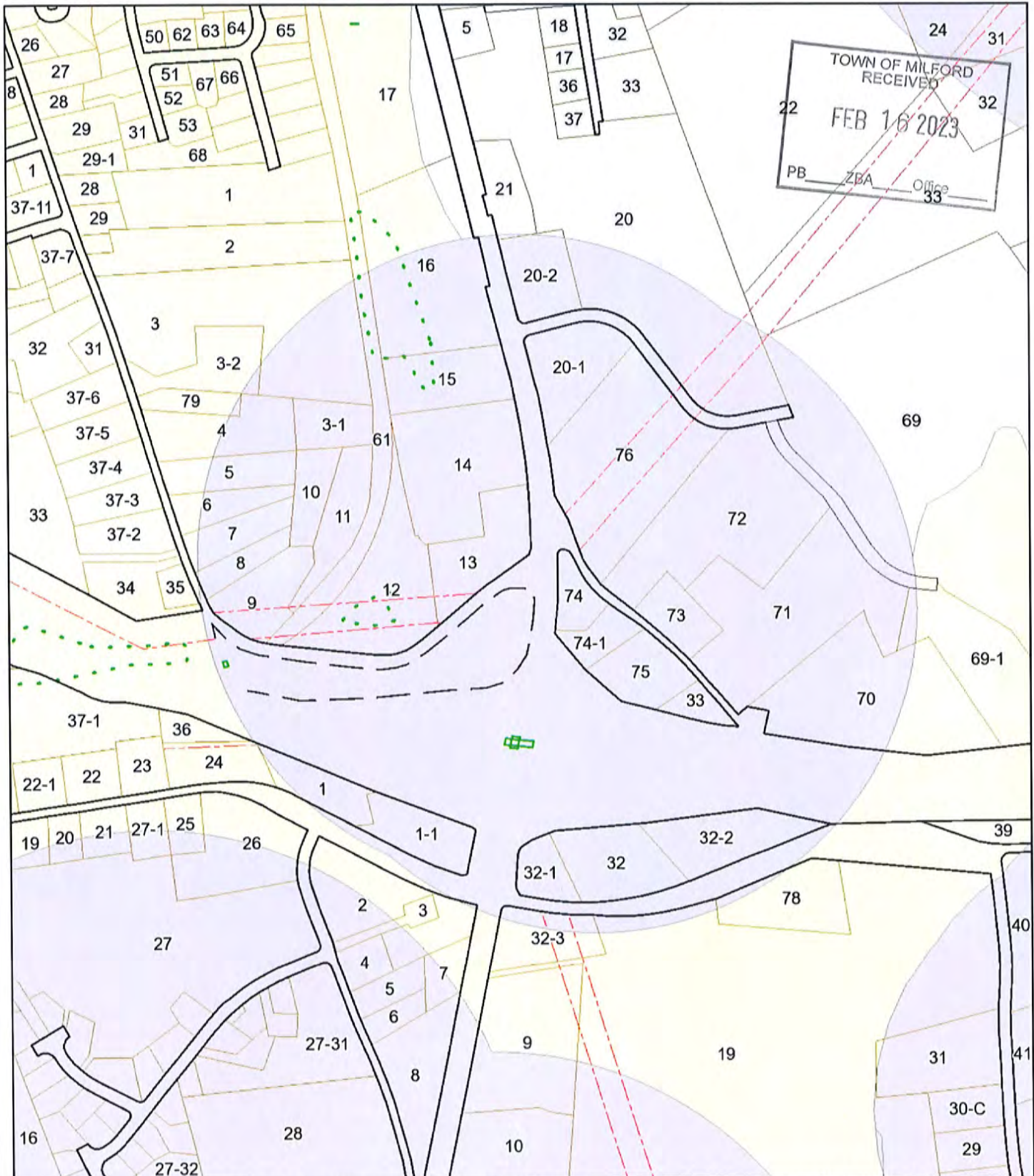
Milford, NH

1 inch = 552 Feet



www.cai-tech.com

February 16, 2023



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February 16, 2023



PB ZBA Office

FEB 16 2023

TOWN OF MILFORD RECEIVED

Milford, NH

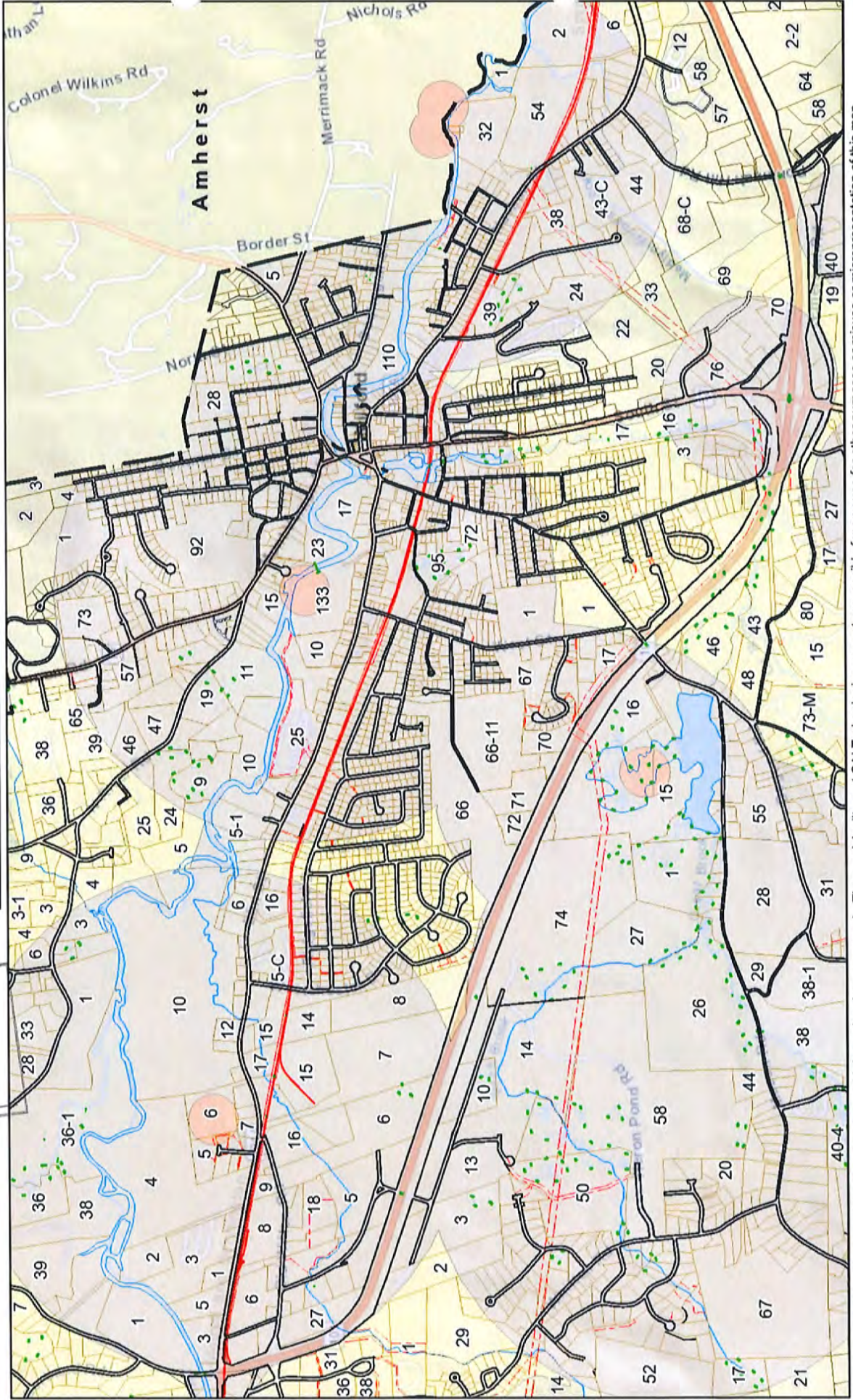
1 inch = 2210 Feet



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Professional Mapping Geospatial Solutions



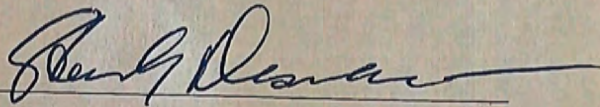
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

KNA Project No. 21-0526-1A

**OWNER AFFIDAVIT**

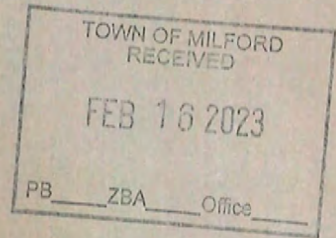
I, Salt Creek Properties, LLC, owner of Map 43; Lot 20-2 on South Street in Milford, NH, hereby verify that we have authorized Keach-Nordstrom Associates, Inc. to submit on our behalf, any and all applicable State and local permit applications as they pertain to Map 43; Lot 20-2 South Street, Milford, NH.

Additionally, we hereby authorize Keach-Nordstrom Associates, Inc. to aid in the representation of these applications throughout the approval process.

Signature of Owner: 

Address of Owner: P.O. Box 967  
Amherst, NH 03031

Date: 10/24/27



An Introduction to  
***Lewis Engineering, PLLC***  
44 Stark Lane, Litchfield, NH 03052

**Bruce W. Lewis, P.E., Manager**

***Tel. 603-493-1619 – Office 603-886-4985***  
***E-mail - lewis.h2o@comcast.net***

Lewis Engineering, PLLC has been conducting business since October 1986. The company is located in Litchfield, NH and is a registered engineering firm in the State of New Hampshire. The company effectively and efficiently provides a highly developed level of water works consulting engineering and water utility construction support services to its customers. The Company's area of specialization is in water and water works engineering and operations. Our primary business activities include consulting engineering and design services for the water works industry, both private and municipal applications, as well as construction support services including, supervision, commissioning, start-up and final State and local approvals of water works related construction, primarily water supply and water booster stations.

The Company is authorized to practice professional engineering through the State of New Hampshire Board of Professional Engineers. The Manager is a registered engineer in the State of New Hampshire. We have worked closely with the NH Department of Environmental Services Drinking Water / Groundwater Bureau on a number of projects over the years. Many of our clients have found that Lewis Engineering is uniquely qualified to undertake water system studies, evaluation of water supplies, including evaluating water quality analysis, and subsequent design services, as may be required.

The manager is a 1973 graduate of the University of Maine, Orono, Maine, and has been associated with a broad range of engineering and operational activities associated with the water works industry since 1975.

Please feel free to contact this office at *603-493-1619* or *603-886-4985* if there are any questions or if further information might be helpful.

**From:** [Terrence Dolan](#)  
**To:** [Lincoln Daley](#)  
**Subject:** FW: ZBA Gas Station  
**Date:** Friday, June 30, 2023 11:00:51 AM

---

Per your request.

T.

---

**From:** Nicole Crawford <[townengineer@milford.nh.gov](mailto:townengineer@milford.nh.gov)>  
**Sent:** Tuesday, June 27, 2023 2:31 PM  
**To:** Terrence Dolan <[tdolan@milford.nh.gov](mailto:tdolan@milford.nh.gov)>  
**Subject:** RE: ZBA Gas Station

See my responses below in **RED**.

We need to know what “type” of well this is. Is this a “small overburden well within an unconfined aquifer”? If it is, then our Wellhead Protection Area is correct and Milford can maintain a regulation that is more stringent than the DES based on that. If it isn’t that type of well then we may not have the right to mandate such a large radius.

Nicole Crawford  
Town Engineer  
Town of Milford, NH  
[townengineer@milford.nh.gov](mailto:townengineer@milford.nh.gov)  
Tel: (603) 249-0620  
Cell: (603) 400-8908

---

**From:** Terrence Dolan <[tdolan@milford.nh.gov](mailto:tdolan@milford.nh.gov)>  
**Sent:** Tuesday, June 27, 2023 2:03 PM  
**To:** Nicole Crawford <[townengineer@milford.nh.gov](mailto:townengineer@milford.nh.gov)>  
**Subject:** FW: ZBA Gas Station

Let’s review this in the next day or so, please.

Terrey

---

**From:** Matthew Peterson <[mpeterson@keachnordstrom.com](mailto:mpeterson@keachnordstrom.com)>  
**Sent:** Tuesday, June 27, 2023 12:39 PM  
**To:** Terrence Dolan <[tdolan@milford.nh.gov](mailto:tdolan@milford.nh.gov)>; Steve Desmarais <[nhcustombuilder@gmail.com](mailto:nhcustombuilder@gmail.com)>  
**Cc:** [rashidamin246@gmail.com](mailto:rashidamin246@gmail.com); [lewis.h2o@comcast.net](mailto:lewis.h2o@comcast.net); Paul Chisholm <[pchisholm@keachnordstrom.com](mailto:pchisholm@keachnordstrom.com)>  
**Subject:** ZBA Gas Station

-----

**WARNING:** This email originated outside of our organization. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe. Please report all suspicious emails to the IT Department or use your phish alert button.

Good afternoon team,

So, I have done some more research on the possible process the Town of Milford took to produce the 2002 Groundwater Protection Area Map of users of 20,000 gallons per day – (Exhibit 17).

Also because I am only a Civil Engineer (which know a little of everything) I have reached out to Bruce Lewis of Lewis Engineering, who is one of the top experts in the water world in New Hampshire and as such I have obtained and reviewed this information with him and an email will be forth coming that probably explains this information better and verifies our submittal.

**“Bruce W. Lewis, Manager, Lewis Engineering, 44 Stark Lane, Litchfield, NH 03052, Office 603-886-4985, [lewis.h2o@comcast.net](mailto:lewis.h2o@comcast.net)”**

With that this is what I intend to present to the board next Thursday for the proposed variance.

1. The State of NH produced a report in 1996 and revised in 2008 that outlined to towns answers to questions about groundwater protection in New Hampshire and how to protect it. (Exhibit 10) **On page 5, Section 3 it talks about the Wellhead Protection Area.**
  - a. The steps are outlined on pages 16 through 21 and talk about who should be involved with the decision making process, from water supplier, planning board members, health officer, and developer – because all will have different opinions.
  - b. This report in section 2 on page 17 outlines that the state sent towns a list of public water systems in their Towns (called a “Source Assessment Report”) and what the classification of them is. (Exhibit 11)
    - i. Exhibit 11 outlines the Community wells the Transient wells and the Non-Transient, Non-Community wells.
    - ii. Both of the Little Arrows and Childrens Choice show up as “P” – Non - Transient, Non-Community wells.
2. Now I pull the State permit to operate for both of these wells and find:
  - a. Childrens Choice well was last giving the permit to operate in 2012 and currently on the One Stop portal the well is listed as inactive. (Exhibit 13)
  - b. So, at a the minimum the groundwater protection map is outdated because the Childrens Choice daycare well is inactive and last permit was over 10 years ago. (Exhibit 17)
  - c. As for the Little Arrows Daycare, they are current with their permit – March 17, 2023 – they are a Public Water supply classified as a Non-Transient, Non-Community Well that serves 70 people, per the State. (Exhibit 14)
    - i. And per the State regulations on Gallons per day per employee the

numbers are between 10GPD and 25GPD – which would yield an average gallons per day or 700 to 1,750 Gallons per day. So even if we rounded up to the maximum required well radius for the Little arrows daycare, we would be at 125’ and not the 600’ plus that is shown on the Groundwater protection map (even if both wells are added together, which at the time they would have been, the max radius might have been 150’ and again not 600’) (Exhibit 15) **I think he is talking about the Sanitary Protective Radius which is correct. This is not the same thing as the Wellhead Protection Area.**

- ii. Next our site is 645’ from Little Arrows and 930’ from the Childrens Choice property, well over the 150’ that may have been required in 2002.
  - iii. Lastly the largest radius per State requirement (not for a community well) is 400 feet, which again the 2002 plan showed over 600 feet and as stated at the previous hearing, that was a land grab without our client knowing it. **Yes, per the DES, all new UST’s must be located at least 400 to 500 feet from a public water supply well (actual distance depends on UST contents).**
3. (Exhibit 16) outlines the Protection areas for wells and the largest is 400 feet, so again not sure where the town came up with over 600 feet but its not any state requirement at this time. **On the 2<sup>nd</sup> page of this exhibit it shows a much larger Wellhead Protection Radius that is for a small overburden well within unconfined aquifers. It looks like the groundwater protection area for this well is using the parameters listed in this table.**
- a. There are Wellhead Protection areas, but I have been informed by Bruce that those are not for this type of well in our area. (if Bruce could add to this that would be great. **Is this not a small overburden well within an unconfined aquifer?? I do not know what “type” of well it is.**
4. (Exhibit 12) outlines at the State level the Groundwater classification area map, which I believe relates to the soils that are potential under the Route 101 and Route 13 interchange, that was pointed out by the conservation commission, and the area actually stops before Hammond Road, so our site is not over this area.

Thanks all for your input and help through this process.

Enjoy the day all.

**Matthew J. Peterson**

Senior Project Manager

Keach-Nordstrom Associates, Inc.

10 Commerce Park North, Suite 3

Bedford, NH 03110

t. (603) 627-2881 | cell. (603) 496-3684 | f. (603)627-2915

[mpeterson@keachnordstrom.com](mailto:mpeterson@keachnordstrom.com) [www.keachnordstrom.com](http://www.keachnordstrom.com)

Office Hours Monday–Thursday 7:30AM-5:00PM Friday 8:00AM-12:00PM





**From:** [Terrence Dolan](#)  
**To:** [Nicole Crawford](#); [Lincoln Daley](#)  
**Subject:** FW: ZBA Gas Station  
**Date:** Tuesday, June 27, 2023 8:08:22 PM  
**Attachments:** [Lewis Engineering Services Introduction.pdf](#)  
[Definitions and examples of terms associated with the siting and developing new water supply wells 06 27 23.pdf](#)

---

This information just came to me from Lewis Engineering (Bruce Lewis), who I believe Matt Peterson has enlisted to fortify the Gas Station's Variance Case before the ZBA....

May we please huddle to review this information (together) tomorrow, at some point in the day?

Thanks, Terrey

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone

----- Original message -----

From: lewis.h2o@comcast.net  
Date: 6/27/23 8:01 PM (GMT-05:00)  
To: 'Matthew Peterson' <mpeterson@keachnordstrom.com>, Terrence Dolan <tdolan@milford.nh.gov>, 'Steve Desmarais' <nhcustombuilder@gmail.com>  
Cc: rashidamin246@gmail.com, 'Paul Chisholm' <pchisholm@keachnordstrom.com>  
Subject: RE: ZBA Gas Station

**WARNING:**This email originated outside of our organization. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe. Please report all suspicious emails to the IT Department or use your phish alert button.

**Good evening:**

**After speaking with Matt, and reviewing his exhibits, I would offer the following for consideration:**

- 1. This new gas station project will have Town water for its water supply.**
- 2. Rules from NHDES address what is required for a new well when it needs to be approved through the NH Drinking Water / Groundwater Bureau (DWGB).**

3. There are also rules and information after a well has been approved and is in service relative to maintenance. A summary comparison of these terms is attached, based on Matt's Exhibit 16.
4. During a new well siting application a well location for the project needs to be determined, and it must be located where there is room for a Sanitary Protective Area (SPA) around the well that is based on the amount of water is required to meet design criteria. When the design amount is higher, the SPA increases, based on DWGB rules. A second item, the Well Head Protection Area (WHPA) also comes into play. This only during the new design and testing of the well. This is an area where Potential Contamination Sources (PCS's) are identified, as well as other existing sources of water use. The State sometimes requires to wells within that larger zone, up to a 1,000' radius, may require monitoring during testing of the new well.
5. Once a new well has been drilled and tested a Final Well Report is provided to DWGB for review and approval. Once the well has been approved and is in use, best management practices are suggested relative to the area with the SPA, which has to all on the property, or under control of, the well owner.
6. Based on the above, nearby wells to the proposed project, especially with Town water available, are not part of the DWGB approval process.
7. In addition, new gas stations also have to be in compliance with the Rules and Regulations of the Underground Storage Tank (UST) division of NHDES to insure proper design, installation, and safe operations of their facilities.

Please review and let me know if any additional information would be helpful. If the Town of Milford has additional / more stringent regulations than the State that apply to the entire town, I am not familiar with them to be able to you assist further.

Respectfully,  
**Bruce W. Lewis, Manager**  
Lewis Engineering  
44 Stark Lane  
Litchfield, NH 03052  
Office 603-886-4985  
Cell 603-493-1619  
[lewis.h2o@comcast.net](mailto:lewis.h2o@comcast.net)



Please read & consider saving electronically & not printing this email

## John 3:17



---

**From:** Matthew Peterson <mpeterson@keachnordstrom.com>  
**Sent:** Tuesday, June 27, 2023 12:39 PM  
**To:** Terrence Dolan <tdolan@milford.nh.gov>; Steve Desmarais <nhcustombuilder@gmail.com>  
**Cc:** rashidamin246@gmail.com; lewis.h2o@comcast.net; Paul Chisholm <pchisholm@keachnordstrom.com>  
**Subject:** ZBA Gas Station

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**“Bruce W. Lewis, Manager, Lewis Engineering, 44 Stark Lane,  
Litchfield, NH 03052, Office 603-886-4985, [lewis.h2o@comcast.net](mailto:lewis.h2o@comcast.net)”**

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Thanks all for your input and help through this process.

Enjoy the day all.

**Matthew J. Peterson**

Senior Project Manager

Keach-Nordstrom Associates, Inc.

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Office Hours Monday–Thursday 7:30AM-5:00PM Friday 8:00AM-12:00PM

Definitions and examples of terms associated with the siting and developing new water supply wells -

**2. Protection Areas**

**Sanitary Protective Radius** – This area should receive the greatest attention. The sanitary protective radius is a 75' to 400' radius around the well that under current law must be controlled by the water supplier through ownership or easements. The extent of the sanitary protective radius depends on the maximum daily amount of water withdrawn from the well. Know the extent of your sanitary protective radius, and be sure only activities that are both directly related to your water system and non-threatening to the water quality occur within the radius.

Daycare with 70 students + staff by State Regs. has a Design Number of 10 gpm/day x 70 = 700 gal./day  
The SPR is 1.5 x 700 = 1,050 gal. SPR = 100'

Sanitary Protective Radius	
Volume (gal)	Radius (feet)
0-750	75
751-1,440	100
1,441 – 4,320	125
4,321 – 14,400	150*
14,401 – 28,800	175
28,801 – 57,600	200
57,601 – 86,400	250
86,401 – 115,200	300
115,201 – 144,000	350
> 144,000	400

\*minimum SPR for new community wells under Env-Dw 305.10 (a) and Env-Dw 302.10(b).

**The WHPA is a State set arbitrary radius requiring the examination of nearby activities to be reviewed during the siting of a new well associated with a new water supply.**

**Wellhead Protection Area** – The area under which groundwater flows to a producing well is known as the wellhead protection area (WHPA). For bedrock wells producing less than 57,600 gallons in any 24-hour period, the WHPA is a circle whose radius depends on the maximum daily amount of water withdrawn from the well. For small overburden wells within unconfined aquifers, the WHPA is typically calculated based on existing hydrogeological information.

Wellhead Protection Area	
Volume (gal)	Radius* (feet)
0 – 7,200	1,300
7,201 – 14,400	1,500
14,401 – 28,800	2,050
28,801 – 43,200	2,850
43,201 – 57,599	3,600

\* for bedrock and small overburden production wells only  
Env-Dw 305.11 (b)

**3. Examine Activities**

Look carefully at activities and businesses within the wellhead protection area. Identify any threats to water quality and develop strategies to address them. Be sure to include:

**Good Management "Do's and Don't's" are focused on the Sanitary Radius around the well located on the subject property, which is almost always located on the subject property.**

**DO:**

- Regularly inspect activities in the sanitary protective radius.
- Restrict access to the well.
- Clearly label any **hazardous materials** essential to your treatment system located near the well.
- Cap and/or screen all vents, access ports, and other openings of the well or nearby monitoring wells.
- Check the condition of sanitary seals and replace those that are not intact.
- **Slope parking areas and concrete pads under storage areas away from the well**; periodically

Town of Milford  
CONSERVATION COMMISSION

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



**June 9, 2023**

**To: Zoning Board of Adjustment**

**Re: Case # 2023-01,02,03 Rashid South Street Gas Station project Map-Lot 043-020-002**

**Special Exception for Wetland and Buffer Impact**

**Variance for Prohibited Use of a Gas Station located in the Groundwater Protection Area**

To the Board,

The Conservation Commission met with the applicant at their March 9 2023 meeting and at the March 30 scheduled site visit, which was also attended by members of the Planning and Zoning Boards. There was another meeting with the applicant on June 8, 2023, who took the opportunity to address MCC concerns. The MCC members have some questions and comments which are listed below.

Criteria for Evaluation (ZO 6.02.7):

1. ***The need for the impact.*** The MCC does not think that this is the best use for the parcel. It is located in the Groundwater Protection Zone 1 in which the storage of petroleum products is prohibited.
2. ***The plan is the least impact to the site.*** The plan proposes two access points in order to maximize the number of pumps while efficiently directing large trucks around a small parcel. There does not appear to be any thought to reduce the number of pumps so that one entrance would be sufficient, thus avoiding the wetland located on the northwest corner of the parcel. This gas station is not an appropriate location for this parcel, as it is located in the Groundwater Protection Zone 1, where underground petroleum storage units are prohibited.
3. ***The impact on plants, fish and wildlife.*** There is a small wetland which is 5% of the parcel. It is part of a potential wildlife corridor, as identified on the NH Wildlife Corridors Map produced by NH Fish and Game. Without a study, it is very difficult to state what the impact will be to wildlife moving across the landscape. Usually, wetlands are impacted by a crossing which often accommodates wildlife movement; not a complete fill, removing this natural resource from the landscape. Our observation at the site visit is that the landscape is 'directing' wildlife towards the culvert that carries drainage across South Street into the wetland/open space on the west side of South Street.
4. ***The impact on the quantity and quality of surface and ground water.*** This parcel is located in the Groundwater Protection Area 1, which prohibits the storage of liquid petroleum products. The applicant cannot guarantee that there will not be an accidental release of petroleum products. One criterion for determining a Groundwater Protection Area level 1 is how quickly a substance can move across and into the aquifer. The Canton Fine Sandy Loam (CaB) soil type found on this site is

considered a well-drained soil, indicating that any spills will quickly infiltrate, making it harder to collect impacted soil. Using data available on NH DES One Stop Mapper, the parcel is located approximately 370 feet from highly transmissible soils.

5. ***The potential to cause or increase flooding, erosion or sedimentation.*** Stormwater treatments are designed which will manage the stormwater for the site. However, the infiltration is being designed to handle the drainage from the adjacent property, thus increasing the impact to this site. Should this require additional environmental study by a third party?
6. ***The cumulative impact if all parties abutting this wetland or buffer were permitted to make equivalent alterations to the landscape.*** Typically, wetlands are temporarily impacted and mitigation is provided with wildlife friendly structures. This project requires the fill of the existing wetland. Essentially, removing a resource from the landscape. It is difficult to assess the damage to wildlife if every abutter were to fill the wetlands on their property, but it is hard to imagine that this would be beneficial for the wildlife using the landscape.
7. ***The impact of the proposed project on the values and functions of the total wetland or wetland complex.*** This project will remove the existing wetland from the landscape. We cannot determine how important this wetland is to the wildlife moving across the landscape. It appears to be the only refuge on this parcel for animals heading downslope to the wetlands on the west side of South Street. They are being 'funneled' towards the culvert from this wetland so that there is a safe passage under South Street. Removal of the wetland will change movement patterns, which may not be beneficial.

#### MCC questions/thoughts

1. Please ask the applicant to demonstrate how the applicant attempted to avoid or minimize the impact. What mitigation measures will be taken to provide any of the resources that are provided by this wetland? What efforts were made to reduce the site size so that the wetland could remain?
2. What is the proposed treatment for the invasives that are present on the property?
3. How will the applicant demonstrate that the stormwater recharge meets Ambient Groundwater Quality Standards (Env-wm 1403.05)?
4. The MCC members do not think that this is the appropriate use for this parcel. Map43-20-2 is located in the Groundwater Protection Zone 1, which prohibits the storage of liquid petroleum products. There are other uses for which this parcel could be used which would not require the filling of this wetland and would reduce the risk for a major impairment to the aquifer.

The Milford Conservation Commission members do not support this application for the above stated use to build and operate a gas station and convenience store on a parcel located in the Groundwater Protection Area Level 1.

Respectfully  
Milford Conservation Commission