



# MERIDIAN

## LAND SERVICES, INC.

CIVIL ENGINEERING | LAND SURVEYING | PERMITTING | SOIL & WETLAND MAPPING | SEPTIC DESIGN | ENVIRONMENTAL

Office: 31 Old Nashua Road, Suite 2, Amherst, NH 03031

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Phone: 603-673-1441 \* Fax 603-673-1584

www.MeridianLandServices.com

November 4<sup>th</sup>, 2024

## Jacobson Farm Subdivision

**FKA: TransFarmation 33 Single Family Lots and 4 Unit Barn (CUP III)**

**Christian Hill Road**

**Tax Map 5 Lot(s) 100 & 148**

**Amherst, NH 03031**

### Conditional Use Permit (CUP) Narrative

The subject property is a combination of 2 lots of record totaling about 120 acres +/- . The two lots are located on the east and west side of Christian Hill road, apparently  $\frac{3}{4}$  of a mile from the Town Green. The lot described as Tax Map 5-100 is located on the west side of Christian Hill Road and has been referred to as the "Hillside" and the lot described as Tax Map 5-148 is located on the east side and has been described as the "Farmside". The property is within the Residential Rural zone and is subject to the Wetland and Watershed Conservation District, and Aquifer Conservation and Wellhead Protection District. The owner/applicant intends subdivide the two lots into 33 Single Family Lots, one Lot with a 4 Residential Unit Barn and association gathering area, one lot restricted to farming, and two open space lots. The intent of the CUP application request is to allow for site improvements within the various wetland buffer to construct a better project while preserving the spirit of the zoning ordinance.

The current use of the Hillside portion of the subject property is vacant woods while the farmside has an existing farmhouse, farm field and woods. The historic use of the property is inferred to be farming since the farmhouse was built in 1900 and from historic aerials as far back as 1947 the use of the property is farm field, including the all of the wetland buffers and some of the wetlands on the farmside, and portions of the wetland buffers on the hillside.

The proposed use of the buffer is primarily stormwater management areas with the exception of some side slopes of the proposed "Jake's Hill Road" roadway. The focus of the buffer impacts is to only have what is absolutely required. The next focus points is to have no impervious land coverage in the buffers, have as many temporary impacts when it cannot be avoided (meaning grading for stormwater management and road slopes that when constructed will be unmaintained), and then only permanent impacts are associated with stormwater management practices.

Other benefits of the project are the remaining wetland buffer will planting this area with New England Conservation/ Wildlife Mix to allow the natural environment to be restored (See attached New England Wetland Plants, Inc. Specification sheet for exact plant species). This includes some wetland areas that will no longer be used as farm field. Additionally, the back side of the berms is proposed to be planted with the New England Conservation/ Wildlife Mix and unmaintained. The main benefit of this project related to the wetlands is the farm field will no longer freely discharge into a high value wetland that sits over the aquifer. It will be collected by a containment berm and swale and be treated via a gravel wetland.



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This was an important item for the Amherst Conservation Commission (ACC) when the project team presented to the commission during the IIHO CUP process.

### Case facts

- The much of the existing “buffer” area is already disturbed and is currently used as farm field and is not the land coverage that the ordinance is protecting.
- Historically the subject “buffers” area and some portion of the wetlands have been impacted as recently as 2006/2014
- The historic existing buffer disturbance is approximately **413,124** +/- sf.
- The existing buffer disturbance is approximately **55,544** +/- sf.
- Total buffer disturbance is 60,010 +/- sf
  - Permanent Buffer Impact Area = 44,284 +/- sf
  - Temporary Buffer Impact Area = 15,726 +/- sf
- Permanent buffer impact area is only 44,284 +/- sf (Only Stormwater Improvements)
- The project allows **19,371** +/- sf to be returned to natural vegetation (not Including the temporary impact area)

### **Part 1, Section 3.18.C.1**

- a) That the property in question is in conformance with the dimensional requirements of the zone, or meets Planning Board standards for the reduction in dimensional requirements, and that the proposed use is consistent with the Amherst Master Plan. (3-10-15)

**The proposed use is 33 Single Family Lots, one Lot with a 4 Residential Unit Barn and association gathering area, one lot restricted to farming, and two open space lots, which is allowed via the governing ordinances and regulations.**

- b) That the proposal meets the purposes of the ordinance under which the application is proposed.

**The overall purposes of the Wetland Conservation District is to maintain natural vegetation adjacent to the wetlands is to protect the wetland, surface water ecosystems and water quality. The proposed project collects and treats the runoff from developed area prior to it discharging to the wetlands. It also collects area such as the farm field and existing Christian Hill Road that drains to the wetlands untreated. Furthermore, the project included restoring the buffer area that has been previously impacted.**

- c) That there will be no significant adverse impacts resulting from the proposed use upon the public health, safety, and general welfare of the neighborhood and the Town of Amherst.



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**The existing buffer on site has already been disturbed historically and currently, by restoring it there will not be any significant adverse impacts. The proposed project does not impact the public health, safety, and general welfare of the neighborhood and the Town of Amherst. By restoring a portion of the existing buffer area and providing stormwater treatment for the existing farm and roadway, the project improves the health of the adjacent wetland.**

- d) That the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, water usage, septic loading, stormwater runoff or inappropriate lighting than any use of the property permitted under the existing zoning district ordinances. (3-8-22)

**The proposed use is consistent with typical residential uses and similar abutting properties. The stormwater water quality and quantity has been treated and controlled via the proposed stormwater management basins.**

- e) That the proposed use will not adversely affect the surface or ground water resources of Amherst, including but not limited to the Flood Plain Conservation District as defined in Section 4.10, the Wetland and Watershed Conservation District as defined in Section 4.11, and the Aquifer Conservation and Wellhead Protection District as defined in Section 4.13. (3-8-22)

**The surface or ground water resources of Amherst are not impacted by the proposed improvements. The proposed improvements include stormwater management to treat the proposed impervious area. The proposed project provides a benefit to the adjacent wetland. The floodplain is not impacted by this project and there is not an increase in stormwater from the site. The water quality entering the wetland will be adequately treated before leaving the site.**

- f) The applicant shall file a Non-Residential Site Plan Review application in accordance with the "Non-Residential Site Plan Review Regulations" with the Amherst Planning Board.

**N/A - A Non-Residential Site Plan application is not applicable as this this a residential subdivision.**

- g) The proposed use is consistent with the rural aesthetic and character of the town. The determination of whether rural aesthetic and character is maintained necessarily involves the exercise of discretion by the Board. Factors relevant to the determination will vary from application to application based on unique site characteristics and may include, but are not limited to, the following factors:

1. the density and frontage requirements of the underlying zoning district;



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**The project meets the density and frontage requirements based on the IIHO and other governing ordinances and regulations.**

2. retention of views of natural features such as brooks and hills;

**The natural streams are not impact by this application. The majority of the associated buffers are preserved. The hills within the developed area are developed within the allowances of the governing ordinances and regulations.**

3. retention and integration of rural heritage features such as stone walls and open fields;

**The stonewalls along Christian Hill Road are only impacted for road and driveway connections. The majority of the internal stone walls are maintained via the preservation of the open space lots.**

4. retention of mature native trees;

**On the removal of trees that are absolutely necessary to construct the site are proposed to be removed. The majority of the property is preserved via the two open space lots.**

5. use of setbacks in excess of minimum requirements and use of varied setbacks;

**The project meets the setback requirements based on the IIHO and other governing ordinances and regulations.**

6. use of densities and layouts that provide for views of space between proposed features from numerous locations and view angles;

**The developed area is consolidated to preserve as much land as possible via the two open space lots. These lots are available for the public to view via hiking trails.**

7. maintenance of views of natural landscapes and of distant locations;

**The view of the farm filed is maintained as reasonably possible will still achieving the goals of the project. The preserved land via the two open space lots is viewable as it will be open to the public for hiking.**

8. favoring of harmonious variation in layout and in architectural style rather than repetition; and,



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**See attached architectural packet demonstrating harmonious variation in layout and in architectural style.**

9. use of internal central areas such as greens, ponds, gardens, and park areas that permit the sense of a natural rural core. (3-8-22)

**The project includes preservation of a farm field which is consistent with a rural town.**

## **Part 2, Section 4.11 C**

- 1) Prevent the destruction of or significant changes to wetland and surface waters and adjoining land which provides flood protection;

**The proposed site has been adequately designed to NHDES Alteration of Terrain requirements. The impacted area has previously been disturbed and by approval of this CUP the impacted buffer area will be decreased.**

- 2) Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses;

**The natural flow paths are maintained and there is not any increase in discharge rate or volume to the receiving wetlands.**

- 3) Provide for nutrient attenuation and augmentation of stream flow during dry periods;

**The proposed treatment removes harmful nutrients per NHDES Alteration of Terrain requirements. Additionally, the existing farm is fertilized via spreading of manure; the runoff of this field flows directly into the adjacent high value wetland. This form of fertilization will cease under this proposal and a containment berm/swale directs the runoff to a gravel wetland where it treats the runoff for nitrogen, phosphorus and total suspended solids.**

- 4) Preserve and protect important wildlife habitat, flora, and fauna areas, including those critical to threatened and endangered species, and to maintain ecological balance;

**The previous activities have disturbed virtually the entire buffer, by approval of this CUP the majority of the buffer will be restored allowing for natural wildlife habitat, flora, and fauna to support wildlife. Additionally, the majority of the property is preserved via two open space lots.**





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- 5) Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of land situated within the District;

**This project will not require or cause need for expenditures of municipal funds.**

- 6) Protect wetlands, surface waters, and groundwater supply and recharge areas within the Town of Amherst from degradation;

**The proposed stormwater management provides water quality for the proposed impervious areas. The State regulations require the applicant to comply with this requirement. Stormwater management plans and reports are being submitted to substantiate this.**

- 7) Mitigate the effects of structures and associated land uses which have the potential to compromise surface and groundwater supplies through the introduction of sewage, nutrients, hazardous substances, and siltation; and

**The new stormwater management proposed meets these standards of protection.**

- 8) Preserve and enhance those aesthetic values associated with the Wetland and Watershed Conservation District.

**The proposed site will enhance the aesthetic values associated with the Wetland and Watershed Conservation District as the buffer area will be restored and revegetated. The majority of the wetland buffer impacts are for stormwater treatment practices, with some of those impacts being temporary for construction purposes.**

### **Part 3, Section 4.11 I**

- A) The proposed activity minimizes degradation of land situated within the District and offsets potential adverse impacts to functions and values of wetlands, surface waters, and vernal pools including but not limited to their capacity to:

**The proposed impacts to the buffers are offset by proper stormwater management. Additionally, the impacted area has already been disturbed and deprived of all functions and values of a wetland buffer.**

- B) The proposed activity will have no significant negative environmental impact to abutting or downstream properties and/or hydrologically connected water and/or wetland resources, including:



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**There is no negative impact to the environment or the downstream properties. The proposed stormwater mitigates for the increased impervious area and a portion of the existing.**

- C) The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce impact to the Wetland and Watershed Conservation District.

**The existing topography of the site dictates that the stormwater management systems must be placed within the buffers. Stormwater flows toward the wetlands, so to be able to capture the runoff the basin must position adjacent to the wetlands. By locating the stormwater management where it has been proposed it will be minimizing the impacts to these buffers.**

- D) The proposed activity incorporates the use of those Best Management Practices recommended by the New Hampshire Department of Environmental Services and/or other State agencies having jurisdiction.

**The Best Management Practices have been implemented with the deep sump catch basins, conveyance swales, surface infiltration basins, bioretention, gravel wetlands, and rip rap scour holes.**

- E) All applicable Federal and/or State permit(s) have been received for the proposed activity in accordance with New Hampshire Code of Administrative Rules – Part Env-Wt 100-800 and Section 404 of the Federal Clean Water Act, as amended.

**The proposed site will require a New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AoT) Permit, , and United States Environmental Protection Agency (USEPA) Construction General Permit (CGP). [Not yet submitted]**

- F) Where applicable, proof of application to all required State and/or Federal permits.

**The proposed site will require a New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AoT) Permit, and United States Environmental Protection Agency (US EPA) Construction General Permit (CGP). [Not yet submitted]**

- G) Prior to making a decision in regard to the possible approval of any Conditional Use Permit application, the Planning Board shall afford the Conservation Commission an opportunity to provide written comment. In the case of applications involving land situated within the watershed of the Pennichuck Brook, the Planning Board shall also afford Pennichuck Water Works (PWW) an opportunity to review and comment on the application. Both the Conservation Commission and PWW, after consideration and review of an application for a Conditional Use Permit, may



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recommend the Planning Board impose conditions of approval, if deemed necessary, to mitigate the potential for adverse effects caused by the proposed activity or use.

**This narrative and plan is being sent to the Conservation Commission and Pennichuck Water Works.**















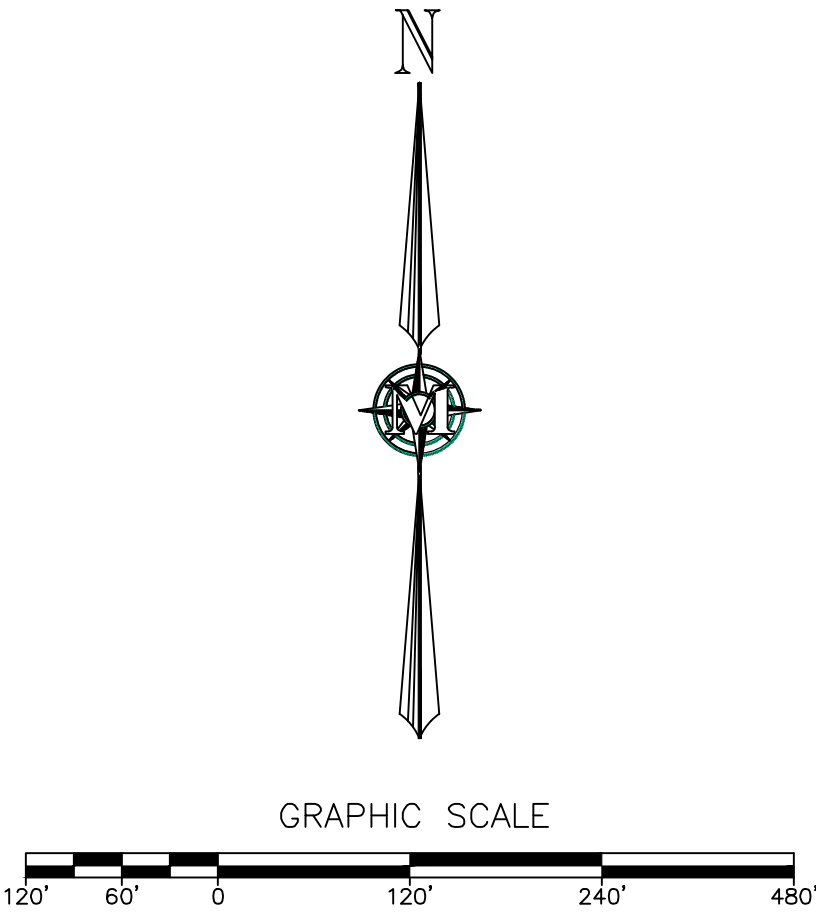
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PURPOSE OF PLAN:  
THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED  
WETLAND BUFFER RESTORATION AREA OF THE SUBJECT PROPERTY.

LEGEND:

---	RIGHT-OF-WAY
---	PROPERTY LINE
---	DELINEATED WETLAND
---	WETLAND BUFFER
---	RESTORED BUFFER IMPACT (19,371± S.F.)



M-4 SHEET	JACOBSON FARM CHRISTIAN HILL ROAD MAP 5 LOT(S) 100 AND 148 AMHERST, NEW HAMPSHIRE	PROPOSED RESTORATION EXHIBIT	NOVEMBER 4, 2024										REV.	DATE	DESCRIPTION	DR	CK
FILE:	10605M00.dwg																
PROJECT	10605.00																
SHEET NO.	4 OF 4																