

Oyster River Local Advisory Committee

www.oysterriverlac.org

February 23, 2013

Lee Zoning Board of Adjustment
Lee Town Hall
7 Mast Road
Lee, NH 03861

Re: Public Hearing, February 27, 2013, for variances and special exception application from The Zaremba Group for Dollar General Stores, for the property located at 60 Concord Road, Lee NH, Lee Tax Map#07-08-0300.

Dear Members of the Lee Zoning Board of Adjustment,

At the suggestion of staff in the Town of Lee, Chris Nadeau from Nobis Engineering, the engineering consultant on the proposed Dollar General store, came to the Oyster River Local Advisory Committee (OR LAC) to solicit feedback prior to their public hearings with the Town. It is among the duties of the OR LAC to advise towns on matters pertaining to the management of the Oyster River (RSA 483:8-a, IIIa). More information on the LAC and the NH Rivers Management and Protection Program (NH RMPP) can be found accompanying this letter or at: www.oysterriverlac.org.

The OR LAC received a presentation on the proposal at our monthly meeting on February 11, 2013. We discussed several concerns and ideas with Mr. Nadeau. The proposal did not show specifics in regard to stormwater treatment, septic design, or address site contamination issues.

The development area is less than 1,000 feet from the Oyster River, and 66-125 feet from a wetland complex associated with the river, hence the need for a variance from Lee's wetland setbacks. The proposal would create an impervious area of greater than 55 percent of the lot area requiring a variance from the allowed 25 percent. The property has an ongoing issue with petroleum contamination as indicated by a NH DES request to the current landowner for a Initial Site Characterization (October 16, 2012), and subsequent report by Ransom Consulting (January, 29, 2013). Also of note in the report are water levels below grade that range from 2.07 to 4.96 feet.

We have strong concerns regarding the plan to significantly exceed the existing 25 percent impervious area limitation. Lee's setback and density requirements are to "...protect the public health, safety and general welfare by controlling and guiding the use of land..." and "Protect potential water supplies..." The Oyster River is a surface water supply for the town of Durham and UNH, and drinking water protection is one of the values cited in the designation of the Oyster River to the NH RMPP. One concern is for the increased stormwater runoff which, untreated, will carry sediments and pollutants to the river. Any development of this property should use designs and practices to infiltrate, evapotranspire, or reuse stormwater runoff on the site. These designs and best practices are often referred to as Low Impact Development (LID)

and Green Infrastructure. Some examples are bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. A second concern with regard to the impervious area is the handling of snow removal and de-icing for public safety. Some de-icing practices use salts that remain in solution in surface waters and are not subject to any significant natural removal mechanisms. Here we suggest the NH State Green SnowPro Certification program may be at a minimum one avenue to be pursued to mitigate this issue.

Of note in the Ransom report are water levels below grade that range from 2.07 to 4.96 feet. Any septic design should fully meet state and town standards considering the close proximity of the wetland and river.

Our concern with regard to the petroleum contamination on the site is that any development of the site should not block any necessary access to soils or wells that may be necessary for site clean-up, should mitigation be required in the future.

The OR LAC appreciates the willingness of the applicant to comment on the proposal and hopes our advice is helpful in the Town's deliberations. We remain interested parties in the process, and are available to answer questions or provide assistance to the best of our abilities.

Respectfully,

Eric Fiegenbaum
OR LAC Chair

cc: Lee Planning Board, Lee Conservation Commission