

GOVE ENVIRONMENTAL SERVICES, INC.
AGENT

NH DES WETLANDS BUREAU
MAJOR IMPACT
DREDGE & FILL APPLICATION
Prepared For
TUSCAN VILLAGE
A MIXED-USE REDEVELOPMENT
OF
ROCKINGHAM PARK

OMJ Realty
Rockingham Park Boulevard
Salem, NH

November, 2016

Prepared By

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DREDGE-FILL_MAJOR

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NH DES Dredge & Fill Application Form
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ACOE Supplemental Information Form

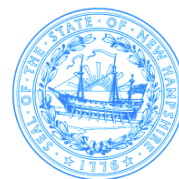




WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management

Check the status of your application: www.des.nh.gov/onestop



RSA/Rule: [RSA 482-A/ Env-Wt 100-900](#)

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to [Guidance Document A](#) for instructions.

☒ Standard Review (Minimum, Minor or Major Impact)

☐ Expedited Review (Minimum Impact only)

2. MITIGATION REQUIREMENT:

If mitigation is required a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the [Determine if Mitigation is Required Frequently Asked Question](#).

Mitigation Pre-Application Meeting Date: Month: 9 Day: 22 Year: 2016

☐ N/A - Mitigation is not required

3. PROJECT LOCATION:

Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: **79 Rockingham Park Blvd, Salem, NH 03079**

TOWN/CITY: **Salem**

TAX MAP: **98**

BLOCK:

LOT: **7887, 12502 (EtAl)**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Policy Brook**

☐ NA

STREAM WATERSHED SIZE: **3.01 sq/mi**

☐ NA

LOCATION COORDINATES (If known):

☐ Latitude/Longitude ☐ UTM ☒ State Plane

4. PROJECT DESCRIPTION:

Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

The proposed project is mixed use redevelopment of the former Rockingham Park Racetrack located on Rockingham Park Boulevard in Salem, NH. Redevelopment of the 170 acre site is proposed to take place in two phases. Phase 1 will involve the portion of the site roughly north of the existing track as well as restoration of Policy Brook from Pleasant Street to Rockingham Boulevard with floodplain improvements (see additional text)

5. SHORELINE FRONTAGE:

☒ NA This does not have shoreline frontage.

SHORELINE FRONTAGE:

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:

Please indicate if any of the following permit applications are required and, if required, the status of the application.

To determine if other Land Resources Management Permits are required, refer to the [Land Resources Management Web Page](#).

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

7. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB 16 - 3339

b. ☐ [Designated River](#) the project is in ¼ miles of: _____; and
date a copy of the application was sent to the [Local River Management Advisory Committee](#): Month: ____ Day: ____ Year: ____
☒ N/A

shoreland@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

8. APPLICANT INFORMATION (Desired permit holder)			
LAST NAME, FIRST NAME, M.I.: Joeseeph Faro			
TRUST / COMPANY NAME: OMJ Realty, LLC		MAILING ADDRESS: 63 Main Street	
TOWN/CITY: Salem		STATE: NH	ZIP CODE: 03079
EMAIL or FAX: jfaro@tuscanbrands.com		PHONE: 603-898-5110	
ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
9. PROPERTY OWNER INFORMATION (If different than applicant)			
LAST NAME, FIRST NAME, M.I.: same as applicant			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
10. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.: Brendan Quigley		COMPANY NAME: Gove Environmental Services, Inc	
MAILING ADDRESS: 8 Continental Drive Bldg. 2 Unit H			
TOWN/CITY: Exeter		STATE: NH	ZIP CODE: 03833
EMAIL or FAX: bquigley@gesinc.biz		PHONE: 603-778-0644	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
11. PROPERTY OWNER SIGNATURE:			
See the Instructions & Required Attachments document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> 1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application. 2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document. 3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900. 4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. 5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative. 6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47. 7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance. 8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. 9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action. 11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining. 12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not 			
 Property Owner Signature		Joseph N. Faro Print name legibly	11/28/16 Date

shoreland@des.nh.gov or (603) 271-2147
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

MUNICIPAL SIGNATURES

12. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.



Print name legibly

Date

DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.



Town/City Clerk Signature

Print name legibly

Town/City

Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

shoreland@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

14. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	3750 <input type="checkbox"/> ATF	14648 <input type="checkbox"/> ATF
Emergent wetland	54798 <input type="checkbox"/> ATF	114 <input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	4393 / 1291 <input type="checkbox"/> ATF	51778 / 19296 <input type="checkbox"/> ATF
Lake / Pond	7174 / <input type="checkbox"/> ATF	77279 / <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	70115 / 1291	143819 / 19296

15. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

☐ Minimum Impact Fee: Flat fee of \$ 200

☐ Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 213934 sq. ft. X \$0.20 = \$ 42,786.80

Temporary (seasonal) docking structure: _____ sq. ft. X \$1.00 = \$

Permanent docking structure: _____ sq. ft. X \$2.00 = \$

Projects proposing shoreline structures (including docks) add \$200 = \$

Total = \$ 42,786.80

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 42,786.80

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WETLANDS PERMIT APPLICATION – ATTACHMENT A

MINOR AND MAJOR - 20 QUESTIONS

Water Division/ Wetlands Bureau/ Land Resources Management

Check the Status of your application: www.des.nh.gov/onestop



RSA/ Rule: RSA 482-A, Env-Wt 100-900

Env-Wt 302.04 Requirements for Application Evaluation - For any major or minor project, the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction. Respond with statements demonstrating:

1. The need for the proposed impact.

The former Rockingham Park Racetrack represents a sizeable portion of developed and underutilized land within the commercial district along Rote 28 in Salem. Due to its location, current state of decline, and, and relatively few constraints, redevelopment of this property is highly desirable from both a public and private perspective. The proposed project also provided a significant opportunity to address a long standing flooding problem associated with this property by updating substandard pipes and restoration of Policy Brook along with its flood storage that was lost decades ago. The proposed impacts are needed in order to carry out these important public benefits as well as provide the incentive necessary to support a redevelopment of this scope.

2. That the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

The proposed project avoids permanent impacts to the large manmade pond in the track infield by altering but retaining it in the proposed development. Given the location of the other wetland features in the center of the site, minimization of proposed impacts is not possible without a significant loss of developable area. This would be not economically feasible given the high value location of the site and the costs of carrying out a redevelopment of this scope. The proposed impact associated daylighting and restoring Policy Brook cannot be avoided and are necessary in order to carry out this important portion of the project which significantly advances ecological public goals. The proposed project is therefore the one with the least impacts to wetlands considering the project goals and requirements

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3. The type and classification of the wetlands involved.
The proposed impacts are to two manmade ponds (PAB1/POWHrx), A number of vegetated drainage swales (PEM1/2Jrx), several ditched portions of Policy Brook (R2UB2/3x), and a single area of relatively natural scrub shrub wetland and small section of Policy Brook (R2UB/PSS1E)
4. The relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters.
The wetlands on the property are associated with Policy Brook, primarily by way of created drainage swales and pipes and not through direct adjacency.
5. The rarity of the wetland, surface water, sand dunes, or tidal buffer zone area.
The wetlands on the site, namely manmade ponds, drainage swales and impacted urban stream channel are very common in developed areas of the state.
6. The surface area of the wetlands that will be impacted.
The project proposes a total combined temporary and permanent wetland impact of 213,934 square feet and 20,578 linear feet of Bank (perennial, 3x length). Of this only 70,115 square feet and 1,291 linear feet of bank is permeant impact, primarily associated with the vegetated swales in the infield and the section of Policy Brook ditch that is being abandoned. Greater detail on the impacts can be found in the narrative.

7. The impact on plants, fish and wildlife including, but not limited to:
- a. Rare, special concern species;
 - b. State and federally listed threatened and endangered species;
 - c. Species at the extremities of their ranges;
 - d. Migratory fish and wildlife;
 - e. Exemplary natural communities identified by the DRED-NHB; and
 - f. Vernal pools.

The New Hampshire Natural Heritage Bureau (NHB16-3339) has indicated there is a single animal species of concern (Spotted Turtle) in the project vicinity. Concerns relative to this species will be coordinated with NH Fish and Game. Additionally, the USFWS was contacted via the IPaC project review portal. This review indicated the project was within the range of the threatened Northern Long Eared Bat. ACOE will initiate review with USFWS. There are no Vernal Pools on the site.

8. The impact of the proposed project on public commerce, navigation and recreation.

The project, which includes both commercial and residential elements will have net positive impact on public commerce through the creation of jobs, retail facilities, job creation, and tax base. The lifestyle elements on the tax base, and the. The property is entirely private and offers no right of public recreation. The property does not have any connectivity for waterway navigation.

9. The extent to which a project interferes with the aesthetic interests of the general public. For example, where an applicant proposes the construction of a retaining wall on the bank of a lake, the applicant shall be required to indicate the type of material to be used and the effect of the construction of the wall on the view of other users of the lake.

The property is currently vacant and has been under-utilized and in decline for many years. The proposed project will greatly improve upon the aesthetic characteristic of the site from a development standpoint. The restoration of Policy Brook across the property will also greatly improve the natural aesthetic of the site as this waterway currently flows through a pipe and ditches.

10. The extent to which a project interferes with or obstructs public rights of passage or access. For example, where the applicant proposes to construct a dock in a narrow channel, the applicant shall be required to document the extent to which the dock would block or interfere with the passage through this area.

The proposed redevelopment will change the site into a public space in contrast to its current state with restricted access as well as its long history of controlled and limited access.

11. The impact upon abutting owners pursuant to RSA 482-A:11, II. For example, if an applicant is proposing to rip-rap a stream, the applicant shall be required to document the effect of such work on upstream and downstream abutting properties.

The impacts proposed manmade wetland features on the site will have no effect on abutting properties. The restoration of Policy Brook and the correction of several long standing restrictions will greatly advance the interests of abutters by way of flood reduction. Details on improvements to the floodplain are provided in the Floodplain memo prepared By Tighe&Bond and including in this application.

12. The benefit of a project to the health, safety, and well being of the general public.

By way of the floodplain improvements and redevelopment of a vacant site in a commercial district the project will advance the health, safety and well-being of the public.

13. The impact of a proposed project on quantity or quality of surface and ground water. For example, where an applicant proposes to fill wetlands the applicant shall be required to document the impact of the proposed fill on the amount of drainage entering the site versus the amount of drainage exiting the site and the difference in the quality of water entering and exiting the site.

The restoration of Policy Brook with areas of wetland should improve the quality of the water and restore more natural flow through this section of the stream. This restoration of Policy Brook is independent from the stormwater management compliance at the site. Stormwater management for each element of the proposed development will be handled separately and will be fully compliant with AOT standards for runoff quantity, quality, and rate.

14. The potential of a proposed project to cause or increase flooding, erosion, or sedimentation.

The project proposed significant floodplain improvements as described previously. Erosion and sedimentation will be controlled through construction best management practices. Since stormwater management will be greatly improved in the new development the project will improve upon all these concerns

15. The extent to which a project that is located in surface waters reflects or redirects current or wave energy which might cause damage or hazards.

The project does not involve elements of wave energy or current.

16. The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights. For example, an applicant who owns only a portion of a wetland shall document the applicant's percentage of ownership of that wetland and the percentage of that ownership that would be impacted.

The impacts proposed in this project are largely to manmade drainage swales 100% contained on the property. The other significant element of the project involves the restoration of Policy Brook, its associated wetland, and floodplain. Only a very small % of this waterway exists on the site. if all other owners carried out the same level of restoration as is proposed here the impact would be overwhelmingly positive.

17. The impact of the proposed project on the values and functions of the total wetland or wetland complex.

Impacts to the manmade drainage swales and ponds will result in a small loss of water quality and habitat benefit. These will be more than compensated for in the proposed restoration of Policy Brook. The effects of the proposed work on the function and value of Policy Brook itself will be overwhelmingly positive. More detail is proposed in the Function and Value Assessment section of the attached narrative.

18. The impact upon the value of the sites included in the latest published edition of the National Register of Natural Landmarks, or sites eligible for such publication.

There are no such areas associated with or in the vicinity of the site

19. The impact upon the value of areas named in acts of congress or presidential proclamations as national rivers, national wilderness areas, national lakeshores, and such areas as may be established under federal, state, or municipal laws for similar and related purposes such as estuarine and marine sanctuaries.

There are no such areas associated with or in the vicinity of the site

20. The degree to which a project redirects water from one watershed to another.

The project will not redirect water between watersheds.

Additional comments

see additional text and appendicies



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

**New Hampshire Programmatic General Permit (PGP)
Appendix B - Corps Secondary Impacts Checklist
(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to “work” include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See PGP, GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm to determine if there is an impaired water in the vicinity of your work area.*	X	
2. Wetlands	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?	X	
2.2 Are there proposed impacts to SAS, shellfish beds, special wetlands and vernal pools (see PGP, GC 26 and Appendix A)? Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) website, www.nhnaturalheritage.org , specifically the book Natural Community Systems of New Hampshire .		X
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?	X	
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)		X
2.5 The overall project site is more than 40 acres.	X	
2.6 What is the size of the existing impervious surface area?		
2.7 What is the size of the proposed impervious surface area?		
2.8 What is the % of the impervious area (new and existing) to the overall project site?		
3. Wildlife	Yes	No
3.1 Has the NHB determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require a NHB determination.)		X
3.2 Would work occur in any area identified as either “Highest Ranked Habitat in N.H.” or “Highest Ranked Habitat in Ecological Region”? (These areas are colored magenta and green, respectively, on NH Fish and Game’s map, “2010 Highest Ranked Wildlife Habitat by Ecological Condition.”) Map information can be found at: <ul style="list-style-type: none"> • PDF: www.wildlife.state.nh.us/Wildlife/Plan/highest_ranking_habitat.htm. • Data Mapper: www.granit.unh.edu. • GIS: www.granit.unh.edu/data/downloadfreedata/category/databycategory.html. 		X

3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		X
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?	X	
3.5 Are stream crossings designed in accordance with the PGP, GC 21?	X	
4. <u>Flooding/Floodplain Values</u>	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?	X	
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?	X	
5. <u>Historic/Archaeological Resources</u>		
For a minor or major impact project - a copy of the Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) shall be sent to the NH Division of Historical Resources as required on Page 5 of the PGP**	X	

*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

** If project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law..

1.0 Introduction

This Major Impact Dredge and Fill Application is being submitted by Gove Environmental Services, Inc. on behalf of OMJ Realty for the mixed use redevelopment of the former Rockingham Park Racetrack located on Rockingham Park Boulevard in Salem, NH. Redevelopment of the 170 acre site is proposed to take place in two phases. Phase 1 will involve the portion of the site roughly north of the existing track as well as restoration of Policy Brook from Pleasant Street to Rockingham Boulevard. The restoration of Policy Brook in Phase 1 is intended to serve as mitigation for the remainder of the impacts proposed in Phase II. A project overview figure can be found in the Figures section following the text.

The following sections and appendices provide details on the proposed project and impacts and are intended to meet the requirements for a state of New Hampshire Major Impact Dredge & Fill permit as outlined in Env-Wt 300.

2.0 Setting

2.1 Site Description

The project site consists of the former Rockingham Park racetrack and totals 170 acres situated between Pleasant Street and several residential properties to the west, Central Street and some commercial properties to the north, the former B&M Railroad corridor and South Broadway to the east and Rockingham Park Boulevard and Rockingham Mall to the south. Despite some limited areas of natural vegetation and the open character of the track, the overall character of the site is fully developed. Large areas of pavement cover the site along with the grandstands, clubhouses, and numerous other buildings and barns associated with the operation and maintenance of the former racetrack facility. A significant amount of compacted dirt paths and yards also exist around the former horse barns and maintenance areas of the facility. Demolition of the barns on the northern section of the site is currently underway. Very limited areas of naturally growing vegetation exist on the site. They are largely the result inactivity within once cleared areas and heavily occupied by invasive species such as Autumn Olive and Glossy Buckthorn.

Wetland resources on the property are concentrated within the infield of the track. Other limited areas of wetland are associated with Policy Brook which itself lies entirely within ditches or pipes. The resource areas on the site are discussed in the following sections.

2.2 Wetland Resources

Wetlands were delineated by Gove Environmental Services, Inc. in July of 2016 utilizing the standards of the Corps of Engineers *Wetlands Delineation Manual*¹ and the NH DES Wetlands Bureau *Code of Administrative Rules*². Wetland flags were located by MHF Design Consultants survey crews immediately following the delineation. Wetlands were classified by GES utilizing the criteria of *Classification of Wetlands and Deepwater Habitats of the United States*³. Dominant hydric soil conditions within the wetlands were identified by GES utilizing the criteria of *Field Indicators for Identifying Hydric Soils in New England*⁴. Dominance of wetland vegetation was assessed by GES utilizing the *National List of Plant Species That Occur in Wetlands: Northeast (Region 1)*⁵.

Wetland resources on the property are all either created by open drainage or have been heavily altered over the 100 year history of the facility. Generally, wetlands fall into three categories: Policy Brook and its directly adjacent wetland area, drainage ditches within the infield of the track, and two created ponds. The resource areas are described in the following sections. The wetland resources on the site are depicted on Figure 2 as well as on the project plans. The ACOE wetland delineation data forms can be found in Appendix D

2.2.1 Policy Brook

Policy Brook is a perennial stream originating as outflow from Canobie Lake to the northwest. It was once the dominant resource on this property, originally flowing across the northern half of the property, under what is now Route 28, and meandering back onto the southern portion of the site before heading south. Alteration of the brook likely dates back the early history of the park but the most significant alterations began in the mid 1920's with the installation of a 1,078 foot long 48" culvert from Pleasant Street to a crossing under Route 28. Development in the area over the next 60 to 70 years made this initial 48" culvert and the crossings under Route 28 obsolete. To address flooding on the race track property and at the mobile home park across Route 28, the stream was subsequently diverted from the first crossing under Route 28 through two sections of open channel and 2,826 feet of culvert to the southern end of the property just prior to where it flows under Rockingham Boulevard. This essentially created a west branch of Policy Brook flowing from Canobie Lake and an east branch consisting of the now severed meander to the east of Route 28. The two crossings under Route 28 still exist

¹ Environmental Laboratory. 2009. "Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region." Technical Report ERDC/EL TR-09-19.

² NH Code Admin. R. [Wt] Ch. 100-800.

³ Cowardin, L. M., 1979. *Classification of Wetlands and Deepwater Habitats in the United States*. Washington, D.C.: U.S. Department of the Interior, Fish and Wildlife Service.

⁴ National Technical Committee for Hydric Soils. 2010. "Field Indicators for Identifying Hydric Soils in New England."

⁵ Lichvar, R.W. & Kartesz, J.T. 2009. *North American Digital Flora: National Wetland Plant List*. 2.2.1.

though they are both filled with debris and only partially functional such that this western section of the brook is effectively bypassed under normal flow conditions.

The character of the open channel portions of the brook on the site is one of a drainage channel with little or no perceptible flow. The banks of the channel are occupied by invasive shrub species such as multiflora rose, glossy buckthorn, and autumn olive. On the site a single small area of wetland is associated with the stream. This area consists of a *Phragmites* dominated depression adjacent to the channel within an area of the site apparently used for equipment staging and maintenance activities. Immediately south of the property stream flows through a comparatively natural channel and scrub shrub wetland within the DOT right-of-way before heading under Rockingham Boulevard. Beyond Rockingham Boulevard the stream enters another portion of channelized ditch adjacent to Kohl's prior to achieving natural conditions in the large wetland area to the south.

2.2.2 Infield Swales and Ditches

The various swales, ditches and low areas within the interior of the track have all been created for stormwater drainage or are the result of various activities related to operation of the facility over its long history. All these areas are essentially vegetated swales dominated by grasses, sedges and rushes. Prominent species include cattail, reed-canary-grass, soft rush, panicle bulrush, and fox sedge. Significant amounts of purple loosestrife are also present. It should be noted that not all the ditches and swales in this area of the property qualify as wetlands.

2.2.3 Ponds

There are two ponds on the property. One located in the infield and one located near the maintenance garage adjacent to the edge of the property along Route 28. The 1.7 acre pond in the infield of the track is the most prevalent wetland feature on the property. It was created in the 1980's to supply the elaborate sprinkler system for the turf tracks. Though the pond appears to be within the water table its level has, until recently, been maintained by well water which is supplied to the pond via a pump. This purpose of this arrangement was to provide a supply of temperate water for irrigation to reduce the shock from cold groundwater being applied to the grass. An outlet structure on the east side of the pond maintains the level of the pond. The banks of the pond are rip-rap with a mix of sedges, rushes and grasses. The pond also hosts a number of floating aquatic plants and, at the time of this review, a significant amount of algae.

The second pond was created much earlier in the parks history and was used to store water which was applied to the dirt track for dust control and management of the soil consistency. It was constructed by excavation and stone retaining walls. It appears to be

set in the water table but had a provision to be supplied by Policy Brook via a pump which sat in the channel nearby.

3.0 Project description and Impacts

The proposed redevelopment project involves the entire 170 acre site and will be proposed under the Large Scale Redevelopment Projects section of the Salem Zoning Ordinance. This ordinance seeks to create a well-planned and integrated development with a mix of land uses including residential, retail, office, entertainment, hotels, restaurants and other compatible land uses.

In general, the development of Tuscan Village will consists of two phases. The first phase involves the northerly 50 acres of the property roughly north of the existing track. This phase includes a new car dealership, 256 units of luxury, garden-style apartments, 100 townhouse units, an 80,000 square foot supermarket and 87,000 square feet of retail and restaurant space. Phase 2 will develop the remaining 120 acres to include 390,000 square feet of anchor retail, 709,000 square feet of other retail, a 250 room hotel with retail, restaurant and banquet facilities, 200,000 square feet of office space and 330 residential units.

Redevelopment of this property also provides an opportunity to daylight Policy Brook and address long standing flooding issues in this location. Phase 1 includes restoration and floodplain improvements to Policy Brook from Pleasant Street to the southern end of the site where it crosses under Rockingham Park Boulevard. This work will involve removal of 2,826 linear feet of severally undersized culvert, the creation of over 3,000 linear feet open channel which will meander through more than 2.4 acres of new floodplain wetland and a 1.3 acre pond. The 780 foot section of the brook proposed to be remain in a culvert along Pleasant Street will be upgraded to a 10'x5' box culvert. Two other crossings for access to and across the site will also utilize large open bottom box culverts fully compliant with the stream crossing standards. Details on the design of the stream restoration and crossings can be found in the technical memo prepared by Tighe&Bond and included under separate cover as Appendix F.

In order for the flood improvements to be effective it will also be necessary to dredge out the box culvert under Rockingham Park Boulevard and the channelized section of Policy brook on the other side of the road adjacent to Kohl's. Several feet of sediment have accumulated in these areas over the years greatly reducing capacity. The proposed restoration and floodplain enhancement scheme will reduce flooding upstream of Pleasant street, east of Rout 28, and at the Rockingham Park Boulevard crossing. Details on the design of the stream restoration and the floodplain study can be found in the technical memo prepared by Tighe&Bond and included under separate cover as Appendix F.

The restoration and daylighting of Policy Brook is entirely separate and independent from the drainage design for the proposed development. Drainage for each element of the development will be handled on site utilizing stormwater pre-treatment systems and underground detention/infiltration systems with outlet control devices that will reduce the flow rates for post-development conditions to predevelopment conditions. Additional runoff volumes created as a result in increased impervious surfaces will be mitigated through the use of infiltration/recharge systems. Based on the excellent soil conditions and deep groundwater conditions, infiltration measures can be successfully used on this site. Stormwater management for the entire development will be done using Best Management Practices as dictated by NHDES under their current AoT regulations for development.

3.1 Impacts

In order to redevelop the site and carry out the proposed restoration and floodplain enhancements to Policy Brook, extensive alteration of the site, and therefore extensive alteration of the wetlands, is necessary. The project does include straight forward permanent impacts, namely to the vegetated swales on the interior of the track. The majority of the proposed impacts are, however, temporary in nature ranging from reconfiguration of the infield irrigation pond to the more difficult to define temporary impacts incurred by the removal of underground pipes currently conveying Policy Brook under the site. The project proposes a total combined temporary and permanent wetland impact of 213,934 square feet and 20,578 linear feet of Bank (perennial, 3x length). Of this only 70,115 square feet and 1,291 linear feet of bank is permanent impact, primarily associated with the vegetated swales in the infield and the section of Policy Brook ditch that is being abandoned at the end of the existing pipe (Impact Area E). The 143,819 square feet of temporary impact is associated with a variety of restoration activities such as channel dredging, removal of pipes, and some overlap of existing wetland and proposed restoration areas. This also includes the reconfiguration of the infield pond that will be maintained in the development. Table 1 provides a summary of the impacts and their nature. Impacts are depicted on sheets C.201A through C.201C of the project plans.

Table 1 Wetland Impact Summary

	Impact Size				
Impact Area*	Area (SF)		Linear Feet **		Comment
	Perm	Temp	Perm	Temp	
A	3750	14648	75	231	These impacts are associated with the creation of the flood storage area prior to the box culvert under Route 38. Temporary impacts result from the re-grading of the existing wetlands, ditch and Policy Brook channel in that area. A small permanent impact is associated with the embankment grading.
B, D, F	0	14911	0	10410	These temporary impacts are associated with the

					removal of the existing length of pipe currently carrying Policy Brook under the site
C1	3027	114	0	0	This Impact is to the Phragmites dominated low area adjacent to the existing ditch through which Policy Brook currently flows. A small temporary impact is associated with a portion of the area that falls with the created floodplain wetlands of the new channel.
C2	0	17605	0	5526	These temporary impacts result of reconfiguration of the existing ditch through which Policy Brook currently flows. Since it lies entirely within the newly created channel and wetland area it has been considered a temporary impact.
C3	7174	0	0	0	This impact results from the filling of the manmade dust management pond.
E	4393	0	1216	0	This impact is associated with the abandonment of the section of open ditch at the end of the long pipe carrying Policy Brook from pleasant street. Since the pipe will be removed and the stream restored across the site this section of channel will be filled in. This represents the majority of the permanent Bank impact.
G	0	500		228	Temporary impacts to Policy Brook associated with reconfiguring the headwall at Pleasant Street
H, I, J, L	51771	0	0	0	These Impacts represent the majority of the permanent impact on the site. They are associated with the vegetated swales and ditches, mostly on the infield of the track.
K	0	77279	0	0	This impact is associated with the reconfiguration of the large pond in the infield of the track. Since this manmade pond will be reconfigured but its general location and size will remain the same this impact has been considered temporary.
M	0	18762	0	2901	Temporary impact associated with the dredging of the channel on the other side of Route 38 adjacent to Kohl's.
		Area (SF)		Linear Feet	
		Perm	Temp	Perm	Temp
TOTAL	70115	143819	1291	19296	

* See Impact Plans for the location of the areas referenced in this table

**Linear Feet impacts are expressed as a sum of both banks and the thread of the channel for perennial streams

3.2 Wt 302.01 Statement of Purpose

The basic project purpose is to redevelop the Rockingham Park Racetrack in a manner consistent with the surrounding areas and the Town of Salem Zoning. The project also provides the opportunity to address flooding issues associated with inadequately sized structures on the site and historical wetland loss in the watershed.

3.3 Wt 302.03 Avoidance & Minimization

3.3.1 Avoidance.

Avoidance of the wetland impacts proposed within the interior of the track is not feasible due to their central location on the property and the need to alter and update the drainage on the site. Avoidance of impacts to Policy Brook and the small nearby wetlands is not feasible if restoration of the brook is to take place.

3.3.2 Minimization.

Impacts will be minimized by retaining the 1.7 acre manmade pond in the infield of the track. This pond will be reconfigured but will be relatively unchanged and remain in its current general location.

4.0 Function and Value Assessment

The following assessment of the Functions and Values of the wetlands on this site was conducted by GES during wetland delineation and subsequent field visits in July of 2016 using the US Army Corps of Engineers' Highway Methodology Workbook Supplement (NAEEP-360-1-30a, September 1999). Functions and values are identified as "principal" if they are determined to be a significant physical feature of the wetland system, as compared to other functions and values. According to the USACE, the function/value qualifier as "principal" does not mean that the function or value identified is exceptional, but that the particular function/value is demonstrated more than any other function or value in the Highway Methodology Workbook.

The resource areas on the project site were grouped and evaluated together as three (3) main areas based on their location and the nature of the wetland as described in the previous section. These areas are depicted on Figure 2. The Highway Methodology data sheets can be found in Appendix E. Representative photos can be found in Appendix A. The following sections detail the functional assessment conducted for the wetlands where impacts are proposed on this project.

4.1 Policy Brook

The current state Policy Brook on this site is severely degraded. As described in the previous section, significant portions of the stream have been placed in pipes or channels and its flow divided at Route 28. This has had obvious consequences for the habitat value of the stream which has been essentially reduced to zero. The constraints place on the stream combined with the level of development in its watershed in general have led to longstanding flooding problems in this area. To a large extent the functions and values of this resource can be expressed as *potential* due to its degraded nature. It was considered worthwhile to identify these degraded Functions and Values since the proposed project provides a significant restoration opportunity.

Floodflow Alteration – Floodflow Alteration is the principle and most significant function of this resource area. The level of development and longstanding flooding issues make the protection, restoration, and advancement of this function a paramount issue within its watershed. The project provides a significant opportunity for restoration of this function.

Sediment/Toxicant Retention & Nutrient Removal – In its current state this section of Policy Brook has little water quality function as it flows through pipes and ditches. Daylighting of the stream in this area and the creation of adjacent wetland area and ponds would restore some of these functions.

Fish Habitat—the presence of fish or the ability of this portion of the waterway to host them (numerous potential obstructions exist in the surrounding developed area) is unknown. It is, however likely that that portions of the stream, particularly downstream from the site, do support fish populations. Protecting and improving water quality in the waterway is therefore an important consideration.

Educational/Scientific Value —Restoration of this stream within a high profile development may provide a unique educational opportunity or scientific value.

4.2 Infield Swales and Ditches

Owing to their origins the principle functions of these features is related to the management of stormwater. Their current condition within a meadow also provides some wildlife habitat.

Sediment/Toxicant Retention & Nutrient Removal – This is the principle function of the infield ditches and swales. This function is directly related to their design as stormwater management features, close association with the track and clear sources of pollutants from the dirt track maintenance, turf management, and irrigation elevates the importance of these wetlands in providing these functions. While principle, these water quality functions are in no way exemplary as they are neither a naturally functioning wetland

system nor is it clear what treatment standards, if any, the swales were design to meet. Also, the facility now having been inoperative as a race track for a number of years, the water quality function of the swales has been further diminished in importance.

Groundwater Recharge/Discharge – The swales and ditches may also serve a very moderate groundwater recharge and flood flow alteration function by virtue of the runoff that is directed to them. This would be limited, however by their design which appears to lack any storage whereby runoff could have time to infiltrate or be stored desynchronize runoff events. The one exception may be the broader area on the east side of the track. This area was used to produce turf that was used to make repairs on the grass track. As such it was lowered by repeated harvest over the years and is a broader depression than the other swales.

Wildlife Habitat – These areas serve a limited wildlife habitat function, particularly for birds and small mammals which were seen using the tall grass in the swales and the surrounding fields. Wildlife habitat value is limited by the fact that these areas are regularly mowed, particularly when the facility was in operation, and lack connection to other habitat types.

4.3 Infield Pond and Dust Management Pond

These two areas lie in different portions of the property but have been evaluated together since they are both created ponds with similar origins and similar functions and values.

Wildlife Habitat – This is the principle value currently supported in these ponds. Though very marginal habitat from a landscape perspective, these wetlands likely do support wildlife habitat by virtue of the habitat island in which they exist. The infield pond being larger and surrounded by meadow likely holds comparatively greater value. The habitat value of the ponds is of course diminished by the surrounding development and would have been greatly diminished when the track was active.

Groundwater Recharge/Discharge – Both ponds are thought to represent the water table and as such clearly function as groundwater recharge/discharge areas.

Fish and Shellfish Habitat— Casual observation revealed that both ponds support a population of fish. As relatively sterile bodies of water with no inlet or outlet their value as fish habitat is very low overall.

5.0 Compensatory Mitigation

As outlined in section 3.1 the project involves a significant temporary impacts, largely associated with the restoration of Policy Brook. No compensatory mitigation is proposed for these temporary impacts. Compensatory mitigation is offered in the form of wetland

and stream restoration for the proposed permanent impacts. The daylighting of Policy Brook across the site will create 108,447 square feet of floodplain wetland, a 59,867 SF of pond, and 50,333 SF of channel representing 3,323 feet of restored channel. The following table provides a summary of the permanent impacts and proposed mitigation by resource type.

Table 2 Mitigation Summary

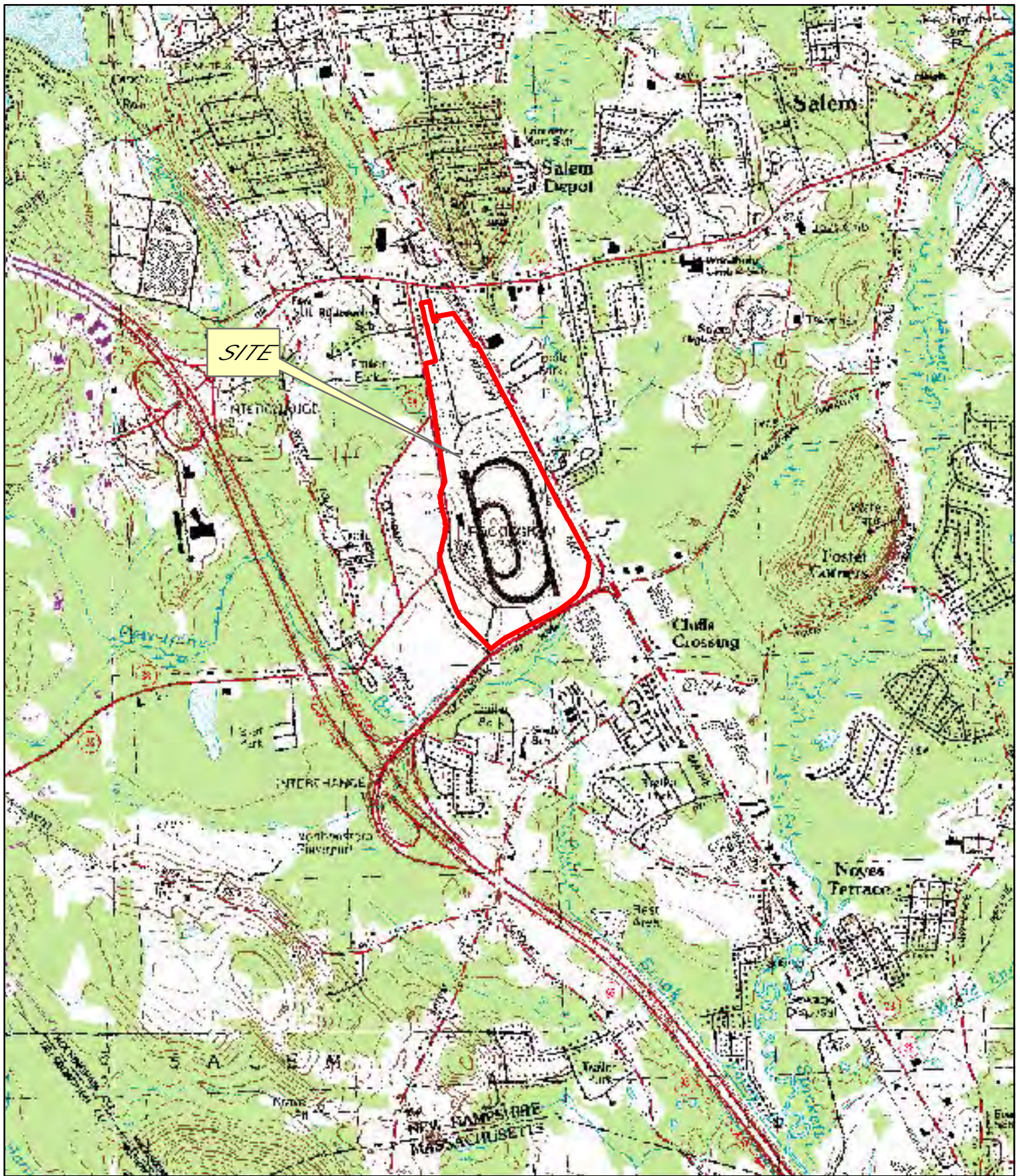
Impact Type	Impact	Proposed Mitigation	Mitigation Ratio
Vegetated Wetland	58,548 SF	108,447 SF	1.8:1
Pond	7,174 SF	59,867 SF	8.3:1
Perennial Stream	4,393 SF	50,333 SF	11.4:1
Combined	70,115	218,647	3.1:1

Due to the phased nature of the project the majority of the impacts will take place at a later date when the Phase 2 of the project commences. The restoration of Policy Brook will be completed in Phase 1 in advance of any wetland impacts and is intended to serve as mitigation for all the impacts associated with the project.

6.0 Conclusion

The proposed project achieves a sensible redevelopment of this large underutilized site located in a prime commercial district of Salem. Complete redevelopment of this property also provides the opportunity to address off-site flooding issues that have existed for decades due to historic rerouting of the stream, obsolete structures, and heavy development in the Policy Brook watershed. By daylighting Policy Brook and creating adjacent floodplain wetland a number of other functions and values are also being advanced. This will serve to mitigate the loss of function resulting from the proposed permanent impacts to wetlands; overwhelmingly to manmade drainage features and pond. By avoiding permanent impact to the large infield pond the project further minimizes impacts to wetlands and the identified functions and values. The proposed project therefore represents the alternative with the least impact.

Figures



1 inch = 2,000 feet



Gove Environmental Services, Inc.
8 Continental Drive, Bldg 2 Unit H, Exeter NH 03833 603.778.0644

Figure 1--Locus Map
Rockingham Park
Route 28
Salem, NH

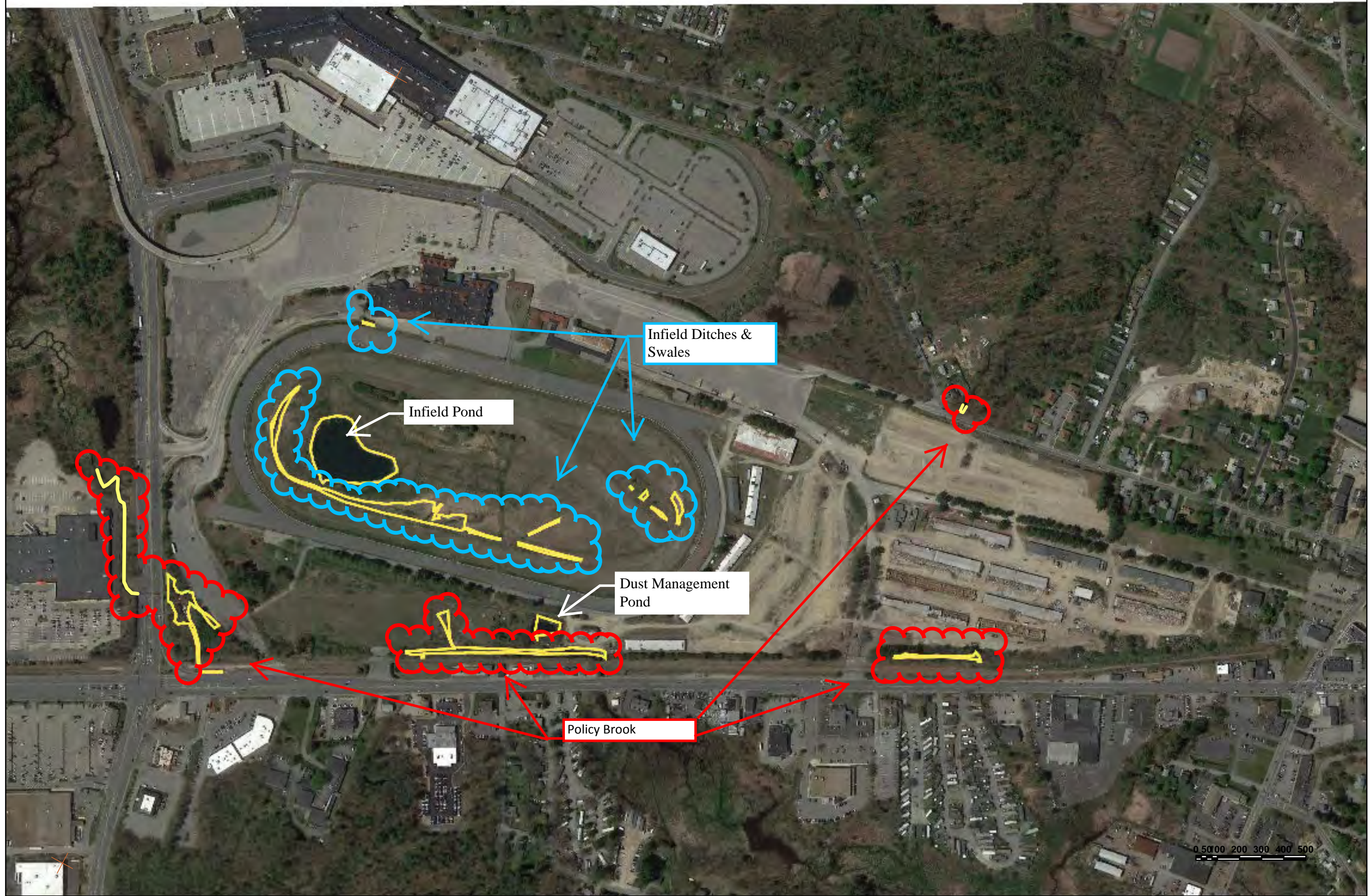
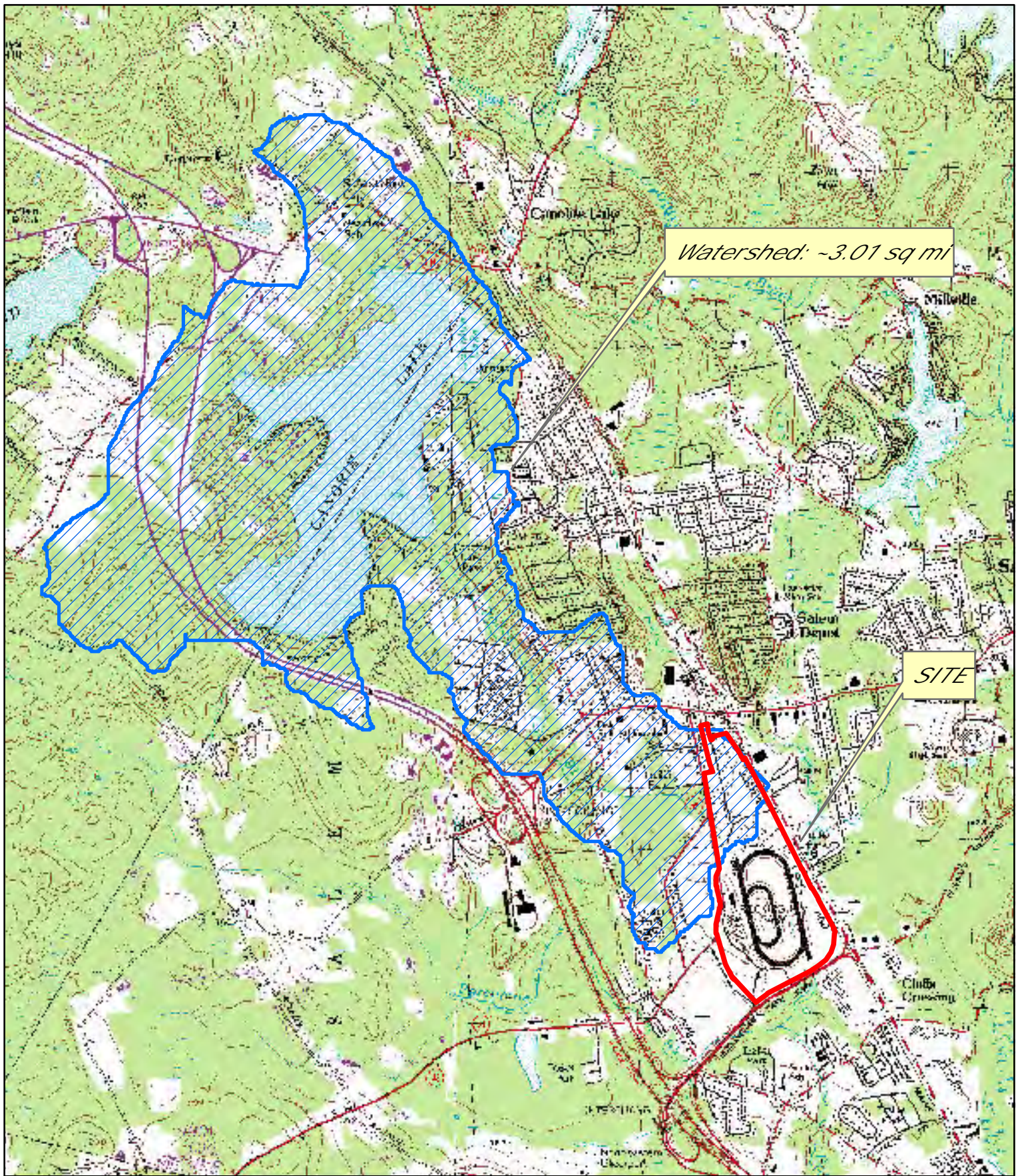


Figure
2

Wetland Overview Plan

Tuscan Village
Rockingham Park Blvd
Salem, NH





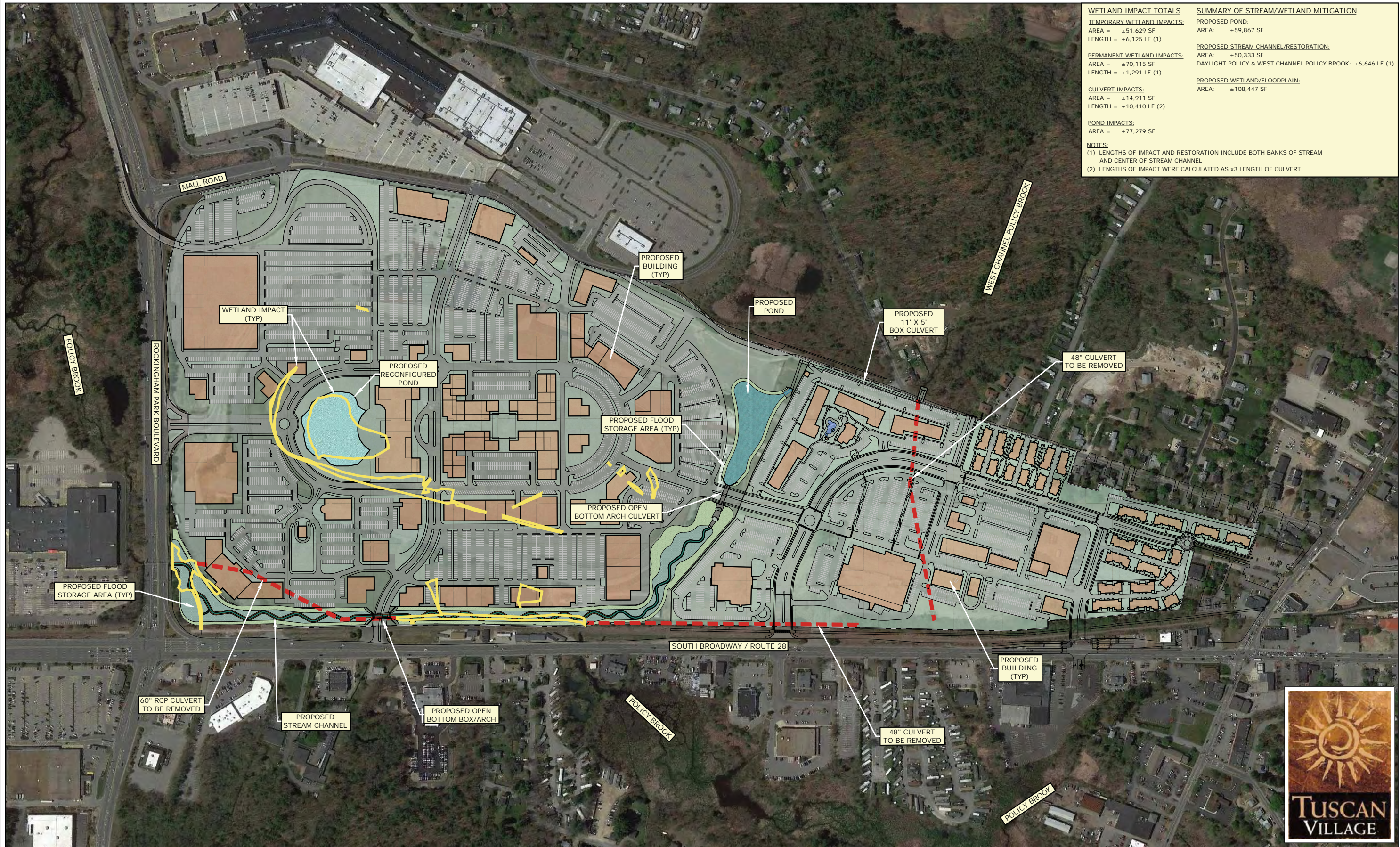
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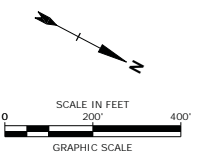
Gove Environmental Services, Inc.
8 Continental Drive, Bldg 2 Unit H, Exeter NH 03833 603.778.0644

Figure 3--Watershed Map

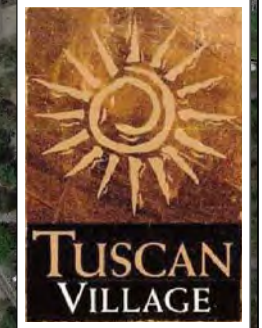
Rockingham Park
Route 28
Salem, NH



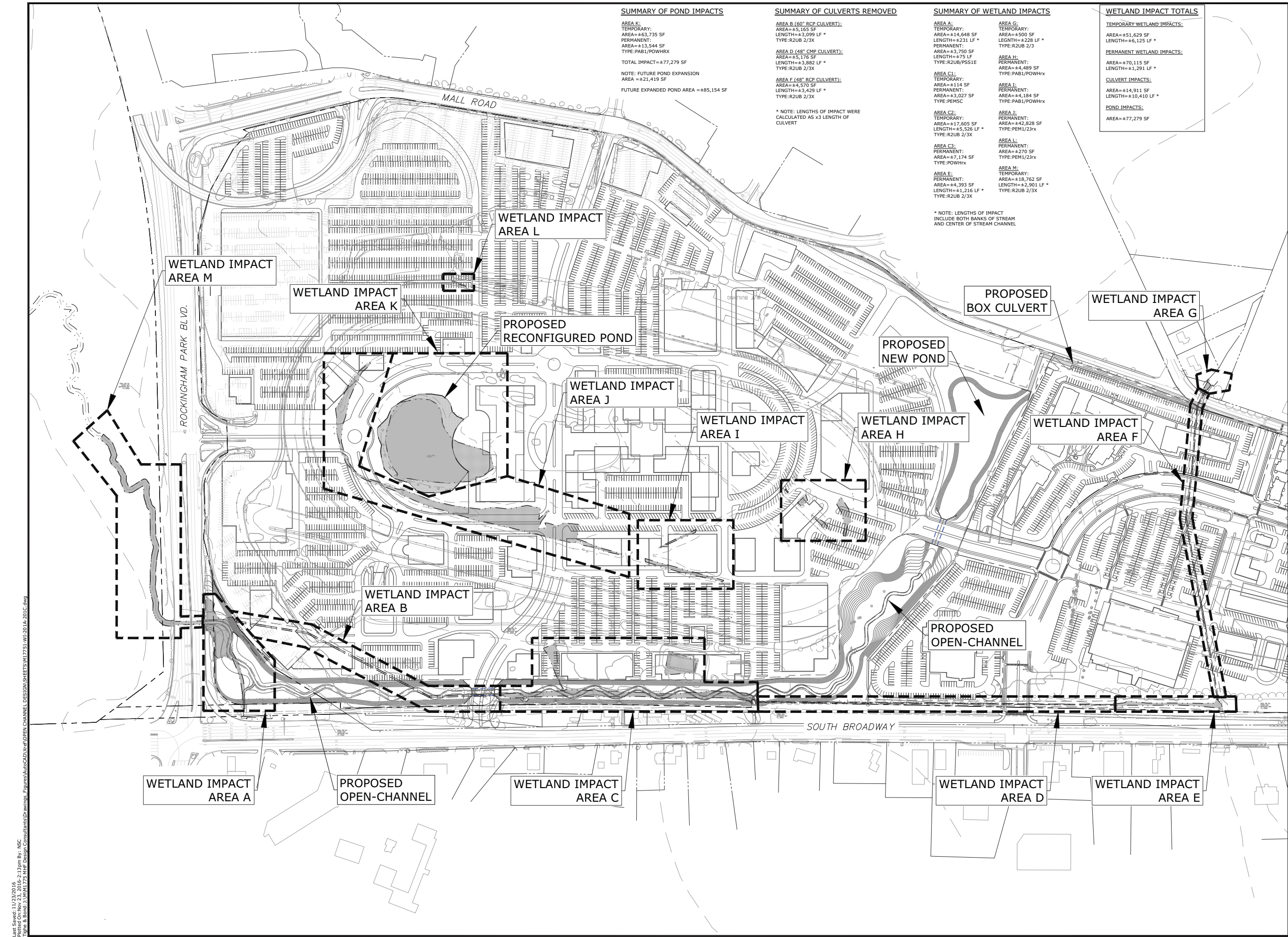
<u>WETLAND IMPACT TOTALS</u>	<u>SUMMARY OF STREAM/WETLAND MITIGATION</u>
<u>TEMPORARY WETLAND IMPACTS:</u>	<u>PROPOSED POND:</u>
AREA = ±51,629 SF	AREA: ±59,867 SF
LENGTH = ±6,125 LF (1)	
	<u>PROPOSED STREAM CHANNEL/RESTORATION:</u>
<u>PERMANENT WETLAND IMPACTS:</u>	AREA: ±50,333 SF
AREA = ±70,115 SF	DAYLIGHT POLICY & WEST CHANNEL POLICY BROOK: ±6,646 LF (1)
LENGTH = ±1,291 LF (1)	
	<u>PROPOSED WETLAND/FLOODPLAIN:</u>
<u>CULVERT IMPACTS:</u>	AREA: ±108,447 SF
AREA = ±14,911 SF	
LENGTH = ±10,410 LF (2)	
<u>POND IMPACTS:</u>	
AREA = ±77,279 SF	
<u>NOTES:</u>	
(1) LENGTHS OF IMPACT AND RESTORATION INCLUDE BOTH BANKS OF STREAM AND CENTER OF STREAM CHANNEL	
(2) LENGTHS OF IMPACT WERE CALCULATED AS x3 LENGTH OF CULVERT	



TUSCAN VILLAGE
FLOODPLAIN IMPROVEMENTS
SALEM, NEW HAMPSHIRE



Jan Saved: 11/29/2016
Tighe & Bond: J:\M17751-WI-201A-201C.dwg
Figures\AutoCAD\ref\OPEN CHANNEL DESIGN SHEETS\M17751-WI-201A-201C.dwg



SUMMARY OF POND IMPACTS

AREA K:
TEMPORARY:
AREA=±63,735 SF
PERMANENT:
AREA=±13,544 SF
TYPE:PAB1/POWHRX
TOTAL IMPACT=±77,279 SF
NOTE: FUTURE POND EXPANSION
AREA =±21,419 SF
FUTURE EXPANDED POND AREA =±85,154 SF

SUMMARY OF CULVERTS REMOVED

AREA B (60" RCP CULVERT):
AREA=±5,165 SF
LENGTH=±3,099 LF *
TYPE:R2UB 2/3X
AREA D (48" CMP CULVERT):
AREA=±5,176 SF
LENGTH=±3,882 LF *
TYPE:R2UB 2/3X
AREA F (48" RCP CULVERT):
AREA=±4,570 SF
LENGTH=±3,429 LF *
TYPE:R2UB 2/3X

* NOTE: LENGTHS OF IMPACT WERE
CALCULATED AS X3 LENGTH OF
CULVERT

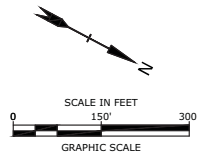
SUMMARY OF WETLAND IMPACTS

AREA A:
TEMPORARY:
AREA=±14,649 SF
LENGTH=±231 LF *
PERMANENT:
AREA=±3,750 SF
LENGTH=±75 LF
TYPE:R2UB/PS1E
AREA C1:
TEMPORARY:
AREA=±114 SF
PERMANENT:
AREA=±3,027 SF
TYPE:PEMSC
AREA C2:
TEMPORARY:
AREA=±17,605 SF
LENGTH=±5,526 LF *
TYPE:R2UB 2/3X
AREA C3:
PERMANENT:
AREA=±7,174 SF
TYPE:POWHRX
AREA E:
PERMANENT:
AREA=±4,393 SF
LENGTH=±1,216 LF *
TYPE:R2UB 2/3X
AREA G:
TEMPORARY:
AREA=±500 SF
LENGTH=±228 LF *
TYPE:R2UB 2/3
AREA H:
PERMANENT:
AREA=±4,489 SF
TYPE:PAB1/POWHRX
AREA I:
PERMANENT:
AREA=±4,184 SF
TYPE:PAB1/POWHRX
AREA J:
PERMANENT:
AREA=±42,828 SF
TYPE:PEM1/2Jrx
AREA L:
PERMANENT:
AREA=±270 SF
TYPE:PEM1/2Jrx
AREA M:
TEMPORARY:
AREA=±18,762 SF
LENGTH=±2,901 LF *
TYPE:R2UB 2/3X

* NOTE: LENGTHS OF IMPACT
INCLUDE BOTH BANKS OF STREAM
AND CENTER OF STREAM CHANNEL

WETLAND IMPACT TOTALS

TEMPORARY WETLAND IMPACTS:
AREA=±51,629 SF
LENGTH=±6,125 LF *
PERMANENT WETLAND IMPACTS:
AREA=±70,115 SF
LENGTH=±1,291 LF *
CULVERT IMPACTS:
AREA=±14,911 SF
LENGTH=±10,410 LF *
POND IMPACTS:
AREA=±77,279 SF



PERMIT DRAWINGS
NOT FOR CONSTRUCTION

TUSCAN VILLAGE
FLOODPLAIN
IMPROVEMENTS



OMJ REALTY, LLC

Salem, New Hampshire

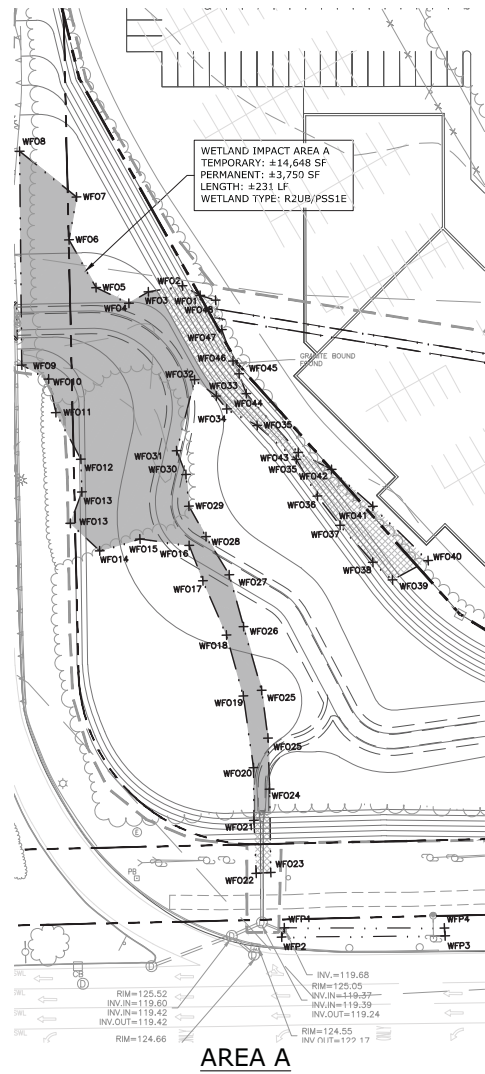
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ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

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DRAWN BY:	NSC	
CHECKED:	JMP	
APPROVED:	BLM	

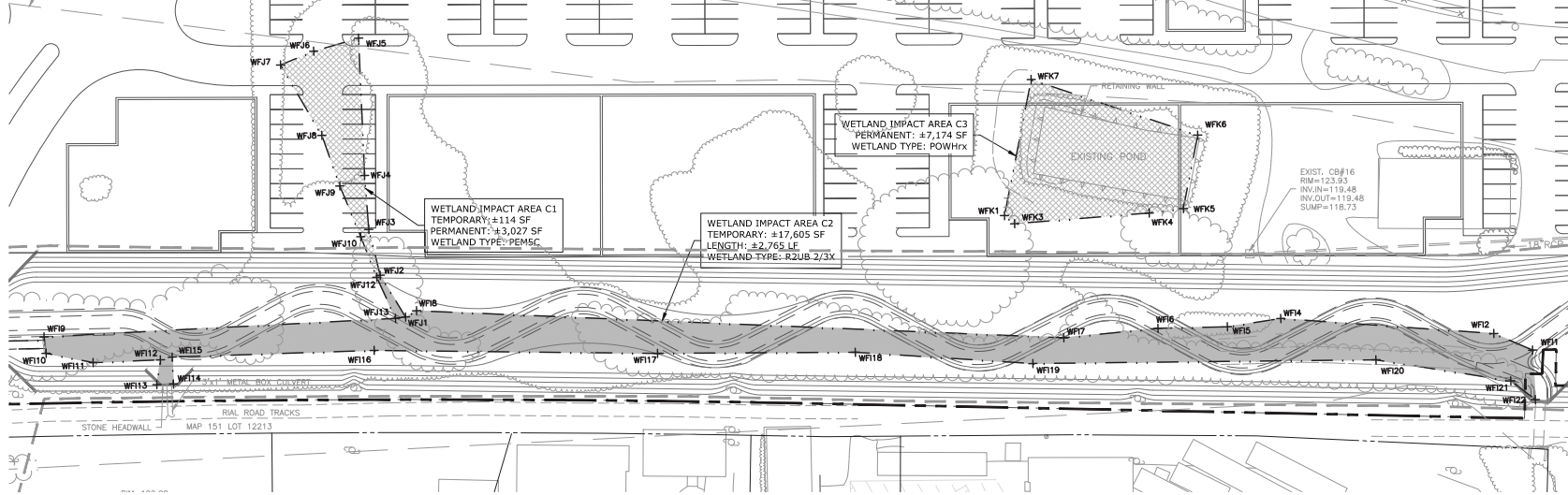
WETLAND IMPACT
VICINITY PLAN

SCALE: AS SHOWN

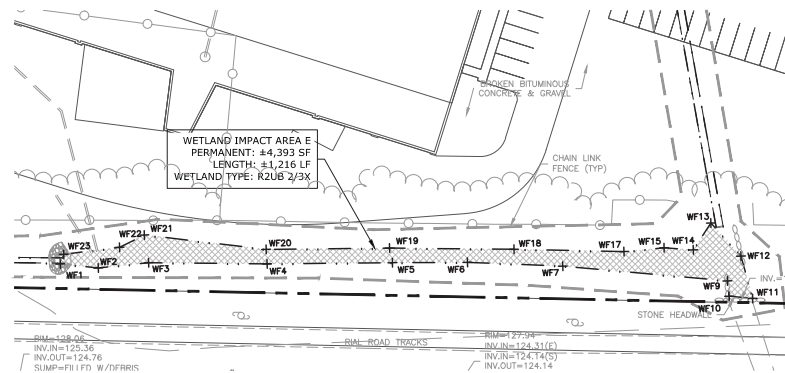
C.201A



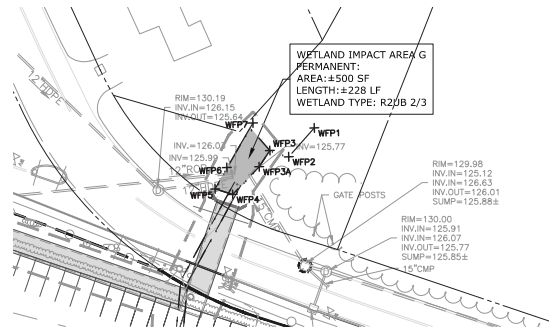
AREA A



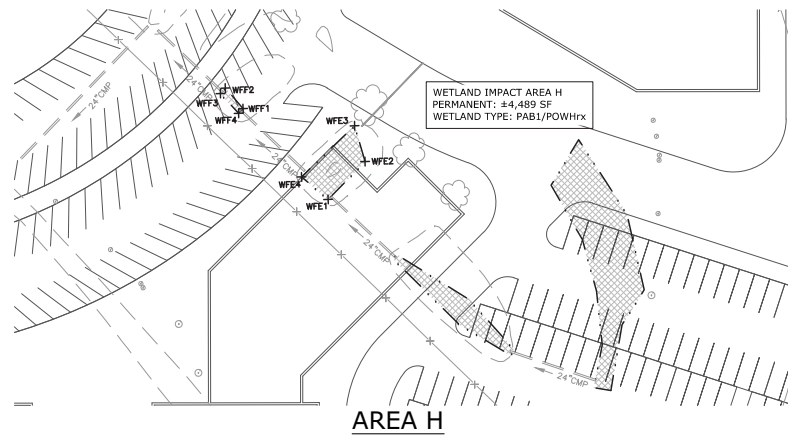
AREA C



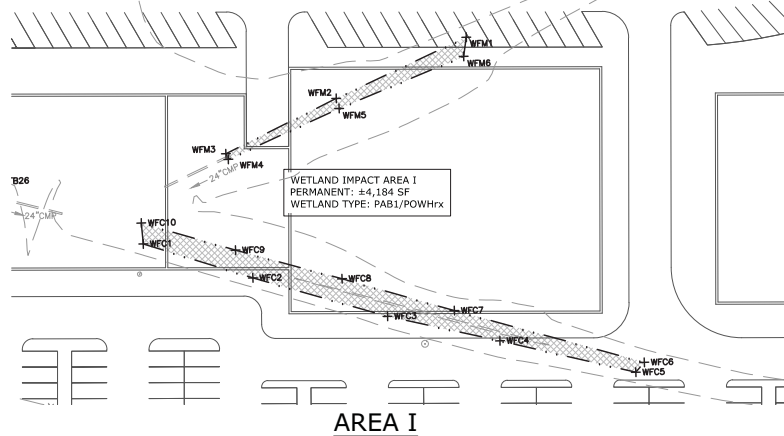
AREA E



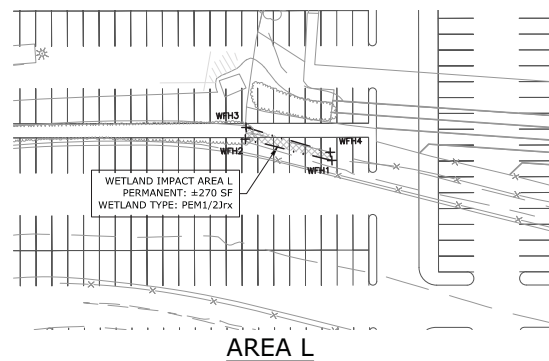
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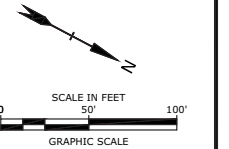
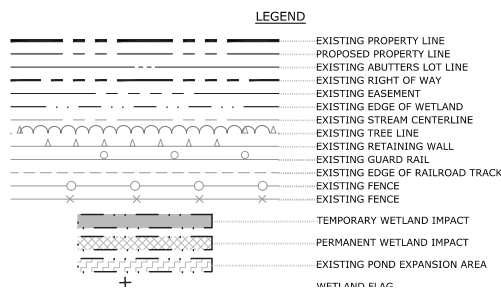
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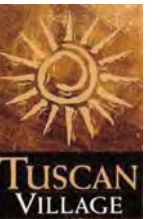


AREA L



PERMIT DRAWINGS
NOT FOR CONSTRUCTION

TUSCAN VILLAGE FLOODPLAIN IMPROVEMENTS



OMJ REALTY, LLC

Salem, New Hampshire

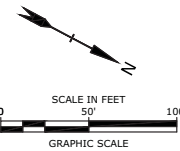
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ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

MARK	DATE	DESCRIPTION
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DATE:	11/16/2016	
FILE:	M17751-WI-201A-201C.dwg	
DRAWN BY:	NSC	
CHECKED:	JMP	
APPROVED:	BLM	

WETLAND IMPACT PLAN

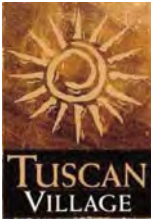
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C.201B



PERMIT DRAWINGS
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TUSCAN VILLAGE
FLOODPLAIN
IMPROVEMENTS



OMJ REALTY, LLC

Salem, New Hampshire

VERIFY SCALE

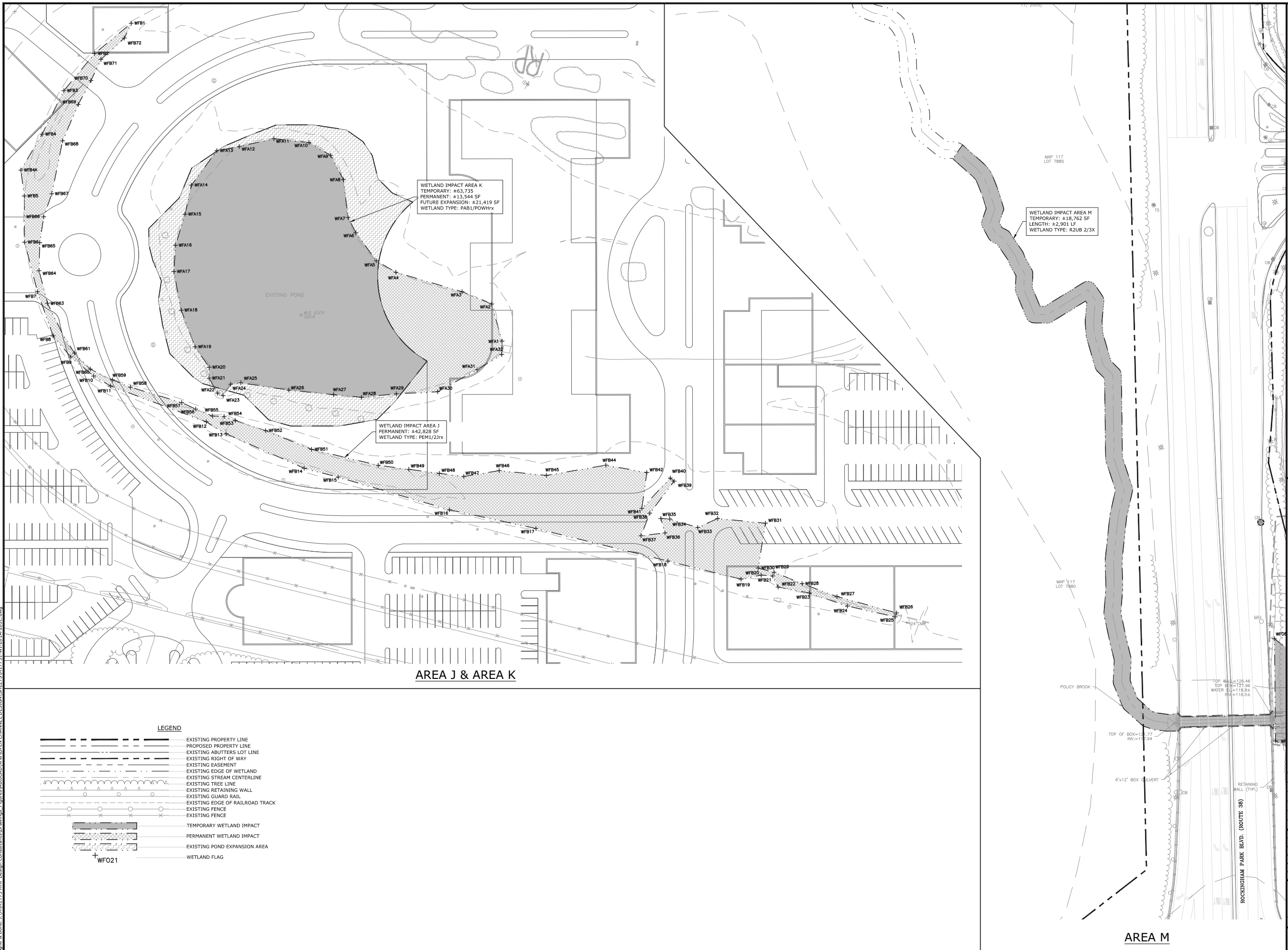
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IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

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DATE:	11/16/2016	
FILE:	M17751-WI-201A-201C.dwg	
DRAWN BY:	NSC	
CHECKED:	JMP	
APPROVED:	BLM	

WETLAND IMPACT PLAN

SCALE: AS SHOWN

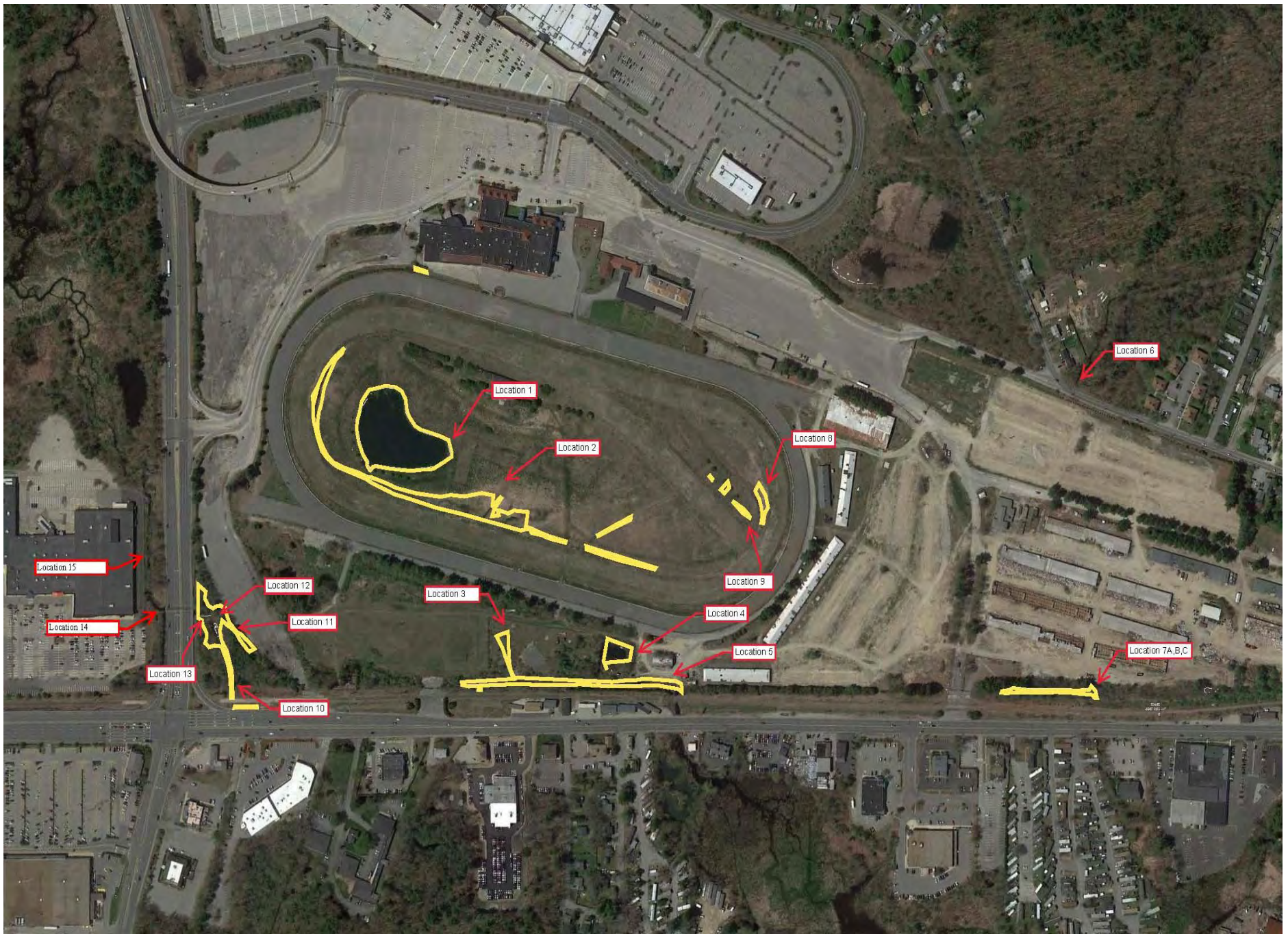
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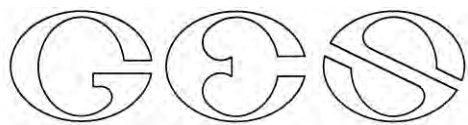
Jan Saved: 11/29/2016
Tighe & Bond: J:\M1775 MHF Design Consultants\Drawings: Figures\AutoCAD\ref\OPEN CHANNEL DESIGN\SHEETS\M17751-WI-201A-201C.dwg

Appendix A

Impact Area Photos



PHOTOGRAPH LOCATIONS



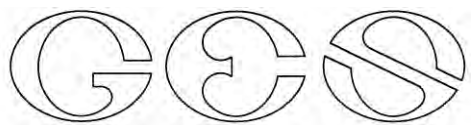
GOVE ENVIRONMENTAL SERVICES, INC.



Location 1: Looking at the rip rap banks of the pond in the center of the track by the pump house area.



Location 2: Looking at the wet meadow area that was previously used as a turf harvesting area to repair areas of the grass track



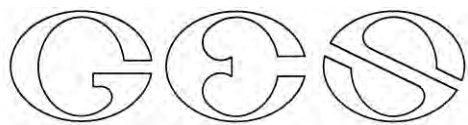
GOVE ENVIRONMENTAL SERVICES, INC.



Location 3: Small wetland area which drains into policy brook via an ephemeral stream channel



Location 4: The abandoned man made ponded area used for track maintenance



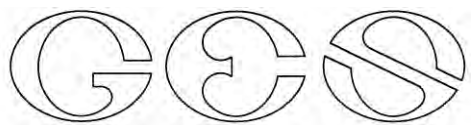
GOVE ENVIRONMENTAL SERVICES, INC.



Location 5: Looking at the area showing Policy Brook and the more retention of water rather than flow.



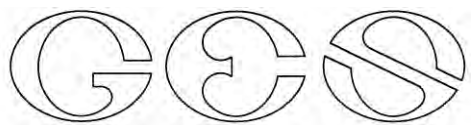
Location 6: Inlet of West Policy Brook to the outlet in location 7A



Location 7A: Area shows the lack of flow around a culverted area.



Location 7B: Water passageway to East Policy Brook silted in



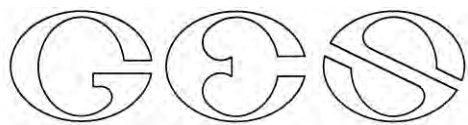
GOVE ENVIRONMENTAL SERVICES, INC.



Location 7C: Stagnant water in Policy Brook



Location 8: Area looking at a small wet meadow drainage.



GOVE ENVIRONMENTAL SERVICES, INC.



Location 9: Representative photo of drainage swales.



Location 10: Area showing a drainage swale from a culvert that originates off property.



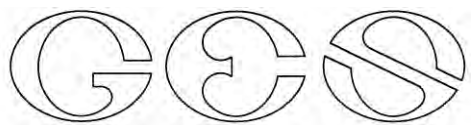
GOVE ENVIRONMENTAL SERVICES, INC.



Location 11: Area shows a small drainage adjacent to the parking lot to the south of the property.



Location 12: Looking at the basin area of the drainage swale from location 10



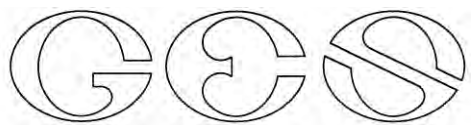
GOVE ENVIRONMENTAL SERVICES, INC.



Location 13: Flow of Policy Brook under RT 38



Location 14: Channel on other Side of Rt 38



GOVE ENVIRONMENTAL SERVICES, INC.



Location 15: Channel between Kohles Parking Area and Rt 38

Appendix B

Abutter Information

ABUTTERS & NOTIFICATION LIST
For
TUSCAN VILLAGE WETLANDS APPLICATION
MAP 98 LOTS 7887, 12502, 12507, 12542, & 12543
SALEM, NH
MHF #378715
AS OF 11/23/16

<u>MAP/LOT #</u>	<u>NAME & ADDRESS</u>
89/11106	OMJ REALTY, LLC 63 MAIN STREET SALEM, NH 03079
98/1116	GARY P. & SHARON K. BOUTIN 29 PLEASANT STREET APT. #1 SALEM, NH 03079
98/1115	RONALD R. KIMBALL 27 PLEASANT STREET SALEM, NH 03079
89/1114	MARK J. & TAMMY D. DUFRESNE 25 PLEASANT STREET SALEM, NH 03079
89/1113	MARK C. DELUCA, TRUSTEE DELUCA 2013 IRREVOCABLE TRUST 26 HAWKINS GLEN DRIVE SALEM, NH 03079
89/1112	ANDREW BURGOS STACIE LEVESQUE 21 PLEASANT STREET SALEM, NH 03079
89/1111	FREDERIC J. & CHRISTINE S. MCCARTHY 19 PLEASANT STREET SALEM, NH 03079
89/1110	JAMES & JENNI FENNELLY 17 LINDEN STREET WINCHESTER, MA 01890
89/1109	RUSSELL & GEORGETTE VAILLANCOURT 15 PLEASANT STREET SALEM, NH 03079
89/1108	COLLIN PATRICK SULLIVAN MARJORIE SULLIVAN 13 PLEASANT STREET SALEM, NH 03079
89/1107	WALTER A. & GERALDINE POWELL 11 PLEASANT STREET SALEM, NH 03079

ABUTTERS & NOTIFICATION LIST
For
TUSCAN VILLAGE WETLANDS APPLICATION
MAP 98 LOTS 7887, 12502, 12507, 12542, & 12543
SALEM, NH
MHF #378715
AS OF 11/23/16

89/1106	THOMAS J. SANTOS 26A CLINTON STREET SALEM, NH 03079
89/1105	LINDA NADEAU GOODWIN EDWARD GOODWIN 5 PLEASANT STREET SALEM, NH 03079
89/1101/1	JANICE L. HALE 9 CENTRAL STREET UNIT A SALEM, NH 03079
89/1101/2	9 CENTRAL STREET LLC P.O. BOX 1195 SALEM, NH 03079
89/1101/3	
89/1101/4	
89/1101/5	
89/1101/7	
151/12213	STATE OF NHDOT JOHN O'MORTON BUILDING ONE HAZEN DRIVE CONCORD, NH 03302
117/7885 127/8877	STATE OF NH P.O. BOX 483 CONCORD, NH 03301
117/7880	ROCKINGHAM 620, INC. C/O KIMCO REALTY CORP. 3333NEW HYDE PARK ROAD #100 NEW HYDE PARK, NY 11042
98/4076 98/4077	ARTHUR ROBICHAUD KATHERINE DEEB 50 PLEASANT STREET SALEM, NH 03079
98/4079	DAVID K. & BRENDA J. DIETRICH 46 PLEASANT STREET SALEM, NH 03079
98/4080	MESITI REAL ESTATE, INC. 99 CLINTON STREET CONCORD, NH 03301

ABUTTERS & NOTIFICATION LIST
For
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MAP 98 LOTS 7887, 12502, 12507, 12542, & 12543
SALEM, NH
MHF #378715
AS OF 11/23/16

117/8879

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LANCELOT COURT CONDOMINIUM
C/O MICHAEL MAVROGEORGE, ASSOCIATION MANAGER
2 LANCELOT COURT, APARTMENT 7
SALEM, NH 03079

BOARD OF DIRECTORS

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P.O. BOX 1133
LONDONDERRY, NH 03053

JEAN HIRSCH
166 NORTH MAIN STREET
SALEM, NH 03079

STAN BASTEK
P.O. BOX 1558
SALEM, NH 03079

KRISHNA PRASAD
8 LANSING DRIVE
SALEM, NH 03079

WILLIAM BURDIN
P.O. BO 44
WINDHAM, NH 03087

NH Wetlands Bureau Permit Application

Notice to Abutters

November 23, 2016

Gove Environmental Services c/o Brendan Quigley

79 Rockingham Park Boulevard, Salem, NH

Map 98 , Lots 7887, 12502, 12507, 12542, & 12543

Please be advised that OMJ Realty has made application to the New Hampshire Wetlands Bureau for Wetland impacts and stream restoration activities associated with the redevelopment of Rockingham Park in Salem, New Hampshire.

A meeting of the Salem Conservation Commission will be held in the Knightly Meeting Room at Salem Town Hall, 33 Geremonty Drive, Salem, NH, at 7:00 PM, on December 7, 2016 to review this application.

If you have any questions about this notice or wish to be advised of upcoming public hearings, please contact Brendan Quigley at 603-778-0644 or the Planning Department at the Salem Town Office at (603)890-2080.

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KEVIN HYNES

P.O. BOX 1133

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VAILLANCOURT
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SALEM, NH 03079

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COLLIN PATRICK SULLIVAN
MARJORIE SULLIVAN
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SALEM, NH 03079

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MCCARTHY
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SALEM, NH 03079

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JAMES & JENNI FENNELLY
17 LINDEN STREET
WINCHESTER, MA 01890

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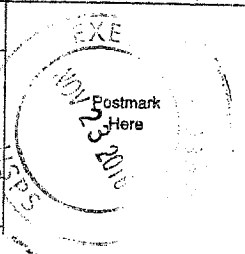
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SALEM, NH 03079

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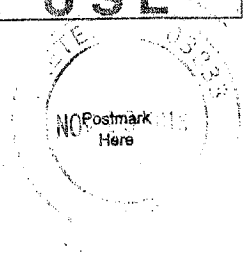
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ANDREW BURGOS
STACIE LEVESQUE
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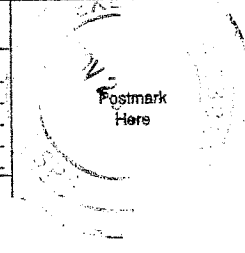
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OMJ REALTY, LLC
63 MAIN STREET
SALEM, NH 03079

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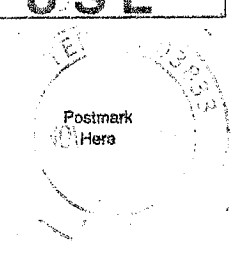
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MARK C. DELUCA, TRUSTEE
DELUCA 2013 IRREVOCABLE
26 HAWKINS GLEN DRIVE
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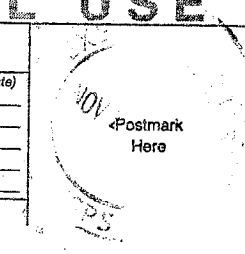
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Board of Directors
Lancelot Court Condominium
C/O Michael Mavrogeroge
21 Lancelot Court
Salem, NH 03079

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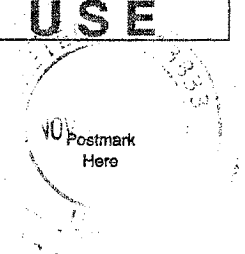
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CONCORD, NH 03301

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C/O KIMCO REALTY CORP.
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NEW HYDE PARK, NY 11042

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KATHERINE DEEB
50 PLEASANT STREET
SALEM, NH 03079

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7016 0750 0001 1374 6725

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ONE HAZEN DRIVE
CONCORD, NH 03302

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127/8877
STATE OF NH
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CONCORD, NH 03301

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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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STAN BASTEK P.O. BOX 1558 SALEM, NH 03079	
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<input type="checkbox"/> Adult Signature Required	\$
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Postage	
\$	
JEAN HIRSCH 166 NORTH MAIN STREET SALEM, NH 03079	
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<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
9 CENTRAL STREET LLC P.O. BOX 1195 SALEM, NH 03079	
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
RONALD KIMBALL 27 Pleasant St Salem, NH 03079	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7016 0750 0001 1374 6766

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
WILLIAM BURDIN P.O. BO 44 WINDHAM, NH 03087	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
KRISHNA PRASAD 8 LANSING DRIVE SALEM, NH 03079	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

\$

Total Postage and Fees

\$

89/1105

LINDA NADEAU GOODWIN

EDWARD GOODWIN

5 PLEASANT STREET

SALEM, NH 03079

Postmark
Here

See Reverse for Instructions

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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

\$

To 89/1101/1

JANICE L. HALE

9 CENTRAL STREET UNIT A

SALEM, NH 03079

Postmark
Here

See Reverse for Instructions

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☐ Adult Signature Required \$ _____
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Postage

89/1106

THOMAS J. SANTOS

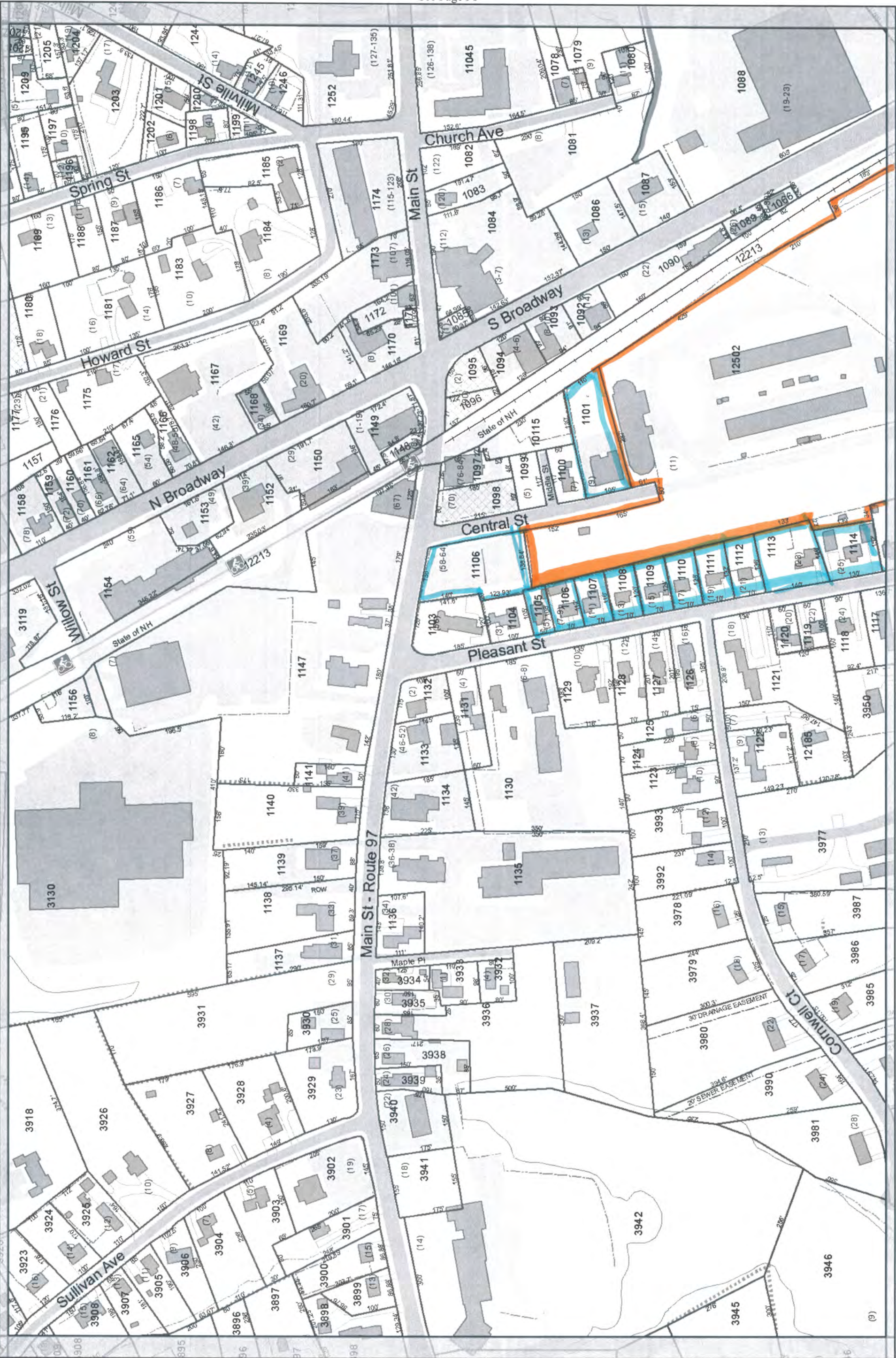
26A CLINTON STREET

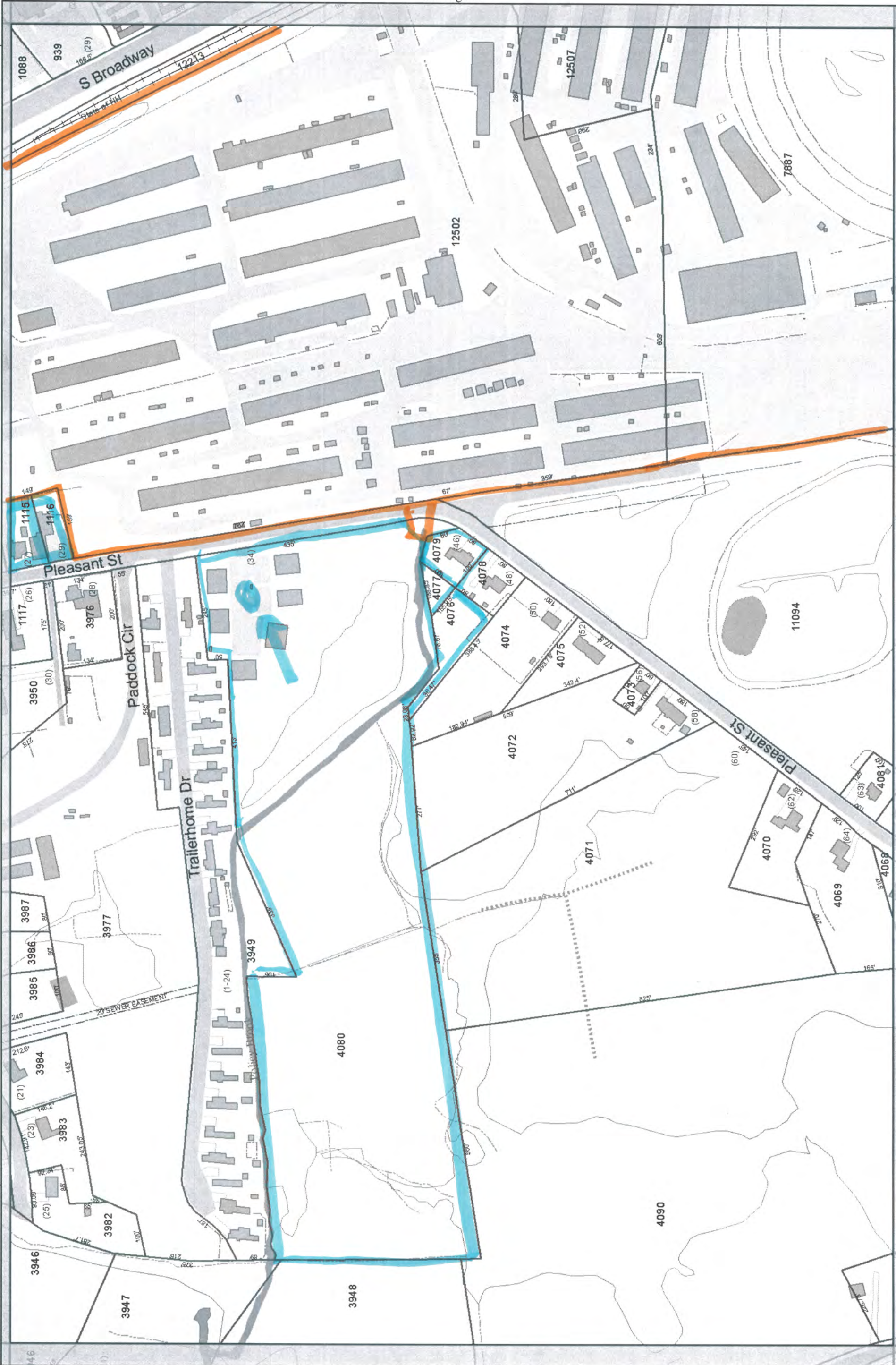
SALEM, NH 03079

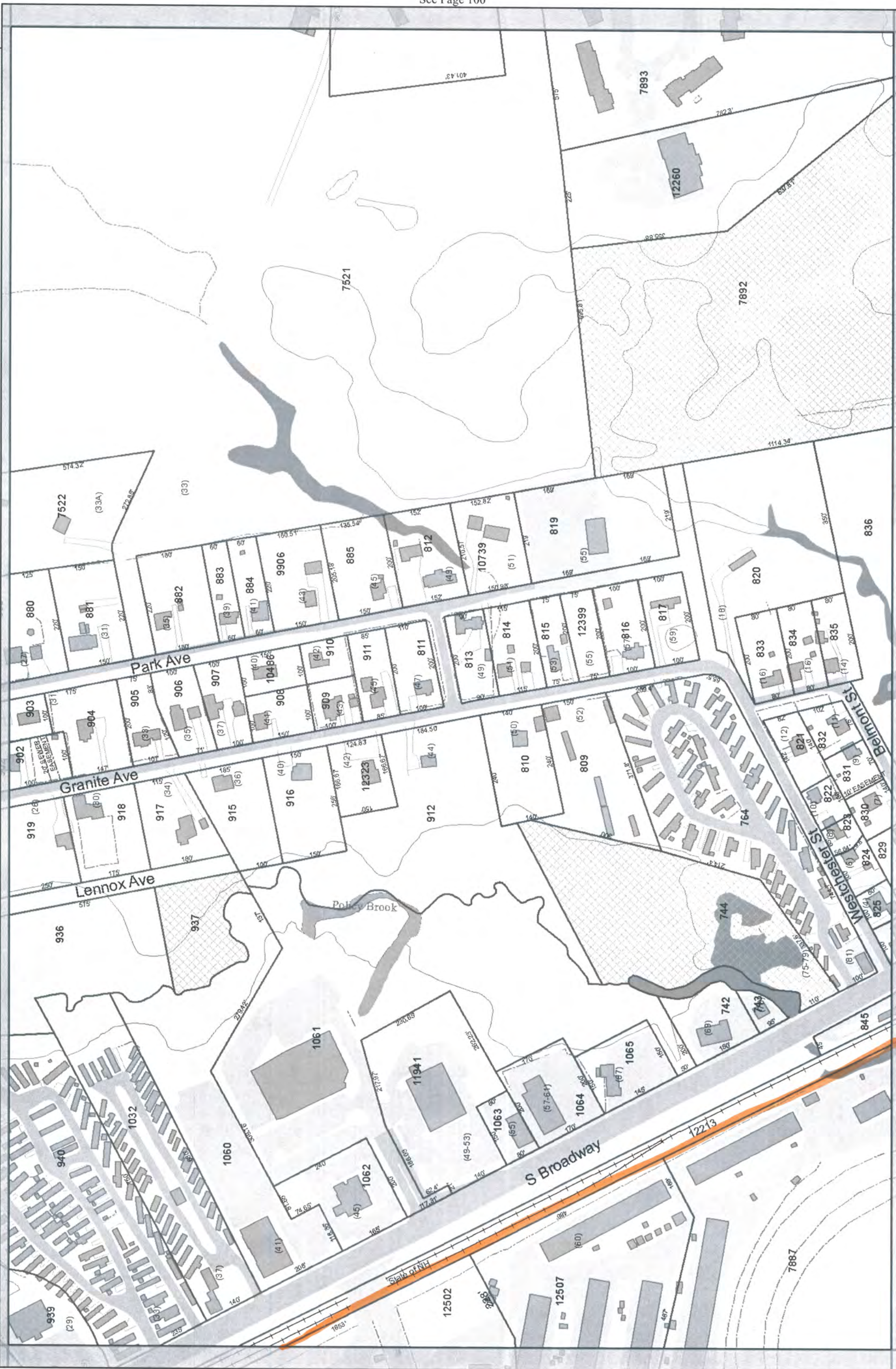
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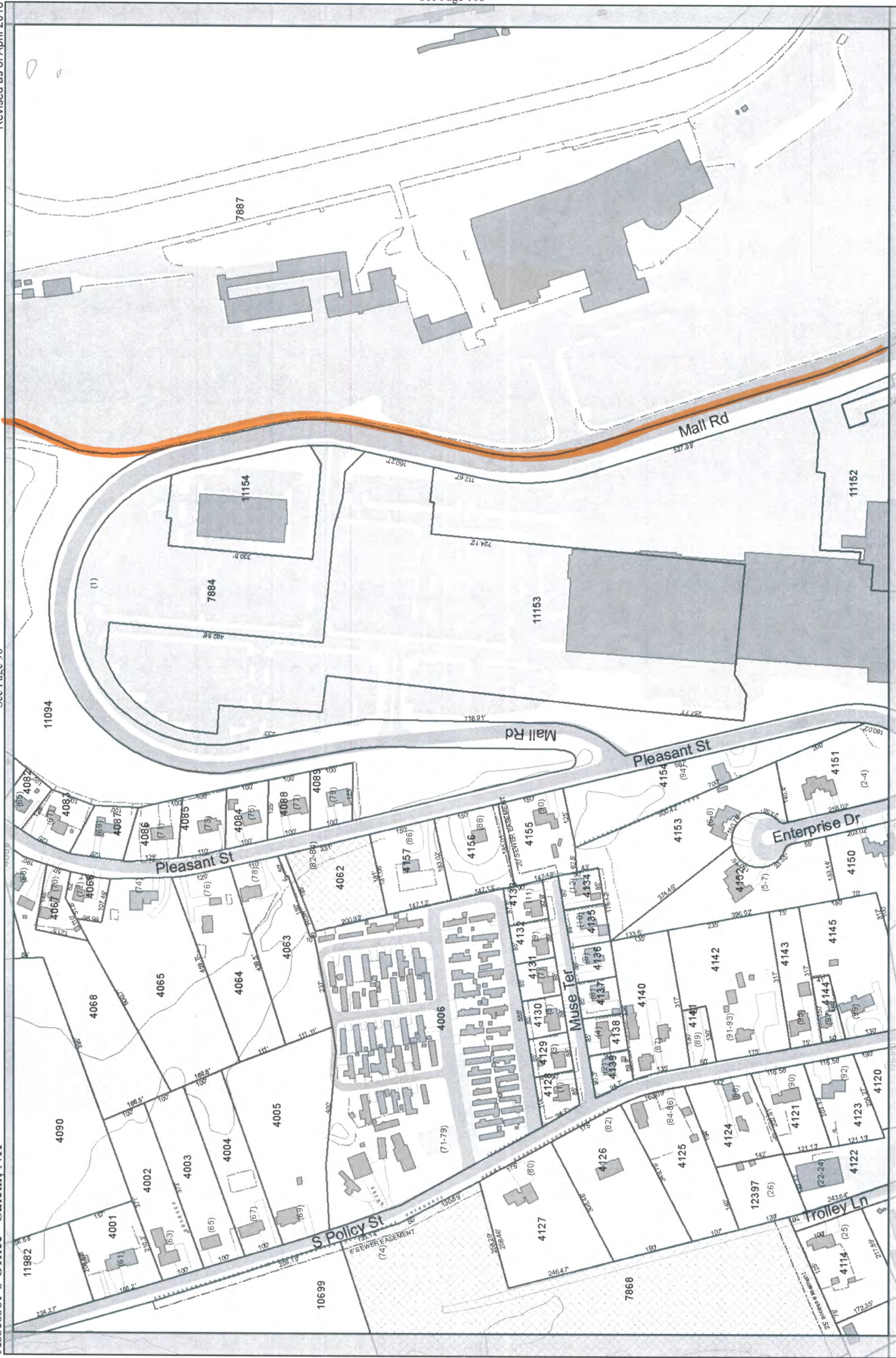
PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions















Appendix C

Agency Correspondence

Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Diane Pantermoller, MHF Design Consultants, Inc.
44 Stiles Road, Suite One
Salem, NH 03079

From: Amy Lamb, NH Natural Heritage Bureau

Date: 11/8/2016 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB16-3339

Town: Salem

Location: Tax Maps: Map 98 Lot 12502

Description: Demolishing of existing buildings/barns and construction of a new mixed use development.

cc: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: Please contact NH Fish & Game.

Vertebrate species

Spotted Turtle (*Clemmys guttata*)

State¹ Federal Notes

T --

Contact the NH Fish & Game Dept (see below).

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

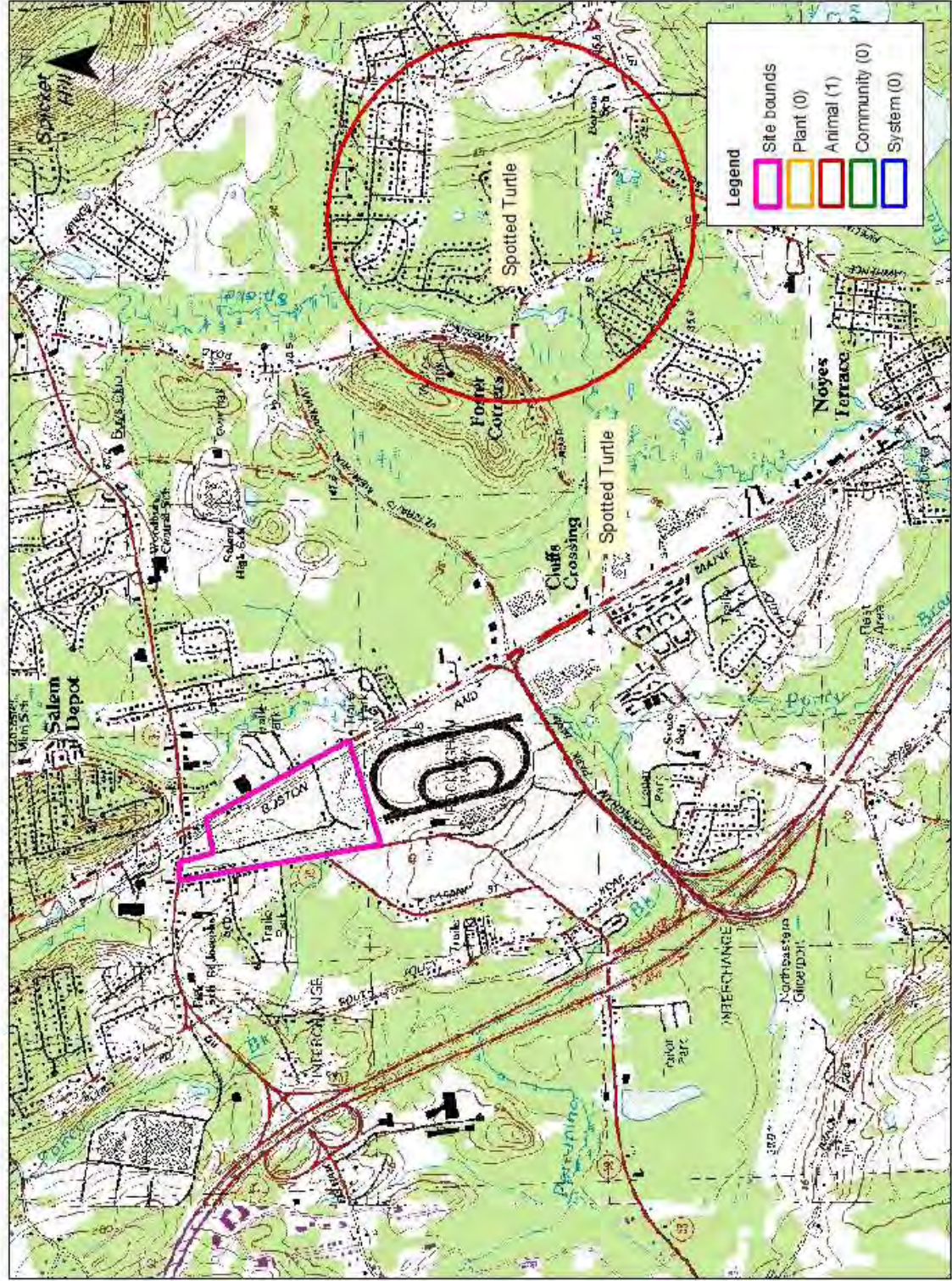
Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
172 Pembroke Rd.
Concord, NH 03301

NHB16-3339



New Hampshire Natural Heritage Bureau - Animal Record

Spotted Turtle (*Clemmys guttata*)**Legal Status**

Federal: Not listed
State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Fair quality, condition and/or landscape context ('C' on a scale of A-D).
Comments on Rank:

Detailed Description: 2004: Area 12184: 1 observed.1992: Area 9263: 1 female adult turtle observed.
General Area: 2004: Area 12184: Woods area. No known wetlands nearby.
General Comments:
Management
Comments:

Location

Survey Site Name: Cluffs Crossing
Managed By: Town of Salem Land

County: Rockingham
Town(s): Salem
Size: 493.7 acres Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: 2004: Area 12184: Less than 1/4 mile from intersection of Cole and Garrison Roads.1992: Area 9263: Rte 28 ca. 1 mile west of Rockingham Park.

Dates documented

First reported: 1992-06-09 Last reported: 2004-07-02

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street, Concord, NH 03301-3570

RECEIVED

JUN 23 2016

DHR Use Only	7873
R&C #	
Log In Date	6/23/16
Response Date	10/14/16
Sent Date	10/17/16

Request for Project Review by the New Hampshire Division of Historical Resources

- ☒ This is a new submittal
☐ This is additional information relating to DHR Review & Compliance (R&C) #:

GENERAL PROJECT INFORMATION

Project Title Tuscan Village

Project Location 79 Rockingham Blvd

City/Town Salem Tax Map 98 Lot # 12502

NH State Plane - Feet Geographic Coordinates: Easting 10101800 Northing 101332
(See RPR Instructions and R&C FAQs for guidance.) 1101800

Lead Federal Agency and Contact (if applicable) EPA
(Agency providing funds, licenses, or permits)
Permit Type and Permit or Job Reference # NPDES

State Agency and Contact (if applicable) NHDES, NHDOT

Permit Type and Permit or Job Reference # AoT, Wetland, driveway

APPLICANT INFORMATION

Applicant Name OMJ Realty

Mailing Address 63 Main Street Phone Number

City Salem State NH Zip 03079 Email

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company Nicole Duquette/MHF Design Consultants

Mailing Address 44 Stiles Rd, Ste 1 Phone Number 8930720

City Salem State NH Zip 03079 Email nid@mhfdesign.com

This form is updated periodically. Please download the current form at www.nh.gov/nhdhr/review. Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: www.nh.gov/nhdhr/review or contact the R&C Specialist at christina.st.louis@dcr.nh.gov or 603.271.3558.

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION

Project Boundaries and Description

- ☐ Attach the relevant portion of a 7.5' USGS Map (photocopied or computer-generated) *indicating the defined project boundary. (See RPR Instructions and R&C FAQs for guidance.)*
- ☐ Attach a detailed narrative description of the proposed project.
- ☐ Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- ☐ Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) *(Informative photo captions are requested.)*
- ☐ A DHR file review must be conducted to identify properties within or adjacent to the project area. Provide file review results in Table 1 or within project narrative description. *(Blank table forms are available on the DHR website.)*
- File review conducted on ____/____/____.

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area? ☐ Yes ☐ No

If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s):

- ☐ Photographs of *each* resource or streetscape located within the project area, with captions, along with a photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- ☐ If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)

Archaeology

Does the proposed undertaking involve ground-disturbing activity? ☐ Yes ☐ No

If yes, submit all of the following information:

- ☐ Description of current and previous land use and disturbances.
- ☐ Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

DHR Comment/Finding Recommendation This Space for Division of Historical Resources Use Only

☐ Insufficient information to initiate review. ☐ Additional information is needed in order to complete review.

☐ No Potential to cause Effects ☒ No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect

Comments: *Thank you for submitting an Inventory Form for Rockingham Park. While the property was important during the historic period, it has lost integrity and is not eligible for the National Register.*

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized Signature: *Michael Bonnet*

Date: *10-14-16*



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 03301
PHONE: (603)223-2541 FAX: (603)223-0104
URL: www.fws.gov/newengland

Consultation Code: 05E1NE00-2017-SLI-0329

November 22, 2016

Event Code: 05E1NE00-2017-E-00393

Project Name: Tuscan Village

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Tuscan Village

Official Species List

Provided by:

New England Ecological Services Field Office

70 COMMERCIAL STREET, SUITE 300

CONCORD, NH 03301

(603) 223-2541

<http://www.fws.gov/newengland>

Consultation Code: 05E1NE00-2017-SLI-0329

Event Code: 05E1NE00-2017-E-00393

Project Type: DEVELOPMENT

Project Name: Tuscan Village

Project Description: Tuscan Village is a 120 acre mixed use redevelopment of the former Rockingham Park Racetrack in Salem, NH. The project includes restoration of approximately 3000 linear feet of Policy Brook, currently within a pipe under the site.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Tuscan Village

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-71.22994422912598 42.78148023800909, -71.22127532958984 42.76944695016545, -71.22891426086424 42.76806076683786, -71.23037338256836 42.7702030370872, -71.23071670532227 42.77883437526645, -71.22994422912598 42.779023369211934, -71.23063087463379 42.78122825595247, -71.22994422912598 42.78148023800909)))

Project Counties: Rockingham, NH



United States Department of Interior
Fish and Wildlife Service

Project name: Tuscan Village

Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat (<i>Myotis septentrionalis</i>) Population: Wherever found	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: Tuscan Village

Critical habitats that lie within your project area

There are no critical habitats within your project area.

Appendix D
Wetland Delineation Data Forms

Appendix E

Function –Value Assessment Forms

Wetland Function-Value Evaluation Form

Total area of wetland see plans Human made? Yes Is wetland part of a wildlife corridor? No or a "habitat island"? limited

Adjacent land use Race track and developed commercial land use Distance to nearest roadway or other development race track within 200ft

Dominant wetland systems present PEM 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? _____

How many tributaries contribute to the wetland? none Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. Swales: B,C,D, E, F, G, H, M













Latitude 42.771 Longitude -71.225

Prepared by: BW Date August 2016

Wetland Impact:
Type see plans and permit application Area _____

Evaluation based on:
Office Yes Field Yes

Corps manual wetland delineation completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	Y	4,6,8		the areas are drainage swales
 Floodflow Alteration	Y	4,5,6,8,9,18	X	all areas being looked at are man-made drainage areas
 Fish and Shellfish Habitat	N			these areas are not associated with a watercourse
 Sediment/Toxicant Retention	Y	2,4,7	X	
 Nutrient Removal	Y	3,7,8,9,10,11	X	areas have dense emergent vegetation and recive drainage
 Production Export	Y	1,2,4,5,7		
 Sediment/Shoreline Stabilization	N			wetland isn't associated with a watercourse
 Wildlife Habitat	Y	8,13,17,19		the area was seen to have activity by several bird species
 Recreation	N			wetland areas occur on privet property and do not have access for recreation
 Educational/Scientific Value	N			wetland areas occur on privet property and do not have access for educational use
 Uniqueness/Heritage	N			the areas being observed are man made drainage areas for storm water management and are very common in NH
 Visual Quality/Aesthetics	N	2		Man made drainage areas for storm-water management
ES Endangered Species Habitat				
Other				

Notes: * Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Wetland I.D. POND: Wetland Flag Series A

Latitude Longitude

Prepared by: BQ/BW Date 9/14/16

Wetland Impact:
Type Area

Evaluation based on:
Office yes Field yes

Corps manual wetland delineation completed? Y x N













Total area of wetland Human made? Yes Is wetland part of a wildlife corridor? no or a "habitat island"? limited

Adjacent land use mowed field and commercial use Distance to nearest roadway or other development 300ft

Dominant wetland systems present POW/PAB4 Contiguous undeveloped buffer zone present no

Is the wetland a separate hydraulic system? If not, where does the wetland lie in the drainage basin?

How many tributaries contribute to the wetland? 0 Wildlife & vegetation diversity/abundance (see attached list)

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	Y	4,15		pond level is apparent water table
 Floodflow Alteration	N	5,6,7,8,9		
 Fish and Shellfish Habitat	Y	3,9,10,12	X	existing fish population and there were areas of fish bedding observed
 Sediment/Toxicant Retention	Y	3,4,5,12,13,		within large turf management area, used for irrigation
 Nutrient Removal	Y	2,3,5,7		within turf management area, the fine sandy bottoms allows for nutrient filtration
 Production Export	Y	1,4,5,6		osprey with nest on site uses the pond as a food source
 Sediment/Shoreline Stabilization	N	12,15,16		the shoreline bordering the upland area is almost entirely rip rap with herbaceous vegetation above
 Wildlife Habitat	Y	7,8,17,19,20,21	X	used by fish, birds and smaller mammals
 Recreation	N			the site is on privet property and has no access for recreational activity
 Educational/Scientific Value	N			the site is on privet property and has no access for educational use
 Uniqueness/Heritage	N	21		the pond is area is man made for irrigation , wildlife observation very limited and setting unnatural
 Visual Quality/Aesthetics	N			the pond is man made for irrigation within the race track
ES Endangered Species Habitat	N			none idnetified
Other				

Notes: * Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? **Yes** _____ Is wetland part of a wildlife corridor? **no** _____ or a "habitat island"? **limited** _____

Adjacent land use **Road, development** _____ Distance to nearest roadway or other development **300ft** _____

Dominant wetland systems present **R2UB2/4** _____ Contiguous undeveloped buffer zone present **no** _____

Is the wetland a separate hydraulic system? **No** _____ If not, where does the wetland lie in the drainage basin? **Mid** _____

How many tributaries contribute to the wetland? **0** _____ Wildlife & vegetation diversity/abundance (see attached list) _____

Wetland I.D. **POLICY BROOK (I,J, O)** _____

Latitude _____ Longitude _____

Prepared by: **BQ/BW** _____ Date **9/14/16** _____













Wetland Impact: _____

Type _____ Area _____

Evaluation based on: _____

Office **yes** _____ Field **yes** _____

Corps manual wetland delineation completed? **Y** x **N** _____

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	Y	4,15		perennial stream represents water table
 Floodflow Alteration	Y	5,7,9,12,13,15,16,17X		This function is severally degraded, restoration should be a primary goal
 Fish and Shellfish Habitat	Y	3,4,5,9,10,12		existing fish population likely but constrained by numerous crossing impediments
 Sediment/Toxicant Retention	Y	1,2,		currently very degraded, restoration opportunity
 Nutrient Removal	Y	4,5,		currently very degraded, restoration opportunity
 Production Export	N	1		currently very degraded, restoration opportunity
 Sediment/Shoreline Stabilization	N	12,15,16		the shoreline bordering the upland area is almost entirely rip rap with herbaceous vegetation above
 Wildlife Habitat	N			currently very degraded, restoration opportunity
 Recreation	N			the site is on privet property and has no access for recreational activity
 Educational/Scientific Value	Y			daylighting stream in development could provide educational oppotunity
 Uniqueness/Heritage	N	21		stream has been piped and diked
 Visual Quality/Aesthetics	N			stream has been piped and dicged
ES Endangered Species Habitat	N			none idenetified
Other				

Notes: _____

*** Refer to backup list of numbered considerations.**

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? **YES** _____ Is wetland part of a wildlife corridor? **NO** _____ or a "habitat island"? **NO** _____

Adjacent land use **developed** _____ Distance to nearest roadway or other development **0** _____

Dominant wetland systems present **POW/PEM3** _____ Contiguous undeveloped buffer zone present **0** _____

Is the wetland a separate hydraulic system? **YES** _____ If not, where does the wetland lie in the drainage basin? _____

How many tributaries contribute to the wetland? **none** _____ Wildlife & vegetation diversity/abundance (see attached list) _____

Wetland I.D. **K** _____













Latitude _____ Longitude _____

Prepared by: **BW/BJQ** Date **9/14/16**

Wetland Impact:
Type _____ Area _____

Evaluation based on:
Office **X** Field **X**

Corps manual wetland delineation completed? **Y** **X** **N** _____

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	N	4,15		pond is in water table
 Floodflow Alteration	N			the area is dug pond for irrigation/ dust control water
 Fish and Shellfish Habitat	Y	10,12	X	fish are present within the pond
 Sediment/Toxicant Retention	N			minimal/no drainage reaches this area
 Nutrient Removal	N			minimal/no drainage reaches this area
 Production Export	N	1,2,6		Area is mostly fenced in and restricted to wildlife
 Sediment/Shoreline Stabilization	N			the area is mostly stoned for stabilization when it was created
 Wildlife Habitat	Y	19,20		only amphibians and some fish have been seen to use the ponded area
 Recreation	N			the area does not have access for recreation
 Educational/Scientific Value	N			the area does not have access for education
 Uniqueness/Heritage	N			Man-made pond with pump house for dust control on track
 Visual Quality/Aesthetics	N			The area is man made and in decreped state
ES Endangered Species Habitat	N			none identified
Other				

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

Appendix F
Technical Memoranda, Tighe&Bond
(under separate cover)

Appendix G
Site plans
(under separate cover)