



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



October 20, 2022

Exeter Rose Farm, LLC  
Attn: Mr. Todd Baker  
953 Islington Street, #23D  
Portsmouth, New Hampshire 03801  
(sent via email to: todd@bakerprop.com)

Re: Exeter Rose Farm

**Permit: AoT-2188A**

Original permit issued on July 5, 2022

Dear Mr. Baker:

Based upon an application for an amendment to AoT-2188, we are hereby amending RSA 485-A:17 Alteration of Terrain Permit AoT-2188. The amended permit is AoT-2188A adds two residential lots on the corner of Forest and Wadleigh Streets to the original approved plan set. The permit is subject to the following conditions:

**PROJECT SPECIFIC CONDITIONS:**

1. The plans titled *Site Development Plans, Residential Lots, 7 & 5 Wadleigh Street, Exeter New Hampshire* by TF Moran, last revised September 21, 2022, and supporting documentation in the file are part of this approval. The plans titled *Subdivision Plans, An Open Space Development, "Exeter Rose Farm"* by TF Moran, last revised June 21, 2022, and supporting documentation in the file are also part of this approval. The project must be constructed as shown on the approved plans.
2. **This permit expires on July 5, 2027.** No earth moving activities shall occur on the project after this expiration date unless the permit has been extended by the Department. If an extension is required, the request must be received by the department before the permit expires. The Amendment Request form is available at: <https://www.des.nh.gov/land/land-development>.
3. The project is to be phased as shown on Sheet C-72 of the plans. Each phase shall be stabilized pursuant to Env-Wq 1505.04 before disturbance of subsequent phases.
4. The Permittee shall comply with all recommendations by the New Hampshire Fish and Game Department related to state or federally listed threatened or endangered species that are incorporated into the project plans, and as stipulated within *New Hampshire Fish and Game (NHFG) Alteration of Terrain Permit Conditions for Threatened and Endangered Species* on Sheet C-52C of the approved project plans for AoT-2188.
5. A parcel described on the Overall Open Space Subdivision Plan (Sheet C-04C) as Recreation Area 1, Conservation Land (6.31 acres) shall be deeded to the Town of Exeter as conservation land with provisions as described in the warranty deed received by the Department on June 23, 2022. This permit is not valid and effective until the warranty deed is recorded with the Rockingham County Registry of Deeds. Prior to starting construction activities, a copy of the recorded warranty deed shall be submitted to the Department.
6. Restrictive covenants as described in Declaration of Restrictions For Exeter Rose Farm Subdivision, Exeter, New Hampshire, and as described in Declaration of Covenants, Easements, and Restrictions of Exeter Rose Farm Subdivision – An Open Space Development And Exeter Rose Farm Subdivision Homeowners Association (collectively "Documents"), as both documents received by the Department on June 23, 2022, shall be recorded with the Rockingham County Registry of Deeds by the permittee. This permit is not valid

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and effective until the Documents are recorded. Prior to starting construction activities, the permittee shall provide a copy of the recorded Documents to the Department.

7. Easements and responsibilities as described in *Reciprocal Drainage and Rain Garden Maintenance Easement Agreement* for Tax Map 63, Lot 206 and Tax Map 63, Lot 207- 1, as stated in documents received by the Department on October 18, 2022, shall be recorded with the Rockingham County Registry of Deeds by the permittee. This permit is not valid and effective until the Documents are recorded. Prior to starting construction activities, the permittee shall provide a copy of the recorded Documents to the Department.

8. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2) and submit revised plans or an application to amend the permit as necessary.

9. A qualified engineer shall submit stamped reports of their observations of the installations of the porous pavement and gravel wetland systems, with representative photos, within 7 days of each system's completed construction. The reports shall be submitted to [bethann.m.mccarthy@des.nh.gov](mailto:bethann.m.mccarthy@des.nh.gov), and shall describe, at a minimum, whether the systems are being constructed in accordance with the approved plans, identify any deviation from the approved plans or any other noted deficiencies, and specifically include:

- a. For construction of the gravel wetlands: observations during installation of all impermeable liners, placement of underdrains, stone courses and outlet structures.
- b. For construction of the porous pavement: observations during placement of the filter course and asphalt courses, results of infiltration testing of the filter course, and documentation of satisfactory fulfillment of quality control and quality assurance requirements as detailed on design plan sheet C-66.

10. The permittee, its heirs, successors and assigns shall have the responsibility to inspect, maintain and repair the stormwater BMPs, pursuant to Env-Wq 1507.07 and Env-Wq 1503.24 for as long as the stormwater practices are reasonably expected to be used. Successors include the Exeter Rose Farm Subdivision Homeowners Association and individual lot owners in the Exeter Rose Farm Development.

#### **GENERAL CONDITIONS:**

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. You must submit revised plans for permit amendment prior to any changes in construction details or sequences. You must notify the Department in writing within ten days of a change in ownership.
3. You must notify the Department in writing prior to the start of construction and upon completion of construction. Forms can be submitted electronically at: <https://www.des.nh.gov/land/land-development> . Paper forms are available at the referenced web address.
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents>
5. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved

plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2) and submit revised plans or an application to amend the permit as necessary.

6. No activity shall occur until a Wetlands Permit is obtained from the Department. Issuance of this permit does not obligate the Department to approve a Wetlands Permit for this project.

7. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have not been surveyed in detail, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence regarding state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bethann McCarthy".

Bethann McCarthy, P.E.  
Alteration of Terrain Bureau

ec: Exeter Planning Board ([dsharples@exeternh.gov](mailto:dsharples@exeternh.gov))  
Exeter-Squamscott River Local Advisory Committee (Theresa Walker [theresawalker@comcast.net](mailto:theresawalker@comcast.net))  
Jack McTigue, PE, TF Moran  
Melissa Winters, NH Fish & Game Department