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January 7, 2014

Mr. Kirk Stenersen, Chair  
Town of Rindge Planning Board  
30 Payson Hill Road  
Rindge, NH 03461

Re: Major Site Plan for Wal-Mart Real Estate Business Trust ("Wal-Mart"), Tax Map 6, Lot 98 at 750 U.S. Route 202

Dear Chairman Stenersen and Members of the Planning Board:

Our firm represents Hannaford Bros. Co. ("Hannaford"), the owner of Tax Map 6, Lot 99 at 752 U.S. Route 202, which directly abuts the Wal-Mart property. At the hearing on December 3, 2013, Hannaford's engineer, Robert Duval, P.E., stated that Wal-Mart's proposed bio-retention and underground water storage systems do not meet the standards for storm water runoff volumes required by Section 5(D) of the Wetland Ordinance. The chair of the Planning Board stated that because the proposed expansion will no longer physically intrude on the existing wetlands or the buffer, the Wetlands Ordinance is not implicated. See Page 6 of the draft December 3, 2013 Minutes.

We respectfully disagree, and submit this letter to summarize and supplement the record on this issue. Section 5(D) states as follows: "No net increase in peak flow or *overall volume* of storm water runoff into Surface Waters or Vegetated Wetlands as a result of *any development* shall be allowed: Calculations to be based on a 25 year storm event". (Emphasis added). The developed site under consideration contains significant filled wetlands, man-made wetlands and natural wetlands. The "overall volume of storm water runoff" from the 25-year storm event into on- *and* off-site vegetated wetlands will be increased. In fact, some of the mitigation from the original development, which will receive the increased volume of runoff, is also located on Hannaford's property.

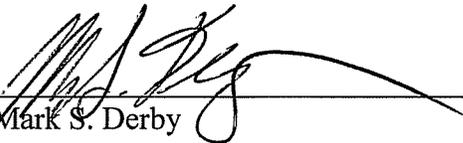
We therefore believe it was error not to hold Wal-Mart's proposed bio-retention and underground water storage system to the standards set forth in Section 5(D) of the Wetlands Ordinance.

Thank you again for your time and your attention to this matter.

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Very truly yours,

CLEVELAND, WATERS AND BASS, P.A.

By:  \_\_\_\_\_  
Mark S. Derby

MSD/  
cc: Peter Imse, Esquire (via e-mail)  
Hannaford Bros. Co.