



PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex

33 Wakefield Street

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 330-0023

Web Site: www.rochesternh.net

Planning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

December 8, 2020

Robert Magnusson
Waste Management of NH, Inc.
30 Rochester Neck Road
Rochester, NH 03839

Re: Site plan to construct the Rochester Materials Recovery Facility with associated parking areas and stormwater management. Case# 267 – 3 – RI – 20

Dear Applicant:

This is to inform you that the Rochester Planning Board at its December 7, 2020 meeting **APPROVED** your application referenced above.

"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

Precedent Conditions [Office use only. Date certified: _____; CO signed off? _____;

As- Builts received? _____; All surety returned? _____]

The Planning Board hereby grants the following waivers:

1) Site Plan Regulations 20.2(P)(5)(a) requires setbacks for the front foundation face of any building and/or permanent vehicle storage or materials storage facilities as recycling and material recovery facilities shall be 100 feet from City-owned rights-of-way. Normal parking entrances and accesses are permitted within this setback, but permanent overnight truck or equipment parking is prohibited. In the event an alternative screen or buffer is approved by the Planning Board, this setback may be reduced. A small portion of the proposed structure is shown to encroach on this 100 foot setback, thus a waiver is requested.

The Planning Board grants this waiver because the encroachment is small, this area is currently disturbed and used by Waste Management, and there is existing vegetation between this area and the road.

2) Site Plan Regulation Article III, Section 10(A) requires that the minimum number of designated off street parking spaces shall be provided on each site based upon the type of use, as shown in the table below. The applicant is not proposing to stripe all the parking spaces, thus a waiver is requested.

The Planning Board grants this waiver because the use requires few employees and is not open to the public. Additionally, the proposal includes a vast amount of pavement, where parking could occur if the need arises.

3) Site Plan Regulations Article III, Section 15 Part (D)(1) requires that all electric, telephone, television and other communication lines and structures shall be placed underground throughout the site including utilities extended onto the site from existing poles near the site. The applicant is proposing overhead electric / cable / phone, thus a waiver is requested.

The Planning Board grants this waiver because of the unique location of the lot – it is surrounded by landfill oriented uses and as such is not an area where aesthetic values are high.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Department. Certification of the plans is required prior

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Department. Certification of the plans is required prior to issuance of a building permit or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

*Please note** If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval – by June 7, 2021 - the board's approval will be considered to have lapsed and resubmission of the application will be required. It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

1) Plan modifications. The plan drawings are to be modified as follows:

- a) Add the subject Map & Lot numbers to the title block.
- b) Construction entrance as shown on Sheet 5 of 24 to be constructed from 3-inch coarse aggregate.
- c) As shown on Sheet 7 of 24: Consider installation of an air blow-off hydrant at Sta 16+00.
- d) As shown on Sheet 20 of 24: Detail #4 proposed 10" x 8" PVC reducer to be restrained, proposed PVC coupling seems unnecessary. Please either explain for provide.

- e) As shown on Sheet 20 of 24: Detail #6 fire hydrant to indicate non-draining type or plugged. Please update.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) None at this time.
- 3) Please provide state regulatory documentation as it relates to proposed MRF relocation site that precludes the use of infiltration BMP's within its groundwater management zone (GMZ) if applicable.
- 4)# State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 5) Current Use. The subject property or a portion of it is not in Current Use.
- 6) Inspections. The applicant must sign the Agreement for Payment of Inspection Fees and make a cash deposit to cover the expected costs of inspections, in an amount that is determined by the Public Works Department. (The inspections will be conducted by the City of Rochester Public Works Department or its designee. The applicant must pay for inspections – at an hourly rate as determined by the Public Works Department – of the site, including all new infrastructure serving the site).
- 7) Pre-Construction Meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 8) Other Permits. All required state and federal permits must be obtained – including any water and sewer, as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 9) Drainage Maintenance. If applicable, a drainage maintenance agreement approved by the Department of Public Works must be executed. In order to comply with the Stormwater Management IOP Manual, the Department of Public Works staff shall be allowed periodic access to the parking areas for inspections related to the annual stormwater infrastructure report compiled for the City Engineer.
- 10) Final Drawings. (a) three sets of large black-line plus (b) one set of 11"x17" final approved site plan drawings plus (c) one electronic version by pdf or flash drive must be on file with the City. *Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the site plans.* (The applicant need only submit additional black-line sets of drawings or individual sheets, as needed to make four complete sets – consult the Planning Department). At the discretion of the Planning Department minor changes to drawings (as required in precedent condition, above) may be marked by hand.
Note: If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings. Once the plan is recorded at the Registry of Deeds, submit two 11" x 17" recorded copies of the plan.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) Prior to issuance of a Certificate of Occupancy, the applicant and Planning Department staff shall meet on site to determine if the existing vegetation between Rochester Neck Road and this facility is sufficient, or if two-three additional trees are needed.
- 2) Prior to issuance of a building permit for this lot the applicant is to provide backflow device(s) and water metering specifications / plans for domestic and fire service connections. Hazard classification of all backflow devices are as determined by the Department of Public Works.
- 3) At the time of the building permit submittal, the applicant is to provide adequate information with respect to facility operations as it relates to required water use, fire suppression system type and any intended need for process water so that the Department of Public Works can determine hazard classification for proposed devices related to cross-connection control. Prior to the Certificate of Occupancy, inspection and testing of devices related to cross-connection control is required.
- 4) Coordinate the following with the Deputy Police Chief: For emergency purposes the gate should be accessibly controlled by radio frequency (i.e. – if emergency personnel needed access after-hours the gate could be opened by Police radio frequency).
- 5) Applicant must follow the approved Stormwater Management Plan and Installation, as well as the Operation and Maintenance (IOM) Plan submitted. Department of Public Works staff shall be allowed periodic access to the parking areas for inspections related to the annual stormwater infrastructure report compiled for the City Engineer.
- 6) Impact Fees. Impact fees apply to this development; the amount will be determined based on the square footage in the building permit application or as-built plans. The fees must be paid at the time of the issuance of a Certificate of Occupancy.
- 7) Prior to Certificate of Occupancy, Surveyor is to submit a signed letter to the Planning Department stating that the new lot corner monuments have been set and that reference pins have been set on all easement bounds.
- 8)# Site Work. **No site work may be undertaken until: a) all of the precedent conditions are met; b) the pre-construction meeting with City Staff has taken place; c) the limits of the proposed tree line are marked; and d) all appropriate erosion and sedimentation control structures are in place.** These erosion and sedimentation control measures and the orange fence must be in place prior to the pre-construction meeting in order that they may be inspected at the meeting. Contact the City of Rochester Planning Department to arrange for the pre-construction meeting.
- 9) Construction Cost Estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency. Costs for items not specifically addressed in the Surety Schedule will be based on 1) City standards, 2) NH DOT weighted averages, 3) industry standards, or 4) contractor estimates.

- 10) Performance Guarantee. The applicant, prior to issuance of a building permit or beginning site work, shall provide site improvement and restoration security. The **performance guarantee** shall be an amount equal to 10% of the approved Construction Cost Estimate (including a 10% contingency) to ensure the proper and timely completion of site work and site restoration within the development. Before the subdivision/site plan can be recorded, lots deeded to third parties, or structure occupied the applicant shall provide a cost estimate of remaining site work including labor, and provide the City with a security equal to 110% of the estimated cost for remaining site work. (Any existing surety being held at this time may be considered toward this amount). This amount shall include preparation of as-built plans. Construction Cost Estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency. Costs for items not specifically addressed in the Surety Schedule will be based on 1) City standards, 2) NHDOT weighted averages, 3) industry standards, or 4) contractor estimates.
- 11) Erosion Control. If needed as determined by the City Engineer, all erosion and sedimentation control structures must remain in place and be maintained until vegetation is established or ground surface is suitably stabilized. Note that the filter fabric on silt fences must be buried at least 12" below the ground surface in order to function properly. Best management practices must be followed for wetlands protection.
- 12) As-Built. Three sets of full size (measuring at least 22"x34") or black line paper plus one set of 11"x17" plus one digital pdf copy of the **as-built site plans** (or "record drawings") stamped and signed by the Engineer or Surveyor are to be submitted to the Planning Department **prior to issuance of the Certificate of Occupancy** (or use/occupancy of the site where no CO is required). The as-built drawings must include the following language or equivalent: "This as-built drawing substantially conforms with the final plans approved by the City of Rochester Planning Board and certified by the Planning and Development Department except for the following significant modifications: ...". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter. The Department relies on the good judgement and good faith of the Engineer/Surveyor in determining which modifications should be considered significant (for example, minor adjustments in locations of plant materials would not be significant whereas relocation of a catch basin would be).
- 13) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 14) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
- 15) Violations. In the event of any violations of these conditions of approval or of any pertinent local, state, or federal laws – such as those regarding erosion and sedimentation control, wetlands, stormwater management, and general site development standards – the City of Rochester reserves the right to take any appropriate permissible action, including, but not limited to, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.

- 16) Other Permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project. Contact the City of Rochester's Building, Zoning, and Licensing Department at 332-3508 regarding building permits. Please also contact the City of Rochester Fire Department at 330-7182 to ensure that the proposed building meets all Fire Codes. Finally, please contact the Department of Public Works for any stormwater, sewer, or water permits or fees that are required.
- 17) **APPEALS PROCESS:** Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the Zoning Board of Adjustment pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

Sincerely,


Shanna B. Saunders,
Director of Planning & Development

cc: Sanborn, Head & Assoc.
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