



PLANNING & DEVELOPMENT DEPARTMENT
City Hall - Second Floor
31 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

May 8, 2013

Waste Management of NH, Inc.
PO Box 7065
Rochester, NH 03866

Re: Soil borrows to support on-site construction and operations activities.
Case# 267 – 2/262 – 22 –14 – 13

Dear Applicant:

This is to inform you that the Rochester Planning Board at its May 6, 2013 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: _____; As-Built received? _____;
Surety required? _____; surety returned? _____]

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 November 6, 2013 - 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 notes. Add the following notes (or equivalent) to the plan drawings:
- a) "All on site activity is restricted to the hours of 7:00am to 5:00pm, Monday through Friday, and 7:00am to 2:00pm Saturday."
 - b) "An orange construction fence must be placed alongside the wetland buffer prior to the start of construction (this is not required if the required silt fence is orange)."
 - c) "The applicant shall obtain all necessary blasting permits from the City of Rochester Fire Department."
 - d) "No fuel (other than fuel trucks) and no hazardous materials may be stored on site."
 - e) "A copy of this Notice of Decision must be posted on site."
 - f) "The applicant must remain in compliance with all applicable provisions of RSA 155E."
 - g) "Removal of vegetation shall be limited to those areas where there is an immediate need for materials to be removed."
 - h) "During excavation a site walk will be conducted by the pit operator and the City engineer on the first Monday of August each year the pit is in operation. The inspection will be to determine that the un-restored area is in compliance with the bond amount previously set forth. If it is determined that the area exceeds the amount of bonded undisturbed area the operator will have 60 days to bring the undisturbed area back into compliance and/or adjust the surety amount accordingly."

If no action is taken within the 60 days by the operator then the pit operator will be ordered to cease the export of any material until the area is brought to compliance. The pit operator will also be given notice that if no action is taken by the anniversary of the August inspection that the City will have the right to call the surety and the excavation permit will be revoked.

Upon completion of the excavation the operator will have one year to complete all remaining restoration as outlined on the approved plans and provide the City with as-built drawings. If, at any time, a period of 12 months passes during which no significant activity occurs on the site and during which the site remains as an un-reclaimed pit, then the City of Rochester may declare the site abandoned, call the surety, and reclaim the site, as appropriate."

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

None at this time

- 3) Place surety for reclamation and as-builts in an amount approved by the City Engineer.
- 4) A copy of the AOT permit must be supplied to the City of Rochester Planning Department.
- 5)# 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 primarily condition of erosion and sedimentation control devices).
- 6) The pre-construction (excavation) meeting agreement is to be signed by the property owner.
- 7) the subject property is presently in Current Use. The applicant must provide to the City of Rochester Assessing Department a revised current use map and/or any other items needed to assure that the requirements of RSA 79-A and the New Hampshire Department of Revenue's Administrative Rules are satisfied. Contact the Assessing Department at 332-5109 with any questions. It will facilitate the process for you if you contact the department well in advance of commencing the project.
- 8) If applicable, a drainage maintenance agreement approved by Public Works must be executed.
- 9) An intent to excavate application must be filed with the City Assessor.
- 10) (a) One set of mylar plus (b) five sets of large blue-line or black-line plus (c) one set of 11"x17" final approved site plan drawings 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 plans.* (The applicant need only submit additional blue-line/black-line sets of drawings or individual sheets, as needed, to make five 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. (The primary set of plans was last received August 18, 2009).

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) The schematic future development plan included in the application is for conceptual purposes only.
- 2) # **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 prominent orange fence along the edge of the wetland buffer, if any are present (referred to in precedent conditions, above) is installed; 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 Planning Department to arrange for the pre-construction meeting. However, the applicant may commence cutting of vegetation from the site immediately provided that no bare ground is exposed prior to meeting these conditions herein.
- 3) 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.
- 4) Five sets of full size (measuring at least 22"x34) blue line or black line paper plus one full size mylar plus 1 set of 11"x17" plus one digital 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 upon completion of the excavation. The as-built drawing 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 judgment 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).
- 5) The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 6) 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.

- 7) Please note. 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, storm water 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 building permits, withholding of certificates of Occupancy, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
- 8) 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 Building Safety/Code Enforcement 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.
- 9) Please note that RSA Chapter 79 – Forest Conservation and Taxation specifies requirements for the removal of timber or wood from a property. Please contact the City of Rochester Assessing Office at 332-5109 if Chapter 79 applies to any intended cut or if you have any questions about any intended cut. It is the property owner's responsibility to ensure compliance with Chapter 79. RSA 79.1 II. (b) (5) states *"The following persons shall not be required to file an intent to cut or be subject to the tax imposed by this chapter...[a] person who cuts or causes to be cut, within the tax year, up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips, from the person's own land within a municipality, for land conversion purposes other than timber growing and forest uses, provided that those persons intending to convert the use of the land have secured all required permits including, but not limited to, building permits, subdivision or zoning permits, excavation permits, or site plan approvals, as necessary for the use to which the land will be converted, and are able to furnish proof of such permits."*

(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,



James Campbell,
Chief Planner

cc: Sanborn, Head & Associates
File