



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

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Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF DECISION

July 15, 2010

Anne B. Reichert, P.E.
Waste Management of New Hampshire, Inc.
P.O. Box 7065
Gonic, NH 03839

RE: Site Plan Application for Leachate Treatment Systems Upgrades. Case # 267-3-14-10

Dear Ms. Reichert:

This is to inform you that the Rochester Planning Board at its July 12, 2010 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. The requested waiver(s) and conditional use were _____

Precedent Conditions

[Office use only. Date certified: _____; CO signed off _____; As-built's received? _____; All 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 12 calendar months to the day of the board's approval - by July 12, 2011 - 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. **Also, a building permit must be issued and substantially acted upon within 1 year of plan**

certification or the Planning Board approval is considered null and void. See RSA 674:39 on vesting.

- 1) Add the following notes (or equivalent) to the plan drawings:
 - a) "Access into the site for fire apparatus must be maintained at all times during the construction process. This is the sole responsibility of the applicant/developer to maintain this access. Please contact the Fire Department at 330-7182 with any questions about access requirements".
 - b) "This development must be in compliance with all applicable law – including all pertinent provisions of the City of Rochester Site Plan Regulations – unless otherwise waived".
 - c) "If this project proposes to disturb over one acre of existing ground cover at a time and meets other specific requirements related to permit criteria for EPA NPDES compliance, then the Contractor is responsible for development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), submission of a Notice of Intent (NOI) to EPA, inspection and maintenance of sediment control measures, documentation of maintenance activities, and submission a Notice of Termination (NOT) to EPA. The Contractor is also responsible to comply with any or all other aspects of current Federal, State and Local storm water or NPDES regulations or requirements."
 - d) "The applicant shall obtain a Stormwater Management permit from the Public Works Department (unless determined to be unnecessary by the City Engineer) and follow the requirements of City Ordinance Chapter 50. The permittee shall prepare a written plan for managing stormwater that enters the construction site and shall present it to the inspection engineer at the pre-construction meeting. The permittee shall follow Best Management Practices to prevent erosion in areas where the soil has been disturbed."
 - e) "Unless waived by the Public Works Department, the sewer impact contribution must be paid in full prior to the issuance of a certificate of occupancy for the Stage 2 phase of the project. The sewer impact is a one time payment of \$2.00 per gallon for average daily flow above the currently approved amount. The construction of Stage 2 will treat the amount above the currently approved 160,000 gallons per day."
- 2) Waste Management will forward to the Planning Department final colors selected for tanks and buildings. *[Buildings will be earth tones, the tanks will be standard colors offered by the manufacturer, this may not include earth tones. These tanks will not be visible from the public roadway.]*
- 3) The wastewater plan is subject to review and approval by the Public Works Department in consultation with its consultant, Brown and Caldwell. If there are any site changes required as a result, then a modification will be processed, as appropriate.

- 4) The plans are to be tied into the State Plane Coordinate System or the appropriate fee per square foot is to be contributed to the Monumentation Fund.
- 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 all new infrastructure serving the site.)
- 6) The pre-construction meeting agreement is to be signed by the property owner.
- 7) All required state and federal permits must be obtained – including industrial wastewater indirect discharge request approval (IDR) and, if required, alteration of terrain permit, with copies of permits or confirmation of approvals delivered to the Planning Department.
- 8) A drainage maintenance agreement approved by Public Works must be executed.
- 9) (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 site 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 May 10/June 7/June 17, 2010)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) Waste Management will update the annual Tier II submittal, as required by Federal Law, to include appropriate MSDS for chemicals that are used in the plant, and this Tier II report shall be submitted annually to the Fire Department.
- 2) Waste Management will reimburse the City for the costs of the Brown and Caldwell review prior to issuance of a certificate of occupancy.
- 3) **No site work may be undertaken until: a) all of the precedent conditions are met; b) the preconstruction 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 condition, 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 preconstruction meeting.

- 4) 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.
- 5) Five sets of full size (measuring at least 22" x 34") blue line or black line paper plus one full size mylar plus 1 set of 11" x 17" 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 **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 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).
- 6) The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 7) 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.
- 8) 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, 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 building permits, withholding of certificates of occupancy, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
- 9) 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 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.

(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).

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Michael Behrendt
Chief of Planning

cc: File