



## **Application for Extension to Meet Precedent Conditions**

### **City of Rochester, New Hampshire**

Case # ~~210-16-I-21~~ 210- 18&21-I-21

Project name Additional Railroad Track and Unloading Rail for L.P. Gas Equipment, Inc.

Date of original Planning Board approval August 5, 2021 with plan certification on December 20, 2021

Present deadline date to ~~meet precedent conditions~~ <sup>Actively and Substantially Start Construction</sup> December 20, 2023

New deadline date requested December 20, 2024 (1 year)

Reason(s) for request/comments Due to the very lengthy process for obtaining grant funding and approval from

the Federal Railroad Administration (FRA) and National Environmental Policy Act (NEPA), construction was unable to start within

two years of project certification. The project is slated to start during the 2024 construction season.

How many extensions have already been granted on this project? None

Name of applicant or agent filling out this form Scott Lawler; Norway Plains Associates, Inc.

Mailing Address PO Box 249, Rochester NH 03866

Phone Number: 603 335-3948 Email Address: slawler@norwayplains.com

Please check box: Applicant ☐ Agent ☒

Signature of applicant/developer: 

Signature of property owner (if different):

Date: September 22, 2023

**Please note:** This request must be submitted before the deadline date to meet precedent conditions. The application fee is \$100.00 for the first extension request and \$150 for each request beyond the first.

# NORWAY PLAINS ASSOCIATES, INC.

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September 25, 2023

Shanna Saunders, Director of Planning and Development  
Department of Planning and Development  
City Hall Annex  
33 Wakefield Street  
Rochester, NH 03867-1917

**Re: Cases # 210-16-I-21 & 210-18&21-I-21, Amendment and Conditional Use Permit to Approved Project to install an additional railroad track and unloading rail to the north of the existing track; Request for Extension.**

Dear Shanna:

Early this spring, we reached out to Ryan O'Conner of the Planning Department to discuss the anticipated construction schedule for the two aforementioned projects. More specifically, that construction was not likely to start prior to the 24-month timeframe to "Active and Substantial Development" from the date the projects were certified by the City.

As you review the files, you will see that the plans were certified on December 20, 2021. As such, the applicants would need to start construction this December or otherwise lose their approvals and would need to start the approval process over again.

NH Northcoast (NHN) received a CRISI grant from the Federal Railroad Administration (FRA) in October 2020 for various railroad repair and improvement projects; one of these being the additional spur into Eastern Propane's storage facility on Northcoast Drive, which increases Eastern's on-site car storage by 56% from 18 to 28 cars. In February 2021, NHN was given Pre-Award authority for engineering and the necessary permits; the lengthiest of which was the NEPA - National Environmental Policy Act. The NEPA permit must be approved before any of the projects on the 42 mile railroad can be started. The safety-related project involving raising Rochester's Haven Hill Rd. Bridge by 3 feet required a Section 106 sign-off from the State and FRA for impacts to an historical structure. Section 106 approval came in May of this year and the NEPA shortly thereafter. As a result, NHN will solicit contractor bids for this spur project this fall for the 2024 construction season. The work will be completed in one construction season.

In accordance with RSA 674:39:IV, the Planning Board may extend the 24-month period for good cause. Whereas there has not been any significant changes to the City Ordinances that might be impacted by the proposed project, it would appear that no injustice would be caused by an extension.

Given the rather unique case, Ryan had suggested that we use the Application for Extension to Meet the Precedent Condition form for this request. Please find them attached along with the fee checks.

On behalf of L.P. Gas Equipment Inc. and Ossipee Aggregates Corporation, I want to thank you in advance for your assistance in the extension to the construction timeframe. Please do not hesitate to contact me with any questions, comments, or concerns.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: 

Scott A. Lawler, P.E., Project Engineer

Cc: L.P. Gas Equipment Inc.  
Ossipee Aggregates Corporation