June 12, 2009

Mr. Robert Sterndale, Chairman
Madbury Planning Board
13 Town Hall Road
Madbury, NH, 03823

Re: Application for Conditional Use Permit
Stormwater Improvement Project
New England Metals Recycling LLC, Knox Marsh Road, Route 155

Dear Mr. Sterndale and Planning Board Members:

Woodard & Curran on behalf of the applicant, New England Metals Recycling LLC, hereby presents the following letter and accompanying plans to the Madbury Planning Board as an application for a Conditional Use Permit. The Conditional Use Permit is being sought to construct stormwater improvements at the existing metal recycling facility located on Knox Marsh Road, Route 155. The parcel is recorded as Assessor's Map 9, Lot 5 and is located in the Commercial and Light Industrial Zone. The site is also located in the Aquifer Protection Overlay District. Article IX-A of the Town of Madbury Zoning Ordinances indicates a Conditional Use Permit is required from the Planning Board for all land use activities including the additions and modifications to a site or structure within the Aquifer Protection Overlay District. The proposed project will result in a modification to the site and structures on site thereby requiring a Conditional Use Permit.

The following information and the accompanying plans is intended to provide the Planning Board a description of the proposed project as well an as assessment of the overall environmental benefits of the project.

Property Description

New England Metals Recycling LLC operates a metal recycling facility on an approximately 91 acre parcel of land off Knox Marsh Road. The property borders the Bellamy River to the north, Knox Marsh Road to the west, and Pudding Hill Road to the south. A majority of the property contains woodland, open grassed areas, and a capped landfill. Access to the property is provided by frontage along Knox Marsh Road. The metal recycling facility is located in the southeast portion of the lot and consists of 21 acres of which approximately 8.00 acres are comprised of impervious surfaces including buildings, bituminous pavement, and cement concrete pads. Currently, 27% of stormwater runoff from the impervious surfaces is treated by an oil/water separator before being discharged to a subsurface leaching facility, 26% gets collected and retained on existing paved surfaces while the remaining 47% is discharged directly to an adjacent on-site wetland, Wetland A.

Project Description

The objective of this project is to improve stormwater runoff quality at the metal recycling facility through a combination of operational changes and improvements to the existing stormwater management system. Operational changes include following activities;

1. Moving processing activities to impervious (paved surfaces) to contain stormwater runoff and prevent infiltration of stormwater runoff from the process areas.

The Town of Madbury regulates a 25-foot vegetated buffer zone and 75-foot construction/land alteration setback from "Wet Areas" (Article IX, Wet Area Conservation Overlay District). On this site, the buffer area and setback areas on the northern side of Wetland A are within the historical operating area of the metal recycling facility and are sparsely vegetated at best with herbaceous plants. Since acquiring the business several years ago, the New England Metals Recycling LLC has worked to improve operations and environmental compliance at the site, removing piles of materials from the wetlands and buffer zone in 2007. After the wetland boundaries were delineated, they installed hay bales and silt fence along the wetland boundary and further cleaned and graded this area. The work completed to date has vastly improved environmental conditions on site.

The site is located near the Bellamy River, but proposed construction areas are outside of the 250-foot protected Shoreland (Comprehensive Shoreland Protection Act, RSA 483-B), and outside of the 100-year floodplain, so state and local shoreland and floodplain regulations do not apply. Work from the project will not encroach into Wetland A.

Assessment of the Project Effects on Wetlands

Due to the existing site layout and topography portions the project will result in unavoidable encroachment into the 75' Construction/Alteration Buffer and 25' Vegetated Wetland Buffer. The proposed storm water treatment system concrete sediment trap and associated structures (culverts, oil/water separator, control structures/valves, etc.) will be located 75 feet or more from the wetland boundary. The constructed treatment wetland will be within 75 feet of the wetland boundary, but will be outside of the 25-foot buffer zone of Wetland A, except for the outfall channel which will temporarily disturb approximately 1,000 square feet of buffer zone. This minor additional disturbance will be greatly offset by the improved quality of the storm water entering Wetland A and the habitat enhancement that will result from establishing dense native vegetation in currently un-vegetated and heavily disturbed areas. The treatment wetland will be planted with robust, non-invasive, emergent wetland species. When the plants in this treatment wetland produce seed, the seeds will be exported to Wetland A by water and wildlife, thereby increasing cover and habitat values of Wetland A. Native upland seed will be sown within the limits of work to improve soil stability and enhance habitat values. This seed could be a mix of a low-cost conservation grasses and herbs with shrub and tree seeds to provide long-term habitat structure.

Environmental Protection Plan

In accordance with Article IX-A, Section 8, a copy of the project's Environmental Protection Plan is included as Attachment B.

Conclusion

Woodard & Curran appreciates the Board's consideration for approval of this application for a Conditional Use Permit. The proposed site improvements will improve stormwater runoff quality from the existing facility to Wetland A and the underlying aquifer. The project has been designed to mimic the existing site's hydrologic conditions by retaining the stormwater on-site. The stormwater management systems have been designed in accordance with NHDES guidelines. Furthermore, restoration activities proposed within the project's limits of work will improve the water quality and habitat values of Wetland A. We would request, in addition to approval of a Conditional Use Permit, a waiver to allow the proposed work described herein within the 75' Construction/Alteration Buffer and 25' Vegetated Wetland Buffer.

Again, thank you for your consideration of this application. Please feel free to contact the undersigned at 1-800-985-7897 if you have any questions, concerns, or comments.

Sincerely,

WOODARD & CURRAN INC.

David A White

David A. White, Jr.
Vice President

Daw/fc
219132.01

Enclosure(s)

cc: Keri Fitzpatrick, New England Metals Recycling LLC (w/attachments)
Jack M. Mettee (w/attachments)

Attachments:

- Site Plan Application
- Site Plan Application Fee
- Abutters List and Mailing Labels for Abutter Notification
- Site Plans
- Attachment A – Stormwater Narrative
- Attachment B – Environmental Protection Plan

2. Remove non-functional process equipment. The removal of these structures will allow the applicant to operate the facility in a more efficient manner, thereby allowing for the reduction of approximately 0.4 acres of impervious surface.

3. A portion of the existing paved surface, approximately 3.5 acres, of the existing process area will be converted to non-process areas.

New England Metals Recycling LLC proposes to implement a number of improvements to the site's stormwater management system. A portion of the site's process area will be re-graded as shown on the plans to direct stormwater runoff via sheet flow into a cement concrete lined swale located along the eastern boundary. Runoff collected in the swale will be directed to a sediment trap by two pipe culverts. Runoff collected by sheet flow along the southern perimeter of the process area will be either be collected in a second cement concrete lined swale or will discharge directly into the sediment trap. Flow from the sediment trap will be controlled through the operation of a sluice gate. The sluice gate will be closed during a storm event to allow for the collection of up to 1-inch of rainfall. Subsequently, after an approximate 24 hour settling period, to allow suspended solids to settle and be retained on the bottom of the trap, the sluice gate will be manually opened and the stormwater will pass through an oil/water separator to remove any oils or greases. The trap has been designed with a 6-inch deep sump to contain sediment during drain down. Runoff will be further treated by a constructed wetland prior to discharge to the adjacent wetland system. Runoff from Non-Process Area #1 will be directed to the constructed wetland. No runoff occurs from Non-Process Area #2, therefore, no improvements are warranted in that area.

The stormwater management system has been designed in accordance with applicable rules and regulations. The proposed project will not result in an increase in peak discharge rates from the property as all stormwater is retained on-site. Proposed stormwater management features have been designed in accordance with guidelines set by the New Hampshire Department of Environmental Services (NHDES) as outlined in the "New Hampshire Stormwater Management Manual". Attachment A outlines the project's compliance with the applicable rules and regulations.

Wetlands and Other Resources

Four wetlands on the New England Metals Recycling LLC were delineated by Certified Wetland Scientist Jennifer West of Normandeau Associates Inc. on June 26, 2007. One forested wetland near the site entrance road drains northeast toward the Bellamy River. The other three wetlands are situated within the area formerly mined for gravel, and wetland indicators (plants and soils) are still developing. These wetlands are hydrologically isolated from each other and from other water bodies, and appear to be supported primarily by groundwater, but runoff from the recycling area also occurs. Facility personnel and groundwater specialists have observed that groundwater levels on site have increased in recent years, and this is also indicated by dead poplar saplings (an upland plant) in portions of one wetland that is now seasonally flooded. The wetland adjacent to the metal recycling activities and proposed storm water treatment system (Wetland A) is classified as a palustrine emergent wetland (PEM1), and is dominated by a sparse population of cattails (*Typha latifolia*) , spikerush (*Eleocharis* sp), an grasses. A narrow border of willow (*Salix* sp.) shrubs is present along the south edge at the base of the steep upland slope. Mallards and green frogs were observed during a site visit, but wildlife habitat and other functions and values are low due to lack of plant cover and food sources, absence of inlets and outlets, poorly developed soils, residual man-made materials, and adjacent site activity.