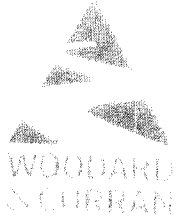


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July 1, 2009

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

Re: Supplemental Information
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 (W&C) on behalf of the applicant, New England Metals Recycling LLC, hereby presents the following letter and accompanying plans to the Madbury Planning Board to provide additional information for the Board's consideration regarding the Conditional Use Permit application for the above referenced facility.

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.

Revised Plans

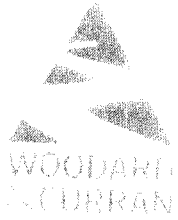
The project plans, dated June 12, 2009, have been revised to reduce the project's area of disturbance. Specifically, the existing pavement along the southeast and northeast perimeter of the process area site will be retained to maintain site circulation patterns. Regrading of internal portions of the existing pavement allowed for a reduction in the length of the concrete lined swale as well as minimization of excavation requirements. The drainage patterns and storm water treatment will remain as originally proposed. The size of the sediment tank was increased to accommodate the area of existing pavement be retained. These revisions are depicted on Sheets C202, C203, and C204 (attached).

Summary of Compliance with Applicable Zoning Ordinance

The following is a summary of the project's compliance with applicable Articles of the Madbury Zoning Ordinance and Site Plan Review Regulations.

Article IX – Wet Area Conservation Overlay District

Section 6 – Performance Standards - Proposed uses within the wet areas consist of the construction of a storm water treatment wetland, re-establishment of ground cover, and restoration of an existing swale. These uses will not cause significant increases in surface or groundwater contamination by toxic or hazardous substances and such uses will not cause or



contribute to topsoil or stream sedimentation. In fact, the project will provide an improvement over existing conditions as the site.

Section 8 - Conditional Use Permit Criteria and Procedures

8A- Written evidence, prepared by a wetland scientist, that there will be no adverse impact to the wet area is attached.

8B- The applicant has met with the Conservation Commission on June 22, 2009 and Water Resources Board on June 30, 2009. No comments from either have been received at this time. The applicant looks forward to addressing comments the Boards may have regarding the Conditional Use Permit Application.

Article IX-A - Aquifer and Wellhead Protection Overlay District

Section 7 - Performance Standards

A1 - The proposed stormwater improvements do not constitute a new development.

A2 - The project will not result in an increase of the total impervious coverage of more than 20%.

B1 - The post-development infiltration volumes will not be greater than pre-development volumes.

B2 - Storm water improvements have been designed to remove no less than 80% of the annual load of suspended solids. The best management practices have been designed in accordance with the New Hampshire Department of Environmental Services (NHDES) requirements.

B3 - No storm water infiltration practices are proposed, In fact the proposed improvements will eliminate an existing subsurface infiltration system.

B4 - The project does not constitute a sand and gravel extraction operation. Excavation below the water table will be required for the installation of the storm water improvements.

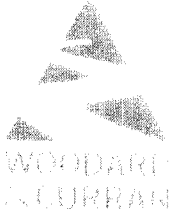
B5 - There are no open liquid waste ponds.

B6 - The applicant has submitted a Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Countermeasure Plan (SPCCP). The storm water management system has been designed with emergency valves to contain unanticipated releases. The process area is not located above the 100-year flood elevation.

Section 8 - Conditional Use Permit Criteria and Procedures

A - The applicant has initiated the Conditional Use Permit Application through Site Plan Review in accordance with the Planning Board Site Plan Review regulations.

B1 - The project involves replacement of existing stormwater management system with the installation of improvements consistent with the New Hampshire Department



of Environmental Services (NHDES)'s New Hampshire Stormwater Management Manual. These measures are intended to protect the underlying aquifer and adjacent wetland resources from runoff related impacts and hence are consistent with the purpose of Article IX-A.

B2 - An Environmental Protection Plan was submitted with the Conditional Use Permit Application.

B3 - The applicant has met with the Conservation Commission on June 22, 2009 and Water Resources Board on June 30, 2009. No comments from either have been received at this time. The applicant looks forward to satisfying comments the Boards may have regarding the Condition Use Permit Application.

Site Plan Review Regulations:

Article V- Submission Requirements

The Site Plan has been prepared in accordance with requirements A through U of Article V unless otherwise noted below;

- B) The proposed improvements are shown on plans at a scale of 1 inch = 40 feet to provide addition clarity that would not be possible at the required scale of 1 inch=100 feet.
- E) Paper copies have been provided. A mylar copy of the approve plans will be provided to the Board, if requested.
- I) Existing and proposed contours are provided at one-foot vertical intervals
- M) No new buildings or alteration of existing buildings are proposed. The location, size and elevation of the existing buildings are provided. The closest building is greater than 200 feet to the nearest property line.
- N) No new streets are proposed. The limits of pavement and access/egress ways are shown on the plans.
- P) No new water supply or sewage disposal facilities are proposed.
- S) No new gas, electric, telephone, fire alarms, water or sewer lines are proposed. No changes to these utilities are anticipated as a result of proposed improvements.
- T) No site lighting is proposed as part of the proposed improvements.
- U) Property lines shown are approximate. All proposed work is internal to the existing site and within historic operating areas. The majority of the proposed improvements are over 100 feet to the nearest property line, except for the restored drainage channel which is greater than 40 feet to the nearest property line.



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. Therefore, it is our opinion that the project meets the requirements of the Zoning Ordinances.

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.

A handwritten signature in black ink that reads "David A. White, Jr." in a cursive script.

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 Plans dated July 1, 2009
- Letter from Normandeau Associates dated July 1, 2009.