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Planning Dept.

Modification to Approved Project
City of Rochester, New Hampshire

Case # 224-321, 324, 328-a-07 Property Address 597 Salmon Falls Road

Type of project: Site Plan _____; Subdivision X _____; Line Adjustment _____; Other _____

Project name Great Woods Development LLC Subdivision

Date of original Planning Board approval June 2, 2008

Description of modification: Revise the definition of Substantial Completion as defined under the General and Subsequent Conditions note #8, to state that substantial completion is achieved when more than a majority of the on-site and off-site improvements specified in the subdivision approval has been completed.

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

Mailing Address PO Box 249, Rochester NH 03866-0249

Phone Number: 603 335-3948 Please check box: Applicant ☐ Agent ☒

Please note: Modifications are reviewed by the Planning Board but no public hearing is held and no notices are required. (In contrast, projects, which are considered to have a potential impact upon abutters, are considered amendments for which notice and a public hearing is required.) There is a \$125.00 fee for a modification. For very simple matters ("administrative modifications") approved by staff, there is no fee.

Signature of person completing form: [Signature] Today's Date: May 11, 2015

----- Office use below -----

Fee paid? Yes _____ No _____ Check # _____ Amount \$ _____

Modification approved _____ Modification denied _____ Date of Planning Board action _____

Conditions _____

Signature: _____ Date: _____

NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS • SEPTIC SYSTEM DESIGNERS • ENGINEERS • TRANSPORTATION PLANNERS

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May 11, 2015

Jim Campbell, Chief of Planning
Department of Planning and Development
Second Floor, City Hall
31 Wakefield Street
Rochester, NH 03867-1917

Re: Subdivision Modification - Substantially Complete Definition – Great Woods Development LLC Subdivision – Salmon Falls Road - Rochester, NH: Case #224-321, 324, 328-A-07.

Dear Jim:

On behalf of Steve Miller and Great Woods Development LLC, Norway Plains Associates, Inc. respectively request a modification to the approval of their subdivision located of Salmon Falls Road. The modification would be in the definition of Substantial Complete as outlined in note #8 of the General and Subsequent Conditions.

The Notice of Decision General and Subsequent Conditions note #8 states "*Substantial Completion for this project is defined as follows: The completion of all in-site and off-site improvements specified in the subdivision approval, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration of the four (4) year period specified in RSA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the City, substantial completion of the improvements in the subdivision shall be deemed to have occurred.*"

The subdivision consisting of three original lots (Map 224, Lots 321, 324 & 328) was approved in 2008 to be subdivided into 47 single-family residential lots with a vast portion of the remaining land placed into open space. This subdivision required the construction of approximately 4,100 linear feet of City streets with City water, sewer, underground utilities and open and closed drainage systems. The approval also required the installation of about 500 feet of off-site sewer connection as well as over 3,300 linear feet of road side drainage improvements on Salmon Falls Road.

A large percentage of the subdivision improvements were constructed in 2008/2009, which included all of the off-site improvements on Salmon Falls Road, the cross country sewer connection and two out of three City streets (Smoke Street & Laredo Lane). Additional, the stormwater detention basin located adjacent to Bailey Drive was constructed and the roadway for Bailey Drive was cleared, grubbed and brought up to sub-grade elevations. Please refer to the attached plan for a depiction of all of the work completed by 2010. It should be noted, that Smoke Street and Laredo Lane still require the final placement of the wearing course of pavement and a few other minor improvements, all of which have been fully bonded with the City of Rochester.

Based on all of the site improvements completed and a surety in place for the remaining work in Phase I, the City has allowed building permits and sale of lots on Smoke Street and Laredo Lane. As such, the project has achieved "Active and Substantial Development" as defined within the Notice of Decision, Note #7 of the General and Subsequent Conditions.

But, due to the economic hardship to the region that started around 2010, construction on the second phase of the subdivision was not feasible. However, with the recent upturn in the economy, Mr. Miller is posed to start construction on the remaining portion. Before the developer can start construction of the remaining work, they are required to renew their Alteration of Terrain permit.

In accordance with the Alteration of Terrain regulations for permit extensions, Env-wq 1503.26, the project may be granted an extension if not previously extended before. However, in the case of this subdivision, an extension was granted in April 2010 for an additional five (5) years. Fortunately for most of developers including Mr. Miller, the State realized in 2012, that certain projects would experience extreme hardship by the limitation of only one extension due to the economic down-turn in the State that started in 2009/2010. Therefore, a statutory change to the AoT laws now allows for additional permit extensions such that *"The permit has not previously been extended, unless the subdivision plat or site plan associated with the permit has been deemed substantially complete by the governing municipal planning board in accordance with RSA 674:39, II, in which case subsequent extensions of the permit are allowed."* Please refer to RSA 485-A:17, II-d(g) of the Water Management and Protection.

To date, the applicant has invested more than \$1.75 million in construction cost, land acquisitions, engineering and surveying cost. Based on the current estimated cost to complete the remaining work, the amount already spent represents close to 70% of the overall total cost associated with the project. Therefore, it is our opinion that the developer has significantly vested his rights to the project and has achieved "Substantial Complete".

In closing, it is our opinion that the developer has constructed close to 70% of the proposed subdivision roadways and infrastructure. As such, we respectfully request that a modification to the approval to state that substantial completion is achieved when more than a majority of all on-site and office improvements specified in the subdivision approval has been completed. We also respectfully request a letter from the Planning Board stating that the project meets the requirement for substantial complete to provide the New Hampshire Department of Environmental Services for the Alteration of Terrain permit extension request.

Should you have any questions or comments, please feel free to contact me.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.



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

Cc: Steve Miller, Great Woods Development, LLC

SURVEYORS

ENGINEERS

TRANSPORTATION PLANNERS

P.O. Box 249, Rochester, N.H. 03866-0249

LEGEND

- PROPERTY LINE
- 30' WETLAND BUFFER
- DIC OF WETLAND (POORLY DRAINED)
- DIC OF WETLAND (VERY POORLY DRAINED)
- EXISTING DRAIN LINE
- EXISTING CONTOUR LINE
- EXISTING TREE LINE
- EXISTING STONEWALL
- EXISTING SOIL TYPE BOUNDARY
- WETLAND
- PROPOSED WRE LINE
- PROPOSED BUILDING SETBACKS
- APPROX. TEST PIT LOCATION



OFF SITE
IMPROVEMENTS
(3,300 LINEAR FEET
OF ROADSIDE DITCH
RECONSTRUCTION)
COMPLETED IN 2010

PROPOSED 140' WIDE
SHORT LINE (SEE
NOTE #6)

AREA OF WORK
IN PHASE I
COMPLETED IN
2010

AREA OF WORK
IN PHASE I
COMPLETED IN
2010

016 SAFE

FILE NO. 109
PLAN NO. C-2440
DWG. NO. 071513-S-3
P.B. NO. 33

NORWAY PLAINS ASSOCIATES, INC.

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SUBSTANTIAL COMPLETE PLAN
OVERALL ROADWAY AND
CONSTRUCTION PHASING PLAN
SALMON FALLS ROAD
ROCHESTER, N.H.

GREAT WOODS DEVELOPMENT, LLC

