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Planning and Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

June 16, 2016

D.R. Lemieux Builders, Inc.
76 Exeter Road
Newmarket, NH 03857

**Re: Site plan to construct 102 multi-family units.
Case# 134 – 5 – R2 – 16**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its June 6, 2016 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.

Precedent Conditions [Office use only. Date certified: _____; CO signed off? _____;

As- Builts 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 6 calendar months to the day of the board's approval – by December 6, 2016 - 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) Plan modifications. The plan drawings are to be modified as follows:
 - a) A construction phasing plan shall be submitted with the final plan set showing each of the three phases of the development.
 - b) Off-set the gazebo
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) A note shall be added to the plan explaining that the development has been approved in three phases and must include the timeline of each phase.
- 3) The applicant shall continue to work with Rochester Department of Public Works on sewer designs. All final revisions must be reflected in a final plan set supplied to the Planning Department. A letter from Public Works to the Planning Department, crafted by the developer and signed and approved by the Department of Public Works, indicating that the final plans and supporting documentation are acceptable to Public Works is required prior to plan certification.
- 4) Work with COAST for a bus shelter on Route 108 (Rochester Hill Road)
- 5)# Current use. The subject property or a portion of it is presently in Current Use. The applicant must provide to the City of Rochester Assessing Department a revised current use map and/or any other items needed to assure that the requirements of RSA 79-A and the New Hampshire Department of Revenue's Administrative Rules are satisfied. Contact the Assessing Department at 332-5109 with any questions. It will facilitate the process for you if you contact the department well in advance of commencing the project.
- 6) State Plane Coordinates. The plans are to be tied into the State Plane Coordinate System.
- 7) Inspections. The applicant must sign the Agreement for Payment of Inspection Fees and make a cash deposit to cover the expected costs of inspections, in a 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).
- 8) Pre-construction meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 9) Other permits. All required state and federal permits must be obtained – including any water and sewer, DOT (if modifications to Route 108 need to be made the applicant will need to go back to the Planning Board) as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.

- 10) Drainage maintenance. If required by the Department of Public Works, a drainage maintenance agreement approved by Public Works must be executed. In addition, a stormwater operations and maintenance plan and schedule shall be submitted.
- 11) Final Drawings. (a) three sets of large black-line plus (b) one set of 11"x17" final approved site plan drawings plus (c) one electronic version by pdf or CD must be on file with the City. (The applicant need only submit additional black-line sets of drawings or individual sheets, as needed, to make three complete sets – consult with 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, 2016). An updated set of architectural drawings shall be included.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) The drainage maintenance agreement should clearly identify the permanent operation and maintenance schedule for the proposed stormwater system and identify the responsible party. Copies of the Long-Term Inspection and Maintenance Plan Checklist and Log should be made available to the City upon request.
- 2) Please work with City staff to confirm street name and unit numbers conform with E-911 standards.
- 3) Parking shall be re-evaluated by the Compliance Officer within three years after the issuance of the final Certificate of Occupancy for each phase. If the Compliance Officer notices illegal parking due to lack of parking spaces, he/she can require the applicant to return to the Planning Board to discuss constructing the "future parking spaces".
- 4) Active and Substantial Development for this project is defined as follows: Based on the phasing plan submitted by the applicant, active and substantial development will be considered as the active construction of Phase One including the access drive, parking, and the first building. This shall occur within three years after the certification of the Site Plan by the Planning Department.

Substantial Completion for this project is defined as follows: The development shall be considered substantially complete with the full construction of Phase One based on the phasing plan. All required improvements must be completed for Phase One of the development prior to the expiration of the five (5) year period specified in RSA 674:39.

- 5)# Site work. No site work may be undertaken until: a) all of the precedent conditions are met; b) the pre-construction meeting with City staff has taken place; c) the limits of the proposed tree line are marked; and d) all appropriate erosion and sedimentation control structures are in place.

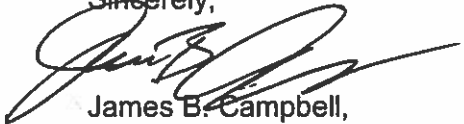
These erosion and sedimentation control measures and the orange fence must be in place prior to the pre-construction meeting in order that they may be inspected at the meeting. Contact the City of Rochester Planning Department to arrange for the pre-construction meeting.

- 6) Performance guarantee. The applicant, prior to issuance of a building permit or beginning site work, shall provide site improvement and restoration security. The **performance guarantee** shall be an amount equal to 10% of the approved Construction Cost Estimate (including a 10% contingency) to ensure the proper and timely completion of site work and site restoration within the development. Before the subdivision/site plan can be recorded, lots deeded to third parties, or structure occupied the applicant shall provide a cost estimate of remaining site work including labor, and provide the City with a security equal to 110% of the estimated cost for remaining site work. (Any existing surety being held at this time may be considered toward this amount). This amount shall include preparation of as-built plans. Construction Cost estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency. Costs for items not specifically addressed in the Surety Schedule will be based on 1) City standards, 2) NHDOT weighted averages, 3) industry standards, or 4) contractor estimates.
- 7) Variances. Not applicable
- 8) Erosion control. 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.
- 9) As built. Three sets of full size (measuring at least 22"x34") or black line paper plus one full size mylar plus 1 set of 11"x17" plus one digital pdf 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).
- 10) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.

- 11) Approval. 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.
- 12) Violations. 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.
- 13) Other Permits. 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's Building, Zoning, and Licensing 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. Finally, please contact the Department of Public Works for any stormwater, sewer, or water permits or fees that are required.

(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).

Sincerely,



James B. Campbell,
Director of Planning & Development

cc: Norway Plains Associates
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