



PLANNING & DEVELOPMENT DEPARTMENT
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Planning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

August 4, 2020

Thomas & Dianne Aubert
5 Gary Drive
Rochester, NH 03867

Re: 56-Lot subdivision. Case# 108 – 53 – R1 – 20

Dear Applicant:

This is to inform you that the Rochester Planning Board at its August 3, 2020 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.

The Planning Board hereby grants the following waivers:

1) Subdivision Regulation Section 7.3 limits the road grade to 2% within 100 ft. of an intersection. The applicant is requesting a waiver to allow the following:

- The proposed roadway known as Hanscom Street, with a grade of 4% within 10 ft. of an intersection, 1.25% for remaining 90 ft.
- The proposed roadway known as Dianne Lane with a grade of 1% intersecting Carole Court and then providing a vertical curve into a 6% grade from 63 ft. from the intersection.

The Planning Board grants this waiver because the Department of Public Works and Life Safety offices have reviewed the proposal and have determined the design will not create any drainage or safety issues.

2) Rochester Site Plan Regulations Section 14.B.2.b. requires a minimum driveway separation of 75 feet along "local" roads.

The Planning Board grants this waiver because this will allow more flexibility in where driveways can be placed throughout the subdivision, thereby allowing homes to be built in areas needed less disturbance (avoiding slopes/wetland buffers).

3) Subdivision Regulations Section 6.2.1.4 (street construction) permits maximum side slopes of 3:1 for street construction embankments.

The Planning Board grants this waiver because this steeper slope is for a drainage feature that will not hold water, and therefore is not a safety hazard.

Precedent Conditions [Office use only. Date certified: _____ ROD received? _____]

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 3 calendar months to the day of the board's approval – by November 3, 2020 - 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. See RSA 674:39 on vesting.

1) Plan modifications. The plan drawings are to be modified as follows:

a) Provide intermediate Street Lights: Carole Ct @ (Sta's 7+00 and 36+50), Moab St. @ 53+75 and Hanscom St. @ Sta 45+00.

b) Remove "Existing SMH #1 from Sheet 26 of 98 and all other sheets that it shows up on.

c) Provide a draft copy of the approved overall subdivision plan sheet with all the parcel numbers on it to the Planning Dept; Planning Dept will share this with the Assessing Dept for review.

All the lots on the plan must be in acres not square footage and need to be rounded to two decimal places. If there are Common Areas or Open Spaces the acreage needs to be on the plan as well.

e) 1) A road name application must be submitted.

2) When the road names have been approved please provide a curb cut plan with the road names on it, to the Planning Dept; Planning Dept will share with the Assessing Dept so that addresses can be assigned.

3) The final plans are to show the addresses.

f) Detailed phase-specific plans need to be inserted into the plan set. The plans are to show grading, drainage, utilities, roads, landscaping, etc....per phase. Roads must culminate via a cul-de-sac, not a hammerhead.

g) Add "No outlet" signs at Lots 53-20 and 53-63.

- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) Note that boulders are to be placed at the 25-foot wetland buffer, where said buffer encroaches on lots.
- 3) Provide temporary HOA documents. These are to be reviewed by the Planning Department, the Department of Public Works, Assessing, and the Legal Department, and must be found acceptable.
- 4)# State Plane Coordinates. The plans are to be tied into the State Plane Coordinate System as per the Subdivision Regulations.
- 5) Final Drawings. (a) four plan sets plus (b) one set of 11"x17" final approved plans plus (c) one electric version by pdf or flash drive must be on file with the City. *Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans.* (The applicant need only submit additional black-line sets of drawings or individual sheets, as needed, to make five complete sets – consult the Planning Department). At the discretion of the Planning Department minor changes to drawings (as required in precedent conditions, 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 June 18, 2020).

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) A copy of the pre-blast survey for 17 Hickey Street (Map 103 Lot 15) shall be sent to the Planning Department prior to any blasting.
- 2) Driveway permits for each new lot will need to be applied for and granted by the Department of Public Works.
- 3)# The Impact Fee for each new lot shall be paid at the time of Certificate of Occupancy.
- 4) After the subdivision plan is approved, signed by the Planning Department, and recorded at the Registry of Deeds, the applicant shall submit two 11"x17" copies of the recorded plan to the Planning Department.
- 5) A Surveyor is to submit a signed letter to the Planning Department stating that the new lot corner monuments have been set (Subdivision Regulation 6.1) and that reference pins have been set on all easement bounds (Subdivision Regulation 5.7.4).
- 6) Recording. The plat, this notice of decision (per RSA 676:3 III), and deed (a deed is required if the lots are owned by two separate parties or if one lot is sold prior to recording of this plat) must be recorded together at the Strafford County Registry of Deeds within two calendar

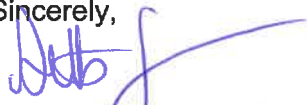
months to the date the plat is certified (e.g. if certified September 9th they must be recorded by November 9th). See RSA 478:1-a regarding plat requirements. **Failure to comply with this requirement herein shall render the lot line adjustment null and void.**

- 7) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the City.
- 8) 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.
- 9) 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 Building, Zoning, and Licensing Department at 332-3508 regarding building permits.
- 10) Performance Guarantee. If applicable, prior to issuance of a building permit or beginning site work, the applicant 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 structures 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 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.
- 11) 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.
- 12) Vesting – per RSA NH RSA 674:39
 - a) **Active and Substantial Development** or Building for this project is defined as the construction all of the roadway infrastructure, water, sewer, utilities and have fully completed the stormwater infrastructure shown in Phase I of the phasing plan (Gravel Wetland #203, Detention Pond #202, Infiltration Pond # 201, Bio Swale #207). There are also hundreds of old plastic landscaping pots/trays on the property; these must be removed as well.
 - b) **Substantial Completion** is to be defined as all of the improvements within Phase I and Phase II, with respect to roadway infrastructure completed to a binder course pavement within 5 years of the approval, and the first 100-feet of the proposed road that will connect to Highland St, the 100-feet is to begin being measured at the intersection of Highland St.

- 13) As-Builts. Three sets of full size (measuring at least 22" x 34") or black line paper plus 1 set of 11" x 17" 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 judgement 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).
As-builts are to include State Plane Coordinates. A copy of the As-built line work is also to be submitted as a CAD file that is georeferenced to that same coordinate system.

(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,



Seth Creighton, AICP,
Interim Director of Planning & Development/Chief Planner

cc: Berry Surveying & Engineerin
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