



PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex

33 Wakefield Street

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 330-0023

Web Site: www.rochesternh.net

Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

December 17, 2021

G & P Boston Properties
PO Box 290452
Charlestown, MA 02129

Re: Site Plan Approval for 55 North Main Street; Case# 121 – 372&399 – DC – 21

Dear Applicant:

This is to inform you that the Rochester Planning Board at its December 6, 2021 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.

Waiver Request: Site Plan Regulation Section 10 requires 1 parking space per bedroom, 2 max and 0.75 allowed for studios. This proposal requires 70 spaces. The applicant has provided 15 on site. The PB may reduce up to 25% of the required parking due to existing site conditions and 25% due to off-site conditions. This leaves a waiver for the remaining 40 spaces. **APPROVED**. Please note: No residential parking may occur in the Union Street Parking lot. That lot is central to the Downtown business district and shall only be used to support commercial re/development.

Precedent Conditions [Office use only. Date certified: _____; Plan recorded? _____;]

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 June 6, 2022 - 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 site plan drawings are to be modified as follows:
 - a. The parking garage must be controlled access potentially with a gate and or keypad. Recommend security cameras inside of the parking garage area if people not from the building can just walk in to the parking garage.
 - b. Access into the residential spaces, shall be secured from the garage by key or code. Recommend this from the front No. Main St doors (inner doors), as well.
 - c. A generator is required for the elevator. Please show on the plans where this generator will be located.
 - d. A Water Quality Unit to take roof run-off was discussed at the Planning Board Meeting. Please add this to the plan.
 - e. Please add screening to the rooftop mechanical
- 2) Plan modifications. The site plan drawings are to be modified as follows:
 - a. Sidewalks on the rear corner of the property are to be part of the City's responsibility either by easement or by fee simple transfer of the corner of the property that they transverse (preferred). Please cite this on the recorded plan and complete the transaction of recording easement or new transfer deed prior to CO.
- 3) Per the HDC approval of the architecture, the following condition must be met: Lot merger application, draft deed and plan shall be submitted and approved by the City. The City Assessing Department will assign a new Map-Lot number. These three documents shall be recorded at the developer's expense.
- 4) Project will require water and sewer service connection permit applications. Prior to water connection permit, Applicant shall contract with the City's Contract Engineering Firm, Wright-Pierce to have a water service (domestic + fire) capacity evaluation performed to assess impact to demand on the water distribution system. Updates to the water system may be required and must be reflected in the final plan set.
- 5) Project will require water and sewer service connection permit applications. Prior to the sewer service connection permit, Applicant shall contract with the City's Contract Engineering Firm, Weston & Sampson to have a sewer service capacity evaluation performed to assess impact to the sewer collection system. Updates to the sewer system may be required and must be reflected in the final plan set.
- 6) The existing roof drainage connection to either North Main Street or Union Street parking lot stormwater systems shall be verified via dye testing. After determining existing roof discharge connection to the City stormwater system, additional pipeline video footage of existing stormwater system down the drain manhole located at the intersection of North Main

St/Congress St maybe required as determined by DPW. Updates to the stormwater system may be required and must be reflected in the final plan set.

- 7) Project will be subject to the \$2/gpd sewer reserve capacity assessment of estimated sewer design flow per Ch 200-7 (I) of the City's sewer ordinance.
- 8) Any work within the City's right-of-way will require an excavation permit application.
- 9) Any work with the paved right-of-way of North Main Street will require a Street Excavation Moratorium Waiver from the City Council, as North Main Street is under a 5-year excavation moratorium until Fall of 2023.
- 10) Project will be subject to Ch 218 Stormwater Management and Erosion Control ordinance with respect to Redevelopment requirements.
- 11) Project will require permitted backflow prevention devices for retail/restaurant space, commercial residential space and fire service. These devices shall be obtained thru the Water Treatment Plant/Utility Billing Dept. The Certificate of Occupancy will not be approved until all devices have passing test results by a certified testing company with results submitted to the Utility Billing Dept.
- 12) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 13) 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 an 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).
- 14) In accordance with RSA 676:4-b the Public Works Department may, at its discretion dependent on project complexity, require 3rd Party Construction inspection of all subdivision plan improvements. Payment of construction inspection services by the applicant whether performed by a 3rd Party firm or DPW will be via a signed Construction Inspection Services agreement. All required subdivision plan improvements shall additionally be subject to inspection by the City Engineer or designee who shall act as the agent of the Board in enforcing the standards and specifications called for in these regulations.
- 15) Other permits. All required State and Federal permits must be obtained – including any Driveway/Curb Cut permit, Water Service Connection Permit, Drainage Permit, Cross Connection Control Permit, etc., as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 16) Drainage maintenance. If applicable, a drainage maintenance agreement approved by Public Works must be executed. In order to comply with the Stormwater Management IOP Manual, DPW staff shall be allowed periodic access to the parking areas for inspections related to the annual stormwater infrastructure report compiled for the City Engineer.

- 17) Final Drawings. (a) four sets of large black-line plus (b) one set of 11" x 17" final approved lot line revision AND site plan drawings plus (c) one electronic 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 site 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 the precedent conditions, above) may be marked by hand. Note: If there are significant changes to 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. Once the plan is recorded at the Registry of Deeds, submit two 11x17 recorded copies of the plan. Assessing will need an 11x17 recorded copy of the plan.
- 18) Recording. After recording of the Lot Combination package, the Lot Line Revision plan, this notice of decision (per RSA 676:3 III), and deed must be recorded together at the Strafford County Registry of Deeds within six calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by March 9th). See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the lot line revision null and void.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

1. Pre-Construction meeting. A preconstruction meeting is required prior to the start of work. Please contact the Department of Planning and Development to schedule this no more than 2 week prior to breaking ground; The pre-construction meeting agreement is to be signed by the property owner prior to signing of final plans.
2. This building will require a third party fire protection engineers review of the building permit plans to be submitted to the Fire Department.
3. Prior to a building permit please submit an Addressing Application to receive address for this new building.
4. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
5. 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.
6. 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 in the form of either letter of credit or cash equal to 110% of the estimated cost for remaining work. (Any existing surety being held at this time may be converted toward this amount). This amount shall include preparation of as-built plans.

7. 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 Asbuilt line work is also to be submitted as a CAD file that is georeferenced to that same coordinate system.

8. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
9. Approvals. 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.
10. 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.
11. 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.

12. APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

Sincerely,



Shanna B. Saunders,
Director of Planning & Development