



## PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

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Planning Board  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

### NOTICE OF DECISION

March 7, 2018

Real Estate Advisors Inc.  
76 Exeter Street  
Newmarket, NH 03857

**Re: 53-Lot subdivision. Case # 223 – 21 – A – 16**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its March 5, 2018 meeting **APPROVED** your application referenced above with the following conditions:

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"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 September 5, 2018 - 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. This approval must be substantially acted upon as stated within this Notice of Decision within 2 years of the Planning Board approval date 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) Add utility stubs to abutting lots 223-18, 223-19, and 223-23. Stubs should be placed every 100' along lot 223-18 and 223-19.
  - b) Remove the cemetery access from lot 21-25 and relocate it to open space area (this will create more useable area on lot 21-25 while still maintain access to the cemetery).
  - c) Adjust lots 21-41 and 21-42 to meet minimum lot size requirements.
  - d) The box culvert should have a slope and should not be flat to promote proper flows. Please add a slope similar to the stream beds above, through, and below the location. If these are disparate, at least a minimum slope of 1% should be used for a live bottom culvert.
  - e) Show additional signage and plantings along the ROW as agreed upon with the ROW holder (this is a civil matter and not the City's responsibility to enforce).
  - f) The shoulder at the intersection of Portland Street and the proposed road are to be widened. This is not to be a full length by-pass lane that would encourage high speed travel around vehicles making a left turn, but rather a small, slightly wider shoulder that will allow vehicles to move around the right side of the left turning vehicles without leaving the pavement and damaging the edges of the roadway.
  - g) The wetlands and wetland buffer legends don't match the line types on the site plans and needs to be amended.
  - h) The vernal pool and its buffer must be shown on the plans.
  - i) The plans must be revised to reflect the paved roadway as 24' and not 28'.
  - k) Remove no parking signs from Evelyn Drive.
  - l) Amend Phase I so that it encompasses lots 29, 14, 13, and 30.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a) Add a note on the phasing sheet that a temporary hammerhead will need to be in the vicinity of lots 13 and 30 and building permits will not be able to be issued for lots 13 and 30 until the hammerhead is removed and proper road frontage is created.
  - b) The 30' ROW that runs through the Stuart Acres Subdivision must be staked on both sides every ten (10) feet during construction to clearly demarcate the boundaries of the ROW.

- c) The 30' ROW that runs through the Stuart Acres Subdivision must be kept passable during construction.
- 3) Several of the 6" perforated pipes do not appear to be covered in stone and may be in the media layers, please review under-drains to ensure that all units have a minimum of 4" of stone over the top and beneath to ensure proper drainage.
- 4) The driveway detail shows a 16' platform which is not feasible in many locations, and grades towards the garages in several locations. Please work with the Department of Public Works to modify this detail to make it work for the site and to minimize potential grading and drainage issues.
- 5) The applicant must meet with Planning Department Staff to clarify the easements/ROW/etc. listed in ROD Book 4323 Page 128 deed, and show them on the plans if Staff determines it is warranted.
- 6) Wetland/soil Scientist, Surveyor, and Engineer signatures are required on relevant pages.
- 7) All proposed street trees should be at least 15' away from utilities (pipes, catch basins, outlets, manholes, transformers, hydrants, etc...). Also, one tree is proposed at the top of the slope of drainage pond; please relocate this tree away from the pond.
- 8) State Plane Coordinates. The plans are to be tied into the State Plane Coordinate System.
- 9) 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).
- 10) Pre-construction meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 11) Drainage maintenance. A drainage maintenance agreement approved by Public Works must be executed.
- 12) 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 January 11, 2018).

### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

- 1) The applicant must submit a "street name application(s)".
- 2) E-911 addresses shall be added to the plan; addresses are to conform to General Ordinance 15.9-b.
- 3) The applicant must submit voluntary contribution of \$115,000 for a sidewalk along Franklin Street to be vested (see #8 below).
- 4) Drainage within the road, including to the end of pipes (for any pipes under/in the road right-of-way) will be considered public/City infrastructure upon road acceptance; all drainage outside of the existing and proposed road right-of-ways will be private property and the responsibility of the association.
- 5) The phases shown are acceptable for general purposes. Prior to commencement of each phase the property owner/applicant must further review the phase with Technical Staff to ensure that proper access for public safety will be met and that utilities will function properly. The owner/applicant is hereby put on notice that each phase has a potential to change slightly.
- 6) Monuments and pins must be set on the lot prior to Certificate of Occupancy being issued for that lot. All the pins and monuments must be set before the road is conveyed to the City of Rochester. A licensed surveyor is to submit a signed, stamped letter stating the pins/monuments were set.
- 7) Active and substantial development for this project is defined as, *"Construction and completion of Phase I and the widening of the southbound shoulder or Portland Street at the intersection of Portland Street & Evelyn Drive (proposed road). These improvements must be completed within 24 months of the Planning Board approval date"*.
- 8) For vesting purposes under 674:39 "substantial completion" for this project is defined as, *"The construction and completion of Phases I and II, the widening of shoulders at the intersection of Portland Street and Franklin Street and the intersection of Portland Street and Evelyn Drive (proposed road), and the payment/contribution towards or construction of offsite sidewalk"*.
- 9) As-Builts must be submitted for each phase prior to release of surety and issuance of Certificate of Occupancy for said phase. Additionally, a single all encompassing as-built must be submitted prior to close out of the project.
- 10) Prior to the issuance of any building permit for this subdivision, the developer shall post: a) Construction zone signs per the Manual of Uniform Traffic Control Devices Standards; and b) Street acceptance signs with the following language at all entry points to the subdivision:

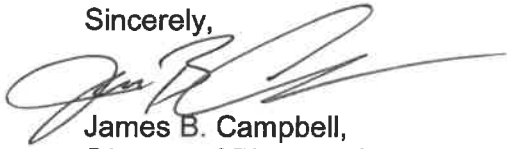
"POSTED. This subdivision is under construction. These streets have not yet been accepted by the City of Rochester and are not eligible for City services. Travel at your own risk. (Per order of the Planning Board)". The location and design of the signs shall be as stipulated by the Department of Public Works, but in no case shall they be less than 2' x 4'. The signs shall be erected prior to the issuance of any building permits.

- 11) In accordance with City Ordinance 19.3, the City of Rochester (through its arrangement with Waste Management) will not collect rubbish generated from houses within this subdivision until the new street is formally accepted as a city street. Until such time as the new street is accepted: a) the developer shall be responsible for making arrangements for the collection of rubbish, either from a dumpster that he/she shall place in an appropriate location on site or via curbside pick up; and b) individual property owners may not place any rubbish at the street (or on any other public streets in the city), unless approval is granted for the Department of Public Works Director or private arrangements are made with Waste Management or another private hauler for pick up at the street.
- 12)# 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.
- 13) Performance guarantee. The applicant, prior to issuance of a building permit or beginning site work, shall provide site improvement and restoration security for that applicable phase. 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 structures are 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 of the applicable phase. (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.
- 14) 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.

- 15) As built. As-Built: An as-built survey plan for this project shall be provided showing the final location of improvements, site conditions, and location and size of utilities. Please submit three full-size paper copies, one 11"x17" paper copy, one electronic copy, and one AutoCAD file of the final as-built plan. Submissions of as-built plans are required prior to: issuance of Certificate of Occupancy's; release of performance escrow money; and, determination of the project being complete. If the applicant seeks a Certificate of Occupancy prior to 100% completion of all improvements, an as-built must be submitted documenting the site at the time. A final, additional, as-built will be required once the project is 100% complete.
- 16) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 17) 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.
- 18) 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.
- 19) 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 9<sup>th</sup> they must be recorded by November 9<sup>th</sup>). See RSA 478:1-a regarding plat requirements. **Failure to comply with this requirement herein shall render the subdivision null and void.**
- 20) 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,

A handwritten signature in black ink, appearing to read 'James B. Campbell', with a long horizontal flourish extending to the right.

James B. Campbell,  
*Director of Planning & Development*

cc: Berry Surveying & Engineering  
Viewpermit  
File

