



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

## NOTICE OF DECISION

March 7, 2019

Dich Anagnost  
CBDA Development, LLC  
1662 Elm Street  
Manchester, NH 03101

**Re: Site plan to construct 14 condominium townhomes, two 30-unit apartment buildings and associated parking.  
Case# 256A – 66 – PUD – 19**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its March 4, 2019 meeting **APPROVED** your application referenced above.

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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.

**The Planning Board hereby grants the following waivers:**

- 1) Site Plan Regulation Article II Section 5.p requiring that all abutting uses and locations of those structures be shown/noted. The Planning Board grants this waiver request because this information was provided via the applicant submitting an aerial photo that shows the abutting lots and structures in relation to this proposal, and the City's Assessing database lists the uses of every lot.
- 2) Site Plan Regulation Article III Section 13.A.1 which requires post development drainage to be less than or equal to predevelopment. The Planning Board grants this waiver because the increase is minimal and the downstream watershed will not be overcome by the increase. Additionally, the site will require a State of NH Alteration of Terrain permit and proposed drainage will be closely considered during that permit application review.

**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 4, 2019 - 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 modification. Make the following modifications to the plan drawings:
  - a) The Chief Assessor will renumber the parcels for this revision. Property addresses for all the reconfigured lots will need to be assigned and put on the plans before the plan is recorded at the Registry of Deeds. The applicant shall supply the Assessing Department with a full size plan with curb cuts so this can be finalized.
  - b) Note the acreage of Homer Way and Athenian Way on the plan (the City must assess that land until the time that it becomes public land, if ever).
  - c) Add windows to the ends (sides) of the townhome style buildings.
  - d) The water main design does not meet City Standards as it is set up to have a public main located beneath a private street. The Department of Public Works recommends eliminating the three small meter pits shown and taking all the water off the already metered water looping around the backside of the site.
  - e) Water Service – An 8" feed is street side but then service to each dwelling unit (Townhouse) is fed individually with their own service. A fire service would be required for each set of buildings in addition to the domestic to support a 13R sprinkler system. Consult with the Fire Department and the Department of Public Works and revise as necessary.
  - f) Note that signage and boulders on Blackwater Road side are to be installed to prevent vehicles from traveling on the trails.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a) A note shall be added that the garage doors are not to be flat solid panels, but instead are to be raised panels, and/or include a row of windows on the townhome style buildings.

- b) Sheet 6 – Road is labeled as “Class V”, change the label to say “Proposed Class V”.
  - c) Sheet 14 – PVC water services are called out, please change to HDPE to be consistent with the other sheets.
- 3) Stormwater Design – Plan shows a Tc on the existing of 13.2 and the design calls out a Tc of 21.6. Please review and update accordingly.
- 4)# 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. *We encourage you to contact the Assessing Department at 332-5109 as soon as possible to discuss with them the financial ramifications of converting current use land.* It will facilitate the process for you if you contact the department well in advance of commencing the project.
- 5) State plane coordinates. Not applicable.
- 6) Inspections. If determined necessary by the Assistant City Engineer, 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).
- 7) Pre-Construction meeting. If determined to be needed by the Chief Planner, the pre-construction meeting agreement is to be signed by the property owner.
- 8) Other permits. All required state and federal permits must be obtained – including any water, sewer, as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 9) Drainage maintenance. If applicable, a drainage maintenance agreement approved by Public Works must be executed.
- 11) Final drawings. (a) four sets of large black-line plus (b) one set of 11” x 17” final approved site plan drawings plus (c) one electronic version by pdf or CD 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 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 8, 2019).

### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

- 1) Amenities must be installed according to this time frame:
  - a) Tot Lot and Gazebo: Prior to Certificate of Occupancy of any additional multifamily (3+unit) structure.
  - b) Recreation Field: Prior to Certificate of Occupancy of any additional multifamily (3+unit) structure.
  - c) Trail System: Prior to Certificate of Occupancy of the fifth apartment building.
  - d) Grassed areas: Prior to Certificate of Occupancy of structures abutting the grassed areas.
- 2)# 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 may be inspected at the meeting. Contact the City Planning Department to arrange for the pre-construction meeting.
- 3) 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 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. The 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.
- 4) 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.

- 5) As-builts. Three sets of full size (measuring at least 22" x 34") or black line paper plus one full size mylar 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 modification: ...". 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).
- 6) Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
- 7) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies re 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.
- 8) 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 driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
- 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 projects. 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 conditions marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

Sincerely,

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

cc: Bedford Design Consultants  
Viewpermit  
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