



**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](http://www.rochesternh.net)**

Planning Board  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

## **NOTICE OF DECISION**

June 8, 2020

Arthur Gagnon  
Kelmar Investments, LLC  
206 Sixth Street  
Dover, NH 03820

**Re: Amendment and Conditional Use Permit to adjust the subdivision lot lines, road length, and update to current AoT standards for drainage design and construction. Case# 203 – 25 – A – 20**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its June 1, 2020 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) Subdivision Regulation 7.3, Table 5-1, requires a minimum paved road width of 24-feet within the Agricultural zone, the applicant is asking for a waiver to reduce this to 22-feet.

The Planning Board grants this waiver because the minimal reduction in pavement will not affect maintenance abilities or life safety.

**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 September 1, 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) None at this time.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a) Add a note that the Open Space lots are not to be owned by the City of Rochester.
- 3) Easements, deed restrictions, and creation of a Home Owners Associations and documents will be required to address road and drainage responsibilities.
- 4) The road and drainage must be privately maintained unless the City accepts the street. Please create an Operations and Maintenance manual and draft HOA document outlining draft responsibilities for the road and drainage.
- 5) Please work with your Surveyor/Legal Counsel to add a note on the plans to be recorded that addresses roads and their dedication and acceptance with regards to abutting lots. We are looking for language that will address our concern that if lots are conveyed without some language that excludes fee to the centerline, than ownership/fee is to the centerline. We also need language that guarantees the City will get ownership upon street acceptance, instead of only an easement/right-of way. The language also must speak to each lot having the right to use the road "lot" for passage and utilities.
- 6)# 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.
- 7) State Plane Coordinates. The plans are to be tied into the State Plane Coordinate System as per the Subdivision Regulations.
- 8) 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 April 7, 2020).

### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

- 1) Driveway permits for each new lot will need to be applied for and granted by the Department of Public Works.
- 2) If needed, deeds shall include the shared access requirement and associated easement/Right-of-Way language, utilities, drainage, and shared maintenance requirement.
- 3)# 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.
- 4) Impact Fees. The new lots are subject to impact fees and the fees shall be paid prior to the issuance of a certificate of occupancy. The fee schedule can be found on the Planning & Development Department website.
- 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) a) Address identifiers must be placed on the front of the structure prior to Certificate of Occupancy. b) Temporary address identifiers must be utilized during construction before issuance of a Certificate of Occupancy (on a lot by lot basis) or release of surety.
- 7) 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 lot line adjustment null and void.**
- 8) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the City.
- 9) 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.

- 10) 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.
- 11) Because this is an approval for an amendment, previous conditions of approval remain in effect.

(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 "Seth M. Creighton".

Seth Creighton, AICP,  
*Chief Planner*

cc: Berry Surveying & Engineering  
Viewpermit  
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