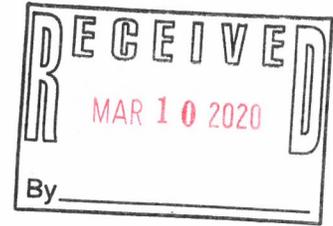


Application for Conditional Use
Conditional Uses and Buffer Reductions
Section 42.19 - Conservation Overlay District
City of Rochester, NH



Date: 03/10/2020

Property information

Tax map #: 110; Lot #(s): 10, 10-2 thru 10-18; Zoning district: Residential-1 (R1)

Property address/location: Eastern Avenue

Name of project (if applicable): Freedom Drive Subdivision

Property owner

Name (include name of individual): Arthur Taylor, LLC

Mailing address: 479 Tovar Drive; San Jose, CA 95123

Telephone #: _____ Fax _____

Applicant/developer (if different from property owner)

Name (include name of individual): Golden Oaks Development, LLC

Mailing address: 35 Jenkins Court; Lee, NH 03861

Telephone #: (603) 828-1151 Fax #: tports@Comcast.net

Engineer/designer

Name (include name of individual): Norway Plains Associates, Inc. c/o Scott Lawler, PE

Mailing address: PO Box 249, Rochester NH 03866-0249

Telephone #: 603 335-3948 Fax #: _____

Email address: slawler@norwayplains.com Professional license #: PE 10026

Proposed Project

Please describe the proposed project: Proposed project is a 16 single family residential lot subdivision with an open space lot. To provide access to the lots, a new 1,100 linear feet street will be constructed to City of Rochester standards. The lots will be serviced by municipal services and underground utilities.

Please describe the existing conditions: Vacant Land

(continued Conditional Use application Tax Map: 110 Lot: 10, 10-2 - 10-18)

Please fill in **one of the next two sections – for either Conditional Uses or Buffer Reductions**

Conditional Uses

For Conditional Uses only, justify the proposal in terms of each of the criteria below (in accordance with subsection 42.19 (i) (1) (A)). All four criteria must be satisfied.

(i) The proposed construction is essential to the productive use of land not in the COD.

The proposed development has resulted in the need for a stormwater treatment and ground water recharge areas to adhere to the City of Rochester Chapter 218. Some of the proposed grading of these stormwater management areas and a wetlands crossing will be within the CO District. Without crossing the wetland or minor impacts to the outer 25-feet of th buffer would hinder productive use of the land

(ii) Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.

The proposed stormwater management areas will be constructed in such a manner to prevent any impacts to the adjacent wetlands. Erosion and sedimentation control devises will be installed to eliminate impacts and construction fence placed along the buffers will deter the site contractors from entering into the COD.

(iii) There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.

There is a wetland complex that splits the parcel into two halves. There is no feasible access to the the other side without crossing the wetlands. Placement of the stormwater management areas near the CO is necessary given the existing topography of the property

(iv) Economic advantage is not the sole reason for the proposed location of work.

The project requires crossing the wetlands and impacts in the CO in order to best utilize the property to its fullest. None of the proposed lots will require a reduction of the CO for construction of the houses or driveways. Only minor impacts are associated with the grading around the stormwater treatment and management systems.

(Buffer Reductions on next page)

(continued Conditional Use application Tax Map: _____ Lot: _____)

Buffer Reductions

For Buffer Reductions only, justify the proposal in terms of each of the criteria below (in accordance with subsection 42.19 (i) (2) (B)). All four criteria must be satisfied.

(i) The structure for which the exception is sought cannot feasibly, after consideration of all reasonable alternatives, be constructed on a portion or portions of the lot, which lie outside the CO district, **or** the application of the CO district eliminates greater than 50% of the buildable area located on the parcel **or** in the judgment of the Planning Board, the proposed site layout would result in a significantly higher quality design.

(ii) The proposed structure and use must be consistent with the purpose and intent of Section 42.19 and provisions must be made to ensure that drainage from the structure will not adversely impact any wetlands.

(iii) There shall be no impervious areas for parking within the reduced buffer for which the Conditional Use Approval is sought.

(iv) The maximum building coverage is limited to 50% of the outer half of the buffer zone, as shown in the diagram below.

(v) Best management practices must be demonstrated to the satisfaction of the Planning Board.

Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner), and/or the agent.

I (we) hereby submit this Conditional Use application to the City of Rochester Conservation Commission and Planning Board pursuant to the City of Rochester Zoning Ordinance and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant/developer (if different from property owner)/as agent, I attest that I am duly authorized to act in this capacity.

Signature of property owner: _____

Date: _____

Signature of applicant/developer:  _____

Date: 3-6-20

Signature of agent:  _____

Date: 03-06-2020

Authorization to enter subject property

I hereby authorize members of the Rochester Conservation Commission and Planning Board, and other pertinent City departments, boards and agencies to enter my property for the purpose of evaluating this application including performing any appropriate inspections. This authorization applies specifically to those particular individuals legitimately involved in evaluating, reviewing, or inspecting this specific application/project. It is understood that these individuals must use all reasonable care, courtesy, and diligence when entering the property. (It is not necessary to sign this provision if a Planning Board application has been submitted.)

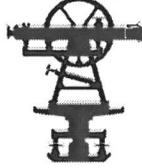
Signature of property owner: _____

Date: _____

NORWAY PLAINS ASSOCIATES, INC.

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March 9, 2020

Rochester Conservation Commission
Department of Planning and Development
Second Floor, City Hall
31 Wakefield Street
Rochester, NH 03867-1917

Re: Conditional Use Application - Proposed Major Subdivision – Freedom Drive - Tax Map 110, Lots 10, 10-2 through 10-18.

Dear Members,

On behalf of the Golden Oaks Development, LLC, Norway Plains Associates, Inc. is pleased to submit a Subdivision Application for a 17-lot residential subdivision. Golden Oaks Development, LLC have a purchase and sales agreement with the owner of the parcels located off Eastern Avenue identified by the City of Rochester assessors as Tax Map 110, Lot 10, 10-2 through 10-18 with a total area of 17.16 acres. The parcels are located in the Residential 1 (R1) Zoning District. This Conditional Use application is being submitted in conjunction with a proposed major subdivision application to the Rochester Planning Board.

The proposed project is to replicate a residential subdivision approved by the Rochester Planning Board in 2007 for Arthur Taylor. The original subdivision approval created seventeen (17) single family residential house lots with access to all but two via a new City street to be constructed as Freedom Drive. The Planning Board approval allowed for the conveyance and house construction on the two lots with frontage on Eastern Ave, Lots 10-1 and 10-17, with the condition that access would be off the new roadway.

With the downturn in the economy shortly after the approvals, construction of Freedom Drive did not commence and only one of the two lots on Eastern Avenue was sold and built up, Lot 10-1. Only minor infrastructure construction was completed, such as the water and sewer connections to the municipal utilities located in the Eastern Avenue Right-of-Way. Over time, City of Rochester Subdivision approval expired as well as all of the State permits.

Golden Oaks Development, LLC are proposing to repermit the approvals for 16 single family house lots and the new roadway. Minor adjustments to the configuration of the proposed lots are proposed, mostly to better accommodate the stormwater management systems.

The proposed road will be 1,100 feet in length and terminating in a cul-de-sac. The proposed street will be 24 feet wide and will have roadside ditches. The lots will be serviced by municipal water and tied into the City sewer system with a low-pressure effluent force main. All of the utilities for the subdivision will be installed underground from existing pole located on Eastern Avenue.

The project will also require reapproval of several State permits, NHDES Wetlands and NHDES Wastewater Engineering Bureaus and a new permit from NHDES Alteration of Terrain Bureau. The total amount of impacts to the wetlands is 4,355 square feet at four locations. The impact locations are generally the same as the previous approval, but the overall amount of impacts increased slightly due to new delineation of the wetlands

As a result of the proposed roadway and future lot development, a stormwater management system was designed to capture, treat, attenuate and discharge the stormwater runoff towards the property lines. The stormwater generated from the new street and the homes will be collected and treated in accordance with the State and City regulations. The runoff from the street and portions of the lots will be directed towards two infiltration basins located in approximately the same location as the previous approved plans. Most of the house lots will have individual rain gardens constructed to handle the runoff from the roofs. With the exception of the rain gardens, the main stormwater basins will be constructed on the open space lot with drainage easements for access and maintenance. Minor grading for the infiltration basins and drainage pipe is proposed along and inside the outer 25 feet of the Conservation Overlay District, totaling approximately 2,965 square feet.

Should the Commission need additional information or have any questions, please feel free to contact our office. Otherwise we look forward to discussing this project with staff and the Conservation Commission. Thank you for your consideration

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.



By:

Scott A. Lawler, PE, Project Engineer

cc: Golden Oak Development, LLC
Arthur Taylor