



**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**

May 11, 2020

Matt Assia  
Chinburg Properties  
3 Penstock Way  
Newmarket, NH 03857

**Re: Site plan and Conditional Use Permit for 51 residential units with 2,300 s.f. of commercial space. Case# 121 – 10 & 120 – 361 – DTC – 20**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its May 4, 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.

**Precedent Conditions** [Office use only. Date certified: \_\_\_\_\_; CO signed off? \_\_\_\_\_;

As- Builts received? \_\_\_\_\_; All surety returned? \_\_\_\_\_]

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

1) Site Plan Regulation Article III Section 10 (Parking and Circulation) tabulates that 52 parking spaces are required for this proposal. The applicant is providing 14 spaces onsite. They are requesting a waiver for the other 38 parking spaces. The applicant has a legal agreement to lease 45 parking spaces from the City, within one or more of the City's adjacent parking lots on Congress Street. The agreement states, "The parking lease shall be for an initial base term of twenty (20) years and shall include three 5-year extension options to be exercised at Chinburg's sole discretion".

The Planning Board grants this waiver because the applicant has secured 45 offsite parking spaces for at least 20 years, and will have 14 onsite spaces; totaling 59 spaces when only 52 are required.

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 August 4, 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) None at this time.
- 3) Architectural design review is being reviewed by the Historic District Commission. The applicant shall meet with Planning Staff before submitting their application and ensure that rear façade look good because this may become a second frontage in the near future.
- 4) Exterior lighting details and photometric plans are needed, for the rear of the garage and rear of the building and along the side of the garage (where the sidewalk is located).
- 5) Final determination of where roof runoff will tie in must be noted/shown on the plans. Additionally, the condition of the existing downstream systems and proposed connection points must be evaluated and upgraded (if needed) and agreements regarding ownership and maintenance drafted. The applicant shall work with the Department of Public Works engineers on this.
- 6) Final determination of watermain/water service extensions, design, and hydrants shall be discussed and designed closely with the Department of Public Works engineers and the Assistant/Deputy Fire Chief. Final design/requirements are to be noted/shown on the plans.
- 7) If the dumpsters are to be located outside, the applicant shall add a pad detail to the plans that include Positive Limiting Barriers (V-grooves) around the pad's perimeter.
- 8) The Planning & Development Department shall receive a copy of the Developer's Parking Agreement with the City and will be made part of the file.

- 9)# Current Use. The subject property or a portion of it is not presently in Current Use.
- 10) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 11) Inspections. Inspections will be made by City Staff during construction but there are no costs to the applicant associated with these inspections.
- 12) Pre-Construction Meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 13) Other Permits. All required state and federal permits must be obtained – including any water and sewer, as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 14) Drainage Maintenance. A drainage maintenance agreement approved by the Department of Public Works must be executed. In addition, a stormwater operations and maintenance plan and schedule shall be submitted.
- 15) 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 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 four 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 April 3, 2020).

### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

- 1) Lot pins are to be set and a letter stating such be submitted by a licensed surveyor to the Planning Department prior to a CO being issued.
- 2) The City will assign a new property address when a final plan/building permit plan is presented. Address identifiers will need to be placed at the front and rear of the structure prior to Certificate of Occupancy. Temporary address identifiers must be utilized during construction.
- 3) At time of building permit application submission, the applicant shall include a narrative list on what Energy/Water Conservation measures have been incorporated into the design.
- 4) Recycling receptacles must be onsite and available for utilization, in addition to trash receptacles.
- 5) Video security shall be installed at exterior doors.

- 6) All deeds should be reviewed by the City before they get recorded at the Registry, to avoid any errors.
- 7) North Main Street is under a roadway Moratorium until 2023. Any disturbance to the paved travel way requires approval of the Public Works & Building Committee as well as City Council.
- 8) DPW Permits Required: Demolition, Excavation, Drainage, Water Connection (if New), Sewer Connection (if New) and Sewer Assessment. Fees to be waived.
- 9)# 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.
- 10) Performance Guarantee. Not applicable.
- 11) Erosion Control. If needed as determined by the City Engineer, 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.
- 12) As-Builts. Three sets of full size (measuring at least 22"x34") or black line paper plus one set of 11"x17" 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).
- 13) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 14) 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.

- 15) 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.
- 16) 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,



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

cc: Allen & Major Assoc.  
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