



**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**

April 23, 2020

Golden Oaks Development, LLC  
35 Jenkins Court  
Lee, NH 03861

**Re: 17-Lot subdivision and Conditional Use Permit.**  
**Case# 110 – 10,10-2 thru 10-18 – R1 – 20**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its April 20, 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: \_\_\_\_\_ 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 July 20, 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) General Notes on Sheets S-1: Note 15 and Note 23 are identical, one of them needs to be deleted and add "of each lot" to the end of the first sentence of Note 24 (regarding street trees).
- 3) The applicant shall submit a road name application.
- 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) Because the Registry of Deeds shows the old subdivision lots that were previously approved but were not built/vested, a lot merger application is needed. All of the lots will need to be consolidated into one lot first and recorded as such at the Registry of Deeds. This must be processed and recorded before the subdivision plan is recorded.
- 6) The applicant shall work with their Surveyor and/or legal counsel to add a note on the plans to be recorded that addresses roads and their dedication and acceptance. *What the City needs is language that will address the concern that if lots are conveyed without some language that excludes fee to the centerline, then ownership/fee is to the centerline. The City needs language that guarantees they will get ownership upon street acceptance, and not only get an easement or right-of way.*
- 7) The Assessing Department will review the addresses that were assigned previously against an updated curb cut plan and make any revisions, if necessary.
- 8) Water related Revisions:
  - a) Sheet C-2 the profile shall be adjusted to show the existing hydrant typing into the existing water main, which looks like it is connected to the new pressure sewer.
  - b) Crossing details for water/sewer services, or notes to maintain separation and/or ensure crossing coincides with midpoint between pipe joints, must be added.
  - c) Check with the Department of Public Works to determine if the insulation is needed above the pressure pipe where the drain pipe crosses it.
- 9) Sewer related Plan Revisions:
  - a) The NHDES specifies a minimum pipe size of 3" for low pressure systems with more than 11 service connections. A 2" pipe is shown. Please provide verification from NHDES to allow the 2" FM for this project.

- b) The details and plans show straight tees rather than wyes for cleanout, add wyes to facilitate access for flushing and jetting.
  - c) The cleanout manhole detail has plug valves noted to open left. All sewer valves shall open right and box covers to stamped "Sewer". Please correct.
  - d) Revise the detail for the sewer FM connection to existing SMH to include brick channel and shelves with a minimum drop of 0.1'. There should not be a sump in this MH.
  - e) The force main trench detail still indicates 4-inches of loam, maintenance road detail, and drainage pipe detail also. Add a general note should be added on the permanent seeding section Sheet C-12 – that these area and all City-owned easements and Right-of-Ways shall receive 6-inch loam prior to seeding.
- 10) The Conservation Commission shall review and approve the wetland buffer impacts as proposed, or with amendments agreed upon by the applicant/agent and Conservation Commission. If there is a disagreement that cannot be resolved, the applicant will return to the Planning Board for a final determination.
  - 11) The applicant shall provide the Planning & Development Department the Homeowners Association documents for review.
  - 12)# Current Use. The subject property is not in current use.
  - 13) State Plane Coordinates. The plans are to be tied into the State Plane Coordinate System as per the Subdivision Regulations.
  - 14) 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).
  - 15) 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.
  - 16) Drainage maintenance. If applicable, a drainage maintenance agreement approved by Public Works must be executed.
  - 17) 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 March 10, 2020).

### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

- 1) Once the driveway location has been determined, the Assessing Department will provide an address for the new parcel.
- 2) Driveway permits for each new lot will need to be applied for and granted by the Department of Public Works.
- 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) 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). This shall occur prior to the issuance of a Certificate of Occupancy.
- 6) Full surety will be required prior to the commencement of any work on the site. This full surety must remain in place until the road is accepted or a Home Owners Association is created to define ownership and responsibility of the road and road drainage.
- 7) 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 Planning Board)'. The location and design of the signs shall be as stipulated by the Public Works Department, 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.
- 8) 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 from the Public Works Director or private arrangements are made with Waste Management or another private hauler for pick up at the street.

- 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 may be inspected at the meeting. Contact the City Planning Department to arrange for the pre-construction meeting.
- 10) 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.
- 11) 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.
- 12) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the City.
- 13) 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.
- 14) 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.

- 15) 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 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 blue ink, appearing to read "James B. Campbell".

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

cc: Norway Plains Assoc.  
Viewpermit  
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