



**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

John & Elizabeth Neer  
104 Chesley Hill Road  
Rochester, NH 03839

**Re: 3-Lot subdivision. Case# 246 – 25 – 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.

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

1) Subdivision Regulation 5.2.4 that states the Creation of excessively long and narrow lots is discouraged. At its reasonable discretion, the Planning Board may prohibit the creation of lots where the average depth is more than three times the average width. Average Depth is more than three times the average width. The reason these lots are so long is that the first 200 -450+ feet of the lots from Chesley Hill Road are under Eversource power lines. The lots need to be long in order to get to the unrestricted area of the lots.

The Planning Board approved this waiver because the three proposed new lots share a common access. This was discussed with the agent/applicant and they have agreed.

**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) On the plan the applicant shall round acreage to two decimals, which would make lot 25-1 = 1.53 acres not 1.52 acres, and review the totals.
  - b) Revise the plans to show a shared private access for the three new lots. This shared access private road would extend from Chesley Hill Road and through/to the rearward (eastern) part of the Eversource Easement; private driveways would branch off at that terminus. Said shared access road will be placed appropriate distance from existing curb cuts. Consult with Planning Department staff before finalizing design/location.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a) Plan Note #16, Sheet 1 – conflicts with test pit data. Please address.
  - b) Plan Note #17, Sheet 1 – this note seems not applicable. Please address.
  - c) Plan Not #14, Sheet 1 – please remove.
  - d) Note #23 – remove the language stating driveways must be paved.
  - e) Add a note that these lots cannot be further subdivided, this is a condition of approval due to the nature of the lots being encumbered by a large utility easement.
  - f) Add a note stating address identifiers must be placed at the split in the shared driveway.
  - g) Add shared access requirement, associated easement language, and shared maintenance language to the recordable plan.
- 3) Structures, boats, vehicles, etc. shall be removed prior to recording plans. Photo of demotion must be submitted to the Planning Department.
- 4) The barn/structure on Lot 25-1 shall be removed prior to recording plans. Photo of demolition must be submitted to the Planning Department.
- 5) Submit a road name application for the proposed private road/shared access.

- 6) The applicant shall submit a copy of the draft deed(s) for review.
- 7)# 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.
- 8) State Plane Coordinates. The plans are to be tied into the State Plane Coordinate System as per the Subdivision Regulations.
- 9) 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) Deeds shall include the shared access requirement and associated easement/Right-of Way language 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) 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) 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.**
- 7) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the City.
- 8) 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.
- 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 project. Contact the City of Rochester Building, Zoning, and Licensing Department at 332-3508 regarding building permits.

(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: Berry Surveying & Engineerinh  
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