



PLANNING & DEVELOPMENT DEPARTMENT
City Hall Annex
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Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

August 5, 2021

401 North Main St, LLC
549 US Highway 1 Bypass
Portsmouth, NH 03801

Re: Nonresidential Site Plan Application to construct a proposed auto dealership with a 1-story building and associated improvements, including but not limited to, access, grading, storm water, management systems, utilities, lighting, and landscaping
Case# 114 – 7 – HC – 21

Dear Applicant:

This is to inform you that the Rochester Planning Board at its August 2, 2021 meeting **APPROVED** your application referenced above.

"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:

- A) Applicant is requesting a waiver from the entirety of Site Plan Regulation 5 Landscaping, which requires a number of requirements to be met including 25% of the site be devoted to landscaping, a 15 foot wide front landscape buffer, 10 ft wide side landscape buffer, screening of off site parking areas, parking lot landscape peninsulas, and shade trees. The reason for the request is the uncertainty of DES requirements due to the former use as a landfill.

Planning Board approved this waiver, recognizing that landscaping shown on the approved plan set must be installed.

- B) Applicant is requesting a waiver from Site Plan Regulation 10. A - Number of Required Parking Spaces. The applicant is proposing 60 spaces for customers and employees where 80 spaces are required.

Planning Board approved this waiver.

- C) Applicant is requesting a waiver from Site Plan Regulation 10.H.2 – Parking and Circulation, Curbing in order to install sloped curbing with 6 inch vertical reveal set at a 45 degree angle to help facilitate wildlife crossings in relation to the River.

Planning Board approved this waiver.

Precedent Conditions [Office use only. Date certified: _____; CO signed off? _____;

As- Builds received? _____; All surety returned? _____]

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 6 calendar months to the day of the board's approval – by January 12, 2022 - 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. The site (Map 114/Lot 7) shall provide shared access with the adjacent northern parcel (Map 114/Lot 6). The shared access between the two parcels should be readily apparent to motorists turning into the site, thus the proposed future connection between the two parcels needs to be moved toward North Main Street. The location of the shared driveway should take into account future development of the parcel (Map 114/Lot 2) across the street, however, DPW currently is of the opinion that having the shared driveway span the common lot line between Lots 7 & 6 and eliminating the current southerly curb-cut of Lot 6 is the best fit for minimizing turning motions on North Main Street. The City is open to discussions with the land owner about future development across the street that could affect the shared drive location. A driveway permit for the shared access shall be applied for thru DPW.
 - b. Please verify that the proposed oil-water separator shall meet an effluent concentration of 25-mg/l as required by Chapter 200-16(C)(6) of the City's Sewer Ordinance. If not please update the plan.
 - c. The domestic water service shall be broken off of the fire service line with the City right-of-way and individual shut-offs for each shall be provided within the City right-of-way. The proposed 8-inch gate valve on the site downstream of the proposed fire hydrant may be eliminated.
 - d. Please have the water supply requirements evaluated to determine if additional fire hydrants will be required onsite. Please submit the report to the Fire Department and Planning and update the plan as recommended.

- e. We would like mulch filled silt soxx or equivalent (not hay waddles) used on this site rather than silt fence. Please update sheet c-10 to refer to silt soxx or equivalent rather than simply "silt barrier".
 - f. Reserved for condition about sidewalks if needed.
- 2) Copies of draft easements to be submitted to the City for review and approval, namely associated with the Stormwater outlet structure proposed on lot 6.
 - 3) In accordance with 40 CFR 112 prepare an Spill Prevention Control & Countermeasure (SPCC) plan for the facility.
 - 4) The site shall meet recently adopted Chapter 218 Stormwater Management and Erosion Control requirements. Specifically TSS, TN and TP water quality requirements have been added to the ordinance. City waivers for Peak Rate and Volume of runoff will be required. The newly adopted ordinance can be found at: <https://ecode360.com/32216858>
 - 5) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
 - 6) Inspections. 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.
 - 7) In accordance with RSA 676:4-b the Public Works Department may, at its discretion dependent on project complexity, require 3rd Party Construction inspection of all subdivision plan improvements. Payment of construction inspection services by the applicant whether performed by a 3rd Party firm or DPW will be via a signed Construction Inspection Services agreement. All required subdivision plan improvements shall additionally be subject to inspection by the City Engineer or designee who shall act as the agent of the Board in enforcing the standards and specifications called for in these regulations.
 - 6) Pre-Construction meeting. A preconstruction meeting is required prior to the start of work. Please contact the Department of Planning and Development to schedule this no more than 2 week prior to breaking ground; The pre-construction meeting agreement is to be signed by the property owner prior to signing of final plans.
 - 7) Other permits. All required State and Federal permits must be obtained – including any Driveway/Curb Cut permit, Water Service Connection Permit, Drainage Permit, Sewer Cross Connection Control Permit (including a \$2/GPD sewer assessment of design sewer flow in accordance with Chapter 200-7 (I) of the City's Sewer Ordinance), etc., as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
 - 8) Drainage maintenance. If applicable, a drainage maintenance agreement approved by Public Works must be executed. In order to comply with the Stormwater Management IOP Manual, DPW staff

shall be allowed periodic access to the parking areas for inspections related to the annual stormwater infrastructure report compiled for the City Engineer.

- 8) Final Drawings. (a) three sets of large black-line plus (b) one set of 11" x 17" 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 five complete sets – consult the Planning Department). At the discretion of the Planning Department minor changes to drawings (as required in the precedent conditions, above) may be marked by hand. Note: If there are significant changes to 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. Once the plan is recorded at the Registry of Deeds, submit two 11x17 recorded copies of the plan. Assessing will need an 11x17 recorded copy of the plan.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

1. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.
2. Once it has been determined where the driveway will be located the Planning Department will provide an address for this new parcel.
3. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the CUP and DES wetlands permit). Wetland buffers shall be marked with orange snow fence prior to any onsite activity, and such markers shall be maintained throughout construction.
4. Landscaping: All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as this site plan remains valid;
5. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
6. Snow storage - Snow shall be removed and stored such that the drainage structures can function properly and the required parking spaces can be utilized.
7. The facility shall have permitted backflow prevention devices for both domestic and fire service lines. Such devices shall be testable and of the hazard classification (High or Low) as determined by the DPW. Sheet C-09 has notes specific to a proposed irrigation system that will require an "High" hazard backflow prevention device. Passing test results for all

permitted backflow prevention devices shall be required prior to the issuance of the Certificate-of-Occupancy.

8. The new drainage infrastructure must be constructed prior to construction of the new building and associated parking. If the infrastructure is used as a temporary settling area during construction, the infrastructure shall be cleaned out and brought down to proposed bottom elevation prior to CO of new building.
9. 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)
10. Construction Cost estimate for this project shall be submitted for review and approval. 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. 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 in the form of either letter of credit or cash equal to 110% of the estimated cost for remaining work. (Any existing surety being held at this time may be converted toward this amount). This amount shall include preparation of as-built plans.
12. As-Builts. Three sets of full size (measuring at least 22" x 34") or black line paper plus 1 set of 11" x 17" 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).

As-builts are to include State Plane Coordinates. A copy of the Asbuilt line work is also to be submitted as a CAD file that is georeferenced to that same coordinate system.

13. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.

14. Approvals. 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 building permits, withholding of certificates of occupancy, 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.
17. APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

Sincerely,


Shanna B. Saunders,
Director of Planning & Development

CC: Hanna Giovannucci, TF Moran