



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

Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

June 9, 2021

Christopher Miller
Easter Seals New Hampshire, Inc.
555 Auburn Street
Manchester, NH 03103

Re: Site plan and conditional use permit to construct a 25,000 s.f. senior housing facility with associated parking and utilities. Case# 243 – 39 –A – 21

Dear Applicant:

This is to inform you that the Rochester Planning Board at its June 7, 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.

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 Section 6(E)(6)(a) requires the light poles shall not exceed 15 feet, measured from the ground to the bottom of the light fixture of 15 feet in the Agricultural zoning district; the applicant has requested that 20-foot tall light poles be allowed.

The Planning Board grants this waiver because this use is larger in scale/mass than a typical Agricultural Zone land use, and such it makes sense the light poles be taller.

2) Site Plan Regulation Section 10(A) requires 188 spaces [80 senior housing units requires 160 spaces + 9,400 sf office use requires 28 spaces = 188 spaces. Applicant's has requested a waiver to reduce parking by 79 spaces.

The Planning Board grants this waiver because we've seen a similar use be built (Apple Ridge Apartments on Cortland Street/Rochester Hill Road) with a waiver of parking, and it is functioning well. Additionally, there is sufficient room to add more parking is the need arises.

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 December 7, 2021 - 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. Per the submitted traffic impact analysis prepared by Stephen G. Pernaw & Company, Inc. for the Easter Seals Senior Housing project, in the Findings/Conclusions page, #7. STOP sign control is present on the Healthcare Drive approach at the NH108 intersection. This should be supplemented by an 18-inch white stop line and a short section of double-yellow centerline to separate ingress and egress vehicles. Please update the plan to reflect this recommendation.
- b. Please increase Fire Department accessibility on the northwest side of the building. A 20 ft minimum path width (vegetated pavers may work with FD approval) is required.
- c. Please add 1 or 2 more fire hydrants to the site per the engineer calculated fire flow needs in relation to number of hydrants needed on site.
- d. Sewer design, including all private pump stations must be submitted and approved by the Department of Public Works. Plans must be updated to reflect the new design. Any easements between property owners required for the sewer system design must be submitted to the Planning Department for review.

- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) None at this time.
- 3) Pump stations / water & sewer lines are currently being considered by the applicant as private please update notes on the plan. Draft easements for long term maintenance responsibility of this private infrastructure (that flows into public infrastructure) to be submitted to the City for review and approval.
- 4) For acceptance of Healthcare Drive as a City Street, QA/QC documentation (i.e. inspection reports, select gravel gradations, compaction testing, construction photos, ect.) needs to be provided or roadway cores would need to be performed to verify pavement thickness as well as select gravel thicknesses/gradations. Contingent on acceptable QA/QC documentation or if none acceptable roadway cores then the roadway would then need to be milled to it's complete pavement thickness and then replaced with 2.5" binder and 1.5" wear course HMA. If the road is to be considered private, then draft easements for access between all users as well as long term maintenance responsibility of this private roadway to be submitted to the City for review and approval.
- 5) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 6) 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.
- 7) This parcel is within the "Aviation Overlay District, (AOD)" in the Zoning Ordinance. In order to confirm the proposal meets the technical specifications of the AOD please submit a letter to the Pease Development Authority (PDA) asking them to review the proposal. Please submit a copy of this letter to the Planning Department, or follow up with the Planning Department if there are any issues with the proposal or plan. If the City does not hear from the PDA within 2 weeks of this letter being submitted to them the City will consider the specifications of the AOD to have been met to the satisfaction of the PDA. The City may grant an extension to this 2-week time frame if requested by the PDA.
- 8) 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).

- 9) Pre-Construction Meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 10) 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.
- 11) 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.
- 12) 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. Once the plan is recorded at the Registry of Deeds, submit two 11" x 17" recorded copies of the plan.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

1. Multifamily dwellings are not permitted in this district. This proposal must meet the definition of Senior Housing per the Zoning Definition:

SENIOR HOUSING - A residential development for older persons who own or rent their own independent dwelling units. Generally, little or no support is provided on site for activities of daily living. Pursuant to RSA 354-A:15, to qualify as senior housing a development is occupied solely by persons 62 years of age and older; at least 80% of the units within a development are occupied by at least one person 55 years of age or older; or the development is defined as senior housing according to a formula acceptable to state or federal housing authorities. The use must meet the definition above age thresholds must be met.

A Deed restriction may be required. The City would like to discuss the requirements of the grant regarding age restrictions to see if that might suffice in covering this condition. Otherwise a deed restriction will be required.

2. The proposed senior housing facility will need to have permitted Fire Service and Domestic Service backflow prevention devices. DPW will determine the Hazard Class (Low or High) of both backflow prevention devices based upon proposed use, building plans, specifications

and schematics of the domestic/fire services. A Certificate of Occupancy will not be approved for the facility until the domestic and fire service backflow devices are fully permitted which requires a passing test on both devices by a certified backflow prevention device testing firm.

3. 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.
4. Once it has been determined where the driveway will be located per the Rochester DPW Driveway permit, the Planning Department will provide an address for this new units on this parcel. Proposed primary access is off Healthcare Drive, and the curb cut/existing driveway onto Rochester Hill Rd will remain, but be gated and thus emergency access only. NH DOT should be informed of this change in use.
5. 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.
6. 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;
7. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
8. Snow storage - Snow shall be removed and stored such that the drainage structures can function properly and the required parking spaces can be utilized. Snow storage may not impact the City's access to the sewer pump station.
9. 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.
10. 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)
11. 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.
12. 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.

13. As-Built. 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.

14. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
15. 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.
16. 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.
17. 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.

18. 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: Norway Plains Assoc.
Viewpermit #SP-21-22
File