



## PLANNING & DEVELOPMENT DEPARTMENT

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Planning Board

Zoning Board

Conservation Commission

Historic District Commission

Arts & Culture Commission

### NOTICE OF DECISION

February 2, 2021

EIP Communications II, LLC  
100 Summer Street, Suite 1600  
Boston, MA 02210

**Re: Site plan to construct a wireless communication facility. Case# 244 – 2-1 – A – 21**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its February 1, 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 Regulations Article 2, Section 5(n) requires the property to be surveyed. That applicant has requested a waiver from this requirement because the property was surveyed circa 2007 +/- and as such monuments along the property line/corners still exist and were found. Additionally, the proposed tower is more than 100-feet to the nearest property line.

The Planning Board grants this waiver because monuments were found onsite and are shown on this proposed site plan, and they coincide with the 2007 survey plan on file.

2. Site Plan Regulations Article 3, Section 13 requires adherence to Chapter 218 (Stormwater rules). Part of those rules required that there be no increase in stormwater from pre-development to post-development. The applicant has requested a waiver from this as there is a slight increase proposed post development.

The Planning Board denied this waiver because the stormwater system can be revised so that conformance is met.

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 July 1, 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) Additional survey of existing conditions is required at the proposed driveway entrance and Lowell Street. Currently, a shallow swale conveys road drainage. Update proposed grading based on survey, and provide culvert if required. Construction entrance as shown on Sheet 5 of 24 to be constructed from 3-inch coarse aggregate.
- b) Stormwater Management Design should be revised to achieve no net increase in post-development runoff at the property lines.
- c) When test pits are performed, update plans to include the logs and seasonal high water table elevations.

2) Plan notes. Add the following notes (or equivalent) to the plan drawings:

- a) None at this time.

3) Please submit a removal bond to the City.

4) Please provide a copy of the lease agreement to the Assessing Department.

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) Pre-Construction Meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 9) 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.
- 10) 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.
- 11) 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) 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) Police Dept. be provided the combination to any combination lock used at the entrance gate.
- 3) The address of this lot shall be posted at the entrance, and again on the fence surrounding the pole structure. (A new address may be assigned).
- 4) 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.
- 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) 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.
- 7)# **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.
- 8) **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) NH DOT weighted averages, 3) industry standards, or 4) contractor estimates.
- 9) **Performance Guarantee.** The applicant, prior to issuance of a building permit or beginning site work, 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 structure 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. 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.
- 10) **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.
- 11) **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).

- 12) Execution. The project must be built and 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 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.
- 16) **APPEALS 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 Zoning Board of Adjustment pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

(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,



Shanna B. Saunders,  
*Director of Planning & Development*

cc: Pro Terra Design  
Viewpermit