



**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**

**Zoning Board**

**Conservation Commission**

**Historic District Commission**

**Arts & Culture Commission**

**NOTICE OF DECISION**

June 23, 2021

Janmenjay Patel

JRS, LLC

14 Wadleigh Road

Rochester, NH 03839

**Re: Site plan to construct a second floor on the main building of an existing motel.  
Case# 135 – 35 – HC – 21**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its June 21, 2021 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: \_\_\_\_\_; CO signed off? \_\_\_\_\_;

As- Builts received? \_\_\_\_\_; All surety returned? \_\_\_\_\_]

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

1) Site Plan Regulation Article II Section 5.n has been requested; this regulation requires site plans to show surveyed property lines.

The Planning Board approves this waiver because the property was surveyed in the past and that survey plan was used by the City to draw the tax map. Additionally, the proposed improvements will not be near any property line, thus there is no fear of encroaching on/over property lines.

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 21, 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) Sheet EX shows a 2" and 6" water line (one is for fire); please verify with Dept. of Public Works that these are correct.
  - b) Please add a fire hydrant within 100' of the Fire Department Connection
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a) None at this time.
- 3) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 4) Several Water System upgrades are required. Please contact the Water Department for information.
  - a. Upgrade of backflow prevention devices on both domestic and fire services are required.
  - b. The PWS is protected at the fire service with a single swing check. This will need to be upgraded to a testable detector assembly of the appropriate classification after we know what type of system will be added.
  - c. The domestic service containment device in building one will need to be upgraded to an RPZ due to laundry service and the connection to the pool, at a minimum.
- 5) 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).
- 6) Pre-Construction Meeting. The pre-construction meeting agreement is to be signed by the property owner.

- 7) Other Permits. All required state and federal permits must be obtained – including any Stormwater, water and sewer, 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”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. This property is a permitted lodging motel. Long term stays/apartment use is not permitted without a significant commercial component. Please see Zoning Ordinance section 275.2.2 and 275.20.2.K.3 and NFPA 101 Ed. 2015:
  - a. **275.2.2 LODGING FACILITY**  
A facility offering short-term overnight accommodations for paying transient guests. Visitors to a lodging facility have their primary residence elsewhere.
  - b. **275.20.2.K.3 Commercial districts.** Within any commercial districts, multifamily is allowed only as a secondary use.
    - i. It must be situated on the second floor or on higher floors of a commercial building or in a separate building behind the commercial building; and
    - ii. At no time may the area of the multifamily dwellings exceed 80% of the square footage of the on-site commercial space.
  - c. **3.3.145\* Hotel.** A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals. (SAF-RES)

- d. A.3.3.145 Hotel. So-called apartment hotels should be classified as hotels, because they are potentially subject to the same transient occupancy as hotels. Transients are those who occupy accommodations for less than 30 days.
2. The apartment is considered a security apartment per Zoning Ordinance section 275.23.2.A.1.k and cannot expand as part of this construction except up to 800 sf.
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. 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. 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.
6. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways.
7. 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.
8. The new drainage infrastructure must be constructed prior to construction. 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. 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. 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.

11. 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.

12. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
13. 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.
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 building permits, withholding of certificates of occupancy, 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. 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.

(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: Lala Assoc. Engineers  
Viewpermit #SP-21-12  
File