



PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex

33 Wakefield Street

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Web Site: [www.rochesternh.net](http://www.rochesternh.net)

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

NOTICE OF DECISION

October 7, 2021

Robert & Mary Small  
32 Cross Street  
Farmington, NH 03835

**Re: 3-Lot subdivision and CUP for driveway crossing at 163 Whitehall Road. Case# 240 – 57 – A – 21**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its October 4, 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? \_\_\_\_\_]

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 April 4, 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.

- a. Please add a note to the plan that this property is in the Airport Overlay District.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a. Please add a note to the plan that Shaw Drive is a moratorium street until the July 2025. Since installation of water service connections for the 2 subdivided lots would require excavation in the paved travel way, City Council approval would be required.
  - b. Place a note on the plan that individual lot development meeting the applicability requirements of Chapter 218-7 Stormwater Management and Erosion Control ordinance shall require a stormwater permit from the Department of Public Works.
- 3) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 4) Other permits. All required State and Federal permits must be obtained – including any Driveway/Curb Cut permit, Water Service Connection Permit, Drainage Permit, Cross Connection Control Permit, etc., as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 5) Final Drawings. (a) four 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.
- 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 six calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by March 9th). See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the lot line adjustment null and void.

### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

1. Once it has been determined where the driveways will be located the Planning Department will provide an address for this new parcel.

2. Driveway permits for each new lot will need to be applied for and granted by the Department of Public Works.
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. Wetland Buffers shall be marked with Conservation Overlay District tags prior to CO's for homes (available for a nominal fee at the Rochester Planning Office), and such markers shall be maintained in perpetuity.
5. Removal of trees over five (5) inches in diameter (at least breast height) along roadways should be minimized.
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. 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 easements bounds (Subdivision Regulation 5.7.4).
8. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
9. 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.
10. 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.
11. 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.

12. 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: Open Gov #SUBD-21-10  
File