

City of Rochester, New Hampshire

Zoning Board of Adjustment

Appeal of Administrative Decision Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2-22-15

DATE FILED 4/20/22

C91
ZONING BOARD CLERK

Applicant: GNM Solar 17, LLC c/o Bruton & Berube, PLLC

E-mail: fx@brutonlaw.com

Phone: 603-749-4529

Applicant Address: 601 Central Avenue, Dover, NH 03820

Property Owner: GNM Solar 17, LLC

Property Owner Address: PO Box 77, Farmington, NH 03835

Appeal Address: 60 Shaw Drive, Rochester, NH 03868

Map Lot and Block No: 0240/ 0049/ 0000

Description of Property (give length of lot lines): ~1,125.8 SE; ~2,256.2 SW; ~1,057.5 NW; ~1049.7 NE

Proposed use or existing use affected: Solar Energy System

The undersigned alleges that an error has been made in the decision, determination, or requirement of:

Ryan O'Connor on April 5, 2022 to _____
Name of enforcement officer date decision

in relation to Article _____ Section _____ of the _____ and hereby
Ordinance
appeals said decision

Signed: [Signature] Date: April 15, 2022

Attorney for Applicant

20



43.294027 -70.915553 Degrees

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC
ATTORNEYS AT LAW

601 Central Avenue
Dover, NH 03820

TEL (603) 749-4529
(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

April 20, 2022

VIA HAND DELIVERED

Robert Gates, Chair
Zoning Board of Adjustment
City of Rochester, New Hampshire
31 Wakefield Road
Rochester, NH 03867



Re: Appeal of Administrative Decision and Application for Variance
Applicant: GNM Solar 17, LLC c/o Bruton & Berube, PLLC
Owner: GNM Solar 17, LLC c/o Bruton & Berube, PLLC
Property: 60 Shaw Drive, Rochester, NH 03868
MBLU: 0240/ 0049/ 0000
Zone: Agricultural District ("AG")

Dear Chairman Gates:

Enclosed please find ten (10) copies of an Application for Variance as well as ten (10) copies of an Application for an Appeal of an Administrative Decision, together with the associated filing fees for both.

We understand that this matter will be placed on the agenda of the Zoning Board of Adjustment for its meeting of May 11, 2022, and the Applicant respectfully requests that the Application for the Appeal of the Administrative decision be heard first. Should there be any questions regarding the enclosed application, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "FXB", written over a horizontal line.

Francis X. Bruton, III
E-mail: fx@brutonlaw.com

FXB/mas
Enclosure

cc: GNM Solar 17, LLC

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC

ATTORNEYS AT LAW

601 Central Avenue
Dover, NH 03820

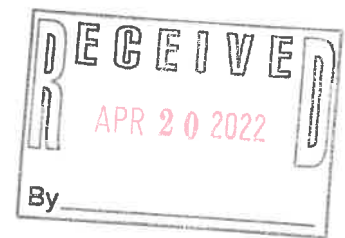
TEL (603) 749-4529
(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

April 20, 2022

Robert Gates, Chair
Zoning Board of Adjustment
City of Rochester, New Hampshire
31 Wakefield Road
Rochester, NH 03867

Re: Appeal of Administrative Decision
Applicant: GNM Solar 17, LLC c/o Bruton & Berube, PLLC
Owner: GNM Solar 17, LLC c/o Bruton & Berube, PLLC
Property: 60 Shaw Drive, Rochester, NH 03868
MBLU: 0240/ 0049/ 0000
Zone: Agricultural District ("AG")



Dear Chairman Gates:

Pursuant to RSA 676:5, GNM Solar 17, LLC (the "Applicant") respectfully appeals an administrative decision issued on April 5, 2022 (the "Decision") by the City of Rochester, New Hampshire preventing issuance of a building permit to construct solar panels on real property located at MBLU 0240/ 0049/ 0000, otherwise identified as 60 Shaw Drive in Rochester, New Hampshire (the "Property"). The solar panels are to be utilized as part of a proposed blueberry farm which is a permitted use, with the Applicant utilizing a portion of the energy from the solar panels for the farm and a portion of the energy utilized by other commercial uses in the area.

I. ENCLOSED MATERIALS

Please find enclosed 1-copy of each of the following documents listed in chronological order:

1. Appeal of Administrative Decision Application dated April 18, 2022;
2. Administrative Decision dated April 5, 2022 (the "Denial");
3. Administrative Decision Clarification ("ADC") dated April 13, 2022;
4. Building Permit Application dated March 25, 2022 (the "BP Application"); and
5. Electrical Permit Application dated March 25, 2022 (the "EP Application").

II. NARRATIVE

On March 25, 2022, the Applicant submitted building and electrical permit applications to construct solar panels and related equipment on Property located in Rochester's Agricultural District.¹ The Applicant proposed installing fifty solar panels collecting 1-megawatt of alternative current to power multiple uses on the Property, with excess electricity delivered to the nearby energy grid under the State of New Hampshire's net metering rules.²

In addition to solar power production, the solar panels were proposed as a sustainable method to create a shaded micro climate for the Property's proposed primary use as a blueberry farm resulting in reduced water consumption and increased power production.

On April 5, 2022, the building and electrical permits were denied by the City of Rochester.³ In its Denial, the municipality explains that solar panels are considered "Power Generation Utilities" under the Ordinance (as hereafter defined),⁴ and further indicates that a variance is necessary in order for the Applicant to proceed.⁵ The Applicant respectfully disagrees with this interpretation, and this appeal ensues.

III. ANALYSIS

A) Solar Panels are not Power Generation Utilities.

The Denial categorizes the Applicant's solar panels as Power Generation Utilities under the Ordinance.⁶ However, the Ordinance fails to include facilities that produce energy harnessed by solar power in its definition of Power Generation Utility.

The Ordinance defines Power Generation Utility as "a facility producing energy from gas, oil, coal, wood, nuclear, waste, hydro, and other materials for commercial purposes."⁷

As drafted, this definition includes 7-specific, and 1-general, energy source, while explicitly omitting facilities producing energy from sunlight.⁸ Under the statutory construction principal of ejusdem generis, where general words follow a number of specific words, the general words are precisely construed as limited, and apply only to things of the same kind or class.⁹ Thus, sunlight cannot be categorized as "material" because sunlight is not physical material consisting of matter. Material is defined as "relating to, derived from, or consisting of matter,"¹⁰ and matter

¹ See BP Application and EP Application.

² See *Id.*

³ See Denial.

⁴ *Zoning, City of Rochester, New Hampshire*, Chapt. 275 (2022) (the "Ordinance").

⁵ See Denial.

⁶ See *Id.*

⁷ Ordinance § 275-2.2 at 275:34.

⁸ See *Id.*

⁹ Black's Law Dictionary (2nd ed. 2022).

¹⁰ Merriam-Webster at <https://www.merriam-webster.com/dictionary/material>.

is defined as the “substance of which a physical object is composed.”¹¹ In addition, it is impossible to assert that sunlight is contemplated as “other material” because this general term is preceded by specific terms qualifying power sources of the same physical class.¹² Despite this basic canon of construction, the City of Rochester specifically considered in its Administrative Decision that solar “other material” under the Ordinance.¹³

Accordingly, it is impossible to define a facility generating power by sunlight as a Power Generation Utility under the Ordinance, and the Denial must be reversed.

B) The use contemplated by the Applicant is not regulated as a utility or produced within a facility

The definition and the common-sense interpretation of the clause and provision as a whole can only be associated with a “facility” of consequence that is associated with a utility that is regulated by either the Federal Government or State of New Hampshire as a utility. Clearly, nuclear energy is not home-brewed. Nor is oil or gas refined, or hydro power, such as that generated by Hydro Quebec, generated by a customer. Within the definition of a Power Generation Facility, the use of the two words “facility” and “utility” is not meaningless. It is this very distinction that is made within the New Hampshire State regulations, which defines the activity proposed by the Applicant as a “Consumer Generated” activity rather than utility. It is the Applicant’s position that the intended use is agricultural in nature, utilizing the sunshine. This understanding is shared within our general understanding between the difference between Power Generation Facilities and solar farms. This is why we all call the intended use a solar farm rather than a solar power generation facility.

In the past, the Applicant, as a “Customer Generator,” has erected similar solar panels without being considered a Power Generation Facility. Each Customer Generator is also considered, by the State as a “Group Host,” which is permitted, “behind the meter” as a customer, rather than “in front of the meter” as a utility, to share the solar electricity to those in the same area.¹⁴ This administrative gloss, as to how the City has treated such applications for years, dictates how the same activity should be permitted.

In those previous cases, as has been done in this instance, the Applicant was, and now should be, only required to submit a building permit and associated electrical permit associated with the farming use intended and the ancillary solar panel use. Both uses, the growing of blueberries and the use of the solar panels will only involve the passive absorption of the sun’s radiation. The use of materials, brought to a site and waste remnants of a production which occurs at a utility, will not occur at this site.

Given the permitted use, as a farm within the Agricultural Zone, with the construction of the solar panels as an ancillary use (i.e., a “solar farm”), the Applicant respectfully submits that

¹¹ Merriam-Webster at <https://www.merriam-webster.com/dictionary/matter>.

¹² The Ordinance clearly contemplates sunlight by defining Solar Panel as “a panel that converts the sun’s radiation into energy for use.” Ordinance § 275-2.2 at 275:32.

¹³ See ADC.

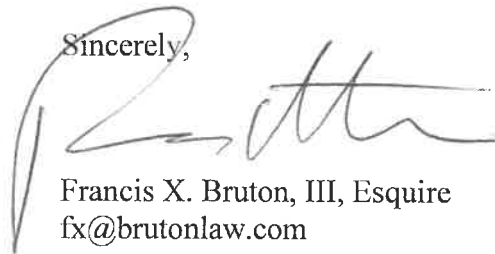
the installation is permitted, as it has not been, nor should it now be, considered a Power Generation Facility, which requires a variance in order for the Applicant to proceed.

IV. RELIEF REQUESTED

For the aforementioned reasons, the Applicant respectfully requests the Zoning Board of Adjustment:

- A. Reverse the Denial;
- B. Issue a building permit, electrical permit, and any other permit required to construct solar panels on the Property; and
- C. Grant any and all other relief as required.

Sincerely,



Francis X. Bruton, III, Esquire
fx@brutonlaw.com

FXB/mas
Enclosures

cc: GNM Solar 17, LLC
City of Rochester, New Hampshire

**GNM SOLAR 17, LLC
123 WASHINGTON STREET
ROCHESTER, NH 03867**

April 20, 2022

City of Rochester
31 Wakefield Street
Rochester, NH 03867

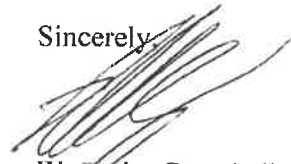
Re: Appeal of Administrative Decision & Application for Variance
Applicant: GNM Solar 17, LLC c/o Bruton & Berube, PLLC
Owner: GNM Solar 17, LLC c/o Bruton & Berube, PLLC
Property: 60 Shaw Drive, Rochester, NH 03868
MBLU: 0240/ 0049/ 0000
Zone: Agricultural District ("AG")

To Whom it May Concern:

Please accept this correspondence as written authorization for Francis X. Bruton, or any other representative from the law firm of Bruton & Berube, PLLC of Dover, New Hampshire to act on our behalf with respect to the proposed project within the City of Rochester. This representation shall include, but not be limited to, discussions with Town officials, meetings before any regulatory boards, telephone conferences, signing of any applications, and any and all other actions reasonably necessary to move the above-referenced project forward.

Should there be any questions regarding this authorization, please feel free to contact me.

Sincerely,



W. Packy Campbell
Its duly authorized Member

Meaghan Sherrill

From: Meaghan Sherrill on behalf of FX Bruton
Sent: Wednesday, April 20, 2022 10:21 AM
To: Meaghan Sherrill
Subject: FW: Building and Electrical Permit Application 60 Shaw Drive.

> From: Ryan O'Connor <ryan.oconnor@rochesternh.net>
 > Sent: Tuesday, April 5, 2022 11:43 AM
 > To: Packy Campbell <packyc@rsarealty.com>; Codes
 > <Codes@rochesternh.net>; Shanna Saunders
 > <shanna.saunders@rochesternh.net>
 > Cc: Jim Grant <jim.grant@rochesternh.net>; FX Bruton
 > <fx@brutonlaw.com>
 > Subject: RE: Building and Electrical Permit Application 60 Shaw Drive.
 >
 >
 > Hi Packy,
 >
 > Yes, this is an official administrative decision. Any ordinance change
 > recommendations would be good points to highlight to the zoning and
 > planning board with this application.
 >
 > We're also more than willing to work with you through the
 > application process.
 >
 > -Ryan
 >
 > From: Packy Campbell <packyc@rsarealty.com>
 > Sent: Tuesday, April 5, 2022 10:06 AM
 > To: Ryan O'Connor <ryan.oconnor@rochesternh.net>; Codes
 > <Codes@rochesternh.net>; Shanna Saunders
 > <shanna.saunders@rochesternh.net>
 > Cc: Jim Grant <jim.grant@rochesternh.net>; FX Bruton
 > <fx@brutonlaw.com>
 > Subject: RE: Building and Electrical Permit Application 60 Shaw Drive.
 >
 >
 > Caution: External email.
 >
 > Thank you Ryan,
 >
 > Can you confirm this is an official administrative decision? Would
 > the town be willing to look into an amendment to the ordinance?
 >
 > I will consider the information and get back to you.
 >
 > Packy
 >

> From: Ryan O'Connor <ryan.oconnor@rochesternh.net>
> Sent: Tuesday, April 5, 2022 9:20 AM
> To: Packy Campbell <packyc@rsarealty.com>; Codes
> <Codes@rochesternh.net>; Shanna Saunders
> <shanna.saunders@rochesternh.net>
> Cc: Jim Grant <jim.grant@rochesternh.net>
> Subject: RE: Building and Electrical Permit Application 60 Shaw Drive.
>
>
> Packy,
>
> Planning Board approval is still needed before we can go forward with
> building permits.
>
> Our ordinance considers this operation a Power Generation Utility,
> which is separate from the States definition of a utility. From our
> interpretation of the project, the power produced will primarily be
> sold and used offsite. A Power Generation Utility is defined in
> Rochester as; a facility producing energy from gas, oil, coal, wood,
> nuclear, waste, hydro, and other materials for commercial purposes. In
> the agricultural zone, this is not an allowed use.
>
> Our intent is not to discourage the project but to follow the
> ordinance. A variance is needed to allow the use in an agricultural
> zone and a site plan will need to be submitted for the project. The
> variance application can be found here [1] and the site plan
> application here [2]. The next zoning board submittal deadline is
> April 20, please let me know if you have questions about the
> application.
>
> Ryan O'Connor
>
> Planner I
>
> City of Rochester
>
> City Hall Annex, 33 Wakefield Street
>
> Rochester, NH 03867
>
> Email: Ryan.oconnor@rochesternh.net
>
> Phone: (603) 335-1338
>
> From: Packy Campbell <packyc@rsarealty.com>
> Sent: Friday, March 25, 2022 4:43 PM
> To: Codes <Codes@rochesternh.net>; Ryan O'Connor
> <ryan.oconnor@rochesternh.net>; Shanna Saunders
> <shanna.saunders@rochesternh.net>
> Cc: Jim Grant <jim.grant@rochesternh.net>
> Subject: Building and Electrical Permit Application 60 Shaw Drive.
>

> Caution: External email.

>

> Hello All,

>

> Attached is the building permit and electrical permit for 60 Shaw

> Drive, we will be building a solar tracker field over a blue berry

> and Christmas tree farm.

>

> The trackers will provide for less water needs for crop growing and

> allow for long term carbon capture in tree farming and blue berry

> harvesting.

>

> WE will be a customer generator of solar as defined by RSA 329 A-9

> the power will be used at the nearest point of power consumption

> Albany industries.

>

> We have obtained an easement to vertically drill under North Coast

> Rail to tie in power at existing infrastructure that services

> industrial uses on opposite side of rail road.

>

> WE are in process with approval for interconnection with Eversource

> and anticipate no issues. We will not be building within 50 feet of

> any wetlands, we will vertically drill and not disturb any wetland

> when cross under railroad track.

>

> WE will not have more than 5,000 square feet of impervious on the

> site. (less than 1,000 square feet)

>

> Our tracker structures are ancillary use to the primary agricultural

> use of the subject property. The subject property is not residential

> or commercial but is agricultural and zoned agricultural.

>

> We have recently harvests wood on the site per a intent to cut permit

> and will be removing all stumps as part of the conversion from forest

> land to farm land.

>

> The subject property is on a class 6 road, and we accept the pass at

> our own risk notice as posted on the road, Please advise if we are

> required to get a drive way permit. (I am not sure they are required

> on class six roads, as they are not maintained by the city)

>

> If you have any questions please call my Cell phone 603 765-9101

>

> Packy Campbell

>

> This email has been scanned by the Mailprotector Email Security

> System. For more information please visit

> <http://mailprotector.com/email> [3]

>

> This email has been scanned by the Mailprotector Email Security

> System. For more information please visit

> <http://mailprotector.com/email> [4]

Meaghan Sherrill

From: Meaghan Sherrill on behalf of FX Bruton
Sent: Wednesday, April 20, 2022 10:17 AM
To: Meaghan Sherrill
Subject: FW: For your consideration 60 Shaw Drive

From: Shanna Saunders <shanna.saunders@rochesternh.net>
Sent: Wednesday, April 13, 2022 3:51 PM
To: Packy Campbell <packyc@rsarealty.com>
Subject: RE: For your consideration 60 Shaw Drive

Packy –

The City is going to maintain its position, and it is my decision as the City's Zoning Administrator, that the installation of 50 solar trackers, where electricity will be sold off site is considered a Power Generation Utility. There are a couple factors that are integral in making that determination. The first is that although solar is not called out specifically, we feel that it is captured under "and other materials". Secondly is the portion the definition that states it is producing energy for commercial purposes. I understand some of the 50 trackers will be used for the agricultural use, a majority of the energy will be sold to Albany.

For that reason, the correct process to proceed is a variance for the use of Power Generation Utility in the Ag zone and then a Site Plan approval. I am sorry this is not what you wanted to hear.

Shanna

Shanna B. Saunders
Planning Director

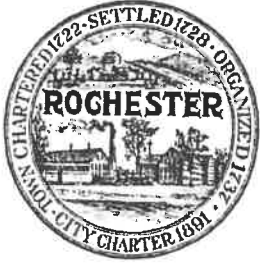
City of Rochester
City Hall Annex, 33 Wakefield Street
Rochester, NH 03867

Email: Shanna.Saunders@rochesternh.net
Phone: (603) 335-1338



"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead

From: Packy Campbell <packyc@rsarealty.com>
Sent: Friday, April 8, 2022 4:42 PM
To: Shanna Saunders <shanna.saunders@rochesternh.net>
Subject: For your consideration 60 Shaw Drive



City of Rochester, New Hampshire

Building & Licensing Services

Attachment 4

Map: 7/29
Lot: 49
Block:
Zoning: Agr

Major Building Permit Application

Location of Construction (Address): 60 Shaw Drive

Property Owner: GNM Solar 17, LLC Phone #: 603-765-9101

Mailing Address: PO Box 77 City: Farmington

State: NH Zip Code: 03835-0077 E-mail: packyc@rsarealty.com

Contractor: Bright Spot Solar, LLC Phone #: 603-765-9101

Mailing Address: PO Box 77 City: Farmington

State: NH Zip Code: 03835-0077 E-mail: packyc@rsarealty.com

Applicant information: ☒ Owner ☐ Contractor ☐ Other authorized agent. If other please fill in the info below.

Name Packy Campbell Business Name: GNM Solar 17, LLC

Address: PO Box 77, Farmington, NH 03835 Phone #: 603-765-9101

E-mail: packyc@rsarealty.com

Proposed Construction is for: (Please check all that apply)			
<input type="checkbox"/> New Single-Family	<input type="checkbox"/> Footing/Foundation Only	<input type="checkbox"/> New Two-Family	<input type="checkbox"/> New Multi-Family
Replacement/ New Mobile Home		<input type="checkbox"/> On it's own land	<input type="checkbox"/> In a Park
Other: Solar Tracker Farm			
<input type="checkbox"/> Commercial Structure	<input type="checkbox"/> Commercial Addition Repair/Replace Commercial	<input type="checkbox"/> Commercial Alteration	
Property is located in:			
Historic District <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Approved Site Plan <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(Respond to all)			
Major or Minor Subdivision <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Shore land Protection Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Flood Hazard Area- per the Flood Insurance Rate Map <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is proposed work located within 50 feet of a jurisdictional Wetland Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - if so please document.			
Land Information:			
City Water <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Sewer <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Corner Lot <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Primary use of Property is:			
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Mixed Use (Both Res & Com)	<input type="checkbox"/> Municipal
Construction Type:		Occupancy:	
<input type="checkbox"/> IA <input type="checkbox"/> IIA <input type="checkbox"/> IIIA <input type="checkbox"/> IV <input type="checkbox"/> VB	Use and Occupancy: _____		
<input type="checkbox"/> IB <input type="checkbox"/> IIB <input type="checkbox"/> IIIB <input type="checkbox"/> VA	Occupant Load: _____		

Description of work to be performed: Construction of a photovoltaic solar tracker farm with 50 solar tracker arrays, including all excavation, concrete bases per attached design, erection of tracker equipment, installation of PV solar panels on trackers, and all related construction activities to complete the solar farm. Will also include agricultural uses under the solar trackers. See also Electric Permit application of same date.

Page 2 - Section A

EXISTING (or PREVIOUS) CONDITIONS

Existing Use: (land only ☒ - if so skip to "B")

☐ Residential ☐ Commercial ☐ Mixed Use (both) ☐ Municipal

Existing Structures: (Existing Conditions)

Existing # of Buildings on site: _____

Total Sq Ft of existing building(s): _____

Garage Parking: _____ Exterior Parking: _____

Electrical Service: _____

Type of Heat: _____ Fuel Type: _____

of Fireplaces: _____ # of Kitchens: _____

Foundation Type: _____ Building Height: _____

of Full Baths: _____ # of Partial Baths: _____

For Residential Units: (Existing Conditions)

of Units: _____

of Bathrooms: _____

of Bedrooms: _____

For Commercial Units: (Existing Conditions)

of Units: _____

Office Area (sq ft): _____

Office Area (sq ft): _____

Page 2 - Section B

PROPOSED CONDITIONS

Proposed Use:

Solar farm

☐ Residential ☐ Commercial ☐ Mixed Use (both) ☐ Municipal

Sprinkler System: _____ Yes _____ Not Required

Setbacks:

Front Setback: _____ Left Setbacks: _____

Rear Setback _____ Right Setbacks: _____

Proposed Structures: (Total of existing + proposed)

Proposed # of Buildings on site: _____

Total Sq Ft of proposed building(s): _____

Garage Parking: _____ Exterior Parking: _____

Electrical Service: _____

Type of Heat: _____ Fuel Type: _____

of Fireplaces: _____ # of Kitchens: _____

of Full Baths: _____ # of Partial Baths: _____

Foundation Type: _____ Building Height: _____

of Stories: _____

For Residential Units: (Total of existing + proposed)

Proposed # of units: _____

Proposed # of Bathrooms: _____

Proposed # of Bedrooms: _____

For Commercial Units: (Total of existing + proposed)

Proposed # of units: _____

Proposed Office Area: _____

Proposed Other Area: _____

ATTACHMENTS AND SUBMITTALS REQUIRED AT THE TIME OF APPLICATION			
For Residential 1 and 2 Family		For Commercial or Multi-unit Residential	
Site Plan	<input type="checkbox"/>	Site Plan – Approved Site Plans Must be Certified Prior to Issuance of Building Permits.	<input type="checkbox"/>
Driveway Permit [Contact DPW (603) 332-4096]	<input type="checkbox"/>	Driveway Permit [If Required] [Contact DPW (603) 332-4096]	<input type="checkbox"/>
N.H. Approved Septic Design [If Required]	<input type="checkbox"/>	N.H. Approved Septic Design	<input type="checkbox"/>
Approved Storm Water Management Plan [Contact DPW (603) 332-4096]	<input type="checkbox"/>	Approved Storm Water Management Plan [Contact DPW (603) 332-4096]	<input type="checkbox"/>
One full set of building plans and PDF's	<input type="checkbox"/>	One full set of plans and PDF's [Stamped When Required by RSA 310 -A]	<input type="checkbox"/>
P.U. C. Prescriptive Compliance Application, Res Check Compliance Application, or	<input type="checkbox"/>	Letter of Energy Compliance From Design Prof. [May Use Residential Compliance Options to a Maximum building size of 4000 Square Feet]	<input type="checkbox"/>
Have you filled out page two Section A and B completely?	<input type="checkbox"/>	Have you filled out page two Section A and B completely?	<input type="checkbox"/>
Footing Certification – This is Due Prior to Foundation Inspection or Issuance of Building Permit.	<input type="checkbox"/>	Footing Certification – This Is Due Prior to Foundation Inspection or Issuance of Building Permit.	<input type="checkbox"/>
All Precedent Conditions of the Notice of Decision that was Approved by the Planning Board are met.	<input type="checkbox"/>	Statement of Special Inspection [IBC Section 1705] [If Applicable]	<input type="checkbox"/>
Fire Department – Fire Protection Plans and Review Fee Submitted In Addition to Building Permit/Fee [If Applicable]	<input type="checkbox"/>	Fire Department – Fire Protection Plans and Review Fee Submitted In Addition to Building Permit/Fee.	<input type="checkbox"/>

Please be advised, the order of inspections, for the BUILDING INSPECTOR ONLY, are as follows:

1. Reinforcing steel prior to placement of concrete
2. Foundation/ Pier Depth
3. Rough-In: Framing with all other trades roughed in and fire blocking/draft stopping in place; before final sheathing (vinyl, cedar, etc) is applied.
4. Insulation
5. Drywall Installation (Prior to mud & tape)
6. Penetration Firestop
7. Final Inspection

Note: Not all inspections may apply to every situation and additional inspections may be required may be required as needed. Electrical, plumbing, and mechanical work all require additional inspections. Check with Fire Department for their required inspections.

Certification of Accuracy: As the owner/owners agent of record, I certify that all information contained within this application is true and accurate to the best of my knowledge and belief.

Certification of Compliance: I hereby certify that I am familiar with all pertinent codes relating to the above specified work, and that all work shall be performed in compliance with these codes, also that I am familiar with the City Rochester Ordinance, Chapter 275 and all use and dimensional regulations.

Inspections: This signed application constitutes consent on the applicant's part to allow for inspections at the property by the department of Building and Licensing Services, Assessing Office and any other required City Staff. Any work that is covered prior to the inspection may be required to be removed for inspection.

Certificate of Occupancy (C/O): A C/O must be issued PRIOR to any occupancy of residential and/or commercial structures. A Certificate of Occupancy shall be clearly displayed in all structures of non-residential uses. For Commercial Projects: As-Built Drawings must be submitted prior to issuance of C/O.

Permits are non- transferable. If this is an "After the Fact" permit, it will be subject to a fee two times the normal permit fee.

Applicants are advised that the making of a false statement on this form is a criminal offense.

40.15 Permits. (a) (4) Fees for building permits shall be waived for honorably discharged veteran of an active duty, National Guard or reserve member of the United States Armed Forces, who plans to construct or have constructed for himself/herself a home or appurtenance to a home already owned by him/her for exclusive occupancy by himself/herself and his/her immediate family.

IF THIS APPLIES, PLEASE CHECK THE BOX. (VERIFICATION MAY BE REQUIRED) ☐

Cost of Construction: \$ 800,000.00

Permit Fee: \$7,210

Permit fee is based on \$9.00 per \$1,000.00 of Construction Cost (Rounded Up Nearest \$1,000.00) plus a \$10.00 application fee.

Minimum Permit Fee is \$20.00. Permits for roofing, sheds, fences, and siding are a flat rate of \$10.00

Applicant Signature

Date

*****OFFICE USE ONLY – DO NOT WRITE IN THIS SPACE*****

Paid: ☐ Cash \$ _____ ☐ Check # _____

THIS PERMIT IS: ☐ ISSUED with the following conditions: ☐ DENIED for the following reason(s):

Approved By: _____ Date: _____

Department of Building and Licensing Services

Note: it is the responsibility of the property owner/project manager to ensure that all contractors employed to do work have applied and received all necessary permits. It is also the responsibility of same to insure that all inspections required are completed. If work has not begun within 6 months of issuance, permit it becomes null and void.

If this is an "After the Fact" permit, it will be subject to a fee two times the normal permit fee.

Electricians must have a valid license from the State of New Hampshire to obtain a permit. Permits are not transferable.

The property owner of record may exercise their right to perform their own electrical work on their residence if it is a single family dwelling and owner occupied

This signed application constitutes consent on the applicant's part to allow for all inspections at the property location listed.

No permit will be issued until all of the above information is furnished, and all the above conditions met. It is the responsibility of the property owner and/ or the contractor to contact Eversource after City approval to schedule connection.

INSPECTIONS REQUIRED: (48 hours' notice required)

1. Underground conduit installations.
2. When service is installed and a work order number has been obtained from PSNH.
3. When rough-in is complete and visible (Rough).
4. When job is complete, but before occupancy (Final).

The Department of Building and Licensing Services approval would certify that the applicant could proceed with installation of electrical fixtures in accordance with specifications submitted. Any deviation from the specifications submitted will require an amendment to this permit or additional permits. If you have any questions, feel free to contact the Department of Building and Licensing Services office at 603-332-3508.

Statement of Compliance: I have read and understand the statement and hereby agree to all of the terms stated therein. I agree to abide by any and all codes relating to my field of work, including all national, state and local codes. I also realize that any false statement made in the application for permit may be grounds for revocation of said permit.

40.15 Permits. (a) (4) Fees for building permits shall be waived for honorably discharged veteran of an active duty, National Guard or reserve member of the United States Armed Forces, who plans to construct or have constructed for himself/herself a home or appurtenance to a home already owned by him/her for exclusive occupancy by himself/herself and his/her immediate family.

IF THIS APPLIES, PLEASE CHECK THE BOX. (VERIFICATION MAY BE REQUIRED) ☐

Cost of Construction: \$ 1,100,000.00

Permit Fee: \$ 9,910.00

Permit fee is based on \$9.00 per \$1,000.00 of Construction Cost (Rounded Up Nearest \$1,000.00) plus a \$10.00 application fee.
Minimum Permit Fee is \$20.00.

Applicant Signature

Date

OFFICIAL USE – DO NOT WRITE IN THIS BOX

Paid: ☐ Cash \$ _____ ☐ Check # _____

Approved By: _____ Date: _____

Department of Building and Licensing Services

ZONING

275 Attachment 4

City of Rochester

**Table 18-D Industrial-Storage-Transport-Utility Uses
[Amended 5-7-2019]**

LEGEND

P = Permitted Use

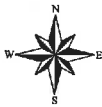
C = Conditional Use

E = Use Allowed by Special Exception

Industrial-Storage-Transport-Utility-Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Airport	—	—	—	E	—	—	—	—	—	—	—	P	Article 21
Commercial parking facility	—	—	—	—	C	—	—	—	—	—	—	—	—
Contractor's storage yard	—	—	—	E	—	—	—	E	P	P	—	—	Articles 20 and 22
Distribution center	—	—	—	—	—	—	P	C	P	—	—	—	Article 21
Emergency services facility	—	—	—	—	C	C	—	C	C	—	P	—	Article 21
Fuel storage	—	—	—	—	—	—	P	E	E	—	—	—	Article 21
Helipad (accessory use)	—	—	—	E	—	E	P	E	P	P	P	P	Article 21
Industry, heavy	—	—	—	—	C	—	P	E	P	E	—	—	Article 21
Industry, light	—	—	—	—	—	—	P	P	P	—	—	—	Article 21
Industry, recycling	—	—	—	—	—	—	—	—	—	P	—	—	Articles 20 and 22
Junkyard	—	—	—	—	—	—	—	E	E	P	—	—	Articles 20 and 22
Laundry establishment-3	—	—	—	—	—	—	—	P	P	—	—	—	—
Mini-warehouse	—	—	—	—	—	—	P	C	P	—	—	—	Articles 20 and 21
Monument production	—	—	C	—	—	C	—	P	P	P	—	—	Article 21
Parking lot	—	C	C	C	C	C	—	P	C	P	C	P	Article 21
Printing facility	—	—	C	—	—	P	P	P	P	—	—	—	—
Public parking facility	—	—	—	—	P	—	—	—	—	—	—	—	—
Recycling facility	—	—	—	—	—	—	—	E	E	P	—	—	Articles 20 and 22
Research and development	—	—	—	—	E	P	P	P	P	—	—	—	Article 21
Sawmill	—	—	—	—	—	—	—	—	E	—	—	—	Article 21
Sawmill, temporary (accessory use)	—	—	—	P	—	P	—	P	P	P	—	P	Article 23

ROCHESTER CODE

Industrial-Storage- Transport-Utility-Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Solid waste facility	—	—	—	—	—	—	—	—	—	P	—	—	Articles 20 and 22
Tank farm	—	—	—	—	—	—	P	C	P	—	—	—	
Trade shop	—	—	C	—	C	C	P	P	P	P	—	—	Article 21
Transportation service	—	—	C	—	C	—	P	P	C	C	—	—	
Truck terminal	—	—	—	—	—	—	P	—	C	C	—	—	Article 21
Utility - substation	E	E	E	E	E	C	E	P	P	P	E	E	
Utility - power generation	—	—	—	—	E	—	E	—	E	E	—	—	Article 21
Warehouse	—	—	C	—	C	C	P	P	P	C	—	C	
Wireless communications facility	—	—	—	E	E	E	P	E	P	P	E	E	Articles 20 and 22



60 Shaw Drive

Rochester, NH

1 inch = 284 Feet



April 26, 2022

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

