



PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex

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

NOTICE OF DECISION

September 20, 2022

Anthony DiLorenzo
549 US Highway 1 By-Pass
Portsmouth, NH 03801

**Re: Site plan to construct two buildings for automotive service and sales.
Case# 114 – 2 – HC – 22**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its September 12, 2022 meeting **APPROVED** your application as 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: _____; Plan recorded? _____;]

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 March 12, 2023 - 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. All stormwater comments must be addressed as outlined by DPW and 3rd party review, including the Fuss & O'Neill design review letter dated August 9, 2022. Once the revised

- final plans are completed, the 3rd party will complete a final review of stormwater for the plans. Additional escrow funds may be needed for this review.
- b. A water capacity analysis by the City's Engineer Wright Pierce and a sewer capacity analysis by the City's Engineer, Weston Sampson, are underway. Plans shall be modified as needed to address any concerns.
 - c. Please add the Electric Vehicle Charging stations discussed at the PB meeting to the final plans.
 - d. Based on DOT's analysis that the evergreens within the States ROW were not a DOT COA, the trees may be removed from the plan as long as the applicant follows all landscape regulation not granted a waiver.
- 2) A recorded drainage maintenance agreement is to be provided to the City, per Ch 218-11 (C) (2).
 - 3) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
 - 4) Receive approval from the NH Department of Safety Dealer Desk, per SAF.C 2003.03, regarding separation of inventory between the two dealerships.
 - 5) 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.
 - 6) Inspections. In accordance with RSA 676:4-b the applicant must sign the Construction Inspection Services Agreement and make a cash deposit to cover the expected costs of inspections, in an amount that is determined by the Public Works Department. The amount in the fund is an estimate and additional funds may be required depending upon complexity and quality of work. The inspections will be conducted by the City of Rochester Public Works Department or its designee, such as a 3rd party inspection firm. The applicant must pay for inspections – at an hourly rate as determined by the Public Works Department, or based upon 3rd party inspection firm hourly rates – of the site, including all new infrastructure serving the site.
 - 7) Pre-Construction meeting. A preconstruction meeting is required prior to the start of work. Please contact the Department of Planning and Development to schedule this no more than 2 week prior to breaking ground; The pre-construction meeting agreement is to be signed by the property owner prior to signing of final plans.
 - 8) Other permits. All required Municipal, State and Federal permits must be obtained – including any Driveway/Curb Cut permit, Water and Sewer Service Connection Permit, NHDES AOT Stormwater Permit, NHDES Wastewater Connection permit, NHDES Wetlands Permits, Excavation Permit, Backflow Prevention Devices (Fire and Domestic), etc., as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.

Development on the subdivided lots beyond 5,000 SF will require a Stormwater Permit from DPW per Ch 218 Stormwater Management and Erosion Control ordinance.

Water and Sewer connection permits will need to be applied for. Only licensed contractors with the City of Rochester may perform water or sewer service work. The Sewer Assessment Fee of \$2/gpd per Table 1008-1 of Env-Wq 1008.03 applies.

Applicants requiring a Stormwater Management and Erosion Control Plan shall establish an account with the NHDES Pollutant Tracking and Accounting Project (PTAP). Relevant pollutant tracking information shall be entered into the PTAP database prior to holding a pre-construction meeting. Post construction pollutant information must be entered at the time as-builts are submitted.

- 9) Drainage maintenance. If applicable, a drainage maintenance agreement approved by Public Works must be executed and recorded with this Notice of Decision at the time certified plans are recorded. 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.
- 10) 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.
- 11) 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. 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.
- 12) 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. This full surety must remain in place until the road is accepted or a Home Owner Association is created to define ownership and responsibility of the road and road drainage. If phased, the surety can be permitted per phase.
- 13) 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.

- 14) 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.

- 15) AOT/SWPPP Stormwater permit must be submitted prior to the Pre Construction Meeting.

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. For vesting purposes under 674:39 “substantial completion” for this project is defined as, “construction of drainage and parking areas and all utilities”.
3. 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 construction tape markers placed on trees or on wooden stakes 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.
4. Backflow prevention device permits will be required for domestic and fire service lines. At the time of the building permit submittal the applicant shall apply for the required backflow prevention device permits thru the Department of Public Works. The applicant is to provide adequate information such as but not limited to plumbing plans/schematics, design flow calculations and equipment cut-sheets with respect to facility operations as it relates to domestic water use, fire suppression system type, irrigation and any intended need for process water. The Department of Public Works will determine hazard classification for all proposed devices related to cross-connection control. Prior to the Certificate of Occupancy, inspections and passing test results of all backflow prevention devices related to cross-connection control are required.

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.
8. 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.
9. 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.

All applicants requiring a Stormwater Management and Erosion Control Plan shall submit relevant pollutant accounting information to the Planning Department as required by the Department of Public Works. Required information shall be submitted at the time of as-builts.

All applicants requiring a Stormwater Management and Erosion Control Plan shall submit relevant pollutant accounting information to an established PTAP account as required by the Department of Public Works. A completed PTAP report shall be submitted to the Planning Department at the time of as-builts.

10. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
11. 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.

12. 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.
13. 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.
14. 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: TFMoran – Chris Rice
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