



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

April 14, 2022

SSG, LLC

120 Washington St, Suite 302

Rochester, NH 03839

Re: Site Plan and Conditional Use Permit to construct a 52-unit, 17,455 sf apartment building at 29 Wadleigh Rd; Case# 137 – 35-1 – HC – 21

Dear Applicant:

This is to inform you that the Rochester Planning Board at its April 4, 2022 meeting **APPROVED** your application with waivers 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? _____]

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 October 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.

1) Plan modifications:

1. Sheet U-1 add comments that watermain shall be polywrapped and hydrants shall be non-draining, non-rotating stem equal to Kennedy K-81-D. Valves shall open clockwise.
2. Sheet C-6, additional design is needed to modify grading at the Anchorage Inn entrance. Provide stabilized 2:1 slopes (max) or propose retaining wall to allow widening of Wadleigh in that area.
3. Sheet D-1, detail for curb ramp should note cast iron truncated dome required in City ROW tip down locations. Ramps must be concrete.
4. Sheet D-1, detail for retaining wall should note that structural engineer shall provide a stamped retaining wall design prior to construction for review by Jones and Beach and the City.
5. Sheet U2 - Add notes to the plans for temporary water to be provided to the Anchorage Inn during water main replacement. A single new tap and stub to Anchorage Inn should be installed. This single service stub should split to fire and domestic, each with its own curb stop. Reconnect to the existing domestic and fire services at the edge of ROW.
6. Sheet L3 - Lighting in the City ROW on Wadleigh Rd should be cobra head fixture mounted on utility pole, not freestanding lamp post. Reduce the number of street light locations from two to one in the City ROW.
7. Sheet P2 - Provide a turnaround for City plowing and maintenance vehicles near the end of the improved Wadleigh Rd in City ROW. If located between the two retaining walls, additional retaining wall may be needed.
8. Please show easement area on Anchorage Inn property for the Wadleigh Road turn-around.

2) Stormwater Third Party review plan and report amendments (additional escrow funds are required to review these changes)

1. Section VI. 3 – Closed Drainage Network Pipe Minimum Velocities – For several of the pipes that are proposed in the closed drainage network the minimum velocities are less than the 2 fps that is required. The Applicant included a table of pipes and velocities in the drainage report; however, the table only includes the maximum velocity. Based on a review of the HydroCAD model, the average velocities for many pipes are less than the required minimum of 2 feet per second and therefore do not meet the requirements. For example, the average velocities for Reach P1 and Reach P2 are 0.99 and 1.17 feet per second for the 25-year, 24-hour storm, which is less than the required 2 feet per second.
2. Section VIII. 11.g – The Focal Points which were previously modeled in HydroCAD are now missing. The Applicant should provide a revised HydroCAD model and confirm all the peak discharge numbers are correct.
3. The 15" culvert with an invert of 212.7 shown on Sheet C5 is not modeled as a reach in the HydroCAD model nor is it included in the time of concentration calculations for subcatchment 7S. The culvert should be included in the analysis. There is no outlet invert shown in Sheet C5 for the 8" culvert. Please correct.
4. Note: The Drainage Report states that the rip-rap details can be found on Sheet E1 – Erosion & Sediment Control details but the rip-rap calculations and/or depths are not shown on Sheet E1. However, the rip-rap details are included on Sheet D6 for

the rip-rap outlet protection apron and on Sheet D4 for the rip-rap stabilized steep slope.

5. The design inverts are called out on the Grading Plans (Sheet C5); however, the Applicant should still provide a detail schedule.
 6. On Sheet C5, the invert of the 8" pipe is 208.3; however, the detail and the HydroCAD model have an invert of 208.5. The Applicant should ensure that the elevations on the drawings, details, and in HydroCAD are consistent.
 7. The cast iron frame/grate is shown in the pond detail on Sheet D3 but the dimensions are not specified. In HydroCAD, the grate is modeled as a 24" horizontal orifice/grate. The dimensions should be included in the pond detail
- 3) Plan notes.
- a. On page E1, winter stabilization is said to begin on October 15th, indicate that those requirements will be in effect until May 15th
 - b. Please indicate that wetland buffers will be marked by orange construction fence
 - c. On Sheet C2 please add a note that should the City wish, the historical marker will be restored at the expense of the applicant prior to the first CO.
- 4) Off-site Sewer Improvements: Applicant shall bear costs to increase capacity of the Old Route 125 Pump Station to accommodate the proposed development in conjunction with additional developments, or solely, as determined by DPW.
- 5) Applicant shall submit sewer reserve capacity fees prior to connection to the City sewer system, calculated as required in Chapter 200 Sewer Ordinance.
- 6) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 7) 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).
- 8) 3rd Party Construction inspection. In accordance with RSA 676:4-b the Public Works Department may, at its discretion, dependent on project complexity, require 3rd Party Construction inspection of all subdivision plan improvements. Payment of construction inspection services by the applicant whether performed by a 3rd Party firm or DPW will be via a signed Construction Inspection Services agreement. All required subdivision plan improvements shall additionally be subject to inspection by the City Engineer or designee who shall act as the agent of the Board in enforcing the standards and specifications called for in these regulations.
- 9) Other permits. All required Municipal, State and Federal permits must be obtained – including any Driveway/Curb Cut permit, Water Service Connection Permit, NHDES AOT Stormwater Permit, NHDES Wetlands Permits, Cross Connection Control Permit, etc., as appropriate –

with copies of permits or confirmation of approvals delivered to the Planning Department. DPW Stormwater Permit required in accordance with Ch 218.

For this site specifically, DPW permits include water and sewer connection, sewer assessment, ROW excavation, and driveway permit to modify access to Wadleigh Road from the proposed site.

- 10) 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 Ordinance, Chapter 218, 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. The applicant shall provide a set of plans suitable for recording to be certified by the Planning Department. Submittal includes (a) four full sets of 24 x 36 black-line final approved site plan drawings 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 submitted to 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 final plan shall reflect any and all changes required as part of the approval process. Please submit one copy of the revised plan for final staff review before submitting the additional copies.

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. Active and substantial development for this project is defined as, "Construction of the road, parking area and utilities. These improvements must be completed within 24 months of the Planning Board approval date".
3. Substantial completion for this project is defined as follows: The completion of all on-site and off-site improvements specified in the subdivision approval, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration specified in RSA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the City, substantial completion of the improvements in the site plan shall be deemed to have occurred.
4. 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.

5. Prior to the Pre Construction Meeting, your Storm Water Pollution Prevention Plan, (SWPPP) that is required by EPA's Construction General Permit must be submitted to the Planning Department, as well as a full phasing and winter stabilization plan.
6. 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.
7. 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;
8. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
9. 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.
10. 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.
11. 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 easement bounds (Subdivision Regulation 5.7.4)
12. 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.
13. 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. 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.

14. 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.

15. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
16. 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.
17. 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.
18. 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.

19. 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: File
SP-21-42
Jones & Beach – Brad Jones