



PLANNING AND DEVELOPMENT DEPARTMENT
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Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF DECISION

February 14, 2008

Mark Phillips
35 Hodgdon Farm Lane
Newington, NH 03801

RE: Preliminary application for 17-lot subdivision, England Road. Case # 263-10-A-07

Dear Mr. Phillips:

This is to inform you that the Rochester Planning Board at its February 11, 2008 meeting **APPROVED** your application 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. The requested waiver(s) and conditional use were approved.

Precedent Conditions [Office use only. Chief Planner review MB Date certified: 3/18/09
ROD received? 96-98/96-99
and 96-100

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 commencement of any site work 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 - by August 11, 2008 - 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) The plans are to be modified as follows:

- ✓ a) (on sheet C-4). Install granite 4' x 4' posts at least 3-1/2 feet above grade at entrance to the open space on lots 7 and 8. These should be placed at the intersections of the front lot lines and the outer edge of the drainage easement. Show 6-foot wide asphalt path from the edge of the road to the right of way line at the start of the drainage easement (centered on the easement). Include note that a culvert shall be placed under the path within the right of way. Re-label path to identify also as "pedestrian path to open space". ✓
- ✓ b) (on sheet C-5). Modify detention basin path to show the top 2" as 1/2 to 3/4 inch crushed stone instead of loam, seed, and mulch.
- ✓ c) Add one-way striping in the cul-de-sac. *SIGN INSTEAD. OK*
- d) Add note to 15 foot wide planting easement to "see notes below". ✓
- ✓ e) Add Dead End sign at the entrance to the cul-de-sac including the following note: "The 'Dead End' sign is to be installed at the developer's expense."
- ✓ f) Add a note on lots 1, 2, 3, and 16 to see note 13 regarding the field preservation easement.
- ✓ g) On road profile (sheet C-2) show break between -2% and -1% slope.
- h) Show 25 foot no cut zone at the rear of lots 13 and 14. ✓
- ✓ i) Eliminate waivers shown on plans for sidewalks and planting strips (waivers not needed).
- ✓ j) Eliminate shared driveway and note about shared driveway for lots 1 and 2
- ✓ k) Show required driveway locations for lots 1 and 2 situated on the westerly side of each lot
- ✓ l) Add a granite bench in the open space area. ✓
- ✓ m) The note about the buffer wetland should be noted on each of lots 1, 12, 13, and 14 including a sentence to see the notes below regarding buffers.
- ✓ n) Label extension of right of way, adjacent to Lot 257-24, as only to be used for secondary access to lot 257-24 if primary access to the parcel is obtained elsewhere, and that use of this for access to lot 257-24 is only at the discretion of the Planning Board. ✓

- o) Add the following information to plans (obtain information for i, below, from the Assessing Office and for ii, below, from the Planning Office):
 - i) new Assessor's Map # and Lot # on each lot;
 - ii) new street names (proposed names must be approved by E911 Committee);
 - iii) Also, submit a *separate sheet of paper* (not on plans) giving proposed new street address for each map and lot #
 - p) Add four catch basins at the edge of the road pavement – one on each side of the road at the low points in the two sags in the road.
- 2) Add the following notes (or equivalent) to the plan drawings:
- a) "All outside construction activity related to the development of this site is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday."
 - b) "This subdivision is approved for conventional detached single family stick built or modular houses only. Mobile homes and duplex houses are not approved for these lots."
 - c) "Lot 10-3 shall take access from the new street via the access strip."
 - d) "No certificates of occupancy shall be issued until the driveway on lot 10 is relocated to the new street and the existing driveway reclaimed."
 - e) "All utilities must be underground, including utilities extended onto the site from existing poles near the site. However, if the only pole nearby is across the street, one additional pole may be placed on/near the property to allow for overhead extension of wires across the street. Utilities extending from any such new pole must be underground. The applicant may work with the City staff as appropriate to address this requirement."
 - f) "The conditional use for the detention basin was granted subject to the three following terms: i) construction vehicles may not disturb the inner 25 feet of the wetland buffer; ii) the construction fence with silt fence must be installed prior to any excavation or site disturbance; and iii) the excavation work must begin at the construction fence and work backwards from there."
 - g) "Access into the site for fire apparatus must be maintained at all times during the construction process. This is the sole responsibility of the applicant/developer to maintain this access. Please contact the Fire Department at 330-7182 with any questions about access requirements."
 - h) "Buffer markers must be installed along the outer edge of the wetland buffer on all lots that contain a wetland buffer. The markers must be installed at the time that the orange construction fence, above, is removed. The markers must be in place in order for the certificate of occupancy for that lot to be issued."

i) "This project proposes to disturb over one acre of existing ground cover and meets other specific requirements related to permit criteria for EPA NPDES compliance. The Contractor is responsible for development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), submission of a Notice of Intent (NOI) to EPA, inspection and maintenance of sediment control measures, documentation of maintenance activities, and submission a Notice of Termination (NOT) to EPA. The Contractor is also responsible to comply with any or all other aspects of current Federal, State and Local storm water or NPDES regulations or requirements."

j) "The final wearing course must be installed as follows:

- 1) It may not be installed until at least 50% of the new lots in the subdivision taking access from the new street (i.e. 7 lots out of the fourteen lots 10-3 through 10-16) are built out (certificates of occupancy issued);
- 2) It may not be installed until the binder course has been in place for at least one winter season; and
- 3) It must be installed within 12 months after 50% of the lots in the subdivision (7 lots as described above) are built out."

k) "The open space area(s) are to be owned by ... *[specify party, see note immediately below]*. If no particular party is specified herein or if a homeowners association is specified herein but never established, then the pertinent lot owners in the subdivision shall own the open space in common."

[The open space area(s) must be owned by one of the following entities (unless otherwise approved by the Planning Board): 1) in common by the pertinent lot owners in the subdivision; 2) a homeowner's association; or 3) a government agency or nonprofit organization holding the land for conservation purposes.]

m) "The open space areas may not be logged except under the supervision of a licensed forester."

n) "Leach fields may not be located within the 150 foot preservation areas."

o) "The developer is responsible for the maintenance of the street at all times until it is accepted by the City of Rochester. Reasonable access shall be provided for lot owners and their contractors, if necessary, during the construction process (see condition regarding access for fire apparatus). Once any certificate of occupancy has been issued the developer must provide appropriate maintenance including plowing services in order to allow for safe passage for residents, emergency vehicles, and service vehicles."

p) "Access for lot 16 is to be taken from the new street."

3)# Incorporate all comments from CLD Consulting Engineers, as stipulated by the City Engineer.

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- 4) Provide guarantee for installation of infrastructure (including for placement of all property monuments) satisfactory to the Public Works and Planning Departments. Note that if the City calls the guarantee, the City may use the funds to install infrastructure and/or reclaim the site, as appropriate.

Alternatively, the infrastructure may actually be constructed without a full infrastructure guarantee provided that:

- a) no ground disturbance/site work commences until:
- i) the Public Works and Planning Departments are informed;
 - ii) all of the other precedent conditions have been met;
 - iii) conditions regarding the pre-construction meeting and erosion control, below, are met; and
 - iv) an appropriate reclamation surety is placed to ensure stabilization and reclamation of the site should construction commence but not be completed

b) Prior to issuance of any building permit or driveway permit:

- i) the road leading to any structures for which the permit is sought must be built to, and maintained in, a condition that would allow passage of fire trucks (with a gravel base in place);
- ii) the City Engineer reviews and approves the condition of the roughed in road pursuant to i), immediately above; and
- iii) Appropriate surety is in place to cover any items not yet completed

Note that if the applicant seeks this alternative approach, this condition is not considered to be met unless the infrastructure is completed and deemed acceptable to Public Works and Planning. In the event it is not completed, a guarantee would still be required for any outstanding work or deficiencies prior to certification of these plans.

- 5) The applicant must sign the Agreement for Payment of Inspection Fees and pay surety or make a cash deposit (\$3,000 up front) 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) The pre-construction meeting agreement is to be signed by the property owner.

- 7) Make any outstanding payments to CLD Consulting Engineers, the City of Rochester's consultant for outside review.

- 8) A drainage maintenance agreement approved by Public Works must be executed:

- 9) 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. Contact the Assessing Department at 332-5109 with any questions. It will facilitate the process for you if contact the department well in advance of commencing the project.

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- 10) All required state and federal permits - including State approval of the subdivision, site specific, dredge and fill, state shoreland permit, as appropriate - must be obtained with copies of permits or confirmation of approvals delivered to the Planning Department.
- 11) (a) Two sets of mylars (or one mylar and one acetate/washout; one recording mylar will be recorded at the registry and one full set will be retained by the Planning Department) plus (b) five sets of large blue-line or black-line plus (c) one set of 11"x17" final approved plans 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 plans.* (The applicant need only submit additional blue-line/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 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.
- APPROVED FOR HEREIN (MB)*

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) Two earlier two lot subdivisions that were submitted for this parcel in 2005 and 2006 are null and void (one expired and one was withdrawn).
- 2)# **No site work may be undertaken until: a) all of the precedent conditions are met; b) the preconstruction meeting with City staff has taken place; and c) all appropriate erosion and sedimentation control structures are in place.** These erosion and sedimentation control measures must be in place prior to the pre-construction meeting in order that they may be inspected at the meeting. Contact the City Planning Department to arrange for the preconstruction meeting.
- 3) All erosion and sedimentation control structures must remain in place and be maintained until vegetation is established or ground surface is suitably stabilized. Note that the filter fabric on silt fences must be buried at least 12" below the ground surface in order to function properly. Best management practices must be followed for wetlands protection.
- 4) **The plat (mylar) must be recorded at the Strafford County Registry of Deeds within two (2) calendar months to the date the plat is certified** (e.g. if certified September 9th it must be recorded by November 9th). See RSA 478:1-a regarding plat requirements. *Failure to comply with this requirement herein shall render the subdivision null and void.*
- 5) No certificates of occupancy (for all new lots taking access from the new street, i.e. excluding lots 10-1 and 10-2) shall be issued until the drainage structures, streetlights, and road (including the base course of pavement) are properly installed.
- 6) Active and substantial development for this project is defined as follows: completion of one or more subdivision roads on a subdivision plan, through binder course of hot bituminous pavement, sufficient to cause eligibility for certificates of occupancy for structures on those lots as to which RSA 674:39 exemption is or will be claimed.

- 7) 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 of the four (4) year period 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 subdivision shall be deemed to have occurred.
- 8) Five sets of full size (measuring at least 22" x 34") blue line or black line plus one full size mylar plus 1 set of 11" x 17" 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 acceptance of the street. 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 judgment 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).
- 9) The owner shall obtain the services of an independent engineering materials testing company to test and certify that the materials used to build the road comply with and were installed according to NHDOT Standard Specifications for Road and Bridge Construction.
- 10) The project must be built and executed exactly as specified in the approved application package unless modifications are approved. The staff will consult with the Planning Board chair in case of any proposed significant changes.
- 11) Please note. 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.
- 12) 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 (primary set of plans last received January 25, 2008) and this notice herein shall generally be determining.
- 13) 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. Please be advised that a signoff from the New Hampshire Attorney General is required prior to sale of any house lots or condominium units for projects, which involve 15 or more lots/units (including where the total from all prospective phases could meet or exceed this number). Contact the City of Rochester Code Enforcement Department at 332-3508 regarding building permits.

- 14) Please note that RSA Chapter 79 - Forest Conservation and Taxation specifies requirements for the removal of timber or wood from a property. Please contact the City of Rochester Assessing Office at 332-5109 if Chapter 79 applies to any intended cut or if you have any questions about any intended cut. It is the property owner's responsibility to ensure compliance with Chapter 79. RSA 79.1 II. (b) (5) states *'The following persons shall not be required to file an intent to cut or be subject to the tax imposed by this chapter...[a] person who cuts or causes to be cut, within the tax year, up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips, from the person's own land within a municipality, for land conversion purposes other than timber growing and forest uses, provided that those persons intending to convert the use of the land have secured all required permits including, but not limited to, building permits, subdivision or zoning permits, excavation permits, or site plan approvals, as necessary for the use to which the land will be converted, and are able to furnish proof of such permits.'*

(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).

I wish you the best of luck with your project. If you have any concerns or questions, please feel free to contact me.

Sincerely,



Michael Behrendt
Chief of Planning

CC: Norway Plains Associates
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