



**PLANNING & DEVELOPMENT DEPARTMENT**  
City Hall - Second Floor  
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Planning  
Community Development  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

## **AMENDEMENT**

May 6, 2014

201 Storage, LLC  
304 Maplewood Avenue  
Portsmouth, NH 03801

Re: Amendment to approved site plan to change the number and types of buildings. Case# 106-3-A-14

Dear Applicant:

This is to inform you that the Rochester Planning Board at its May 5, 2014 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.

**Precedent Conditions** [Office use only. Date certified: \_\_\_\_\_; ROD received? \_\_\_\_\_]

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 November 5, 2014 - 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. Also, a building permit must be issued and substantially acted upon within 1 year of plan certification or the Planning Board approval is considered null and void. See RSA 674:39 on vesting.

- 1) Plan modification. Make the following modifications to the plan drawings:
  - a) Change the easterly gate to 20 feet wide, as requested by the Fire Department.
  - b) Final plans must be stamped and signed by appropriate officials.
  - c) Final plans shall show the 50' setback per the ZBA condition for variance.
  - d) Please draft and submit an Operations and Maintenance Plan and Schedule for the porous pavement and drainage swale(s). *(Supported by Site Plan Regulation Section 9).*
  - e) The specie of arborvitae trees must be added to the plan and be of a variety that matures to a minimum height of 15' – 20' tall. *(Supported by Site Plan Regulation Section 7(E)(3). Planning staff is available to assist with recommendations).*
  - f) A lighting plan and lighting details must be submitted. Please work with Planning Staff to ensure the lighting meets the regulations set forth in Site Plan Regulation Section 6.
  - g) To further protect the downstream abutters from this properties drainage, please extend the elevated swale berm easterly and southerly *(doing so will ensure that all stormwater is directed to the controlled outlet away from the Woodland Green units – a site visit on 4/29/14 confirmed that there are flows from the subject parcel entering the abutting parcel in this vicinity).* *(Supported by Site Plan Regulation Section 13).*
  - h) It is recommended that all sided of the structures that face Woodland Green be a neutral tan/brown/green color *(Supported by Site Plan Regulation Section 2).*
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a) Add note referring to the 50' setback per the ZBA condition for variance.
  - b) All outside construction activity related to the development of this site is restricted to the hours of 7:00 am to 6:00 pm, Monday through Friday and 8:00am to 6:00pm Saturday.
  - c) Hours of operation are restricted to 6:00am to 9:00pm with occasional use outside those hours by appointment only.
  - d) 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 City staff as appropriate to address this requirement.

- e) 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.
  - f) There is a 50 foot buffer requirement from wetlands under the City of Rochester Zoning Ordinance as shown on this plan. There may be no encroachment within these buffers except as permitted under the ordinance.
  - g) The applicant shall, *if applicable*, obtain a Stormwater Management permit from the Public Works Department and follow the requirements of City Ordinance Chapter 50. The permittee shall present it to the inspection engineer at the pre-construction meeting. The permittee shall follow Best Management Practices to prevent erosion in areas where the soil has been disturbed.
  - h) An orange construction fence must be placed alongside the wetland buffer prior to the start of construction (this is not required if the required silt fence is orange).
- 3) Easements. None at this time.
- 4)# 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).
- 5) Pre-construction meeting. The pre-construction meeting agreement is to be signed by the property owner for Phase I.
- 6) Other permits. All required state and federal permits must be obtained – including alteration of terrain, as appropriate, and NHDOT driveway permit – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 7) Drainage maintenance. A drainage maintenance agreement approved by Public Works must be executed.
- 8) Final drawings. (a) One set of mylar plus (b) five sets of large black-line plus (c) one set of 11"x17" final approved site plan drawings plus (d) one electronic version by pdf or CD 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 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. (The primary set of plans was last received March 11, 2014). If required by the Board, an updated set of architectural drawings shall be included.

### **General and Subsequent Conditions**

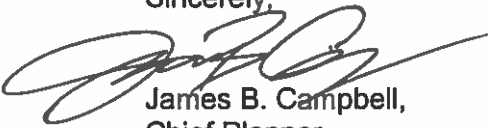
All of the conditions below are attached to this approval.

- 1) Change notes #3 and #8 on Sheet C1 to reflect the new Zoning Ordinance.
- 2) The outdoor storage will be allowed only until the time the second building is constructed; and all vehicles must be registered.
- 3) Pre-construction meeting. A pre-construction meeting agreement is to be signed by the property owner prior to the construction of each additional phase.
- 4) The chain link fence shall have green slats where the fence abuts residential properties or along the entire length of fencing, as approved by the Planning Board.
- 5)# Site work. **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; c) the limits of the proposed tree line are marked; and d) all appropriate erosion and sedimentation control structures are in place. These erosion and sedimentation control measures and the orange fence 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.
- 7) Performance Guarantee. The applicant, prior to issuance of a building permit or beginning site work, 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 equal to 110% of the estimated cost for remaining site work. (Any existing surety being held at this time may be considered 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

- 8) Erosion control. 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.
- 9) As built. Three sets of full size (measuring at least 22" x 34") or black line paper plus one full size mylar 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 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).
- 10) Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
- 11) Approval. 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, Licensing and Zoning 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.

(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).

Sincerely,

A handwritten signature in black ink, appearing to read 'James B. Campbell', written over a horizontal line.

James B. Campbell,  
Chief Planner

cc: Building, Zoning, and Licensing Services Dept.  
P. Cutrer, Deputy Fire Chief  
G. Young, City Engineer  
MJS Engineering  
File