



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

31 Wakefield Street

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 335-7585

Web Site: www.rochesternh.net

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF DECISION

August 5, 2010

Mr. Bob McGuire III
Rye Trust
1 Raynes Ave. Suite 201
Portsmouth, NH 03801

RE: Site plan for new three-story residential and commercial building with parking. Case # 120-324-B1-10

Dear Mr. McGuire:

This is to inform you that the Rochester Planning Board at its August 2, 2010 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) was granted.

Precedent Conditions

[Office use only. Date certified: _____; CO signed off _____; As-built's 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 February 2, 2011 - 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) Add the following notes (or equivalent) or make the following changes to the plan drawings:
 - a) “For more information about this site plan, or to see the complete plan set, contact the City of Rochester Planning Department, 31 Wakefield Street, Rochester, NH 03867. (603) 335-1338”
 - b) “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”
 - c) Change approval block on each page of drawings for signature of Planning Department. It should read: “Final Approval by Rochester Planning Board. Certified by_____ Date_____”
 - 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 pole must be underground. The applicant may work with the City staff as appropriate to address this requirement.”
 - e) “This development must be in compliance with all applicable law – including all pertinent provisions of the City of Rochester Site Plan Regulations – unless otherwise waived”.
 - f) The applicant shall obtain a Stormwater Management permit from the Public Works Department (unless determined to be unnecessary by the City Engineer) and follow the requirements of City Ordinance Chapter 50. The permittee shall prepare a written plan for managing stormwater that enters the construction site and 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.”
 - g) “The sewer impact contribution must be paid in full prior to the issuance of a certificate of occupancy. The sewer impact is a one time payment of \$2.00 per gallon for average daily flow.”
 - h) “The sidewalk on Dreyer Way is on the subject property. It shall be

maintained by the applicant.”

- i) “If there is not sufficient room on site for snow storage, then snow shall be trucked off site.”
 - j) Remove the two trees in front of the building on South Main Street
- 2) Clarify whether or not the roots for the species of trees on Dreyer Way will encroach into the City infrastructure
 - 3) The applicant shall coordinate with the Public Works Director on final designs for drainage and water and sewer lines per email sent January 27. If any changes are to be made from the submitted drawings they shall be handled as a modification.
 - 4)# The plans are to be tied into the State Plane Coordinate System or \$205.48 is to be contributed to the Monumentation Fund.
 - 5) 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 site.)
 - 6) The sewer discharge permit of \$50.00 is to be paid (this is for any new connection to sewer which shall exceed 500 gallons per day).
 - 7) The pre-construction meeting agreement is to be signed by the property owner.
 - 8) A drainage maintenance agreement approved by Public Works must be executed.
 - 9) (a) One set of mylar plus (b) five sets of large blue-line or black-line plus (c) one set of 11” x 17” final approved site plan drawings 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 blue-line/black-line sets of drawings or individual sheets, as needed, to make the 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 July 23, 2010.)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) The applicant has applied for a variance for balconies on Dreyer Way. In the event the variance is not granted the building design shall be modified accordingly.
- 2)# **No site work construction (demolition has been approved) may be undertaken until: a) all of the precedent conditions are met and b) the preconstruction meeting with City staff has taken place.** 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) Three sets of full size (measuring at least 22" x 34") blue line or black line paper plus one full size mylar plus 1 set of 11" x 17" plus one digital 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 are 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).
- 5) The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 6) All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of the approval unless otherwise updated, revised, clarified, in some manner, or superseded in full or in part. In case of conflicting information between documents, the most recent documentation and this notice herein shall

generally be determining.

- 7) 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 certificates of occupancy, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
- 8) 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 Code Enforcement 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.

(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 questions or concerns, please feel free to contact me.

Sincerely,

Michael Behrendt
Chief of Planning

cc: File