



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor
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(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF DECISION

(correction – 3 lot subdivision, not 4 lot subdivision)

April 6, 2012

Paul Normand
Sue Normand
70 Betts Road
Rochester, NH 03867

Re: Three lot subdivision of a parcel on a private road without frontage on a City Street. Case # 203-27-A-12

Dear applicant:

This is to inform you that the Rochester Planning Board at its April 2, 2012 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 approved.

Precedent Conditions [Office use only. Date certified: _____ ROD received? _____]

As built received? _____ Surety returned? _____ Street accepted? _____]

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 October 2, 2012 - 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 plans are to be modified as follows:

- a) Add Dead End sign at the entrance to the cul de sac.
- b) Obtain new street name (proposed names must be approved by E911 Committee) and show on the plan.

- c) Submit a *separate sheet of paper* (not on plans) giving a proposed new street address for each map and lot # that presently takes or will take access of the private road (submit to Planning who will forward to the Assessor. His approval is needed prior to certification of plans.)
- d) State that the lower portion of the private road is owned by NHDOT
- e) Adjust the lot line on the southerly portion of Lot 27-1 so that it is outside of the cemetery buffer.
- f) Add a ten foot wide easement along the northeasterly lot line of Lot 26-1 to allow for placement of the driveway (or a portion of the driveway) for Lot 27-1 on Lot 26-1
- g) Submit a detail for the turnaround to be approved by the City Engineer. The turnaround is to be paved.
- h) Correct legend regarding monuments

2) Plan notes. Add the following notes (or equivalent) to the plan drawings:

- a) "For more information about this subdivision, 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 lot corners shall be marked with capped iron markers or other appropriate monumentation (installation is best done after road construction)."
- c) This note shall appear in a box in very bold type: "The road providing access to this subdivision, extending from Betts Road, is a private road. This road is not a City street and no City services (including garbage pickup) are provided on this road. The road shall remain as a private road in perpetuity unless it is upgraded at the private property owner(s) expense to City standards and conveyed to, and accepted by, the City of Rochester. The developer has recorded at the Strafford County Registry of Deeds an indemnification to the City of Rochester in accordance with RSA 674:41."
- d) "The turnaround, street sign, and "Dead End" sign must be properly installed prior to issuance of any new certificate of occupancy for lots 27, 27-1, or 27-2."
- e) "A permanent approved street sign must be installed at the entrance to the subdivision prior to the issuance of any certificate of occupancy for any house which will take access off of the new street."

3) Submit surety acceptable to Planning to cover the cost for installation of the turnaround, a new street sign, and a "Dead End" sign.

4) Submit proposed Homeowners Association documents, including maintenance agreement for the private road, and a draft deed for review by the Planning Department (prior to recording).

5) Record the HOA documents and indemnification agreement per RSA 674:41

6) Submit outstanding application fee - \$375.00.

7) The City Council must approve issuance of building permits on the private road.

8)# Inspection fees. The applicant must sign the Agreement for Payment of Inspection Fees and make a cash deposit to cover the expected costs of inspections for the turnaround, 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.) With staff approval, the applicant may pay the deposit at the preconstruction meeting.

- 9) 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.
- 10) Other permits. All required state and federal permits - including State approval of the subdivision, as appropriate - must be obtained with copies of permits or confirmation of approvals delivered to the Planning Department.
- 11) Final drawings. (a) One set of mylars plus (b) six sets of large black-line plus (c) one set of 11"x17" final approved plans 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 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 22, 2012.)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) The Homeowners Association must be referenced in all new deeds for lots 27, 27-1, and 27-2.
- 2) Waivers. The Planning Board granted the following waivers as part of this approval: for above ground utilities.
- 3)# Recording. **The plat and this notice of decision** (per RSA 676:3 III), **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.*
- 4) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 5) 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.
- 6) 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.

- 7) 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. Please be advised that (per RSA 356:A) 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.

(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,

A handwritten signature in cursive script that reads "Michael Behrendt". To the right of the signature is a small, stylized mark that appears to be a date or initials, possibly "10/11".

Michael Behrendt
Chief of Planning

cc: Berry Surveying & Engineering
File