



**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](http://www.rochesternh.net)**

Planning  
Community Development  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

## **NOTICE OF DECISION**

January 5, 2014

David Thayer  
596 Governors Road  
Milton, NH 03851

Re: Excavate existing ledge and overburden to the rear of the parcels to create lots that are more conducive to commercial development.  
Case# 216 – 2&3 – GRD – 14

Dear Applicant:

This is to inform you that the Rochester Planning Board at its February 3, 2014 meeting **APPROVED** your application referenced above.

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"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: \_\_\_\_\_; As- Builts 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 August 3, 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) Add the following notes (or equivalent) to the plan drawings:
  - a) None at this time.
- 2) Make the following modifications to the plan drawings:
  - a) None at this time.
- 3) This Notice of Decision shall be recorded at the Strafford County Registry of Deeds.
- 4) Place surety for reclamation and as-builts in an amount approved by the City Engineer.
- 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 primarily conditions of erosion and sedimentation control devices).
- 6) The pre –construction (excavation) meeting agreement is to be signed by the property owner.
- 7) A drainage maintenance agreement approved by Public Works must be executed.
- 8) An intent to excavate application must be filed with the City Assessor.
- 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 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 January 27, 2014).

### **General and Subsequent Conditions**

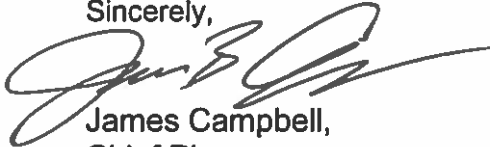
All of the conditions below are attached to this approval.

- 1) For as long as the excavation is active, the applicant shall pay an annual renewal fee of \$100.00 to the Planning Department. This shall be paid by October 15<sup>th</sup> of each year. The renewal shall be automatic provided the Planning Department finds the project remains in compliance with this approval.
- 2) **Easements.** This proposal has necessitated the need for drainage and access easements between the two subject lots; these easements are noted on the Planning Board approved site plan which is on file at Rochester City Hall. These easements must remain in place until such time that the proposed drainage features are superseded by a City approved alternate drainage system which deems the easements no longer applicable.
- 3)# **No site work may be undertaken until: a) all of the precedent conditions are met; b) the pre-construction meeting with City staff has taken place; c) the prominent orange fence along the edge of the wetland buffer, if any are present (referred to in precedent condition, above) is installed; 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 pre-construction meeting. However, the applicant may commence cutting of vegetation for the site immediately provided that no bare ground is exposed prior to meeting these conditions herein.
- 4) 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 wetland protection.
- 5) **Five** 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 upon completion of the excavation. 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).

- 6) The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 7) 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.
- 8) 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.
- 9) 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 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.
- 10) 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 compliance with Chapter 79. RSA 79.1II. (b)(5) states *“The following persons shall not be required to file any 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).

Sincerely,



James Campbell,  
Chief Planner

cc: Building, Licensing, and Zoning Services Dept.  
P. Cutrer, Deputy Fire Chief  
G. Young, City Engineer  
File # 216-2&3-GRD-14