



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 & Zoning  
Community Development  
Conservation Commission  
Historic District Commission

NOTICE OF DECISION

February 13, 2012

Donald R. Routhier, PA  
217 High Street  
P.O. Box 671  
Somersworth, NH 03867

RE: Two lot line revisions to join portions of lots 227-37 and 227-38 with lot 227-35. Case # 227-35 & 37, 227-35 & 38 -A-12

Dear Mr. Routhier:

This is to inform you that the Rochester Planning Board at its February 6, 2012 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: \_\_\_\_\_ 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 August 6, 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 plan drawings are to be modified as follows:
  - a) Add approval block on each page of drawings for signature of Planning Department. It should read: "Final Approval by Rochester Planning Board. Certified by \_\_\_\_\_ Date \_\_\_\_\_"
  - b) Clarify purpose of 50 feet easement for pedestrian access across lot 227-37.
  - c) Change "227-33" on main lot to "227-35"
  - d) Show new monuments at all new corners.

- e) Label new property lines clearly.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
- a) "For more information about this lot line adjustment, or to see the complete plan set, contact the City of Rochester Planning Department, 31 Wakefield Street, Rochester, NH 03867. (603) 335-1338."
  - b) Include Subdivision Approval statement (Section 4.2.10 from Subdivision Regulations) pertaining to diligent adherence to terms and conditions.
  - c) "There are no utilities, water or sewer facilities, or other property features located in the area to be transferred that are linked with the sending lot in such a manner as to impede the legal fee simple transfer of that area, i.e. no encroachments will result from the boundary adjustment."
  - d) "Should the applicant pursue use of the access easement across lot 227-37, as shown on this plan, it shall be the sole responsibility of the applicant to secure appropriate access across lot 227-37, including removal of any structures impeding that access. The applicant shall secure all appropriate approvals from the City of Rochester, including issuance of a driveway permit, prior to construction of the access way."
- 3) Physically relocate the fence on lot 227-38 to remove the encroachment.
- 4)# State plane coordinates. The plans are to be tied into the State Plane Coordinate System or \$40.00 is to be contributed to the Monumentation Fund.
- 5) Notarized deed. The applicant must submit to the Planning Department a copy of the signed and notarized deed which will effect the conveyance of the affected land (the land within the lot lines being adjusted). (After the plat is certified by the Planning Department the original deed and the plat will then be recorded simultaneously (see below). The deed may refer to the plat and state that the conveyance is not effective until such time as the plat is certified and all documents are recorded.) *This requirement is waived if the same party owns both lots (see subsequent condition, below).*
- 6) 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. Contact the Assessing Department at 332-5109 with any questions. It will facilitate the process for you if you contact the department well in advance of commencing the project.
- 7) Final drawings. (a) One set of mylar 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 January 4, 2012)

### General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1)# Recording. The plat, this notice of decision (per RSA 676:3 III), and both deeds (a deed is required if the lots are owned by two separate parties or if one lot is sold prior to recording of this plat; see precedent condition above) must be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified (e.g. if certified September 9<sup>th</sup> they must be recorded by November 9<sup>th</sup>). See RSA 478:1-a regarding plat requirements. **Failure to comply with this requirement herein shall render the lot line adjustment null and void.**
- 2) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the City.
- 3) 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.
- 4) 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 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,



Michael Behrendt  
Chief of Planning

cc: Rickey Cooper  
Estate of Sharon Weeks  
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