



**PLANNING & DEVELOPMENT DEPARTMENT**  
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Planning & Zoning  
Community Development  
Conservation Commission  
Historic District Commission

**NOTICE OF DECISION**

August 19, 2010

Mr. Christian Strickler  
183 Washington Street, LLC  
501 Daniel Webster Highway  
Merrimack, NH 03054-3713

**RE: Rehearing and reapproval for 200+ acre Planned Unit Development with a total of 370 proposed residential units. Case # 237-3, 6, 8, & 246-5A-02**

Dear Chris:

The Rochester Planning Board on August 16, 2010 voted to reapprove the Planned Unit Development (PUD). The earlier notices of decision are now null and void.

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**Documents**

The following documents shall constitute/guide review of the Highfield Commons Planned Unit Development Master Plan for the purposes of zoning and development regulatory requirements:

- 1) All of the documentation submitted by the applicant which is contained in files located in the Planning and Development Department office, with the more recent documentation superseding conflicting earlier documentation unless otherwise noted.
- 2) The most recent Highfield Commons Revised Master Plan map. This includes the "Concept Plan" and "Phasing Plan" both marked "Official PUD Plan – 12/16/02" and the Phase I drawings received on May 27, 2010. In case of conflict, the Phasing Plan supersedes the Concept Plan and the May 27, 2010 drawings supersede the others.
- 3) The City of Rochester Planned Unit Development Ordinance
- 4) The City of Rochester Site Plan Regulations and Subdivision Regulations pursuant to guidelines established in the PUD Ordinance
- 5) Additions, modifications, amendments, and clarifications described herein which shall supersede any described in 1) and 2), above.

- 6) Any other appropriate laws, statutes, ordinances, regulations, policies, procedures, standards, or principles as reasonably determined by the City of Rochester Planning Board consistent with the legitimate intent of this approval.

### General Guidelines

- 1) The Planning Board may impose any appropriate requirements in the course of site plan and subdivision review to ensure that elements of the master plan which are important, which enhance the quality of the project, and which serve a public purpose are completed in a timely manner. This may involve requiring elements to be completed prior to issuance of building permits or certificates of occupancy, or subsequent phase approvals, or stipulating appropriate bonds. Such elements may include, for example, landscaping, trails, sidewalks, pavilions, recreational features, valuable nonresidential uses, those residential uses which provide diversity to the plan such as the townhouses. Provision of these facilities and features shall generally follow the phasing plan unless it is reasonably determined that another schedule or approach is in order.
- 2) It is the intention of the Master Plan map to be a diagram with a moderate degree of specificity. Adjustments may be made in dimensions and layouts of roads, utilities, drainage systems, buildings, structures, etc. in the course of site plan and subdivision review provided the intent of the PUD is clearly met as reasonably determined by the Planning Board
- 3) Consistency with PUD. The Planning Board may use its reasonable judgment in the course of reviewing site and subdivision plans in determining which types of adjustments in the approved master plan are consistent with the approved PUD and may simply be reviewed in accordance with the PUD and which would constitute significant changes such that an amended PUD application would be required. For example, minor adjustments in architectural standards, such as the width of clapboards should not require an amended PUD application.
- 4) While all of the items included in documentation submitted by the applicant are part of this approved PUD, statements which clearly do not impact the quality or effectiveness of the PUD, or in which the Planning Board does not take any interest are not considered to be requirements by the City, as reasonably determined by the staff or Planning Board, as appropriate.
- 5) **In the event active and substantial development or building has not begun on the site by the owner or the owner's successor-in-interest in accordance with the approved master plan by August 6, 2011, then the master plan shall be deemed to have expired and the underlying zoning shall then control development of the land.** Landowners may apply to the Planning Board for extensions of this time period for good cause shown.
- 6) Commencement of active and substantial development for this PUD (same as for construction phase A1) is defined as the extension and placement of water and sewer pipes, sufficient to reach construction phase A1.
- 7) Every reference to Phase I through Phase 6 herein pertains to the phases as depicted PUD master plan drawing, not to the actual phases of development (e.g. Phase I subdivision or Phase II site plan), nor to construction phases.

### Process

- 1) Specific detailed plans will need to be submitted and reviewed under the customary site plan and subdivision process for conformance with this approved PUD and other applicable law.

The Planning Board may, of course, impose appropriate requirements and limitations consistent with this PUD and applicable law during that process.

- 2) Prior to approval of any subsequent phases the board may stipulate review of proposed condominium or association documents by the city attorney at the applicant's expense.
- 3) Prior to approval of any phases the developer must submit proof that he owns/controls the entire PUD tract.
- 4) Engineering Phases 2 and 3. In order to provide confidence about the buildability of Phases 2 and 3 prior to construction of all of the apartment buildings, the developer shall submit to the Planning Board fully engineered drawings – including appropriate test borings - for the entirety of Phases 2 and 3 prior to issuance of any building permits for the apartment buildings in Phase IA. These drawings do not have to be approved but simply demonstrate the construction of Phases 2 and 3 is reasonably workable.
- 5) It is understood that this approved Master Plan specifies what is allowed on this tract of land. If for some reason in the future, a) most or all of the apartment buildings were to be built but relatively little else of the Master Plan and b) the property owner applied to amend the remainder of the PUD in order to construct single family houses or other uses in a conventional manner, not consistent with the intent of this PUD, there is no assurance that a conventional development would be approved at that point. If such an application were submitted, for the purpose of determining allowable density, each constructed apartment unit could – at the discretion of the Planning Board – count at a minimum, as one single-family dwelling. *The developer – and any subsequent prospective purchaser of the tract/project - proceeds with this caveat.*
- 6) Updated drawing. For clarity, prior to Planning Board approval of any site or subdivision plan the developer shall submit a revised/updated final PUD Master Plan incorporating all appropriate elements described herein. The developer should coordinate with the Planning staff in determining which elements are best included in the updated plan. Some – but not all - of the elements, which should be included, are identification of service lanes, and correcting phases, updating uses.
- 7) Building permits and architecture. The Code Enforcement Office will not be involved in reviewing building permits for compliance with the PUD community development or architectural standards. It shall be the responsibility of the HAC (Highfields Architecture Committee) to ensure the intent of these standards is met. The developer/HAC shall work with the Code Enforcement Officer to develop a system for ensuring the HAC has conducted its review prior to issuance of Rochester building permits, such as requiring a letter of approval from the HAC prior to issuance of building permits. In cases where uncertainty arises whether these standards are met, the Planning and Development Department shall be responsible for making these determinations and ensuring appropriate implementation (subject to appropriate support from the Code Enforcement Office).

## **Density**

- 1) Maximum units. The maximum number of residential dwelling units is 370 (except for provision for Granny Flats). Under no circumstances could the total exceed this amount. Developing this number is not guaranteed and is subject to addressing various appropriate standard site constraints. Phase I is approved with 135 buildable residential lots, including 88 single family lots and 47 townhouse lots. Phase II is approved with 96 multifamily units (it was reduced by 30 units as part of a June 21, 2010 amendment). The applicant may apply

for an amendment to change the housing type(s) in Phase II subject to the appropriate review and judgment of the Planning Board. As of June 21, 2010 Phase III has been accepted as complete but not approved. Phase III shall contain 139 units. The total number of dwelling units for all three phases may not exceed 370 (135 + 96 + 139).

- 2) **Conveyances.** Any land conveyed to abutting property owners outside of the PUD may not be subdivided (excluding any simple lot line adjustments consistent with the intent of this Master Plan) nor developed except for any uses that are customarily accessory to single family use and underground utilities. Deeds shall include covenants against this development in favor of the developer/homeowner's association. The reason for this requirement is to establish a firm maximum amount of development over this current 200+ acre tract. A covenant shall also be established on the parcel along Axe Handle Brook providing for public access within 50 feet of the near high water mark of the brook.
- 3) All apartments shown in phases 1 and 1A shall be 1 or 2 bedroom.

## **Uses**

- 1) **Granny flats.** "Granny flats" may be incorporated into a limited number of detached single family lots. They shall be small additional housing for one individual in each unit (though the units are not limited to one individual). The number may not exceed 20% of the total number of dwelling units approved in any one phase. All granny flats must be one bedroom or studio apartments. They must be under 500 square feet and may not exceed three rooms (i.e. bedroom, kitchen, living room, not counting the bathroom). They may not include a study, as it is desirable to avoid creation of a possible second bedroom.
- 2) **Live/work units.** The townhouses around and fronting the central square in Phase 5 are designated as "live/work units". Persons who live in a specific unit may/are encouraged to operate a small scale, "cottage type business" on the first floor facing the square. The purpose of live/work units is to accommodate low impact pedestrian oriented nonresidential uses in a central location. Live/work allows any customary home occupation as specified in the City of Rochester Zoning Ordinance, an artists studio, antique shop, boutique, crafts store, and personal services establishment. There may be no outdoor display of goods or materials. No automobile oriented products nor products with an internal combustion engine may be sold or serviced. Use of typical downtown pedestrian retail frontage design is encouraged. It is the intent that over time this area might develop a more commercial but still low impact, pedestrian oriented character. An amendment to the PUD master plan would be needed to expand the retail or eliminate the live requirement.
- 3) **Tot lot.** The developer shall build an acceptable tot lot with playground equipment as part of the Phase 2 multifamily site plan. This shall be completed prior to issuance of any certificate of occupancies for the apartments in Phase 2.
- 4) **Full range of uses.** The applicant will work diligently to create nonresidential uses and full range of residential uses as specified and will market the spaces aggressively. It is understood that certain uses may not be marketable as quickly as other uses but nonetheless these uses are considered integral components of this PUD.
- 5) **Residential adjustments.** In the course of subdivision and site plan reviews the developer and Planning Board may mutually agree to minor modifications/clarifications in exact type of dwelling units whether single family detached, side by side duplex, or townhouse fronting on squares and greens for the purpose of enhancing development quality provided: a) the intent of the Master Plan is clearly met; b) a reasonable balance of housing types is

maintained; c) the number of dwelling units does not exceed 370; d) the number of units in the specific phase is not increased; and e) this provision does not allow for change in Phase 6 nor around the central square in Phase 5.

- 6) Age restricted units. Phase 6 [from original PUD master plan] will be age restricted (55 years of age or older subject to applicable law). The Phase III subdivision must include at least 22 55+ units.
- 7) Meeting house. Phase 6 (as shown on master plan drawing) should be designated for a “meeting house” in the green (rather than a church; however, this would also allow for a church). Construction of this meeting house is encouraged but is at the option of the developer. It must be built prior to City acceptance of the streets in Phase 6. The design will follow traditional meeting house/church design and should incorporate a cupola or tower, for example. It is understood that much of the parking to accommodate this use will be on street around the green. Some off street parking may be established near the church but must be designed and screened very carefully in order not to compromise the aesthetic character of the meeting house and green. The developer is encouraged to tell prospective buyers of lots around the green about the meetinghouse and plan for parking. The meetinghouse may also function as a community center to accommodate community events and might be leased to outside parties for use.
- 8) Nonresidential uses, generally. If in the future, any building for a particular nonresidential use shown on the Master Plan is established and then subsequently that use is found not to be supportable in the market, such that the building would be vacant, the Planning Board may authorize another use for that building provided that: a) the proposed new use is no more intensive than the original specified use in all pertinent regards; b) the proposed new use is consistent with the intent of this Master Plan; and c) a public hearing is held on the proposed use. If these conditions are not met, submission of an amended Master Plan will be required. It is intended that if market conditions change, there be some reasonable flexibility in this process in order that a nonresidential building not be left vacant indefinitely.

### **General Design**

- 1) The approved Master Plan is as shown. Therefore, there are no specific minimum lot sizes or frontages, but rather platting must be consistent with the clear intent of the Master Plan. For example, use of flag lots would not be permitted because this concept is clearly not depicted on the drawings.
- 2) During the site plan process the Planning Board shall determine exactly where sidewalks and closed drainage is necessary.
- 3) All single family detached lots must be at least 5,000 square feet in area.
- 4) There are no specific setbacks required as part of this PUD. However, under each phase as part of site and subdivision review appropriate setbacks shall be proposed and established, subject to all appropriate building and fire requirements.

### **Landscaping**

- 1) Landscaping. A generous landscaping program shall be submitted as part of each site plan phase. The entryway from US 202 shall include a landscaped median with trees in the median. A generous program of street trees (deciduous shade trees such as maple, oak, linden, ash, or smaller deciduous trees, if necessary) shall be included with each site plan and subdivision plan.

- 2) Invasive species. No invasive plant species – such as Norway Maples, burning bush, or barberry – may be used for landscaping. Should any invasive species develop within newly established wetlands or drainage structures these will be managed according to best management practices for invasive species.

### **Traffic/Circulation**

- 1) Corridor study. In the course of the site plan review for Phase 1 the Planning Board and developer shall negotiate a reasonable percentage of the cost of the US 202 Corridor Study for the developer to contribute, based on an appropriate formula. It is understood that the Planning Board may also assess reasonable and appropriate costs for Phase 1 and/or future phases of the PUD for off site improvements in accordance with applicable law and common practice.
- 2) Entry point. A traffic analysis for the entrance to the project at US 202 conducted by Laurie Rauseo, P.E. that is included as part of this Master Plan dated September 24, 2002 recommends turn lanes for all approaches, signal conduit to be installed, and to monitor for potential future signal installation. The sketch layout shows two lanes out, one lane in, a right turn lane in, and a left turn lane in. The exact design of the intersection will be determined in the course of the site and subdivision reviews.
- 3) Secondary connection. A secondary or emergency connection shall be maintained with Hussey Hill Road as stipulated by the Planning Board in consultation with the Fire Department. Even if the Hussey Hill Road is only for emergency access the secondary connection to it will need to be maintained and plowed as may be stipulated by the Fire Department to accommodate such emergency access. It may be necessary to place a gate here, including a knox box.
- 4) City streets. It is the intent that all streets in the development be dedicated to the City as City streets with the following exceptions/refinements:
  - a) The entire area encompassing the apartments will be privately owned and maintained, including the road around the square, parking areas, and driveways.
  - b) The network of service lanes in Phase 5 will be dedicated to the City as City streets. All other service lanes, including the service lane in Phase 4 shall be privately owned and maintained.
- 5) Entry boulevard. It is the intent for the entry boulevard to have one lane in each direction measuring 18 feet in width, with a landscaped central median.
- 6) Future road connection. There is a 50-foot opening from Phase 3 toward an adjoining parcel of land reserved for potential future road connection. During subdivision of Phase 3 it should be confirmed that this is the optimal location for the opening to allow for the connection to that adjoining parcel if it is ever developed. Also, the design of the loop road in that area should be such to accommodate this potential connection.
- 7) DOT curb cut. A precedent condition for the site plan approval of Phase 1 will be confirmation that NHDOT will issue a curb cut for the main road onto US 202.
- 8) One way streets. The street network will include a number of one way streets as shown in the Traffic Circulation Plan “from 11/26/02 mtg.” The Planning Board and Developer may

coordinate in making appropriate adjustments in this pattern in the subdivision/site plan stage. The intent of the one-way streets is to reduce pavement width in order to create a more attractive streetscape. The patterns were designed as shown based on consideration of conventional counter clockwise rotary patterns and preferred clockwise plowing directions to direct snow into open areas on the right side of the road. The service lane in Phase 5 (as depicted in the PUD master plan drawing) is shown as counter clockwise because there is more room to plow snow toward the single family lots.

- 9) Cross sections. The street cross sections illustrated by Robert Rook, PE dated 11/11/02 shall serve as the guide for street design, subject to final determinations by the Public Works Department and Planning Board of workability, and any terms herein which shall supersede the cross sections. It is the intent that all streets without on street parking be 24 (12-12) feet in width, that streets with parking on one side be 30 (11-11-8) feet in width, except as may be specifically approved in any site plan or subdivision phase. It is understood that the standard curb type for City streets is vertical granite curbing.
- 10) Curbing. It is the intent that "single loaded streets" (development on one side) have curbing and a sidewalk on one side, the developed side, unless topographic conditions direct otherwise. Less intensive areas with a rural collector type character may be designed with an open ditch/swale and culvert design, if appropriate and workable. In more intensive areas use of curbing on one side will generally be appropriate. Where necessary, curbing on both sides may be stipulated. Curbing is appropriate around the border of formal squares including the main square in Phase 5 and likely the square in Phase 1 next to the single family, the largest square in Phase 4, the secondary square in Phase 5, and the square in Phase 6.
- 11) Grade. All city streets shall have a maximum grade of 7% unless otherwise approved by Public Works and the Planning Board.
- 12) Service lanes. All townhouses will be served by service lanes as shown.
- 13) City service lane. The service lane to be conveyed to the City must be designed in a manner that is fully functional for appropriate service lane circulation and for City plowing. This may or may not involve curbing, though it is preferable that curbing not be used (in spite of cross section provided by Robert Rook), consistent with simplifying service lane design as much as practical. The expected design would be a one way pattern with 18 feet of pavement with a 30 foot right of way.
- 14) Hussey Hill Road. There should be no street connection from this development to Hussey Hill Road (notwithstanding the private right of way of Gary Hussey) and all residents of and visitors to Highfields PUD should only use the new road to be constructed to access US 202. At the appropriate phase the developer must present a plan for addressing this in accordance with all applicable law and the due property rights of all neighboring property owners.

## **Parking**

- 1) Parking for nonresidential uses shall be reviewed by the Planning Board to ensure that the location, amount, and design is sufficient and consistent with the intent of this Master Plan.
- 2) At each phase the applicant may propose any number of parking spaces independent of the zoning requirements, consistent with the intent of the PUD Master Plan. The Planning Board

may use its reasonable discretion in determining the appropriate number of spaces. For example, the Zoning Ordinance stipulates 2 parking spaces per dwelling unit. However, if the applicant reasonably demonstrates that 1-1/2 spaces should be sufficient for the apartments, the board may approve that number. *The Parking section contained in the Site Plan Regulations provide good guidance for reviewing parking.*

- 3) All parking for townhouse units shall be at the rear.
- 4) Parking will be very carefully handled in order to make it as unobtrusive as possible. All garages for townhouses shall be at the rear (or at the side on end units if determined not otherwise practical). All parking for apartments shall be at the rear, except that parking may be placed on the side if determined not otherwise practical and if fully screened from the street/main driveway. Every reasonable effort shall be made to avoid any parking lots fronting on any of the greenspaces/squares.

### **Sidewalks/paths**

- 1) There shall be an asphalt sidewalk measuring at least 5 feet wide along the collector type roads with a lawn strip at least 5 feet wide. It may meander alongside the road with an undulating lawn strip.
- 2) All sidewalks shall include a planting strip at least 5 feet wide.
- 3) There should be a sidewalk on most streets, located on one side only. There will be no sidewalks in any service lanes.
- 4) Trails. Trail/footpath plans will be finalized as part of the site and subdivision plan approvals to determine exact locations, widths, design, materials, and amount of clearance. Appropriate treatment is needed to ensure trails next to single family lots do not get privatized, such as construction of a section of asphalt path next to the road.

### **Utilities**

- 1) The PUD will be serviced by City water and sewer. Water lines must be placed in the street rather than in service lanes, unless otherwise approved by the Fire and Public Works Departments. Subject to Public Works approval sewer lines may be placed in service lanes.
- 2) All utility lines shall be underground.
- 3) Use of attractive wet ponds rather than dry detention basins is encouraged to the extent practical.
- 4) Accessory utilities to serve the PUD shall be installed as reasonably stipulated by the Planning Board in consultation with Public Works.
- 5) It is the intention to place as many utilities in the alleys as practical, including sewer, all electrical lines, and garbage pickup (though not water lines).

### **Environmental Aspects**

- 1) Best management practices will be employed throughout, particularly with regard to stormwater management.



- 2) A conservation easement shall be established on the couple of lots neighboring Axe Handle Brook prohibiting removal of healthy vegetation or construction in a 50 foot buffer at the rear of the lots near the brook.
- 3) Existing stonewalls will be preserved to the extent practical.

### **Open Space**

- 1) Areas shown as open space on the master plan map remain in perpetuity as open space. There can be reasonable, incremental adjustments of developed areas around/within these open space areas as long as the size and integrity of each open space area is maintained.
- 2) All open space, greens, and squares will be owned and maintained privately. The landscaped median in the entry boulevard will be maintained privately, whether it is owned by the City or privately; if it can be retained privately as well it shall be.
- 3) In designated open space areas there may be no asphalt (other than paths and trails as approved). There can be open-air gazebos and pavilions not to exceed 1000 square feet in area each. No motorized vehicles including ATV's are allowed on paths or sidewalks, or in open space areas.
- 4) Plaza. The central square in Phase 5 is intended to be a formal, central square. As such, it is desirable that it have some of the character of a "plaza", i.e. to incorporate some hard scape to accommodate public gatherings (not for parking).
- 5) Maintenance plans will be submitted as part of subdivision/site plans to ensure that all squares and greens are appropriately maintained. It is expected that there will be a range of styles: some spaces will be formal, others informal, and the main field to be mowed only once or twice each year.
- 6) One or more focal points will be designed and built in most of the squares and greens, such as a gazebo, pavilion, statue, or fountain. In smaller areas this may be as simple as a bench.

### **Architectural Design**

- 1) The Master Plan includes Community Development Standards and Architectural Standards submitted by the developer. While these are part of the Master Plan and must be implemented, waivers may be granted by the HAC. Wide latitude is given to the HAC in reviewing applications and in granting waivers as its members see fit completely independently of City oversight. It is emphasized that the City does not wish to participate in the implementation of these standards on a day-by-day basis, but rather prefers to defer implementation to the HAC. However, where there is evidence of a widespread failure to implement the standards in a reasonable manner consistent with the intent of this Master Plan the City reserves its right to intervene, as it deems appropriate to ensure reasonable implementation.
- 2) Models for architecture. The intention is for the architecture in Highfields Commons to be similar in character to the architecture at Chapman's Reach at Marina Bay in Quincy, Ma. and for the single family homes to be similar in character to the houses illustrated in the documents a) *Carolina Inspirations* published by Allison Ramsey Architects and b) Authentic Historical Designs (Jackson, MS) but on a more modest scale. While this is not binding it is stated here to elucidate the objective. It is emphasized that any use or reference to these designs in the actual project must conform with all appropriate copyright protections.

- 3) Architectural regulations. The City of Rochester Architectural Regulations shall apply in the customary manner (i.e. to all buildings except single family detached). While some schematic architectural designs have been submitted, the applicant may work out any reasonable arrangement to provide for efficient and effective review of designs in accordance with those regulations and the intent of the PUD ordinance.
- 4) Garages. There shall be no double size garage doors facing the road. Where garages are visible from the road they shall be handled as a subordinate mass, clearly reading as secondary to the primary mass of the house. Devices shall be employed to mitigate their impact such as using pitched roofs, dormers, special architectural treatment, turning the garages 90 degrees from the road, incorporating transom windows, painted garage doors, beveled or curved corners of the doors, etc.
- 5) The applicant shall work with the City to modify the submitted architectural designs consistent with the Architectural Regulations. For example, shutters shall not be used on double windows or on any windows for which they are not properly sized. The designs shall utilize the traditional vocabulary of architectural tools in order to create attractive, gracious designs, such as pitched roofs, columns, dormers, transom windows, sidelights, porticos, entablatures, various volumes, etc.
- 6) Architectural styles. It is the intent that the inspiration for single family and townhouse units will generally be the Italianate, Greek Revival, Neoclassical, Victorian, Craftsman, and Folk architectural styles. Use of low-slung ranch style structures is not appropriate.
- 7) The developer shall work out a palette of designs in order to avoid monotonous repetition of design. The objective within each phase, is to achieve “variety within unity” to the extent practical.
- 8) Townhouses. Townhouses define the street better when the primary facades are situated in a straight line rather than with recesses and projections. Interest is created more effectively with architectural detail, pitched roofs, bays, and other minor recesses and projections.
- 9) Siding. Use of natural siding materials such as wood clapboard, wood shingles, brick, stucco, or stone or cementitious clapboard such as hardy plank is strongly encouraged but not required.
- 10) Entry way. The entryway of all buildings, shall be made prominent in some manner, such as through use of porches, stoops, sidelights/transom windows, and/or a door surround. All primary entryways should be placed on the front facade of the building. Use of full front porches is strongly encouraged.
- 11) Foundation. All residential units must be on a raised foundation; none may be built on a slab. However, the senior housing units in phase 6 may be built on a slab.

### **Miscellaneous**

- 1) Expansion of PUD. It is understood that the developer has the right to apply to amend the PUD by adding adjoining land through the PUD amendment process outlined in the PUD ordinance. The Planning Board would evaluate any such proposal in accordance with the ordinance.
- 2) Blasting. Any necessary blasting will be carried out in compliance with Fire Department requirements, including a pre-blast survey if requested by the Fire Department.

- 3) Abutters. The applicant shall make reasonable efforts to mitigate the impacts of the development on Ms. Jean Shaw and other abutters during subsequent phases, to include, for example, installation of planting or earthen materials to buffer/screen residences from traffic.
- 4) Public access. The general public shall have general access to the site, including streets, sidewalks, paths, open space, and outdoor recreational facilities, notwithstanding any reasonable limitations that may be necessitated. The general public will be expected to follow the rules of the HOA when on common property within the PUD. No gate may be erected to the overall site barring entry to the public except as may be stipulated by the City such as a crash gate at the Hussey Hill Road entrance. If such a gate is stipulated the developer shall install one.
- 5) Off premises sign. One permanent off premises advertising sign (with exterior illumination only, if illuminated) may be placed on private property in the vicinity of US 202, with the design and dimensions to be approved by the Planning Board consistent with the intent of this provision. The sign may advertise any or all of the nonresidential uses within the PUD.
- 6) Construction vehicles. It is the intent that all construction vehicles for this project use the new road for access and not Hussey Hill Road.
- 7) Hussey property. The PUD may or may not include the property now or formerly owned by Gary Hussey, lot 237-3-1, consisting of 13.89 acres. This will be clarified as part of the overall Phase III subdivision

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: Matt Peterson (via e-mail)  
Richard Uchida, ESQ.  
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