



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

April 7, 2011

Timothy & Sally Fontneau
PO Box 1293
Rochester, NH 03866

RE: 2 - lot subdivision. Case # 241-9-A-11

Dear Tim & Sally:

This is to inform you that the Rochester Planning Board at its April 4, 2011 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.

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 12 calendar months to the day of the board's approval - by April 4, 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) The plan drawings are to be modified as follows:
 - a) 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 _____"
 - b) Label the wetland buffer on Lot 241-9-2.

- c) Provide test pit information for lot 241-9-2
 - d) Show street number for new lot (Lot 241-9-2). It may be #1070, 1072, or 1074.
- 2) Add the following notes (or equivalent) to the plan drawings:
- a) "A mobile home may not be placed on the new lot, lot 241-9-2."
 - b) "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. All utilities extending from any such new pole must be underground. The applicant may work with the City staff as appropriate to address this requirement."
 - c) "There is a 50 foot buffer requirement from wetlands under the City of Rochester Zoning Ordinance as shown on this plan. There may be no encroachment within these buffers except as permitted under the ordinance." This notation (or a reference to this notation) must be placed prominently on each affected lot.
 - d) "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."
 - e) "The driveway for lot 241-9-2 shall be located at the southwesterly corner of the lot. This driveway location may be changed if approved by the Department of Public Works"
- 3) The barn may not be situated on a separate lot by itself since it would be an accessory use/structure. Prior to plan certification, a) the barn must be removed; b) a house must be built on the new lot; c) a variance must be obtained for the barn to remain; OR d) a principal use for the barn must be established. Note that a new single family house may be constructed on the prospective lot 241-9-2 prior to plan certification or recording in accordance with section 42.5 of the Zoning Ordinance. Given the antiquity of the barn, the applicant is encouraged (but not required) to preserve the barn.
- 4) Obtain state approval of the Subdivision and provide copy of the approval to the Planning Department.
- 5)# Set boundary markers (actually physically set in place in the field) and note on plans ("marker set" or equivalent)
- 6) (a) Two sets of mylars (or one mylar and one acetate/washout; one recording mylar will be recorded at the registry and one full set will be retained by the Planning Department) plus (b) five sets of large blue-line or 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 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 March 8, 2011.)

General and Subsequent Conditions

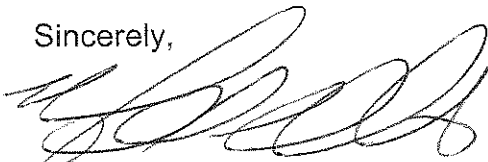
All of the conditions below are attached to this approval.

- 1)# The plat (mylar) 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.**
- 2) The project must be executed exactly as specified in the approved application package unless modifications are approved by the City.
- 3) 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) 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: Norway Plains Associates
File