

## **HOMEMAKERS PLANNED UNIT DEVELOPMENT**

Terms and conditions of approval – June 2, 2003

### **Documents**

The following documents shall constitute/guide review of the Homemakers 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 Homemakers Revised Master Plan map.
- 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, 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, recreational features, valuable nonresidential uses, those residential uses which provide diversity to the plan. 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.
- 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.

## 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/she owns/controls the entire PUD tract.
- 4) It is recognized that the design of Phases II and III are not as detailed as Phase I because the applicant's plans were not as fully determined. The actual site plans for those phases may be considerably different in layout provided that the intent embodied in this PUD and the PUD ordinance is clearly met. At any rate, the number of units proposed shall not be exceeded. The amount and character of open space shall be as shown. A reasonable effort shall be made to incorporate some mix of housing types and compatible nonresidential uses as well as other objectives of the PUD ordinance into these phases.
- 5) The applicant always has the right to amend the PUD. The process for amendment is the same process as for approval of a PUD.

## Uses

- 1) 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.
- 2) Maximum units. The maximum number of residential dwelling units is as specified in the application, including numbers of bedrooms as stated. 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.
- 3) Age restricted units. All residential dwelling units shall be age restricted, i.e. subject to appropriate state and federal law for restrictions to persons 55 years of age and older. (At least 80% of the units must have at least one resident who is 55 years of age or older.)
- 4) 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.
- 5) Commercial building. The commercial building is designated for uses that would serve and be complementary to the PUD. The preferred use (but not required) is for a restaurant, café,

community center, possibly a pub/tavern, or church. Office use would also likely be appropriate but is a secondary choice. Development of this particular site shall be subject to strict review and reasonable discretion by the Planning Board to ensure that the use, design, and treatment of parking is harmonious with the intent of this provision and the PUD.

### **General Design**

- 1) During the site plan process the Planning Board shall determine exactly where curbing, closed drainage, and open drainage is appropriate.
- 1) 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.
- 2) All parking areas shall be heavily screened from residential uses, recreational areas, pedestrian paths, and Route 108 using dense vegetation, hedges, or other devices.
- 4) Recreation facilities. Outdoor passive and active recreation facilities may be stipulated by the Planning Board for each phase.

### **Landscaping**

- 1) Landscaping. A generous landscaping program shall be submitted as part of each site plan phase. 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) the applicant and approved by the Planning Board to ensure protection for important existing shade trees during construction and beyond. (In general, to the extend practical, ground disturbance, construction, parking of vehicles, and stockpiling of materials should not occur under the drip line of these trees, most notably the Linden Trees planned for preservation.)
- 3) Abutters. Dense vegetation shall be planted to screen the abutting residential properties in close proximity to construction within the PUD, notably several properties on Continental Boulevard.
- 3) Invasive species. No invasive plant species – such as Norway Maples, burning bush, or barberry – may be used for landscaping. Should any invasive species develop these will be managed according to best management practices for invasive species.

### **Traffic/Circulation**

- 1) City streets. It is the intent that the streets in the development as shown be dedicated to the City. Determination of appropriateness for designation as city streets will be made by the Planning Board in the course of site plan review.
- 2) Green. It is the intent for the green to have one lane in each direction measuring about 18 feet in width. The green would be maintained (and owned, if appropriate) by the applicant or his designee.
- 3) Traffic improvements. A traffic study was conducted as part of the application for the Frisbie Medical Office Building. Necessary off site improvements shall be made at the appropriate times as stipulated by NHDOT or the City or Rochester, as appropriate.

- 4) Existing driveway. It is preferable to maintain the existing driveway – including the width - into the property largely as is to the extent practical.
- 5) DOT curb cut. A precedent condition for the site plan approval of Phase I will be confirmation that NHDOT will issue a curb cut for the main road from Route 108.
- 6) Grade. All city streets shall have a maximum grade of 7% unless otherwise approved by Public Works and the Planning Board.

### **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 provides good guidance for reviewing parking.*

### **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) 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. It is the intent that many of these trails will actually be designed and constructed rather than leaving to chance to develop. Appropriate materials such as stone dust shall be used for the surface where appropriate.

### **Utilities**

- 1) The PUD will be serviced by City water and sewer.
- 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) The Rochester City Council will need to approve the water and sewer extensions to the site.

### **Environmental Aspects**

- 1) Best management practices will be employed throughout, particularly with regard to stormwater management.
- 2) All structures shall be set back from wetlands at least 25 feet. This requirement will not apply where a dredge and fill permit is involved. In situations where design will be enhanced or practical difficulties arise the Planning Board may reduce the setback below 25 feet. In such

cases, the Conservation Commission will be given an opportunity to make a recommendation to the Planning Board.

- 3) Existing stone walls 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.
- 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) Maintenance plans will be submitted as part of subdivision/site plans to ensure that all greens are appropriately maintained.
- 5) Field. The field in the front of the development fronting Route 108 must be maintained as a field in perpetuity by the applicant.

### **Architectural Design**

- 1) Architectural regulations. The City of Rochester Architectural Regulations shall apply in the customary manner. 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.
- 2) 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.
- 3) Garages. Garages shall be of a traditional New England design. No garage doors may face Route 108.
- 4) Siding. Use of natural siding materials such as wood clapboard, wood shingles, brick, stucco, or stone or cementitious clapboard such as hardyplank is strongly encouraged but not required.
- 5) Entry way. The entry way 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 entry ways should be placed on the front facade of the building. Use of full front porches is strongly encouraged.

### **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.