



PLANNING & DEVELOPMENT DEPARTMENT
City Hall - Second Floor
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Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF DECISION

July 14, 2011

William and Sara Brennan
130 Gear Road
Rochester, NH 03839

RE: Subdivision of an 11.01 acre lot into two lots per ZBA approval, case 2008-04. The lot with the existing house will have 5.14 acres and the proposed new lot 5.87 acres, with no further subdivision. Case # 251-101-A-11

Dear Mr. and Mrs. Brennan:

This is to inform you that the Rochester Planning Board at its July 11, 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 6 calendar months to the day of the board's approval - by January 11, 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) include Subdivision Approval statement (Section 4.2.10 from Subdivision Regulations) pertaining to diligent adherence to terms and conditions.

- b) add easement for the new lot to use existing electric poles serving lot 251-101
- c) 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 _____"
- d) Show a T or Y turnaround at the end of the driveway. It may be gravel or pavement. The design for the geometry and structure must be approved by the Fire Department.

2) Add the following notes (or equivalent) to the plan drawings:

- a) "For more information about this subdivision, or to see the complete plan set, contact the City of Rochester Planning Department, 31 Wakefield Street, Rochester, NH 03867. (603) 335-1338."
- b) "There is to be no further subdivision of either of the lots. Lot lines may be adjusted provided the number of lots remains at two. This requirement is made pursuant to the variance granted by the City of Rochester on February 13, 2008. The foregoing language must be included on all future deeds."
- c) "Lot 251-101-1 must use the existing electric poles serving lot 251-101. Additional pole(s) may be placed on lot 251-101-1 to reach the new house."
- d) "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.
- e) "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."
- f) "The only type of dwelling permitted on Lot 251-101-1 is a single family dwelling. It may also include an in-law/accessory apartment with only one bedroom if that is permitted under the Zoning Ordinance. This restriction is due to the fair condition of the shared driveway. This restriction may be removed only if the driveway is upgraded to a condition approved by the Planning Board."
- g) "The City of Rochester takes no interest in the maintenance of the shared driveway. It remains the responsibility and prerogative of the owners of Lots 251-101 and 251-101-1 to mutually determine how the shared driveway will be maintained and by whom."
- h) "The applicant must record the standard indemnification form for shared driveways per RSA 674:41. This must be recorded prior to issuance of any building permit on lot 251-101-1."

- 3) In accordance with the variance granted on February 13, 2008, the deeds must state that neither lot may be further subdivided. Submit draft copy of the deed for lot 251-101-1 including the language from 1b), above.
- 4) Numbers for lots must be approved by the City Assessor. If this approach is acceptable in accordance with City policy then no new street name would be needed. If it is not consistent with City policy then a new street name and street sign must be provided for the shared driveway. The name would need to be approved and the street sign physically installed.
- 5) The Fire turnaround referred to in 1d) must be physically constructed or adequate surety placed. If a surety is placed, the turnaround must be completed prior to issuance of a certificate of occupancy for lot 251-101-1.
- 6) A draft written easement for use of the shared driveway by lot 251-101-1 must be provided to the Planning Department. (It must be recorded with the plat once the plat is certified herein.)
- 7)# Set boundary markers (actually physically set in place in the field) and note on plans ("marker set" or equivalent)
- 8) The plans are to be tied into the State Plane Coordinate System or \$50.00 is to be contributed to the Monumentation Fund.
- 9) All required state and federal permits - including State approval of the subdivision - must be obtained with copies of permits or confirmation of approvals delivered to the Planning Department.
- 10) (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 June 13, 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.
- 5) 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 any intended cut. It is the property owner's responsibility to ensure compliance with Chapter 79. RSA 79.1 II. (b) (5) states *'The following persons shall not be required to file an 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).

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: Phopek Land Surveyors
Steven and Amanda J. Brennan
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