



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

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Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF DECISION

November 4, 2010

Glenn and Pamela Doyle
286 Lowell Street
Rochester, NH 03867

RE: 2-lot subdivision

Dear Glenn and Pamela Doyle:

This is to inform you that the Rochester Planning Board at its November 1, 2010 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. The requested waiver(s) was approved.

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 May 2, 2011 - 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) Remove the buffer shown around the wetland situated at the northwesterly portion of the new lot.
 - c) Show the area of upland on each lot.
 - d) Show the new lot to have a street address of 262 Lowell Street.
- 2) Add the following notes (or equivalent) to the plan drawings:
- a) "A waiver was granted for the proposed new lot for electric utilities to be placed above ground, in order to minimize wetland disturbance."
 - b) "All access to the proposed new lot must be taken from the existing driveway situated along the westerly section of the lot."
 - 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." However, this note should not be included if the wetlands are all shown to be less than ½ acre in size and are not vernal pools. See condition above.
 - 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 at such time as the new lot may be developed. The permittee shall follow Best Management Practices to prevent erosion in areas where the soil has been disturbed."
 - e) "An orange construction fence must be placed alongside the wetland buffer prior to the start of construction on all lots that contain a wetland buffer (this is not required if the required silt fence is orange)."
 - f) "Buffer markers must be installed along the outer edge of the wetland buffer on the new lot if it contains a wetland buffer. They must be placed at each lot line and at 50-foot intervals between lot lines. The markers must be installed at the time that the orange construction fence, above, is removed. The markers must be in place in order for the certificate of occupancy for that lot to be issued." This note may not apply. See conditions above.
 - g) "The applicant does not wish to remove any portions of the circular driveway at this time nor to create any cross easements. This is acceptable as part of this subdivision approval – as it is the sole election of the applicant - but it is understood that should any conflicts arise between the two lot owners in the future, the City of Rochester shall have no interest in any such conflict."
 - h) "The three wetlands connected by drain pipes are considered one wetland collectively. They exceed ½ acre and are subject to the Conservation Overlay District."
- 3)# Set boundary markers (actually physically set in place in the field) and note on plans ("marker set" or equivalent)

- 4) 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.
- 5) The plans are to be tied into the State Plane Coordinate System or \$50.00 is to be contributed to the Monumentation Fund.
- 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 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 October 4, 2010.)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) Both living units - a mobile home and a ranch – on the parent lot have the same street address number (268). It is recommended (not required) that the units be renumbered now, with the ranch retaining #268 and the mobile home becoming #266. Contact the Planning Department to implement these address changes if desired.
- 2)# 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.**
- 3) The project must be executed exactly as specified in the approved application package unless modifications are approved by the City.
- 4) 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.
- 5) It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals (including septic system approval from NHDES) 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: David W. Vincent, LLS
File