



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
Arts & Culture Commission

**NOTICE OF DECISION
AMENDMENT**

June 11, 2012

Mr. Richard Anagnost
CBDA Development, LLC
1662 Elm Street
Manchester, NH 03101

Re: Amendment to approved PUD for a change in the approved design and mix of uses. The maximum of 262 dwelling units would include 23 single family lots within the separate Little Quarry subdivision, up to 50 new single family lots, 18 duplex units, 3 live work units, and up to 174 multifamily units in four multifamily buildings. Case # 256-66-A/264-23-A-03.

Dear Mr. Anagnost:

This is to inform you that the Rochester Planning Board at its June 4, 2012 meeting **APPROVED** your application referenced above.

Documents

The following documents shall constitute/guide review of the Clark Brook 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 Clark Brook Revised Master Plan map and the 2012 addendum to The Village of Clark Brook, both received by the City on May 8, 2012.
3. The City of Rochester Planned Unit Development Ordinance that is in effect as of May, 7, 2012.
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 (particularly in the case of discrepancies or lack of clarity with the submitted master plan) 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 reasonable requirements in the course of site plan and subdivision review to ensure implementation of the Village master plan. This may involve requiring elements to be completed in an economically reasonable manner 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. Completion 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 entitled, "The Village of Clark Brook, Proposed 2011 Amendments to the Village at Clark Brook, Anagnost Realty and Development, as prepared by Bedford Design Consultants, Inc., Engineers and Surveyors, and related documentation to be a development plan with a moderate degree of specificity. Given the preliminary nature of the engineering 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 shall use 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 the approved PUD and other applicable law. The Planning Board may, of course, impose reasonable 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. Such approval shall not be unreasonably withheld.
3. Prior to approval of any phases the developer must submit proof that he owns/controls the entire PUD tract.
4. 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, if deemed necessary by the Planning Board. The developer should coordinate with the Planning staff in determining which elements are best included in the updated plan.

Density

1. Maximum units. The maximum number of residential dwelling units is 238 and the maximum number of total bedrooms is 571 as shown in "Residential Unit Breakdown, dated May 7, 2012". This breakdown is herein modified for a maximum of 144 apartment units. Under no circumstance could the total exceed this amount (except for a PUD amendment). Developing this number is not

guaranteed and is subject to addressing various appropriate standard site constraints. The form of ownership may be a variety of fee simple, condominium, long-term lease or other forms.

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. 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 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 238; and d) the number of bedrooms does not exceed 571.
3. Live work. Live-work units are intended to be used for limited commercial purposes or for residences, as the market determines. Live-work units must be owner occupied. Live-work use is designated for the first three lots on the left as you enter the project. The commercial use may not exceed 2,500 square feet for any one business/operation within any one space, except that there is no limitation for a grocery store. Live-work commercial use is limited to those uses that are low impact and compatible with a close in residential environment such as office, antique shops, cafes, restaurants, institutional use. NO fast food, drive-through business, automobile oriented business, nor industrial/manufacturing operation would be allowed as live-work. These lots may also be used for conventional single family dwellings. Applications shall be submitted to the Planning Department for live work units and they shall be reviewed in the same manner as applications for home occupations.
4. Home occupations. Home occupations, specifically as conventionally defined in the Zoning Ordinance are permitted.
5. Multifamily types. Duplexes may be arranged as fee simple units on individual lots or as condominiums on one lot. The flats may be established as a condominium or be offered as rental units

General Design

1. The approved Master Plan is as shown. Platting/layout must be consistent with the clear intent of the Master Plan.
2. During the site plan and/or subdivision process the Planning Board shall determine exactly where sidewalks, curbing, and closed drainage is necessary. The typical street cross section plan has been submitted for the residential street shall generally be followed. The pavement width shall be 24 feet.
3. The setbacks for the single family and duplex house lots shall be:

Front Building Setback	10'
Side Building Setback	7'
Rear Building Setback	20'
Accessory Structure Setback	5' side & rear

4. The lots shall generally comply with the Master Plan. The minimum lot size for single family house lots is 6,000 square feet and for duplex lots it is 9,000 square feet. The minimum frontage on standard single family lots is 60 feet. The minimum frontage for duplex lots shall be determined as part of the review of the subdivision application. The minimum frontage on those lots fronting on a cul-de-sac lots shall be determined as part of the review of the subdivision application. These dimensional standards herein do not apply to the already approved Little Quarry lots.

5. Zero lot line development and patio lots may be used where appropriate.
6. In accordance with the PUD ordinance, all buildings on duplex and live work lots must be set back at least 50 feet from the perimeter boundary of the PUD, wherever adjoining residential property.
7. As part of the site plan/subdivision review, as appropriate, the developer shall propose specific design elements for the area designated as a Recreation Field and for the small greenspace at the end of the cul de sac, which is contemplated as a tot lot.

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. 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.
3. Lot 256-65. As part of the Site Plan process the applicant shall incorporate additional tree plantings between the entrance to the development and Map 256-Lot 65 to buffer that lot from the new road.

Traffic/Circulation

1. City streets. It is the intent that the streets in the development for the single family and duplex lots as shown be dedicated to the City as City streets. The travelway serving the multifamily buildings shall remain as a private travelway, and not be dedicated as a City street.
2. 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 from Old Dover Road.
3. Old Dover Road. It is the intention that Old Dover Road provide the main entrance to the project at build out.
4. 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, the applicant is providing that 1-1/2 spaces should be sufficient for buildings A, B, C, and D.. The board may approve that number. A section of the land will be set aside as “future Parking” to reach the 2 spaces per unit requirement.
3. The Parking section contained in the Site Plan Regulations provide good guidance for reviewing parking.

Sidewalks/paths

1. There shall be an asphalt sidewalk measuring at least 5 feet wide along the main collector type road with a lawn strip at least 5 feet wide. The sidewalk shall be located outside of the City right-

of-way, and shall be maintained by the Homeowner's Association. It may meander alongside the road with an undulating lawn strip.

2. All sidewalks shall include a planting strip at least 5 feet wide, except by multifamily and commercial where it may be reduced or eliminated depending upon the density of on street parking to shield pedestrians.
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. 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. The Best Management Practices is followed by the Appalachian Mountain Club shall serve as a guide.
4. The path connecting Quarryville to the main road and/or main development is intended to be more substantial in materials (such as an asphalt path) to better serve the senior residents and form a stronger connection with the main development.
5. These trails will be developed for the quiet enjoyment of the residents.

Utilities

1. The PUD will be serviced by City water and private/community septic. City water will be extended from the end of the existing Rochester water line to the entrance of the project to serve the project. The water service will be operational prior to the first certificate of occupancy being issued.
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. Stubs shall be placed in the water line to be installed in Old Dover Road to accommodate prospective future tie-ins for abutters to the road.

Environmental Aspects

1. Best management practices will be employed throughout, particularly with regard to stormwater management.
2. Existing stone walls will be preserved to the extent practical.
3. This PUD is exempt from the Conservation Overlay District.

Open Space

1. Areas shown as open space on the master plan map remain in perpetuity as open space. It may not be developed nor further subdivided. There can be reasonable, incremental adjustments of developed areas around/within these open space areas as long as the size, integrity, (and clear intent of the master plan is met) 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 off highway recreational vehicles (OHRV's) are allowed on paths or sidewalks, or in open space areas.
4. Community Septic Systems and Stormwater Treatment Practices will be designed and can be built in the Open Space. The proposed locations of the septic system and primary Stormwater Treatments areas will be determined by the engineer and approved by the Planning Board during

the site plan approval process. Access necessary for the access and maintenance of these areas can be built and maintained.

4. Maintenance plans will be submitted as part of subdivision/site plans to ensure that all squares and greens are appropriately maintained.

Architectural Design

1. 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.
2. 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 façade of the building.
3. The architectural standards established in the original Clark Brook PUD shall still apply to all 23 of the lots in Little Quarry. The developer, may at his option, submit specific proposals for other architectural designs for Little Quarry to be reviewed by the Planning Board, with notices to all residents in Little Quarry and a public hearing.
4. The architectural designs for the multifamily buildings shall be reviewed under the City's Architectural Regulations in the customary manner in the course of site plan review.
5. There shall be no architectural restrictions for the single family houses or live work units, other than as specified in subsections 1. and 2., above..
6. The duplex units shall follow the two examples contained in the 2012 Addendum. However, the applicant may submit additional designs for review and approval by the Planning Board.
7. The 30" elevation for the first floor specified for houses in Little Quarry shall not apply. The elevation for the first floor shall be as specified in the Building Code.

Miscellaneous

1. Expansion of PUD. It is understood that the developer has the right to apply to amend the PUD through the PUD amendment process that is in effect in 2011 as outlined in the 2011 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 requirement, and the Site Plan Regulations, including a pre-blast survey if requested by the Fire Department.
3. Bonding for the development shall be permitted in the usual and customary manner. Security for infrastructure improvements shall consider the phasing of the project and the withholding of a certificate of occupancy as a condition of approval.
4. Playgrounds and playground equipment shall be allowed in the 50 foot wetland overlay district.
5. The project may be phased in general agreement with the phasing plan submitted with the Master Plan submittal, but may be adjusted accordingly as part of any Site Plan or Subdivision review.
6. Each multi-family building may be subdivided off, for financing purposes, into individual lots with no minimum frontage requirement. Each lot shall contain the minimum required number of parking spaces and allow for access easements for the flow of traffic. The building and owner shall remain subject to the association documents.
7. Street trees may be placed in the right of way or on private lots, which is to be determined during the subdivision review. If the trees are placed in the right of way, the Homeowners Association shall be responsible for maintaining them.

8. All outstanding fees for water connection for lots within Little Quarry shall be paid prior to issuance of any building permit for Clark Brook.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Marcia J. Gassés". The signature is written in dark ink and is positioned above the printed name and title.

Marcia J. Gassés
Planning Secretary

cc: Bedford Design Consultants
File