



PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex

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Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

October 6, 2023

EWST, LLC
P.O. Box 190
Exeter, NH 03833

Re: 23 – Lot Conservation Subdivision at 0 Autumn Street; Tax Map 104 Lot 10
Case# 104 – 10 – R1 – 22

Dear Applicant:

This is to inform you that the Rochester Planning Board at its October 2, 2023 meeting **APPROVED** your application, two CUPs (for lot frontage in a Conserv. Sub and wetland buffer encroachments) and Waivers (both under Chapter 218) 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: _____; CO signed off? _____; As- Builts received? _____; All surety returned? _____]

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 April 2, 2024 - 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) Plan modifications. The plan drawings are to be modified as follows:
 - a. Place a note on the plan set that construction work within the road right-of-way shall not occur from Nov 15th to Apr 15th.
 - b. Show foundation drains for each home on the grading and drainage plans.
 - c. Show the modified driveway location for 64 Autumn Street. The curb-cut shall be abandoned and relocated to the new road being proposed for the subdivision. The driveway shall be moved prior to issuance of the first CO for the proposal.
 - d. Please add a note that there is a 5-year moratorium from excavation within Sandina Drive. Installation of the waterline within Sandina Drive will require a waiver request to be submitted to the Department of Public Works and approved by City Council.
 - e. Per the NHDES WQV form, Pond 2P drains within 23.16 hours which is less than the recommended minimum drawdown time of 24 hours (but within 72 hours). Please adjust the outlet every so slightly to get the additional $\frac{3}{4}$ hr drawdown.
 - f. The pipes leaving catch basins #3, #5, and #9 have maximum velocities less than the required 2 feet per second. There is a waiver request in for this item, however DPW has asked that they adjust the inverts to get as close to 2 ft per second flow during the 10 Year Storm. If that can be done it will be a plan change. If not it will be included in the waiver approval.
 - g. Comments specific to the HydroCAD Report: please fix.
 - h. Swale 1 and Swale 2 are modeled in HydroCAD with slopes of 0.0050 ft/ft and 0.0100 ft/ft, respectively; however, the vegetated swale detail on Sheet D3 shows the slope as 0.0050 ft/ft. This discrepancy should be resolved.): Please modify the detail on Sheet D3 to reflect the varied slope.
 - i. In an effort to mitigate for the waiver for groundwater recharge volume (GRV) please install drip trenches on each SFH in this subdivision.
 - j. Please work with DPW to extend the sidewalk on the new roadway into the Autumn Street ROW to the point where it will connect with the future Autumn Street sidewalk.
 - k. Please add inlet protections to the Erosion Control sheet of the plan set.
 - l. Please amend the plans so there is 18" of separation between water and drain lines (as they connect to CBs in some places).
 - m. Please work with DPW to make sure all the specification sheets include Rochester-specific specifications, specifically the detail for pipe bedding and classification of pipe.
 - n. Please add a note to the plan on the roadway between the proposed road and Sandina Drive. Please include a note that the gate is to be installed as soon as the road is rough'ed in and that the gate must be removed as part of the road acceptance process.
- 2) Required fire flows are to be submitted to the Fire Department for review and approval.
- 3) Current Use. 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. We encourage you to contact the Assessing Department at 332-5109 as soon as possible to discuss with them the financial ramifications of converting current use land.

- 4) A Surveyor is to submit a signed letter to the Planning Department stating that the new lot corner monuments have been set (Subdivision Regulation 6.1) for the subdivided lot with the homestead and that reference pins have been set on all easement bounds (Subdivision Regulation 5.7.4).
- 5) CONDOMINIUM/HOA DOCUMENT REQUIREMENTS - In the case of a condominium form of ownership, or Homeowners Association for open space and drainage maintenance, Condo/HOA Documents and Homeowner Bylaws shall be submitted to the Planning Department with the following information included:
 - a. Maps identifying all active use common areas, limited use open space areas and conservation open space areas.
 - b. Documentation as to the transfer of open space and amenities from the developer to the homeowners association shall be submitted to the Planning Department. Until this documentation is received, the developer will be responsible for all costs relating to the maintenance of the open space and drainage and compliance with all applicable restrictions on use. Language detailing this requirement shall be included in any condo or homeowner's documents.
 - c. Condo Association or HOA will be responsible for sewer and water bill. Association will be responsible for maintenance of water lines from Master Box location to individual units. Association will be responsible for maintenance of sewer lines from hookup to the main Street to the individual units.
 - d. Stormwater structures shall be maintained per the recommendation of the manufacturer including cleaning and inspection to ensure proper function. If no manufacturer's recommendation exists, cleaning shall occur no less than twice a year and language of this requirement of such shall be included in any condo or homeowner's documents.

Final drafts of the Condo/HOA Documents and Homeowner Bylaws shall be recorded with the Subdivision Plan and the notice of decision .

- 6) Final Drawings. (a) Three sets of 24" x 36" black-line final approved plans plus (b) one set of 11" x 17" final approved plan drawings plus (c) one electronic version in pdf on a flash drive plus (d) a copy of the linework in CAD format (DWG or DGN) on a flash drive must be submitted to 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 site plans. Plans must include (a) at least two points showing north and easting referenced in NH State Plane North American Datum 1983 coordinates, (b) Elevations referenced in North American Vertical Datum of 1988 (NAVD 88).

Note: If there are significant changes to 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. Once the plan is recorded at the Registry of Deeds, submit two 11x17 recorded copies of the recorded plan. Assessing will need an 11x17 recorded copy of the plan.

- 7) Recording. The plat, this notice of decision (per RSA 676:3 III), and any Condo/HOA Documents and Homeowner Bylaws must be recorded together at the Strafford County Registry of Deeds within six calendar months to the date the plat is certified. See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the Planning Board decision null and void.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

1. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the CUP and DES wetlands permit). Wetland buffers shall be marked with construction tape on trees or wooden stakes prior to any onsite activity, and such markers shall be maintained throughout construction. Wetland Buffers shall be marked with Conservation Overlay District tags prior to CO's for homes (available for a nominal fee at the Rochester Planning Office), and such markers shall be maintained in perpetuity.
2. Removal of trees over five (5) inches in diameter (at breast height) along roadways should be minimized.
3. Please provide a street name application for the new roadway to be created. Once it has been determined where eat lot's driveway will be located the Planning Department will provide an address for the new parcels. This must be completed before any building permits are applied for.
4. Active and substantial development for this project is defined as, "Construction of the road and utilities. These improvements must be started within 24 months of the Planning Board approval date" in order to receive the 5 years of vesting.
5. For in perpetuity vesting purposes under 674:39 "substantial completion" for this project is defined as, "Completion of roadway, sewer, water and drainage.
6. Pre-Construction meeting. A preconstruction meeting is required prior to the start of work. Please contact the Department of Planning and Development to schedule this no more than 2 week prior to breaking ground; The pre-construction meeting agreement is to be signed by the property owner prior to signing of final plans. AOT/SWPPP Stormwater permit must be submitted prior to the Pre Construction Meeting.
7. As part of the SWPPP Report to be provided prior to the Pre Con Meeting please provide the following:
 - a. Anticipated project start and completion dates, and duration of grading and construction activities.
 - b. Documentation on what LID site planning and design strategies were used on-site or why using LID strategies are not feasible, as required under § 218- 8.B(1)(d).
 - c. Description of the procedures to control waste, such as discarded building washout materials, construction debris, sanitary waste, concrete washout, chemicals, and litter.
 - d. Locations of temporary sediment basins.
 - e. Location of equipment storage and staging areas and control procedures.
 - f. Location of vehicle fueling areas or equipment fueling areas and control procedures.
 - g. Location of disposal facilities for solid waste, construction debris, sanitary waste, concrete washout, and plan for stump disposal and control procedures.
 - h. Inspection and maintenance schedule for the construction entrance, inlet protection, stockpiles, slope protection, and outlet protection.

8. In accordance with RSA 676:4-b and prior to the pre construction meeting the applicant must sign the Construction Inspection Services Agreement and make a cash deposit to cover the expected costs of inspections, in an amount that is determined by the Public Works Department. The amount in the fund is an estimate and additional funds may be required depending upon complexity and quality of work. The inspections will be conducted by the City of Rochester Public Works Department or its designee, such as a 3rd party inspection firm. The applicant must pay for inspections – at an hourly rate as determined by the Public Works Department, or based upon 3rd party inspection firm hourly rates – of the site, including all new infrastructure serving the site.
9. Prior to the Pre Construction meeting a Construction Cost estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency. Costs for items not specifically addressed in the Surety Schedule will be based on 1) City standards, 2) NHDOT weighted averages, 3) industry standards, or 4) contractor estimates. If phased, the surety can be permitted per phase.
10. Prior to the Pre Construction meeting or issuance of a building permit or beginning site work, the applicant shall provide site improvement and restoration security. The performance guarantee shall be an amount equal to 10% of the approved Construction Cost Estimate (including a 10% contingency) to ensure the proper and timely completion of site work and site restoration within the development. Before the subdivision/site plan can be recorded, lots deeded to third parties, or structures occupied the applicant shall provide a cost estimate of remaining site work including labor, and provide the City with a security in the form of either letter of credit or cash equal to 110% of the estimated cost for remaining work. (Any existing surety being held at this time may be converted toward this amount). This amount shall include preparation of as-built plans. Construction Cost estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency.
11. Sandina Drive shall not be used to access this site during construction. At the time the new road is rough'ed in a gate must be installed at the connection between this new road and Sandina Drive. The gate shall be maintained until the developer petitions the City for Street acceptance as a public ROW at which point the gate shall be removed to allow full-flow vehicular traffic.
12. Prior to the issuance of any building permit for this subdivision, the developer shall post: a) construction zone signs per the Manual of Uniform Traffic Control Devices Standards; and b) street acceptance signs with the following language at all entry points to the subdivision: "POSTED. This subdivision is under construction. These streets have not yet been accepted by the City of Rochester and are not eligible for City services. Travel at your own risk. (Per order of Planning Board)". The location and design of the signs shall be as stipulated by the Public Works Department, but in no case shall they be less than 2' by 4'. The signs shall be erected prior to the issuance of any building permits.
13. Pond maintenance (and associated easements) – if City does not take over the drainage ponds, a Home Owners Association must be formed to maintain the ponds and yearly reports submitted to the Department of Public Works. In addition, if the road and

associated drainage swales do not become public, then the drainage swales will need to be included in the HOA documents and in the report to the Department of Public Works.

14. In accordance with City Ordinance 19.3, the City of Rochester (through its arrangement with Waste Management) will not collect rubbish generated from houses within this subdivision until the new street is formally accepted as a city street. Until such time as the new street is accepted: a) the developer shall be responsible for making arrangements for the collection of rubbish, either from a dumpster that he/she shall place in an appropriate location on site or via curbside pick-up; and b) individual property owners may not place any rubbish at the street (or on any other public street in the city), unless approval is granted from the Public Works Director or private arrangements are made with Waste Management or another private hauler for pick up at the street.
15. Backflow prevention device permits will be required for domestic and fire service lines. At the time of the building permit submittal the applicant shall apply for the required backflow prevention device permits thru the Department of Public Works. The applicant is to provide adequate information such as but not limited to plumbing plans/schematics, design flow calculations and equipment cut-sheets with respect to facility operations as it relates to domestic water use, fire suppression system type, irrigation and any intended need for process water. The Department of Public Works will determine hazard classification for all proposed devices related to cross-connection control. Prior to the Certificate of Occupancy, inspections and passing test results of all backflow prevention devices related to cross-connection control are required.
16. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
17. Approvals. 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.
18. Violations. In the event of any violations of these conditions of approval or of any pertinent local, state, or federal laws – such as those regarding erosion and sedimentation control, wetlands, stormwater management, and general site development standards – the City of Rochester reserves the right to take any appropriate permissible action, including, but not limited to, withholding of building permits, withholding of certificates of occupancy, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
19. Other permits. 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's Building, Zoning and Licensing Department at 332-3508 regarding building permits. Please also contact the City of Rochester Fire Department at 330-7182 to ensure that the proposed building meets all Fire Codes. Finally, please contact the Department of Public Works for any stormwater, sewer, or water permits or fees that are required.

20. As-builts - Three sets of full size (measuring at least 22" x 34") or black line paper plus 1 set of 11" x 17" plus one digital pdf copy of the as-built site plans (or "record drawings") stamped and signed by the Engineer or Surveyor are to be submitted to the Planning Department prior to issuance of the Certificate of Occupancy (or use/occupancy of the site where no CO is required). The as-built drawings must include the following language or equivalent: "This as-built drawing substantially conforms with the final plans approved by the City of Rochester Planning Board and certified by the Planning and Development Department except for the following significant modifications: ...". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter. The Department relies on the good judgement and good faith of the Engineer/Surveyor in determining which modifications should be considered significant (for example, minor adjustments in locations of plant materials would not be significant whereas relocation of a catch basin would be).

As-built site plans are to include at minimum two points showing a northing and easting in NH State Plane North American Datum 1983 coordinates. Any elevations shall be referenced in North American Vertical Datum of 1988. A copy of the as-built linework is also to be submitted as a CAD file (DWG or DGN) that is georeferenced to that same coordinate system.

All applicants requiring a Stormwater Management and Erosion Control Plan shall submit relevant pollutant accounting information to the Planning Department as required by the Department of Public Works. Required information shall be submitted at the time of as-builts.

All applicants requiring a Stormwater Management and Erosion Control Plan shall submit relevant pollutant accounting information to an established PTAP account as required by the Department of Public Works. A completed PTAP report shall be submitted to the Planning Department at the time of as-builts.

21. APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

Sincerely,


Shanna B. Saunders,
Director of Planning & Development

Cc: File
SUBD-22-7