



## 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

August 14, 2023

Packy's Investment Properties, LLC  
Packy Campbell  
P.O. Box 77  
Farmington, NH 03835

**Re: Amendment to Approved Site Plan to relocate 6 solar trackers from wetlands to wetlands' buffer, 17 Sterling Drive.  
Case# 208 – 18 – GRD – 21**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its August 7, 2023 meeting **APPROVED** your application referenced above.

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"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 February 7, 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. The applicant must adhere to the recommendations to protect wildlife following the NHB review. Final plans and documents must be updated to reflect such.
  - b. Fire Department clearance shall have an unobstructed vertical clearance of not less than 13ft 6in underneath each tracker at the edge of pavement in a travel way/parking lot/fire lane. NFPA 1 Ed. 2018 Chapter 18 Section 18.2.3.5.1.2. Please update the plans to show this.
  - c. Request that an Opticom automatic gate opener be installed for emergency services access. This will ensure if the code is changed or fails that emergency services still will be able to gain entry. An approved alternative would be dual Fire/Police Knox boxes or Knox gate key switches. Product should be approved by the RFD prior to purchase. NFPA 1 Ed. 2018 Chapter 18 Section 18.2. Please add this to the plans.
  - d. This plan shows an access road different than what was approved in the ZBA variance plan and therefore is NOT exempt from the CUP requirement for wetland buffer impacts. Please revise this plan to show the access road that is shown on the ZBA variance plan.
- 2) An updated vegetation management plan shall be submitted for the project to ensure that cutting in the wetlands and buffer for the trackers is appropriate. Future cutting in the wetland buffer to limit vegetative height for the solar panels is permitted no more than once every 4 years. A notification letter of vegetative cutting in the wetland buffer must be submitted to the City (Con Com). Any more frequent cutting would require another Conditional Use Permit request.
- 3) State plane coordinates. Plans must be tied to New Hampshire State Plane Coordinates and include a minimum two points showing a Northing and Easting in NH State Plane North American Datum 1983 coordinates. Elevations to reference North American Vertical Datum of 1988.
- 4) Final Drawings. (a) four sets of large black-line plus (b) one set of 11" x 17" final approved site plan drawings (c) one electronic version by pdf and a CAD drawing (dwg or dgn file format) referencing NH State Plane North American Datum 1983 coordinates 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 site plans.* (The applicant need only submit additional 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 the precedent conditions above) may be marked by hand. Note: If there are significant changes 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 plan. Assessing will need an 11x17 recorded copy of the plan.

### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

1. 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.
2. 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.
3. 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.
4. 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.

5. Other permits. All required Municipal, State and Federal permits must be obtained prior to pre construction meeting– including any Driveway/Curb Cut permit, Water Service Connection Permit, Cross Connection Control Permit NHDES AOT/SWPPP Stormwater Permit, NHDES Wetlands Permits, etc., as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
6. Development on the lot/s beyond 5,000 SF will require a Stormwater Permit from DPW per Ch 218 Stormwater Management and Erosion Control ordinance. Applicants requiring a Stormwater Management and Erosion Control Plan shall establish an account with the NHDES Pollutant Tracking and Accounting Project (PTAP). Relevant pollutant tracking information shall be entered into the PTAP database prior to holding a pre-construction meeting. Post construction pollutant information must be entered at the time as-builts are submitted.
7. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.
8. Active and substantial development for this project is defined as, “Installation of 50% of the trackers and infrastructure.” These improvements must be completed within 24 months of the Planning Board approval date”.
9. For vesting purposes under 674:39 “substantial completion” for this project is defined as, “Completion of the trackers and associated electrical utility infrastructure.
10. After the installation of trackers into the stormwater infrastructure, the stormwater swales and infiltration basin shall be reconstructed exactly as originally proposed. As builts shall be completed showing post construction stormwater infrastructure elevations.
11. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
12. Snow storage - Snow shall be removed and stored such that the drainage structures can function properly and the required parking spaces can be utilized.
13. 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-builts are to include State Plane Coordinates. A copy of the Asbuilt line work is also to be submitted as a CAD file 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.

14. All applicable conditions from original approval on January 4, 2021 and amended proposal Feb 6, 2023 shall carry forward to this approval.
15. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
16. 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.
17. 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.
18. 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.

19. 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  
SP-23-16