



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

September 13, 2023

New England Gaming and Consulting, LLC
923 Elm Street PMB 7
Manchester, NH 03101

**Re: Site Plan to construct a Charitable Gaming Facility at 7 Milton Road; Tax Map 222
Lot 94 Case# 222 – 94 – HC – 23**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its September 11, 2023 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: _____; 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 March 11, 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. Fire Departments Post Indicator Valve is obstructed as is the electrical disconnect, which violates NFPA 70 section 110.26 . Please move the dumpster and screening fence to clear this area.
 - b. Note 9 States: "All snow removal shall be performed by a Green Sno-Pro certified contractor."
 - c. Please indicate that salt applications will be performed by a Green Sno-Pro certified contractor.
 - d. Please update the proposed grass to a New England native ornamental, such as Big bluestem (*Andropogon gerardii*), Indiangrass (*Sorghastrum nutans*), Little bluestem (*Schizachyrium scoparium*), Switch grass (*Panicum virgatum*).
 - e. Please extend the pavement mill and overlay to the entrance of the property. The entrance pavement is in poor condition and given the amount of pavement mill and overlay currently proposed it may be in the best interest of the project.
 - f. Please add the following note to the plan: Prior to commencing with site preparations contact the City Engineer to schedule inspection of public water supply connections.
 - g. Please add the following note to the plan: A full service of the existing sewer wet well along with a pressure test of the existing sewer force main shall be conducted prior to the issuance of the certificate of occupancy. Service shall include at a minimum the cleaning of the wet well and testing of the highwater alarm.
 - h. Please add the following note to the plan: Prior to issuance of a backflow prevention permit, the existing private water system will need to be reviewed for compliance with current cross contamination regulations. A new backflow prevention device may or may not be required. This review will be required prior to the issuance of the certificate of occupancy.
 - i. Please add the lights in the rear parking lot to the Lighting Plan including light intensity cones.
 - j. Note 4 on the lighting plan speaks to security cameras. Please amend the note to read: coordinate with the Rochester Police Department on placement of the security Cameras in the parking lot...
 - k. Please add 1 EV charging station to meet the 2% threshold.
- 2) A draft Water Line easement is currently being reviewed in-house. This is to allow DPW access and maintenance to the existing waterline that crosses the property. Once approved by the City this easement is to be recorded once final plans are certified.
- 3) A drainage maintenance agreement approved by Public Works must be executed at the time certified plans are signed.
- 4) Final Drawings. four sets of large black-line plus (b) one set of 11" x 17" final approved site plan drawings plus (c) one electronic version by pdf or flash drive plus (d) a copy of the linework in CAD format (DWG or DGN) referenced in NH State Plane North American Datum 1983 coordinates by flash drive 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 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 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.
4. 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. This full surety must remain in place until the road is accepted or a Home Owner Association is created to define ownership and responsibility of the road and road drainage. If phased, the surety can be permitted per phase.
5. 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.

6. 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.

Murals require a Mural Ordinance from the Planning Department. The Arts and Culture Commission can help you through that permitting process.

- 5) Per the third party traffic memo from Sebago Technics, of August 9th 2023 several off site improvements were recommended based on the impact the new traffic will have on Rochester's roadway system. In a September 6th memo, Sebago Technics gave a prioritization plan and cost estimates of the recommended items. City staff, including Planning, DPW and Police recommend the following items on the list be the direct responsibility of the developer with the remaining items to be completed by future off site exactions or by City capital projects.

Priority 1.a – Lilac Mall Entrance @ Milton Road

- Upgrade two (2) existing pedestrian push buttons to the latest Accessible Pedestrian Signal (APS)

standards, including vibrotactile button with raised arrow, locator tone, and a walk notification sound/message. It should be noted this crosswalk will serve pedestrians accessing the proposed development through the extension of the existing sidewalk on the easterly side of Milton Road and connecting to new sidewalks proposed on site.

Estimated Cost: \$3,000.00

Priority 5.a – Lilac Mall Entrance @ Milton Road

- Bring the Lilac Mall approach up to MUTCD compliance by converting the right-turn yellow ball

indication to a yellow arrow. Estimated Cost: \$1,000

Priority 6.a – Lilac Mall Entrance @ Milton Road

- Replace ten (10) vehicular backplates w/ new backplates and retroreflective borders. Estimated Cost: \$7,500

Total Estimated = \$11,500

DPW does not have the capacity to complete or oversee completion of the work and so full responsibility of these upgrades is on the applicant.

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, at least 50% of the interior renovations and 50% of the exterior renovations completed. These improvements must be started within 24 months of the Planning Board approval date” in order to receive the 5 years of vesting.
9. For in perpetuity vesting purposes under 674:39 “substantial completion” for this project is defined as, “Completion of all exterior and interior renovations, including the public art.
10. All signage will need separate permits from Building and Licensing and must meet the signage portion of the Zoning Ordinance.
11. Wetland areas shall not be impacted by any construction activities.
12. 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. Please see Plan revisions section of this Notice of Decision for Plan Notes information.
13. Water and Sewer connection permits will need to be applied for. Only licensed contractors with the City of Rochester may perform water or sewer service work. The Sewer System Development Fee of \$4.33/gpd per Table 1008-1 of Env-Wq 1008.03 applies.
14. Landscaping: All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as this site plan remains valid;
15. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
16. As – built - 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.

17. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
18. 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.
19. 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.
20. 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.
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
SP-23-9