



**PLANNING & DEVELOPMENT DEPARTMENT**  
**City Hall Annex**  
**33 Wakefield Street**  
**Rochester, New Hampshire 03867-1917**  
**(603) 335-1338 - Fax (603) 330-0023**  
**Web Site: www.rochesternh.net**

Planning Board  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

BOOK 4635  
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## **NOTICE OF DECISION**

May 10, 2018

J & L Terra Holdings Inc.  
1 Whitehorse Drive  
Rye, NH 03870

**Re: 32-Lot Subdivision and Conditional Use Permit.**  
**Case# 224 – 310 – A – 18**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its May 7, 2018 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: 2/12/19 ROD received? 2/21/19 ]

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 September 5, 2018 - 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.

smc ✓  
12/18/18

1) Plan modifications. The plan drawings are to be modified as follows:

- a) Two State plane coordinates must be noted on the plans.
- b) The boundaries of the drainage ponds on lots 2-6 are to be demarcated by stone wall. Please not such on plans. It is suggested that rocks from existing stone walls be used here.
- c) The lighting detail shall specify that there will be black light heads for the lights proposed to be on metal poles.
- d) Add the phasing line to the plan.
- e) Relocate stonewalls to the fronts of lots, to the extent practical/discussed by Planning Board. The walls are not to be inside the road ROW's
- f) The parcel numbers and addresses shall be added to the plan after meeting with the Assessing Department.
- g) Add an area for school bus pick up on plan.

smc ✓  
12/18/18

2) Plan notes. Add the following notes (or equivalent) to the plan drawings:

- a) Add note to plan defining Active and Substantial Development and Substantial Completion.

smc ✓  
1/25/19

3) Draft easement plans and deed language must be submitted for all drainage areas proposed outside of the proposed road ROW. All drainage easements must be approved by the City Council.

smc ✓  
12/18/18

4) The applicant shall submit a street name application.

✓5)

The applicant will work with the Assessing Department to determine appropriate parcel numbers and addresses for these lots.

smc ✓  
12/18/18

6)# State plane coordinates. The plans are to be tied into the State Plane Coordinate System.

smc ✓  
2/6/19

7) Current Use. The subject property or a portion of it is presently in Current Use. The applicant shall provide the Assessing Department with an updated Current Use map.

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Inspection Fees: The applicant must sign the Agreement for Payment of Inspection Fees and make a cash deposit to cover the expected costs of inspections, in an amount that is determined by the Public Works Department. (The inspections will be conducted by the City of Rochester Public Works Department or its designee. The applicant must pay for inspections – at an hourly rate as determined by the Public Works Department – of the site, including all new infrastructure serving the site).

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Pre-construction meeting: The pre-construction meeting agreement is to be signed by the property owner.

Drainage maintenance: A drainage maintenance agreement approved by Public Works must be executed.

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Final Drawings. (a) three 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 CD 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. (The primary set of plans was last received March 14, 2018).

#### General and Subsequent Conditions

All of the conditions below are attached to this approval.

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- 1) The traffic report calls for a 30 mph sign to be installed under the "curve ahead" sign on Salmon Falls Road. This sign must be provided to and installed by the Public Works Department prior to issuance of the first building permit. In addition, the developer shall work with the Police Department and Public Works Department to determine what roadside trees must be removed to improve site distance.
  - 2) Monuments and pins must be set on the lot prior to a Certificate of Occupancy being issued for that lot. A licensed surveyor is to submit a signed, stamped letter stating the pins/monuments were set.
  - 3) All the pins and monuments must be set before the road is conveyed to the City of Rochester. A licensed surveyor is to submit a signed, stamped letter stating the pins/monuments were set.
  - 4) The 25' wetland buffer boundaries are to be marked with "protected natural area signs" every 50-feet. The signs are to be paid for and installed by the developer prior to issuance of the first building permit. Signs are available for purchase from the Conservation Commission via the Planning Department. The Planning Department will assist with determining how much of the 25' buffer needs to be marked (i.e. –areas anticipated to be closest to lot development).
  - 5) Active and substantial development for this project is defined as, "*Construction of the road for phase I and utilities. These improvements must be completed within 24 months of the Planning Board approval date*".

- 6) For vesting purposes under 674:39 "substantial completion" for this project is defined as, "Completion of phase I".

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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.

- 8) 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.
- 9) 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.
- 10)# Recording. The plat, this notice of decision (per RSA 676:3III), and deed (a deed is required if the lots are owned by two separate parties or if one lot is sold prior to recording of this plat; see precedent conditions above) must be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified (e.g. if certified September 9<sup>th</sup> they must be recorded by November 9<sup>th</sup>). See RSA 478:1-a regarding plat requirements. **Failure to comply with this requirement herein shall render the subdivision null and void.**
- 11) Performance guarantee. The applicant, prior to issuance of a building permit or beginning site work, shall provide site improvement and restoration security for that applicable phase. 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 structures are occupied the applicant shall provide a cost estimate of remaining site work including labor, and provide the City with a security equal to 110% of the estimated cost for remaining site work of the applicable phase. (Any existing surety being held at this time may be considered toward this amount).

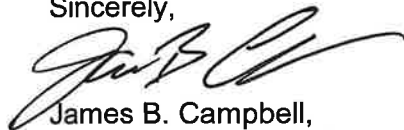
This amount shall include preparation of as-built plans. Construction Cost estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency.

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.

- 12) Erosion control. All erosion and sedimentation control structures must remain in place and be maintained until vegetation is established or ground surface is suitably stabilized. Note that the filter fabric on silt fences must be buried at least 12" below the ground surface in order to function properly. Best management practices must be followed for wetlands protection.
- 13) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 14) Approval. 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.
- 15) 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 Building, Licensing, and Zoning 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).

Sincerely,



James B. Campbell,  
*Director of Planning & Development*

cc: Beals Associates  
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