



PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex

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Web Site: www.rochesternh.gov

Planning Board

Zoning Board

Conservation Commission

Historic District Commission

Arts & Culture Commission

NOTICE OF DECISION

December 15, 2023

Christopher R. Berry

Berry Surveying & Engineering

335 Second Crown Point Rd

Barrington, NH 03825

Re: 9-Lot Major Subdivision, CUP for conservation Subdivision, two waivers for Chapter 218: Stormwater; 324 Blackwater Rd - Tax Map 0264-0011; Case# 264-11-A-23

Dear Applicant:

This is to inform you that the Rochester Planning Board at its December 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- Built 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 June 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. If the intent is to request this be a city accepted street, the applicant needs to have the light fixture at the corner of Blackwater Road and this new street reviewed and approved by DPW. It does not need to be the standard cobra head but must be consistent with other decorative lighting in the area such as what is proposed at the Union Street Parking Lot.
 - b. Please remove the trees in the swales in the proposed City ROW along the sides of the road and move those trees upwards into the lot onto the private property front yard.
 - c. The grading for the roadside swales must all be within the ROW if the City is to maintain them as part of the Road acceptance. Please either amend the plan or pass the current design by the Director of DPW for approval.
 - 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a. Please add a note to the plans stating RBV Realty LLC, will need a Mobile Release to demolish the home on site.
 - b. Please add a note to the plans stating that any stonewalls on site shall be preserved and/or rebuilt per Subdivision Reg 5.1.3.
 - 3) Two waivers were request by the applicant for Chapter 2018: Stormwater. 218-6.4.1 Minimum Drainage Pipe Cover and 218-10.F(2)d lower cleaning velocities than prescribed for CB 3 and DI 1. Public Works must recommend approval for these waivers prior to final plan submission.
 - 4) Inspections. In accordance with RSA 676:4-b 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.
 - 5) Other permits. All required State and Federal permits must be obtained – including any Driveway/Curb Cut permit (for roadway cut off Blackwater Rd.), Water Service Connection Permit, Drainage Permit, Cross Connection Control Permit, etc., as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- Development on the subdivided lots beyond 5,000 SF will require a Stormwater Permit from DPW per Ch 218 Stormwater Management and Erosion Control ordinance.
- 6) This parcel is within the “Aviation Overlay District, (AOD)” in the Zoning Ordinance. In order to confirm the proposal meets the technical specifications of the AOD please submit a letter to the Pease Development Authority (PDA) asking them to review the proposal. Please submit a copy of this letter to the Planning Department, or follow up with the Planning Department if there are any issues with the proposal or plan. If the City does not hear from the PDA within 2 weeks of this letter being submitted to them the City will consider the specifications of the AOD to have been met to the satisfaction of the PDA. The City may grant an extension to this 2-week time frame if requested by the PDA.
 - 7) 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.

- 8) 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. For Condo only: 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
 - c. 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.
 - d. Draft maintenance & easements documents required for the common property and utilities including: 1) stormwater infrastructure (Infiltration Pond 105, gravel wetland 101, gravel wetland 102, detention pond 104, and rain garden 103), 2) the community septic effluent disposal system, 3) the constructed field area (mowing), 4) the existing non community well, 5) the well house, 6) the mail kiosk and parking area in the proposed City ROW and 7) the Open Space
- 9) Final Drawings. (a) Three sets of 24" x 36" black-line final approved plans plus (b) two sets 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 nothing 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.

- 10) 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. Each recorded deed for every individual lot sold must reference the existence of the required Homeowner's Association and Book and Page references to documents related to the same. The recorded Homeowner's Association documents must include its responsibility for the utilities (sewage in particular), amenities and stormwater for this development and legally require that each future property owner be a member of the Homeowner's Association. All documents, including the required language for individual deeds, must be submitted to the Legal Department prior to recording. Proof that the approved deeds have been filed will be required to be submitted to the City prior to the issuance of a CO for each new structure.
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. Please provide a street name application for the private driveway to be created. Once it has been determined where the driveway will be located the Planning Department will provide an address for this new parcel. This must be completed before any building permits are applied for.
6. 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.
7. For in perpetuity vesting purposes under 674:39 "substantial completion" for this project is defined as, "Completion of road and utilities".
8. 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.
9. 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.

10. 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.
11. 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.
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. Asbuilts - 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 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 and prior to the release of any COs. This info is for road and infrastructure, not individual house lots.

21. The applicant, prior to certificate of occupancy requests, shall enter applicable PTAP information related to individual house stormwater permits, if required, prior to the request for any CO on that particular lot. For example, if lot 5 required a Chapter 218 Stormwater permit, PTAP info for lot 5 must be submitted prior to the CO for lot 5.
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- 11) 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-23-13