

**Utility Advisory Board
September 12, 2022
5:30pm
DPW Conference Room**

MEMBERS PRESENT

Shawn Libby, Chairman

Joe Boudreau

Brett Johnson

Eli Barnes

MEMBERS ABSENT

Ralph S

OTHERS PRESENT

Lisa Clark, DPW & Utility Billing Administrative Supervisor

Michele Grant, Utility Billing Administrator

Darcy Landry, Utility Billing Administrator

Nancy Gilbert, RAMA Representative

David Azarian, KAB Realty Representative

Brian Russell, Roadrunner Representative

David Smith, KAB Realty Representative

Nicholas Watts, KAB Realty Representative

MINUTES

1. Call to order:

Mr. Libby called the meeting to order at 5:30pm.

2. Approval of June 13, 2022 Minutes

Mr. Libby requested a motion or comments on the minutes for the June 13, 2022 meeting. *Mr. Johnson made a motion to accept the June 13, 2022 meeting minutes as presented. The motion was seconded by Mr. Boudreau. The motion passed unanimously.*

3. Appeals

Item 3.11 from Agenda heard first - 72 Lafayette St. – RAMA

The appellant was present for the meeting. The appeal request is for a sewer abatement. Ms. Gilbert explained the delay for requesting the appeal and explained the financial difficulties that this association is having.

Mr. Johnson made a motion to grant a 25% hardship credit for this appeal since they do not qualify for a sewer abatement per ordinance. Mr. Boudreau seconded the motion, the motion passed unanimously.

Item 3.12 from Agenda heard second - KAB appeal for Water & Sewer License

The appellant, Mr. Goldstein, owner of KAB was not present for the meeting. KAB is appealing a denial by the Director of City Services for a requested Water & Sewer License. Attorney Azarian was present to represent the appellant. He explained his position regarding the appeal and he explained the back ground information that was in his email that was forwarded to the Board (Attached to Minutes pages 5-61). Mr. Libby stated that he and the Board had reviewed both Attorney Azarian's information submitted and Mr. Nourse's packet of information (Attached to minutes pages 62-86). Mr. Russell was present and was established as a co-owner, with Mr. Goldstein, of Roadrunner Real Estate Development. Mr. Russel discussed the subcontractor that was used at the 10 Norway Plains project. Mr. Smith and Mr. Watts, employees of KAB, were also present. Both gentlemen stated that they had successfully completed service tie-ins under the previously held KAB license and that Turgeon Construction had completed most of the service work for KAB on Trinity Circle Subdivision. The Board Members asked many questions and after lengthy discussion Mr. Libby called for a vote.

Mr. Johnson made a motion to deny the appeal. Mr. Boudreau seconded the motion, the motion passed unanimously

3.1 11 Magic Ave. - Scott McNamara

The appellant was not present for the meeting. The appellant requested a water and sewer abatement.

Mr. Boudreau made a motion to table this appeal for additional user history could be established. The motion was seconded by Mr. Johnson. The motion passed unanimously.

3.2 68 Ida Circle – John and Barbara LoPriore

The appellant was not present for the meeting. The appeal request is for a sewer abatement.

Mr. Boudreau made a motion to table this appeal for additional user history could be established. The motion was seconded by Mr. Johnson. The motion passed unanimously.

3.3 41 Oak St. – Joshua Riley

The appellant was not present for the meeting. The appeal request is for a sewer abatement for outside watering.

Mr. Johnson made a motion to abate 11 units of sewer at \$7.43 per unit for a total of \$81.73 plus accrued interest. Mr. Boudreau seconded the motion, the motion passed unanimously.

3.4 97 Millers Farm Rd. – Rachel Johnson

The appellant was not present for the meeting. The appeal request is for a sewer abatement for outside watering. Mr. Brett Johnson recused himself from the vote.

Mr. Boudreau made a motion to abate 13 units of sewer at \$7.43 per unit for a total of \$96.59 plus accrued interest. Mr. Barnes seconded the motion, the motion passed unanimously.

3.5 71 Ida Circle – Murtagh Family Trust

The appellant was not present for the meeting. The appeal request is for a sewer abatement for outside watering.

Mr. Boudreau made a motion to table this appeal for additional user history could be established. The motion was seconded by Mr. Johnson. The motion passed unanimously.

3.6 5 Deerfield Ct. – Timothy & Jessica Demers

The appellant was not present for the meeting. The appeal request is for a sewer abatement for outside watering.

Mr. Johnson made a motion to abate 31 units of sewer at \$7.43 per unit for a total of \$230.33 plus accrued interest. Mr. Boudreau seconded the motion, the motion passed unanimously.

3.7 8 Winch Way – Scot Yeanish

The appellant was not present for the meeting. The appeal request is for a sewer abatement for outside watering.

Mr. Johnson made a motion to abate 21 units of sewer at \$7.43 per unit for a total of \$156.03 plus accrued interest. Mr. Boudreau seconded the motion, the motion passed unanimously.

3.8 28 Balsalm Lane – Nancy Trudeau

The appellant was not present for the meeting. The appeal request is for a water abatement.

Mr. Johnson made a motion to deny this appeal. Mr. Boudreau seconded the motion, the motion passed unanimously.

3.9 9 Hillside Drive – Trogler M&J Family Trust

The appellant was not present for the meeting. The appeal request is for a sewer abatement for outside watering.

Mr. Johnson made a motion to abate 104 units of sewer at \$7.43 per unit for a total of \$772.72 plus accrued interest. Mr. Boudreau seconded the motion, the motion passed unanimously.

3.10 30 Sherman St. – Vic & Sharman Lyons

The appellant was not present for the meeting. The appeal request is for a sewer abatement for outside watering.

Mr. Johnson made a motion to abate 4 units of sewer at \$7.43 per unit for a total of \$29.72 plus accrued interest. Mr. Boudreau seconded the motion, the motion passed unanimously.

4. New Rate Discussion

The Board discussed new rates that were approved effective 8/1/22. The Board was pleased with the presentation and the decision made by City Council.

5. Financials

The board reviewed and briefly discussed financial reports.

6. Adjournment:

Mr. Libby made a motion to adjourn at 6:48 pm. The motion was seconded by Mr. Johnson. The motion passed unanimously.

Minutes respectfully submitted by Michele Grant Utility Billing Administrator

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Followed By Attorney Azarian Packet of Information

Timeline of Activities Leading to the revocation of the KAB Realty Water & Sewer License	
Friday, October 16, 2020	Roadrunner Real Estate Development, LLC purchases the property (Deed Attached)
Wednesday, May 26, 2021	Email string between you and Tim Goldthwaite regarding pavement restoration as a result of the PWBC approval to disturb the street pavement within the 5 year moratorium
Thursday, May 27, 2021	Email from Tim goldthwaite detailing the DPW conditions for the road restoration and the requirements regarding inspections
	Excavation Permit application attached detailing the requirements and procedures for digging in the City Street or Right of way. (Note KAB Realty has never applied for an excavation permit and have neve dug in the City Street or Right of Way)
	New Construction permit guidelines (Details specificall the types of permits required
	Water & Sewer License Application
Thursday, June 03, 2021	Water & Sewer License issued to KAB Realty Management (License # 2021-38-WS)
Thursday, June 03, 2021	Copy of check issued to pay for water & Sewer License
Monday, June 07, 2021	Email from Jeff at SJ Cantwell indicating Tim Goldthwaite just responded to him regarding The size of the sewer main in the road, the depth of the sewer, connection type and water service size and water service pipe type. At this point Tim Goldthwait KNEW 100% that SJ Cantwell was doing the excavation in the street because JEFF from SJ Cantwell TOLD him DIRECTLY
Thursday, June 10, 2021	Email From Jeff at SJ Cantwell giving me the proposal to do the street dig and water and sewer connections at 10 Norway Plains Road
Thursday, June 24, 2021	Pictures attached of the work that was completed in the street at 10 Norway Plains Road from JEFF at SJ Cantwell which were emailed to Tim Goldthwaite at DPW.
Thursday, June 24, 2021	Invoice from SJ Cantwell for the water & sewer installation at 10 Norway Plains Road
Friday, June 25, 2021	Email from Tim Goldthwaite to Dave Smith (Not SJ Cantwell, who he KNEW was doing the work) instructing Dave to stop working because he didn't pull a water & sewer permit, Covered the work without city inspections and the pictures from "SJ Cantwell" showed plastic water Instead of copper. The email also claims he is going to revoke KAB's Water & Sewer license for violating the DPW water and sewer licensing procedures, despite the fact that SJ CANTWELL was the responsible party and were required to obtain their own licenses according to the City's own Excavation permits procedures and specifications and despite the fatc that Tim Goldthwaite KNEW SJ CANTWELL was doing this work as far back as June 7, 2021 (Almost a full 3 weeks before they actually dug the street
Saturday, June 26, 2021	My email to Tim Goldthwaite regarding that fact that he was mistakenly holding KAB and me responsible for issues at 10 Norway Plains road, despit ehte fact he knew SJ Cantwell did the work, was required to obtain the appropriate permits and have the proper inspections completed based upon the procedures and specifications in the Citys excavation permit requirement (For the record Tim Goldtwait never responded to my email
Tuesday, July 06, 2021	Letter from Peter Norse, Director of City services regarding the revocation of the KAB Realty Management, LLC Water & Sewer license for failure to obtain necessary permits for 10 Noorway Plains Road despite the fact that KAB didn't do ANY work at the property and because KAB Realty backfilled and paved the street without the required inspections by City personel. He offer no opportunity to appeal and was not given the facts in the case before he unilaterally made the choice to revoke the license. Despite the fatc that KAB did NO WORK and Tim Goldthwaite knew as far back as June 7, 2021 SJ Cantwell did the work as Jeff from SJ Cantwell call him and took picture of the work he did and emailed said pictures to Tim Goldthwait on June 24, 2021
Tuesday, July 13, 2021	Email from you to me regarding question about the Water & Sewer License
Wednesday, July 14, 2021	Letter from you to Peter Norse (which he never responded to your letter of your repeted phone calls)

Thursday, July 15, 2021	Email from Jeff at SJ Cantwell acknowledging he just talked to Tim Goldthwaite and that SJ Cantwell is setting up a meeting on site to go over what Tim would like to have done on site (if SJ Cantwell was not the responsible party why would they be calling Tim Goldthwait to set up a time to meet on site to "Go over" what Tim wants to be done? KAB is obviously no involded in ANY way
Monday, July 26, 2021	Email from me to my staff regarding the fact that SJ Cantwell is going back on site to make the correction Tim wanted (if KAB is responsible then why is SJ Cantwell going back)
Friday, July 30, 2021	Email from Jeff at SJ Cantwell acknowledging everything went well on site and Tim Goldthwaite was happy with the corrections they made and that he would be signing off on the work that SJ Cantwell did.
Tuesday, August 03, 2021	Email from Tim Goldthwait to Jeff at SJ Cantwell that the work they completed was approved relative to the installation of the water & sewer.
Thursday, August 19, 2021	Copy of check From Roadrunner Real Estate Development, LLC to SJ Cantwell for the work completed at 10 Norway Plains Road Water & Sewer Street Dig (How could KAB Possibly be responsible for ANY of this work as Cantwell submitted a proposal reached out to Tim Goldthwait a who told him what he needed in terms of water & Sewer pipe sizes, SJ Cantwell, canwell did the work , was paid for said work and then signed a lien waiver acknowledging he clearly did the work and as such he would have been required to comply with ALL of the City of Rochester licensing and inspection requirements, NOT KAB Realty
Thursday, August 19, 2021	Copy of Lien waiver From SJ Cantwell to Roadrunner Real Estate Development, LLC releasing the property from any future liens for the street dig & water & Sewer connections
DATE TO BE DETERMINED	Reinstate the KAB water & Sewer License

Book: 4819 Page: 431

Return to:
 Roadrunner Real Estate Development, LLC
 35 Third Street
 Portsmouth, NH 03802

E-Doc # 200017591
 Book 4819 Page 431

10/16/2020 10:19:59 AM
 Page 1 of 2

Catherine A. Berube
 Register of Deeds, Strafford County
 LCHIP STA166231 25.00
 TRANS TAX ST852576 600.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Ingrid L. Phoenix and Kenneth I. Phoenix, wife and husband, of 63 Monroe Drive #3, Rochester, NH 03867, for consideration paid grant(s) to Roadrunner Real Estate Development, LLC, a New Hampshire Limited Liability Company, with a mailing address of 35 Third Street, Portsmouth, NH 03802, with WARRANTY COVENANTS:

A certain lot or parcel of land, together with the buildings thereon, situate in the City of Rochester, County of Strafford and State of New Hampshire, and being shown as Proposed Lot 63-1 on a plan entitled "Subdivision Plan, 8 Norway Plains Road, Rochester, Strafford County, New Hampshire, Prepared for: Kenneth I. & Ingrid L. Phoenix " dated July 2019, recorded in the Strafford County Registry of Deeds as Plan #11967. Said Proposed Lot 63-1 being more particularly bounded and described as follows:

Beginning at a re-bar found on the westerly side of Norway Plains Road, as shown on said plan, said point being the easterly corner of the within described lot; thence running S 05° 17' 33" E a distance of 87.00 feet along Tax Map 222, Lot 60, as shown on said plan, to a re-bar found; thence turning and running N 76° 09' 56" W a distance of 269.35 feet along Tax Map 222, Lot 61 as shown on said plan, to a re-bar found with Norway Plains ID cap; thence turning and running N 77° 46' 16" W a distance of 80.23 feet along Tax Map 222, Lot 67, as shown on said plan, to a point; thence turning and running N 74° 49' 45" W a distance of 113.25 feet along said Map 222, Lot 67 to a rebar found; thence turning and running N 44° 55' 18" E a distance of 135.81 feet along Tax Map 222, Lot 66, as shown on said plan, to a rebar set; thence turning and running N 54° 48' 58" E a distance of 22.96 feet along said Tax Map 222, Lot 66 to a rebar set; thence turning and running N 87° 59' 32" E a distance of 102.60 feet along Proposed Lot 63-2, as shown on said plan, to a rebar set; thence turning and running S 03° 48' 12" E a distance of 75.00 feet along Proposed Lot 63, as shown on said plan, to a rebar set; thence turning and running N 87° 19' 19" E a distance of 183.80 feet along said Proposed Lot 63 to a rebar set on the westerly sideline of said Norway Plains Road; thence turning and running S 26° 28' 50" E a distance of 79.48 feet along said Norway Plains Road to the point of beginning. Said Proposed Lot 63-1 containing 51,190 square feet or 1.18 acres, according to said plan.

Subject to and with the benefit of the proposed 25-foot-wide driveway easement as shown on said plan for purposes of ingress, egress and the installation and maintenance of utilities.

RE: 2020-10802


Page 1 of 2

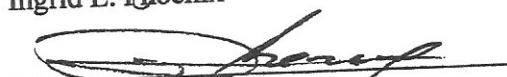
Subject to any and all easements, facts, issues and notations as are shown and noted on plan recorded in the Strafford County Registry of Deeds as Plan #11967.

Meaning and intending to describe and convey a portion of the premises conveyed to Kenneth I. Phoenix and Ingrid L. Phoenix by deed dated June 26, 2003 and recorded in the Strafford County Registry of Deeds in Book 2788, Page 890.

The property is not the residence of the grantor or the grantor's spouse and is not subject to homestead rights.

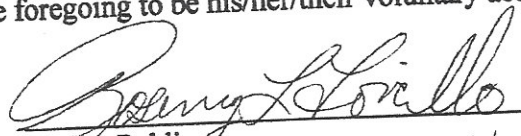
Executed this 15th day of October 2020.


Ingrid L. Phoenix


Kenneth I. Phoenix

State of New Hampshire
County of Strafford

Then personally appeared before me on this 15th day of October 2020, the said Ingrid L. Phoenix and Kenneth I. Phoenix and acknowledged the foregoing to be his/her/their voluntary act and deed.


Notary Public
Rosemary L. Forcillo
Notary-Name Printed

My commission expires:

(seal)





Subject to any and all easements, facts, issues and notations as are shown and noted on plan recorded in the Strafford County Registry of Deeds as Plan #11967.

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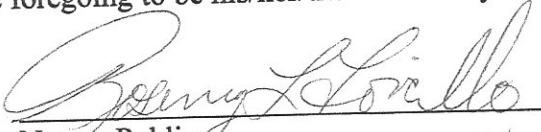
Executed this 15th day of October 2020.


Ingrid L. Phoenix

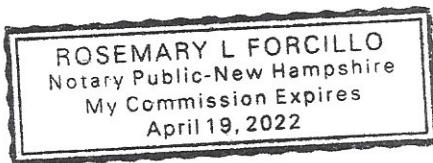

Kenneth I. Phoenix

State of New Hampshire
County of Strafford

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Notary Public
Rosemary L. Forcillo
Notary-Name Printed

My commission expires:
(seal)





City of Rochester, New Hampshire
 PUBLIC WORKS DEPARTMENT
 45 Old Dover Road • Rochester, NH 03867
 (603) 332-4096 Fax (603) 335-4352
www.rochesternh.net

Excavation Permit Application

Permit Fee \$100

CONTRACTOR INFORMATION:

Date: _____

Name: _____ Business Name: _____

Address: _____

Telephone #: _____ Cell/Business #: _____

Email Address: _____

Utility or Purpose: _____

EXCAVATION INFORMATION

Street Address of Excavation: _____

Size of Excavation: _____ Depth of Excavation: _____
 (Estimated length and width)

SKETCH OF EXCAVATION SITE

Please show nearby landmarks (e.g. building w/ address, utility pole, fire hydrants, streets, sidewalks, trees, fences, etc.), the size, and location of excavation. Additional sheets or plan may be attached

PERMIT FEE \$ _____ CASH _____ CHECK NO. _____

SIGNATURE OF APPLICANT: _____

☐ CONDITIONS ATTACHED IF BOX TO THE LEFT IS CHECKED

 Department of Public Works
 (Authorized signature)

 Excavation Permit No.

NOTE: PERMIT NOT VALID WITHOUT AUTHORIZED SIGNATURE AND PERMIT NUMBER

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City of Rochester, New Hampshire
 PUBLIC WORKS DEPARTMENT
 45 Old Dover Road • Rochester, NH 03867
 (603) 332-4096 Fax (603) 335-4352
www.rochesternh.net

Permit Procedure

1. Applicant must obtain a signed and numbered permit before starting any work in the field.
2. Contractor shall provide 24-hours prior notice before work is to begin so adequate inspection can be arranged.
3. All excavation shall be properly backfilled, compacted, and paved areas temporarily patched at the completion of work. In no case shall an open excavation be left overnight unless specifically waived by the Commissioner of Public Works. All temporary patches shall be of an acceptable cold patch material, and all permanent patches shall be of an acceptable hot asphalt concrete mix.
4. Contractor then has 10 days to return the permanent patch completion portion of this application to the Department of Public Works. (See reverse)
5. The City may require that a performance bond be posted. See any permit conditions that may be attached.

NOTE: This Application, which will become an Excavation Permit when fully executed, has been applied for by the Applicant for the purpose of gaining access to the public right(s)-of-way in order to repair, maintain, install, relocate and/or remove materials and/or infrastructure of the City (or of some other governmental entity) and/or of materials and/or infrastructure which is owned and/or controlled by the Applicant, and which is located in, on or above the public right(s)-of-way with the consent and authority of the City of Rochester. To the extent that applicable law provides authority for the City (or other governmental entity) to assess taxes on Applicant, pursuant to RSA 72:23, I(b), 72:8-a, 73:10 and/or 48-B:4, or otherwise, the City (or other governmental entity) shall impose such tax(es) and Applicant hereby acknowledges his/her/its obligation to pay such taxes to the extent required by applicable law. Failure of the Applicant to pay properly assessed real and personal property taxes by the due date shall be cause for City (or other governmental entity) to terminate any Excavation Permit(s) authorized herein, any then outstanding Excavation Permit(s) held by the Applicant, as well as any authorization of the Applicant to locate its owned and/or controlled materials and/or infrastructure in the public right(s)-of-way.

PERMANENT PATCH COMPLETION

PERMIT NO. _____

TYPE OF PATCH MATERIAL _____

NUMBER OF LIFTS AND THICKNESS #1 _____ #2 _____

APPLICANT'S SIGNATURE _____ DATE _____

City use only below

COMPLETION INSPECTION

INSPECTOR _____ APPROVED _____ DENIED _____

DATE _____ REASON _____

30-DAY INSPECTION

INSPECTOR _____ APPROVED _____ DENIED _____

DATE _____ REASON _____

1-YEAR INSPECTION

INSPECTOR _____ APPROVED _____ DENIED _____

DATE _____ REASON _____

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City of Rochester, New Hampshire

PROCEDURES AND SPECIFICATIONS FOR EXCAVATIONS

ON CITY STREETS OR RIGHTS-OF-WAY

The following procedures are for all companies or individuals excavating in city streets or rights-of-way. An excavation permit shall be issued by the Rochester Department of Public Works, prior to beginning any excavation within any street or right-of-way owned or controlled by the City of Rochester.

Pursuant to Section 15.5(a) of the General Ordinances of the City of Rochester, anyone wishing to open or excavate in any street or right-of-way must make an application for a permit on a form provided by the Department of Public Works. A **\$100.00 permit fee** must accompany each application for a permit.

Permit holders will be responsible for a permanent patch that meets the specifications of the Department of Public Works for a period of one (1) year from date of initial inspection. Any interim repair will either be done by the permit holder, or the Department of Public Works and costs billed to the permit holder. A bond of indemnity or an escrow deposit may be required for any or all excavations and patches at the discretion of the Director of Public Works. (Ordinance, sec. 15.14)

Applicant must obtain a signed excavation permit before starting any work in the field. City Ordinance (Sec. 15.5(c)) states there is a fine of up to \$500.00 for failure to obtain said permit. This will be strictly enforced.

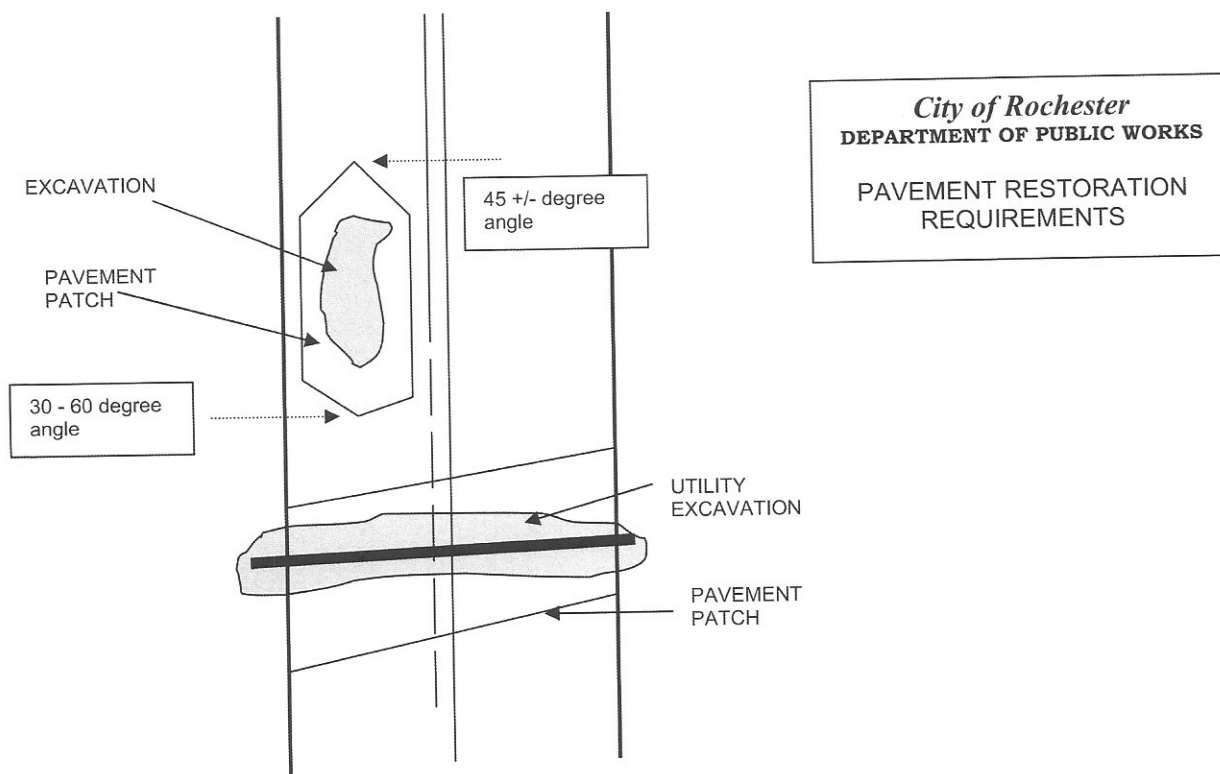
All holders of an excavation permit shall comply with the following requirements. Any violation of any condition of the permit is subject to a \$100.00 fine (Ordinance Sec. 15.15)

1. Any excavation shall be backfilled, compacted, and temporarily patched at the completion of work, in no case shall an open excavation be left overnight unless waived by the Director of Public Works. All temporary patches shall be of an acceptable cold patch material.
2. Applicant shall complete the permanent patch within 20 calendar days of temporary patch but not sooner than complete settlement (7 days recommended minimum) or for winter work (if authorized) within 30 calendar days of availability of hot bituminous concrete. Permanent patch section of permit must be returned to Public Works within **15 days** of completion of permanent patch. Any existing landscaped areas shall be restored with loam, fertilized, and replanted. Any asphalt or concrete sidewalk shall have surfaces of equal depth, kind and quality placed. As work progresses, all streets shall remain free of all rubbish, excess earth, rock and other debris. Public Works will inspect the work. The one-year guaranty period will start at that time. Work will be re-inspected after one year at which time the permit will be retired or the applicant will be notified to repair patch.
3. Prior to installing a pavement patch, all existing edges shall be sawcut with straight, neat, defined edges that intersect with the flow of traffic at angle from between 30 degrees and 60 degrees (e.g. the sawcut edge shall not be perpendicular to the flow of traffic, see diagram). The pavement thickness shall match the pavement thickness of the existing roadway, but shall not be less than the requirements stipulated in the City of Rochester subdivision regulations.
4. No opening or excavation in any street shall extend beyond the centerline of the roadway, before being back filled and the surface of the roadway made passable to traffic.
5. All trenches shall be backfilled with suitable original material with the exception of the required gravel for pavement base at thicknesses required by the City of Rochester subdivision regulations.
6. Every permit holder will be required to place around all openings, excavations, encumbrances or obstructions, sufficient barriers, barricades, lights, warning flags, and danger signs to protect the safety of the general public to the satisfaction of the Director of Public Works. During the hours of darkness, adequate artificial lighting devices are required to call attention to and indicate the actual location of obstructions and hazards.
7. All barricades, warning signs, lights, temporary signals and other protective devices shall conform with the edition of the "Manual on Uniform Traffic Control Devices for Streets & Highways", current on the date of permit application. This manual is approved by the Federal Highway Administrator as the National Standard for all highways open to public travel.
8. A minimum of one lane of traffic shall be provided on all streets at all times. Access shall be provided to all property at night and on weekends, and shall be maintained to all places of business at all times.

9. If a complete street closure is necessary, at least seven (7) working days advance notice is required with confirmation of the proposed closure three (3) working days in advance of the actual street closure. The Director of Public Works will review and approve any detours required. If a detour approved, the permit holder shall erect sufficient signage so motorists are given appropriate warning of the detour and are able to navigate the detoured route as efficiently as possible.
10. If an emergency necessitates the complete closing of a street, the closing will be governed by the "Emergency Provisions" Section of this regulation.
11. Property or street line monuments survey reference points and permanent survey bench marks shall not be removed or disturbed, unless specifically permitted by the Director of Public Works. If any such monuments are removed or disturbed, the permit holder shall be required to have monuments replaced by a licensed land surveyor.
12. Provisions shall be made to provide for proper drainage during construction, and the permit holder shall be responsible for all claims for damage or injury, whatsoever, that may arise from the obstruction or use of any public sewer or drain in connection with the work contemplated under the permit.
13. The Director of Public Works may revoke any permit issued under this regulation at any time.

EMERGENCY PROVISIONS

In the event of an emergency, the Director of Public Works reserves the right to waive any of the provisions of this regulation, and to impose such conditions as she/he may require. If such an emergency exists, the (Police Department, Fire Department and Highway Department, at a minimum), shall be notified immediately by telephone. During the next business day, an excavation permit form shall be applied for at the office of the Director of Public Works.





City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867
(603) 332-4096 Fax (603) 335-4352

www.rochesternh.net

New Construction Permit Guidelines

The purpose of this package is to assist contractors and developers in obtaining all necessary permits and scheduling all necessary inspections with the Public Works Department (DPW). This package does not address any building, fire or planning requirements. All water and sewer installers must be licensed with the City of Rochester. License application can be found on the City's Website or be obtained by calling (603) 332-4096.

1. Public Works Permit Applications

- a. **Driveway Permits:** for any new or modified driveway within limits of the right-of-way of any street or highway in the City of Rochester. Entrances from highways under the jurisdiction of the state of New Hampshire shall also secure a permit from the NHDOT.
- b. **Excavation Permit:** for any excavation work within the City of Rochester.
- c. **Sewer/Water Service Connection Permit:** For any new water or sewer connection.
- d. **Sewer Capacity Permit:** New or expanding customers (other than single family homes) are required to pay a \$2.00 per gallons per day reserve capacity assessment fee. This permit is required to be approved and paid for prior to receiving a building permit.
- e. **Commercial/Industrial Waste Questionnaire:** For all new commercial or industrial sewer connections.
- f. **Sewer/Water License:** Annual license for any contractor working on public water or sewer services.
- g. **Stormwater Management and Erosion Control Permit:** For any project disturbing or impacting a land area greater than 5,000 cumulative square feet.

2. Inspections:

It is the contractor's responsibility to notify the Public Works Department 24-hours prior to beginning any work that requires inspections. Note that these inspections are scheduled and conducted separately from the fire department and code enforcement.

- a. **Sewer/Water Connection:** A Public Works representative should be present during any connection to the public infrastructure. Inspection sign-off required to activate obtain a water meter and to activate the water service.
- b. **Excavations:** A Public Works representative should be notified before any excavation work within the City of Rochester Public Right-of Way.
- c. **Sewer Tests:** A Public Works representative should be present for all vacuum and leakage testing.
- d. **Water Tests:** A Public Works representative should be present for all pressure and bacteria testing.
- e. **Stormwater Management and Erosion Control:** A Public Works representative may visit the site during construction to confirm the Best Management Practices and Erosion Control measures described in the permit to ensure that are being properly installed and maintained.

3. Scheduling Work:

- a. **Sewer/Water Connection:** Coordinate with the DPW to schedule water and sewer connections and inspections by calling (603) 332-4096.
- b. **Excavations:** Coordinate with the DPW to schedule inspections for final patch repair by calling (603) 332-4096.
- c. **Water Meter:** Coordinate with the Utility billing Office at (603) 335-7501 to schedule water meter installations. **WATER METERS WILL NOT BE INSTALLED WITHOUT PROPER INSPECTIONS.**

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PUBLIC WORKS DEPARTMENT
 45 Old Dover Road • Rochester, NH 03867
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www.rochesternh.net

Water and Sewer License Application

Are you a licensed plumber in the State of New Hampshire?

☐ Yes or ☐ No

If so, please provide license # - no City License or fee is required: _____

Name of Firm: _____

Address of Firm: _____

Telephone #: _____

Email Address: _____

For which license are you applying?

- ☐ Sewer (fee \$100.00/yr)
☐ Water (fee \$100.00/yr)
☐ Both (fee \$200.00/yr)

Names of Persons who will be covered by License (please inform Public Works Department when you desire to add or delete other persons):

- Have you been licensed by the City of Rochester to work on municipally owned water and sewer lines previously? ☐ yes ☐ no If so, when? _____

NOTE: If your company has not held a license previously, or has not held a license at any time during the previous three years, please attach Certificate of Insurance **and** names, addresses, and telephone numbers of three references who are familiar with your company's work. The Public Works Department will check references prior to issuing a license.

- Have you ever been denied a license, or has a license to work on municipally owned water and sewer lines ever been revoked by the City of Rochester? ☐ yes ☐ no If so, when? _____
- Do you intend to perform water tapping for similar work with other municipalities? ☐ yes ☐ no If so, please provide references

I agree to work on the municipally owned water or sewer lines in a workmanlike manner as required by Rochester Code of Ordinances Chapters 16.6(d) and 17.7(e). Such work shall conform to the requirements of Ordinance Chapters 16 and 17 and any other city standard, as applicable. I also agree to comply with the requirements of Ordinance Chapter 15 regarding obtaining an excavation permit from the Department of Public Works for any excavation that will occur in any right-of-way under the jurisdiction of the City of Rochester and will abide the terms and conditions of the excavation permit. I realize that pursuant to Ordinance Section 15.14, I may be required to furnish a bond of indemnity to the City of Rochester for an amount to be determined by the Director of Public Works, prior to beginning any work. I understand that the Director of Public Works retains the right to revoke the license for just cause in the event that any water or sewer work you, or any person under your responsible charge does not meet the standards for satisfactory work as determined by the Director of Public Works.

Signature _____

Date _____

(Sign and return this form to the DPW with applicable fee, references and insurance information)

BUILDINGS AND GROUNDS · HIGHWAY · WATER · SEWER · ENGINEERING



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867
(603) 332-4096 Fax (603) 335-4352

www.rochesternh.net

Water and Sewer Service Connection Application Permit Fee \$50 for Each Service Request (Includes Inspections)

Water Service ☐ \$50.00 Sewer Service ☐ \$50.00

(Check one or both)

OWNER INFORMATION:

Name: _____ Date of Application: _____

Address: _____

Map: _____

Property Address: _____

Lot: _____

Telephone #: _____

Cell/Business #: _____

Owner's Email Address: _____

Is the **Water** service New or Existing?

☐ New ☐ Existing ☐ N/A

Is the **Sewer** service New or Existing?

☐ New ☐ Existing ☐ N/A

Is the Service for Residential or Commercial Use

☐ RES. ☐ COM. ☐ N/A

Number of
units? _____

Approximate elevation of
foundation _____

Current available
utilities _____

CONTRACTOR INFORMATION:

Contact Name _____ Business Name: _____

Address: _____

Telephone # _____ Cell/Business # _____

Email Address: _____

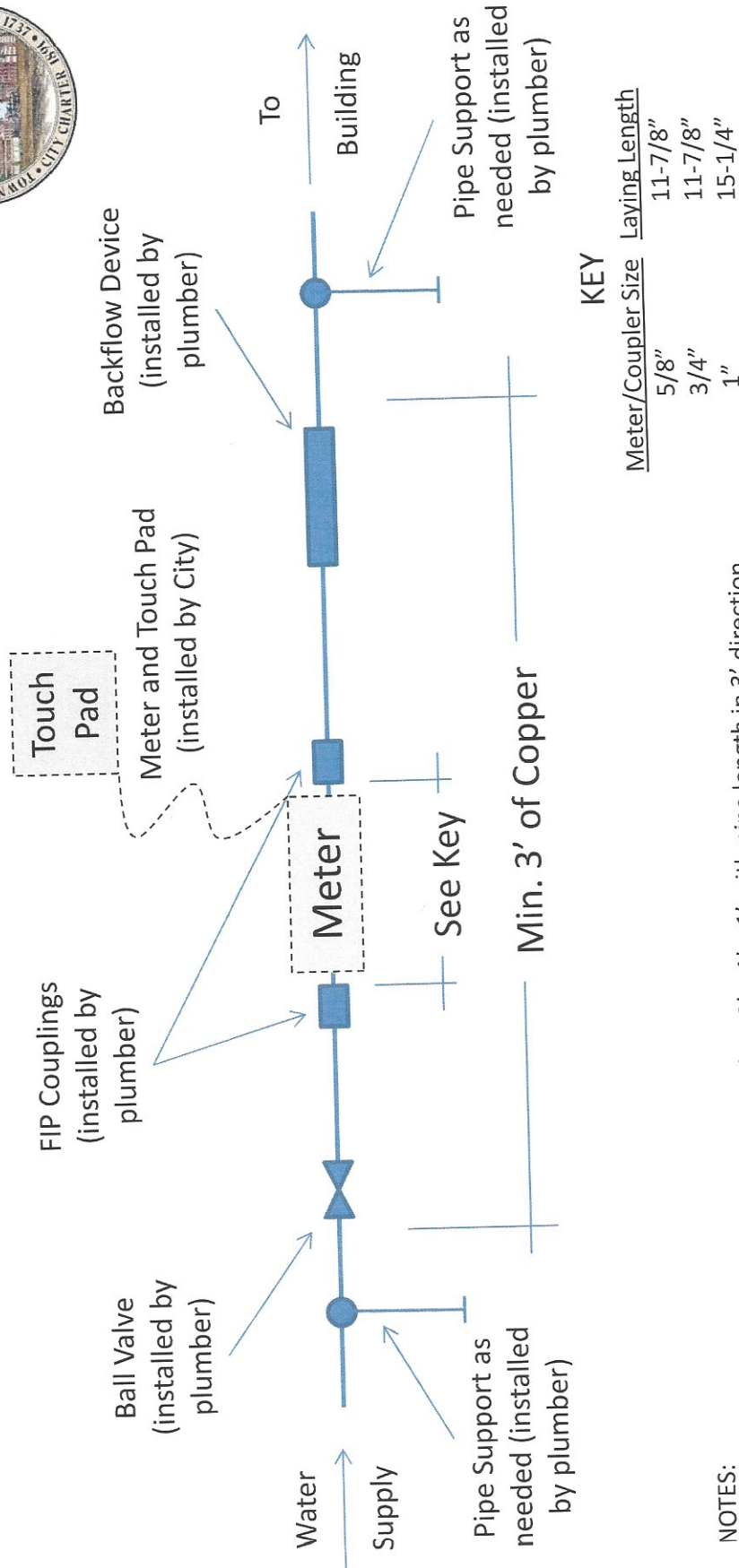
Additional Comments: _____

Call 603-332-4096 at least 24 hours in advance for all inspections.

- Sewer/Water License – Any contractor doing **ANY** sewer or water work within a City Road must be licensed by the city to do so. Water taps only by specifically approved contractors as determined by the City and authorized on their Installer's License.
- Public Works representative is to be notified for inspections of any sewer or water connection.
- Public Works representative is to be notified for inspection of third party water pressure and bacteria testing.
- Public Works representative is to be notified for inspection for vacuum testing of sewer manholes and air pressure and mandrel testing for sewer lines
- A city excavation permit is required for any excavation within the City Right-of-Way.



Residential Water Meter Installation Guide



NOTES:

- 1 – Meter installation area shall be no less than 3' x 1' x 1' with pipe length in 3' direction.
- 2 – Meter technician cannot manipulate plumbing, only install meter and touch pad.
- 3 – Piping on outlet side of backflow prevention device to meet all plumbing codes.
- 4 – All water into building must be metered. There shall be no branches or tees prior to the meter on the water supply line.
- 5 – All work must be completed by plumber AND City prior to water being turned on.
- 6 – Touch pad to be installed by City on exterior of building and shall be accessible at all times for reading.
- 7 – Any leaks prior to the water meter connection point shall be fixed immediately and will require rescheduling of meter technician.
- 8 – Curb stops (valves located outside of the residence, typically adjacent to the street) are to be operated by City staff only. Any operation of curb stops without express written permission of DPW will result in legal action.

City of Rochester, New Hampshire
PROCEDURES AND SPECIFICATION FOR WORK ON
MUNICIPAL WATER AND SEWER LINES

The following procedures are for all companies or individuals working on municipal water and sewer. A water/sewer license shall be issued by the Rochester Department of Public Works, prior to beginning any work on water or sewer systems owned or controlled by the City of Rochester including water or sewer service connections that will be located under private property.

Pursuant Sections 16.5(a) and 17.5(a) of the General Ordinances for the City of Rochester, anyone wishing to install or work on city water or sewer must apply for a license from the Department of Public Works.

Applicants must obtain a signed water/sewer license before starting any work in the field. All holders of the water/sewer licenses shall comply with the following requirements:

1. Contractor shall notify Public Works at least 24 hours before the start of any work on City water or sewer systems. Any work done without proper notification will not be inspected.
2. ALL work must be inspected by a Public Works official before backfilling.
3. No two contracting firms shall work under one license. No other contractor may work under your license; under this condition a separate license must be applied for.
4. ALL backfill material shall be on site at the time of inspection.
5. All work shall be in conformance with the City of Rochester, Standards of Infrastructure Design and all applicable ordinances.



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867
(603) 332-4096 Fax (603) 335-4352

www.rochester-nh.gov

COMPANY NAME: KAB Realty Management, LLC
MAILING ADDRESS: 35 Third Street, Dover, NH 03820
TELEPHONE NUMBER: 603-742-5300
DATE ISSUED: June 3, 2021

AUTHORIZED CONTRACTOR

WATER/SEWER LICENSE

LICENSE NUMBER: 2021-38-WS

This license is authorizing **KAB Realty Management, LLC** to perform installation of, or repairs to, the water/sewer systems within the City of Rochester. The Applicant agrees to indemnify the City from any loss or damage that may directly or indirectly be occasioned by said work, and further acknowledges that the contractor is familiar with and agrees to abide by the City's ordinances (Chapters 280 and 200) and City construction specifications. This license expires on the last day of the calendar year for which it is issued.

Annual fee (Non-Refundable, if license revoked):

Water System	\$100.00
Sewer System	\$100.00
Total	\$200.00

The following persons within the company are covered by this license (please INFORM Public Works of additions or deletions)

- Dave Smith
- Larry Pridham

An excavation permit is also required for each cut on City right-of-way, and is available at 45 Old Dover Road, Department of Public Works. All water/sewer installations are to be left open until inspected.

Call 603-332-4096 for an Inspector.

Date: _____

Authorized Signature
Department of Public Works

BUILDINGS AND GROUNDS • HIGHWAY • WATER • SEWER • ENGINEERING

There is a watermark on the back of this check.

KAB Realty Management, LLC
35 Third Street
Dover, NH 03820
(603) 742-5300

KENNEBUNK SAVINGS BANK
62-7450/2112

048698

6/3/2021

PAY TO THE
ORDER OF

City of Rochester

\$ **200.00

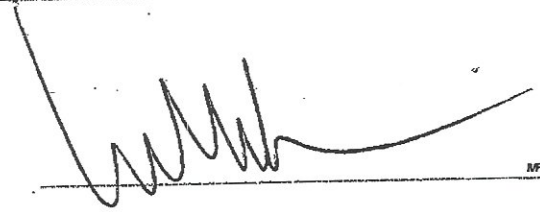
Two Hundred and 00/100*****

DOLLARS

City of Rochester
19 Wakefield Street
Rochester, NH 03867

MEMO

water / sewer License



⑈048698⑈ ⑆211274502⑆ 44 005885⑈

THIS DOCUMENT CONTAINS A COLORED BACKGROUND ON WHITE PAPER. MICROPRINT IS LOCATED BELOW THIS WARNING BAND.

0920473178
2021-06-09

City of Rochester



From: David Azarian <dazarian@azarianlaw.net>
Sent: Wednesday, May 26, 2021 2:18 PM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Cc: billtgold@aol.com; Brian Russell <brianrphinc@gmail.com>
Subject: Re: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Thanks Tim. Much appreciated.

Get [Outlook for iOS](#)

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Sent: Wednesday, May 26, 2021 2:06:58 PM
To: David Azarian <dazarian@azarianlaw.net>
Cc: billtgold@aol.com <billtgold@aol.com>; Brian Russell <brianrphinc@gmail.com>
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Dave...I'll go out to the site tomorrow and come up w/the specifics of the pvmt restoration requirements. I'll fwd it to you by days end tomorrow.

Thx
Tim G.

From: David Azarian <dazarian@azarianlaw.net>
Sent: Wednesday, May 26, 2021 11:17 AM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Cc: billtgold@aol.com; Brian Russell <brianrphinc@gmail.com>
Subject: FW: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Hello Tim:

As you may know, our request to waive the moratorium on the pavement cuts was approved by the PWBC subject to compliance with DPW conditions. Can you advise as to what those conditions will be? I note that we are on the agenda for the 6/1 City Council meeting and just want to be prepared to move forward.

Thanks,

David

From: David Azarian <dazarian@azarianlaw.net>
Sent: Tuesday, April 27, 2021 12:25 PM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Subject: Re: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Tim, it would also be helpful if Mike could provide some guidance as to what the DPW would require in order to approve the waiver request.

Get [Outlook for iOS](#)

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Sent: Tuesday, April 27, 2021 12:08:43 PM
To: David Azarian <dazarian@azarianlaw.net>
Subject: Re: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Dave,
I'll talk to Mike Bezanson (City Engr'g) next week @ getting u on the agenda.....Mike is currently on vacation but attends all PWBC mtgs as the DPW rep.
Tim G

Timothy Goldthwaite, PE
Assistant City Engineer
City of Rochester DPW
45 Old Dover Rd
Rochester, NH 03867
Ph: 603-509-1907

Sent from my iPhone

From: David Azarian <dazarian@azarianlaw.net>
Sent: Tuesday, April 27, 2021 10:54:38 AM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Cc: Terence O'Rourke <terence.orourke@rochesternh.net>; Seth Creighton <seth.creighton@rochesternh.net>
Subject: Re: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Thanks Tim, much appreciated. Can you get us on the PWBC 5/20 meeting and 6/1 city Council meeting agendas? I understand that the burden will be on us to show the need for the waiver.

Get [Outlook for iOS](#)

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Sent: Tuesday, April 27, 2021 9:53:44 AM
To: David Azarian <dazarian@azarianlaw.net>
Cc: Terence O'Rourke <terence.orourke@rochesternh.net>; Seth Creighton <seth.creighton@rochesternh.net>
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Dave...this is a two-step process:

First you must go to the Public Works & Bldg Comm (3rd Thurs of each month) which is just a subset of the full City Council to discuss your issue and upon a favorable vote from this committee you would then need to go before the City Council (1st Tues of each month) for a vote to waive the 5-yr moratorium.

You are already missed this month's PWBC mtg so you need to get on the agenda for the May PWBC mtg (5/20) and then you would be put on the agenda for the June 1st City Council Mtg. I can assist you with getting on both agendas but the convincing is

up to you to show adequate need to waive the requirement [Ch 223-5 (B) Streets & Sidewalks].

Tim G.

From: David Azarian <dazarian@azarianlaw.net>
Sent: Monday, April 26, 2021 3:33 PM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Subject: FW: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Hello Tim:

As you can see from the e-mail's below, both Seth and Terry suggest that we work with DPW on the road moratorium issue. Can you provide any guidance on what the DPW would require to support a waiver of the road moratorium? As indicated below, my client's BP requires a tie in for City water and sewer, which cannot be accomplished with the moratorium currently in place.

Dave Azarian

From: Seth Creighton <seth.creighton@rochesternh.net>
Sent: Monday, April 26, 2021 3:24 PM
To: David Azarian <dazarian@azarianlaw.net>
Cc: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>; Shanna Saunders <shanna.saunders@rochesternh.net>; Terence O'Rourke <terence.orourke@rochesternh.net>
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Attorney Azarian,

Thanks for letting us know the Court upheld the shared driveway easement; that is in keeping with Planning Board decision.

I believe you'll want to work with the City's Department of Public Works and Legal departments on the road moratorium matter, and ultimately I think it is the City Council that makes the decision.

Seth Creighton, AICP
Chief Planner
City of Rochester Planning & Development
33 Wakefield Street
Rochester, NH 03867
603-335-1338 (Phone)

From: David Azarian <dazarian@azarianlaw.net>
Sent: Monday, April 26, 2021 2:01 PM
To: Seth Creighton <seth.creighton@rochesternh.net>
Cc: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>; Shanna Saunders <shanna.saunders@rochesternh.net>; Terence O'Rourke <terence.orourke@rochesternh.net>
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Mr. Creighton:

Thank you for the information included in the your e-mail of 3/18. I am pleased to report that the Strafford County Superior Court has ordered the owner of Lot 63 Norway Plains Road to clear his portion of the driveway easement so that my client can proceed with the installation of the shared driveway as required by the approved plan. Accordingly, it will not be necessary to proceed with seeking an amendment to the subdivision approval.

My client obtained a building permit in November of last year for a new home on the above-referenced lot. The BP requires connecting to City water and sewer; however, as I am sure you are aware, there is 5 year moratorium on cuts for Norway Plains Road. As connection to City water and sewer (and therefore compliance with the BP) would require cuts to the road, I am wondering if there is a process by which my client can seek a waiver of the moratorium, and what requirements would be necessary for the DPW to recommend any such waiver.

Thank you for your assistance.

Dave Azarian

From: Seth Creighton <seth.creighton@rochesternh.net>

Sent: Thursday, March 18, 2021 7:08 PM

To: David Azarian <dazarian@azarianlaw.net>

Cc: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>; Shanna Saunders <shanna.saunders@rochesternh.net>;

Terence O'Rourke <terence.orourke@rochesternh.net>

Subject: RE: [External] RE: 8 Norway Plains Rd

Attorney Azarian,

As you mention, the shared driveway requirement was part of the Planning Board's decision when approving this subdivision. The approved plan showing the shared driveway can be found here:

https://www.rochesternh.net/sites/g/files/vyhlif1131/f/uploads/222-63-r2-19_-_cert_plan_-_kenneth_ingrid_pheonix_-_8_norway_plains_rd.pdf

The disagreement you describe is a civil matter. That said, if the parties agree that they'd like to ask the Planning Board (PB) to amend the subdivision approval so that the lots can have separate driveways, the lot owners will have to submit an Amendment to Approved Project Application. Of course you/another can be their agent.

Here is a link to the application:

https://www.rochesternh.net/sites/g/files/vyhlif1131/f/uploads/application_for_amendment_1.pdf Note that fee is \$125 plus abutter notification fees; abutters must be noticed because they are under the assumption that these lots will share a driveway.

You'll also need to address driveway separation, which may be hard to do on these lots given their proximity to the railroad. You will also need to apply for a Conservation Overlay District (wetland buffer) conditional use permit, because a separate driveway will create further wetland buffer disturbance, here is that form:

https://www.rochesternh.net/sites/g/files/vyhlif1131/f/uploads/conditional_use-wetland.pdf ; this is voted on by PB, but also requires a review by the Conservation Commission.

Here are the Planning Board application deadlines:

https://www.rochesternh.net/sites/g/files/vyhlif1131/f/uploads/deadline_21- table lined form.pdf

Here are the Conservation Commission application deadlines:

https://www.rochesternh.net/sites/g/files/vyhlif1131/f/uploads/2021_concom_schedule.pdf

Please don't forget that Norway Plains Rd is currently under a 5-year excavation moratorium unless waived by the City Council.

We encourage your client and his neighbor to stick to the approved shared driveway.

Thanks,
-Seth

Seth Creighton, AICP

Chief Planner
City of Rochester Planning & Development
33 Wakefield Street
Rochester, NH 03867
603-335-1338 (Phone)

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Sent: Wednesday, January 27, 2021 10:59 AM
To: Shanna Saunders <shanna.saunders@rochesternh.net>; Seth Creighton <seth.creighton@rochesternh.net>
Cc: David Azarian <dazarian@azarianlaw.net>
Subject: FW: [External] RE: 8 Norway Plains Rd

Shanna/Seth,

I sent this previously with respect to clarification on whether the proposal by Dave (See below) can be handled administratively or triggers an amended plan to the PB. General/Subsequent Condition #4 of the NOD seems to indicate an amended application would be required but I defer to the Planning Dept.

I cc'd Dave on this email so that you can indicate directly to him the need course of action.

Thx

Timothy Goldthwaite, PE
Assistant City Engineer
City of Rochester, New Hampshire
Department of Public Works
45 Old Dover Road
Rochester, NH 03867-3445

phone: 603-509-1907

fax: 603-335-4352

email: timothy.goldthwaite@rochesternh.net

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees regarding the business of the City of Rochester, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: David Azarian <dazarian@azarianlaw.net>
Sent: Thursday, December 10, 2020 11:41 AM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Subject: [External] RE: 8 Norway Plains Rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Tim:

As we discussed, James Coyne, the owner of 8 Norway Plains Road, is opposing my client's installation of the shared driveway on the abutting lot and is insisting that he has the legal right to continue to use the existing driveway on his property, which the recorded plan clearly requires to be relocated to the 25' (17' ft on Bill's property, 8' on the Coyne property) shared driveway. The issue is currently in litigation with the Strafford County Superior Court.

Our immediate problem is that the asphalt company that Bill proposes to use for the shared driveway closes on 12/15 and will not reopen until April. My thought is to propose to the City/Planning Board that it consent to a provisional agreement between the parties that would allow Bill to pave the 17' on his property, pending resolution, legal or otherwise, of the issues before the

Page 27 of 38
Court regarding Coyne's challenges to the shared driveway. This at least would allow Bill to get a driveway being of the essence as the paving company closes for the winter on 12/15) pending resolution of the legal matter and it would not violate the provisions of the recorded plan. As far as Mr. Coyne, it seems to me that he either a.) has to prevail in Court, or b) seek some sort of modification or waiver from the Planning Board regarding his continued use of the existing driveway on his property, c.) reach an agreement, or d) ultimately have to accept the shared driveway on his property, none of which will happen by the 15th.

I would appreciate it if you could bring the foregoing to the powers that be as soon as practicable.

Thank you,

David

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Sent: Thursday, December 10, 2020 11:08 AM
To: David Azarian <dazarian@azarianlaw.net>
Subject: 8 Norway Plains Rd

Dave...my contact info.

Timothy Goldthwaite, PE
Assistant City Engineer
City of Rochester, New Hampshire
Department of Public Works
45 Old Dover Road
Rochester, NH 03867-3445

phone: 603-509-1907
fax: 603-335-4352
email: timothy.goldthwaite@rochesternh.net

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WADATION LOCATION PLAN

NOT FOR MORTGAGE LOAN PURPOSES

ROCHESTER, NH

OWNER OF RECORD: ROADRUNNER REAL ESTATE DEVELOPMENT, LLC

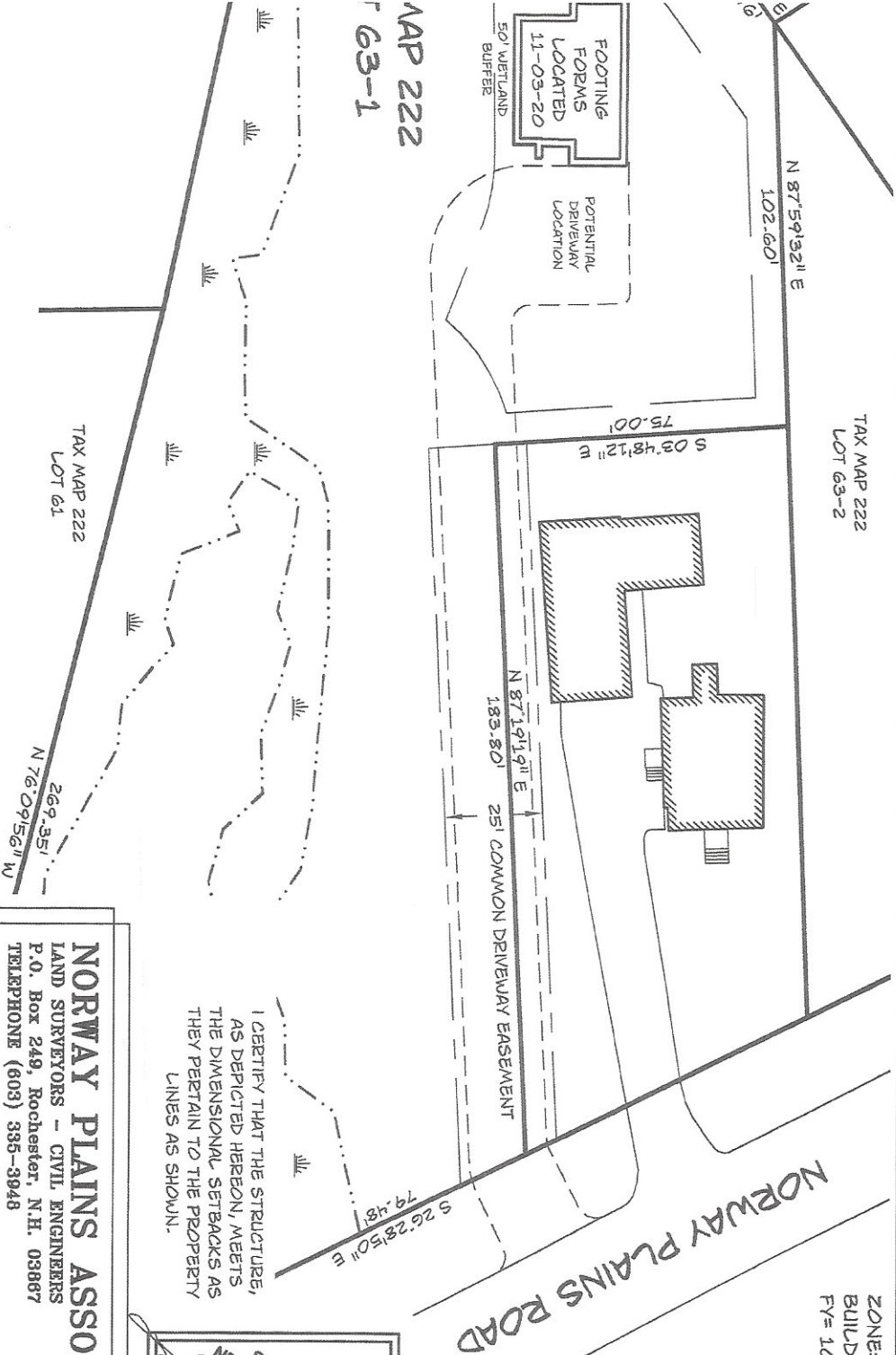
S.C.R.D. BOOK 4819, PAGE 431

TAX MAP 222, LOT 63-1

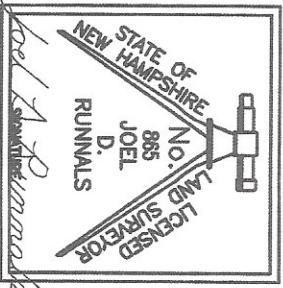
TAX MAP 222
LOT 63-2

ZONE: (R2)
BUILDING SETBACKS:
FY= 10', SY= 8', RY= 20'

MAP 222
LOT 63-1



I CERTIFY THAT THE STRUCTURE, AS DEPICTED HEREON, MEETS THE DIMENSIONAL SETBACKS AS THEY PERTAIN TO THE PROPERTY LINES AS SHOWN.



NORWAY PLAINS ASSOCIATES, INC.
 LAND SURVEYORS - CIVIL ENGINEERS
 P.O. Box 249, Rochester, N.H. 03867
 TELEPHONE (603) 335-3948
 FNE 1449
 JNE 20274
 DWG: 19057-LDD\PL-1
 DATE: 11-05-20
 SCALE: 1" = 40'

First up: When is the shared driveway construction scheduled for? I assume after water & sewer services are installed.

Norway Plains Rd Restoration:

1. Water & Sewer Services to be separated by 10-ft.
2. Existing storm drain line along westerly side of the road is to be adequately supported during water & sewer service installation.
3. Existing underlying reclaim material within each service trench may be reused for pavement base layer upon DPW inspection and approval otherwise a compacted layer of NHDOT 304.3 crushed gravel shall be used for a min depth of 12-inches.
4. A 20-ft full width area centered upon the two service trenches shall be prepared to receive a full depth layer of 3/4-inch aggregate HMA binder. All vertical edges shall have been saw-cut and have received an application of joint adhesive prior to HMA binder installation.
5. Installation of HMA binder course shall not commence until the prepared 20-ft full width area has been inspected and approved by DPW.
6. Following a 60-day minimum settlement period the 20-ft full width area shall be cold-milled to depth of 1-1/2 inches with an 18-inch overlap into existing adjacent pavement. The milled surface shall be tack coated and the vertical joints shall receive an application of joint adhesive. The milled surface shall be inspected by DPW prior to 1/2-inch aggregate HMA wear course installation.
7. The paving contractor shall be capable of performing both the paving & milling operation. Suitable contractors would be GMI Asphalt or Advanced Excavating & Paving or equal as approved by DPW.
8. DPW is to be given 24-hours minimum notice ahead of all paving and milling operations.

Timothy Goldthwaite, PE

From: dazarian@azarianlaw.net,
To: brianrphinc@gmail.com,
Cc: billtgolds@aol.com,
Subject: FW: 10 Norway Plains Rd Map/Lot 0222-0063-0001
Date: Tue, Jun 1, 2021 8:48 am

Brian:

The e-mail from Tim Goldthwaite below sets forth the DPW conditions for the Norway Plains Rd restoration.

David

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Sent: Thursday, May 27, 2021 1:49 PM
To: David Azarian <dazarian@azarianlaw.net>
Cc: billtgolds@aol.com; Brian Russell <brianrphinc@gmail.com>
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Dave,

First up: When is the shared driveway construction scheduled for? I assume after water & sewer services are installed.

Norway Plains Rd Restoration:

1. Water & Sewer Services to separated by 10-ft.
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- the vertical joints shall receive an application of joint adhesive. The milled surface shall be prepared by DPW prior to 1/2-inch aggregate HMA wear course installation.
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 8. DPW is to be given 24-hours minimum notice ahead of all paving and milling operations.

Timothy Goldthwaite, PE

Assistant City Engineer

City of Rochester, New Hampshire

Department of Public Works

45 Old Dover Road

Rochester, NH 03867-3445

phone: 603-509-1907

fax: 603-335-4352

email: timothy.goldthwaite@rochesternh.net

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Cc: billtgolds@aol.com; Brian Russell <brianrphinc@gmail.com>
Subject: Re: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Thanks Tim. Much appreciated.

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From: Timothy.Goldthwaite@rochesternh.net,
To: dazarian@azarianlaw.net,
Cc: billtgolds@aol.com, brianrphinc@gmail.com,
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001
Date: Tue, Jun 1, 2021 9:19 am

Attachments:

Dave

No problem...remember a curb-cut permit still needs to be applied for with respect to the "shared" driveway. The water & sewer connection permits will have the below requirements as conditions of approval.

Tim G.

From: David Azarian <dazarian@azarianlaw.net>
Sent: Thursday, May 27, 2021 1:52 PM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Cc: billtgolds@aol.com; Brian Russell <brianrphinc@gmail.com>
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Thank you Tim.

Sent from [Mail](#) for Windows 10

From: [Timothy Goldthwaite](#)
Sent: Thursday, May 27, 2021 1:49 PM
To: [David Azarian](#)
Cc: [billtgolds@aol.com](#); [Brian Russell](#)
Subject: RE: 10 Norway Plains Rd Map/Lot 0222-0063-0001

Dave,

First up: When is the shared driveway construction scheduled for? I assume after water & sewer services are installed.

Norway Plains Rd Restoration:

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

1. Water & Sewer Services to be separated by 10-ft.
2. Existing storm drain line along westerly side of the road is to be adequately supported during water & sewer service installation.
3. Existing underlying reclaim material within each service trench may be reused for pavement base layer upon DPW inspection and approval otherwise a compacted layer of NHDOT 304.3 crushed gravel shall be used for a min depth of 12-inches.
4. A 20-ft full width area centered upon the two service trenches shall be prepared to receive a full depth layer of 3/4-inch aggregate HMA binder. All vertical edges shall have been saw-cut and have received an application of joint adhesive prior to HMA binder installation.
5. Installation of HMA binder course shall not commence until the prepared 20-ft full width area has been inspected and approved by DPW.
6. Following a 60-day minimum settlement period the 20-ft full width area shall be cold-milled to depth of 1-1/2 inches with an 18-inch overlap into existing adjacent pavement. The milled surface shall be tack coated and the vertical joints shall receive an application of joint adhesive. The milled surface shall be inspected by DPW prior to 1/2-inch aggregate HMA wear course installation.
7. The paving contractor shall be capable of performing both the paving & milling operation. Suitable contractors would be GMI Asphalt or Advanced Excavating & Paving or equal as approved by DPW.
8. DPW is to be given 24-hours minimum notice ahead of all paving and milling operations.

Timothy Goldthwaite, PE

Assistant City Engineer

City of Rochester, New Hampshire

Department of Public Works

45 Old Dover Road

Rochester, NH 03867-3445

phone: 603-509-1907

fax: 603-335-4352

email: timothy.goldthwaite@rochesternh.net

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees regarding the business of the City of Rochester, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: billtgolds@aol.com,
To: jeff@sjcantwellinc.com,

Subject: Re:

Date: Mon, Jun 7, 2021 10:43 am

OK Thanks

-----Original Message-----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
To: billtgolds <billtgolds@aol.com>
Sent: Mon, Jun 7, 2021 10:31 am
Subject: Re:

Got it. Tim just replied to me and said he will get that information to me "in the next few days". I told him I would really like to get this work done this week so the sooner the better. I think it took him longer to send that email to me then just find out and let me know, but that is the city for ya. I will follow up once I get more info.

Thank you

On Mon, Jun 7, 2021 at 10:29 AM <billtgolds@aol.com> wrote:
Plastic is perfect and yes you are just getting them off the road and we will take over.

Thnaks

-----Original Message-----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
To: billtgolds <billtgolds@aol.com>
Sent: Mon, Jun 7, 2021 10:27 am
Subject: Re:

Okay sounds good, I am assuming we are good to go with 1" plastic to save money. I will wait to hear from the city, but I will assume 8" for now to be safe. How close do you need them to the new building? Are we just getting them off the road and then your guys will take over, or am I going all the way to within 5' for the plumber to take over.

On Mon, Jun 7, 2021 at 10:25 AM <billtgolds@aol.com> wrote:
1" water line and I think the sewer line is either 8 or 6". We do not need a fire sprinkler line at this location

-----Original Message-----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
To: billtgolds <billtgolds@aol.com>
Sent: Mon, Jun 7, 2021 10:20 am
Subject: Re:

Hey Bill I know I am waiting on the answers from Tim, but do you know what size services you need to this property? I can start pricing that work up now while I wait to hear back from the city.

Thank you

On Fri, Jun 4, 2021 at 10:51 AM Jeff Sparkowich <jeff@sjcantwellinc.com> wrote:
So it does not look like they have any information on herer regarding those services. Do you know or able to find out the following:

- Sewer main in road size
- Sewer Main depth in road
- Sewer Service size
- Method of connection (insert tee, or cut in a tee)
- Existing water main size
- Water main depth
- Water Service size

- Water service pipe type (plastic/copper)

I think once I know all that I can get a realistic game plan on this one.

Thank you

On Fri, Jun 4, 2021 at 9:51 AM <billtgolds@aol.com> wrote:
See attached

-----Original Message-----

From: Shannon <Shannonnhkab@yahoo.com>

To: Bill <billtgolds@aol.com>

Sent: Fri, Jun 4, 2021 4:41 am

From: jeff@sjcantwellinc.com,
To: billtgolds@aol.com,
Subject: 10 Norway Plains Rd
Date: Thu, Jun 10, 2021 1:29 pm

Hey Bill,

I can send a formal proposal if you would like, but here is what I have for this work.

Sewer

- Excavate down on existing manhole
- Core 4" hole for new sewer service
- Demolish existing sewer invert and build new invert for new service
- Run 20 LF of 4" SDR 35 at minimum pitch to location shown in field
- Backfill pipe trench per city detail
- Gravel and pave disturbed road area
- Provide flaggers for all work

Water

- Excavate, install and backfill 3/4" CTS water service onto property
- Tap water main
- Gravel and pave disturbed road area
- Provide flaggers for all work

Total Base Cost: \$12,750.00

ADD: Return in 1 year to mill trench patches and repave per city spec

Total ADD Cost: \$3,500.00

From: jeff@sjcantwellinc.com,
To: billtgolds@aol.com,
Subject: Re: 10 Norway Plains Rd
Date: Thu, Jun 10, 2021 1:37 pm

Can you supply all the pipe products? If so we can do it for \$12,000.00

On Thu, Jun 10, 2021 at 1:35 PM <billtgolds@aol.com> wrote:
can you do it for \$12,000 even?

-----Original Message-----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
To: billtgolds <billtgolds@aol.com>
Sent: Thu, Jun 10, 2021 1:29 pm
Subject: 10 Norway Plains Rd

Hey Bill,

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- Provide flaggers for all work

Total Base Cost: \$12,750.00

ADD: Return in 1 year to mill trench patches and repave per city spec

Total ADD Cost: \$3,500.00

From: jeff@sjcantwellinc.com,
To: billtgolds@aol.com,
Subject: Re: 10 Norway Plains Rd
Date: Thu, Jun 10, 2021 1:48 pm

We will work on scheduling for this next week and see when we can get this rolling

On Thu, Jun 10, 2021 at 1:48 PM <billtgolds@aol.com> wrote:
ok thanks

-----Original Message-----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
To: billtgolds <billtgolds@aol.com>
Sent: Thu, Jun 10, 2021 1:39 pm
Subject: Re: 10 Norway Plains Rd

Okay this works for us.

On Thu, Jun 10, 2021 at 1:38 PM <billtgolds@aol.com> wrote:
I can supply the SDR and the CTS. whatever the other "Pipe Parts" are then you would need to supply

-----Original Message-----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
To: billtgolds <billtgolds@aol.com>
Sent: Thu, Jun 10, 2021 1:37 pm
Subject: Re: 10 Norway Plains Rd

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To: billtgolds <billtgolds@aol.com>
Sent: Thu, Jun 10, 2021 1:29 pm
Subject: 10 Norway Plains Rd

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- Gravel and pave disturbed road area
- Provide flaggers for all work

Total Base Cost: \$12,750.00

ADD: Return in 1 year to mill trench patches and repave per city spec

Total ADD Cost: \$3,500.00

From: jeff@sjcantwellinc.com,
To: billtgold@aol.com,
Subject: Fwd: 10 Norway Plains
Date: Thu, Jun 24, 2021 3:45 pm

Attachments:

----- Forwarded message -----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
Date: Thu, Jun 24, 2021 at 10:46 AM
Subject: 10 Norway Plains
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>

Good morning Tim,

Please see attached pictures for the work completed in the roadway. I had less than I thought, but the three attached show the water tap done by Ben Shibley with proper sand bedding, and the sewer line installed with stone bed and where it penetrates into the manhole. Please let me know if you have any further questions or concerns, or need any additional information from me.

Thank you









From: jeff@sjcantwellinc.com,
To: billtolds@aol.com,
Subject: Fwd: 10 Norway Plains
Date: Thu, Jun 24, 2021 3:46 pm

Attachments:

I don't know if the reply followed original forward, here it is if it did not.

Thank you

----- Forwarded message -----

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Date: Thu, Jun 24, 2021 at 11:15 AM
Subject: RE: 10 Norway Plains
To: Jeff Sparkowich <jeff@sjcantwellinc.com>

Thx Jeff.... This will flow into next week but I'll let you know what gets decided.

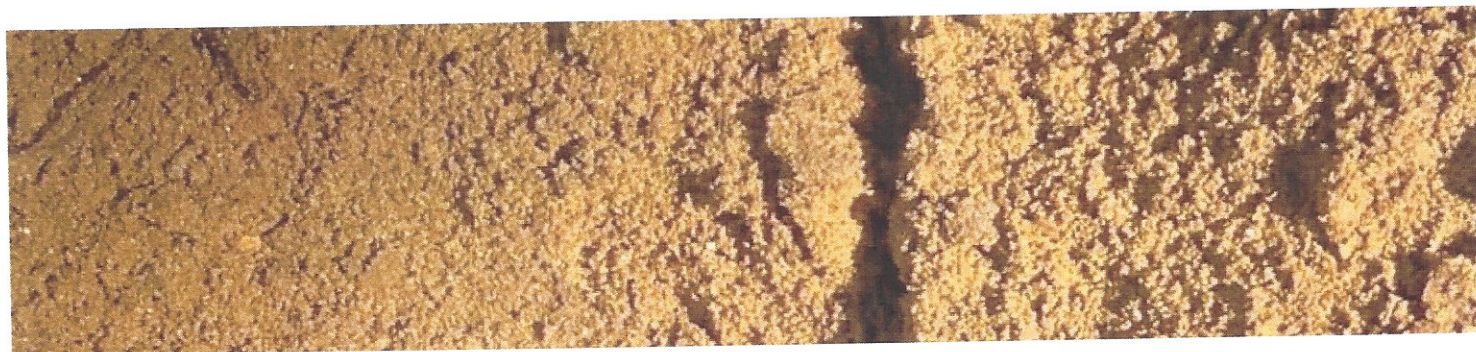
Tim G.

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
Sent: Thursday, June 24, 2021 10:47 AM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Subject: 10 Norway Plains

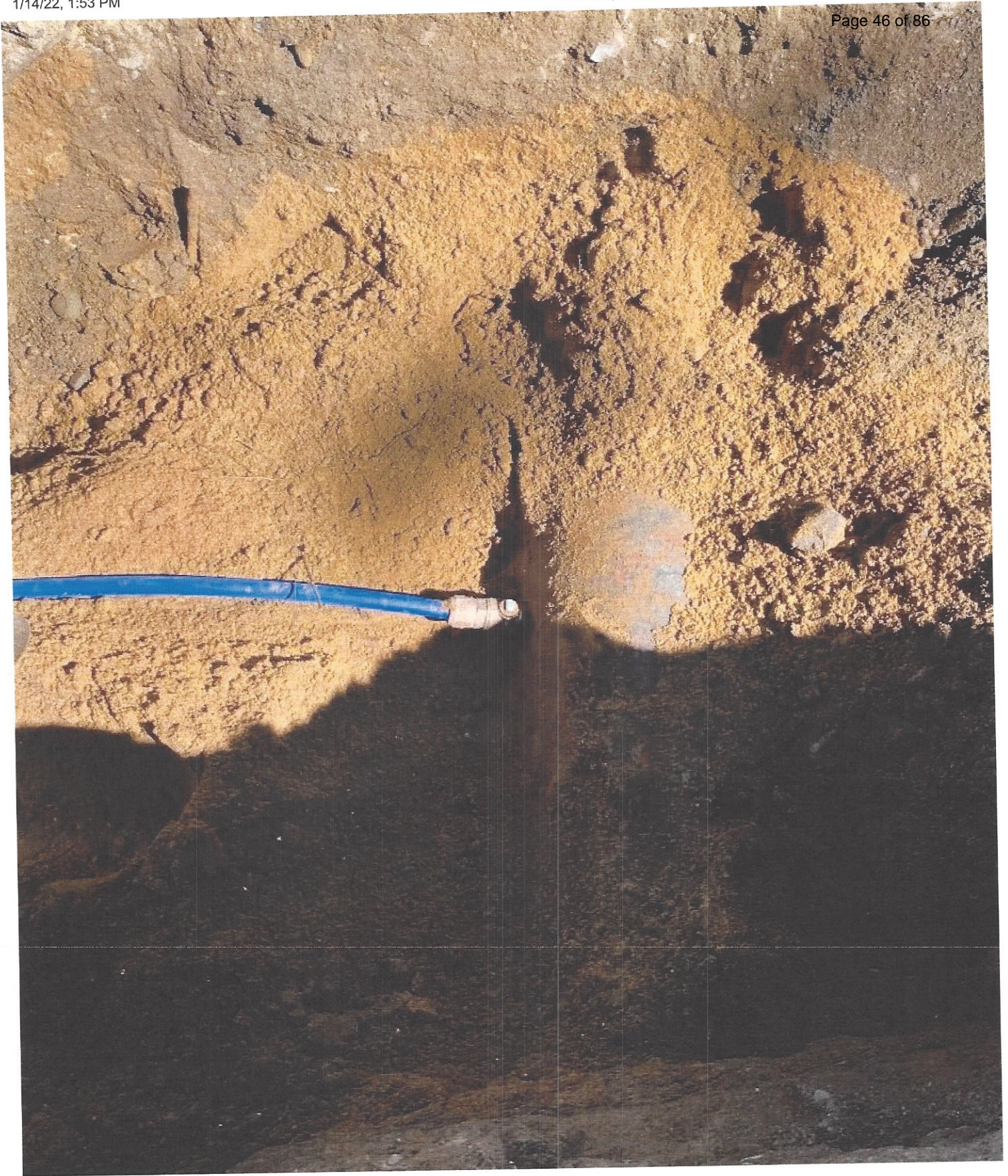
Good morning Tim,

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Thank you









S J Cantwell Inc.,
 44 Portland Ave Ste 9
 Dover, NH 03820 US
 6035340854
 Steve@sjcantwellinc.com

Invoice



BILL TO

KAB Realty Management

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
30	06/24/2021	\$12,000.00	06/24/2021	Due on receipt	

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	02 Site Work	10 Norway Plains Water/ Sewer	1	12,000.00	12,000.00
		BALANCE DUE			\$12,000.00

David Azarian

From: billtgolds@aol.com
Sent: Friday, June 25, 2021 11:30 AM
To: David Azarian
Subject: Fwd: 10 Norway plains

See below. We didn't do the work in the street and he wants to pull our license? WTF. The contractor called him 24 before he started and could not leave a message because his voice mail was FULL and not accepting any messages and they also called him to inspect the work and he never showed up

-----Original Message-----

From: dave3g30 <dave3g30@yahoo.com>
 To: billtgolds <billtgolds@aol.com>
 Sent: Fri, Jun 25, 2021 11:24 am
 Subject: FW: RE: 10 Norway plains

Sent from my Sprint Samsung Galaxy S9.

----- Original message -----

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
 Date: 6/25/21 11:13 AM (GMT-05:00)
 To: dave3g30 <dave3g30@yahoo.com>
 Subject: RE: 10 Norway plains

Dave....I'm advising you to stop all water/sewer utility work for this property.

1. You did not pull water or sewer connection permits for this work.
2. The work was covered without City inspections.
3. Pics from SJ Cantwell show plastic pipe in the city right-of-way, we require copper.

I will inform you next week as to what corrective actions will be necessary inclusive of re-excavation of both services and replacement of the plastic water service with Type K copper.

I will also be discussing with the Director of Public Works revocation of KAB's water/sewer license. I've flagged this property in the City's permitting system as being in violation of the DPW's water & sewer permitting procedures. Should your license be revoked any corrective action will need to be "performed" by a substitute licensed water/sewer contractor.

Regards
Timothy Goldthwaite, PE
 Assistant City Engineer
 City of Rochester, New Hampshire
 Department of Public Works
 45 Old Dover Road
 Rochester, NH 03867-3445

phone: 603-509-1907
 fax: 603-335-4352
 email: timothy.goldthwaite@rochesternh.net

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From: dave3g30 <dave3g30@yahoo.com>
Sent: Friday, June 25, 2021 10:27 AM
To: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Subject: 10 Norway plains

That would be from the street to the house

dave

Sent from my Sprint Samsung Galaxy S9.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

From: billtgolds@aol.com,
To: timothy.goldthwaite@rochesternh.net, dave3g30@yahoo.com, brianrphinc@gmail.com, dazarian@azarianlaw.net,
jeff@sjcantwellinc.com,
Subject: Fwd: 10 Norway plains
Date: Sat, Jun 26, 2021 1:39 pm

Tim

Dave forwarded the email below to me at the end of the day on Friday. While I am not sure exactly what happened relative to the water & sewer connection at 10 Norway Plains Road since I was in Florida at the time, I am particularly troubled by your assertion that somehow you blame me personally and hold KAB Realty responsible for any issues that came about as a result of the street dig for the water & sewer connection. So much so that you are now contemplating pulling the water & sewer License for KAB Realty. I am not sure how you have come to the conclusion that somehow that is an option since KAB Realty had nothing to do with the water & sewer installation at this location. The trenches were dug by SJ Cantwell. SJ Cantwell attached the sewer and Ben Shibley did the water main tap. The plumbing sub contractor for this job, Brian Russell Plumbing & Heating, Inc. will run the water and sewer lines from the street stubs to the house which he is permitted to do under his NH Master Plumber license #. The house is owned by Roadrunner Real Estate Development, LLC and the plumbing subcontractor is actually an owner of the property. KAB nowhere in sight. Obviously at the end of the day I would imagine that all parties involved would do whatever is necessary to make sure you are satisfied with the installation, but to suggest KAB should somehow be responsible and their license be at risk of loss is totally off base. Please feel free to contact me if you have any information that may change my perception of KAB's involvement. Perhaps a face to face meeting with the owner of the property and the contractor will be helpful so all parties can work out a resolution to your satisfaction.

Thanks
Bill

-----Original Message-----

From: dave3g30 <dave3g30@yahoo.com>
To: billtgolds <billtgolds@aol.com>
Sent: Fri, Jun 25, 2021 11:24 am
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Sent from my Sprint Samsung Galaxy S9.

----- Original message -----

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Date: 6/25/21 11:13 AM (GMT-05:00)
To: dave3g30 <dave3g30@yahoo.com>
Subject: RE: 10 Norway plains

Dave....I'm advising you to stop all water/sewer utility work for this property.

1. You did not pull water or sewer connection permits for this work.
2. The work was covered without City inspections.
3. Pics from SJ Cantwell show plastic pipe in the city right-of-way, we require copper.

I will inform you next week as to what corrective actions will be necessary inclusive of re-excavation of both services and replacement of the plastic water service with Type K copper.

I will also be discussing with the Director of Public Works revocation of KAB's water/sewer license. I've flagged this property in the City's permitting system as being in violation of the DPW's water & sewer permitting procedures. Should your license be revoked any corrective action will need to be "performed" by a substitute licensed water/sewer contractor.

Regards
Timothy Goldthwaite, PE



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

www.rochesternh.net

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096 Fax (603) 335-4352

July 6, 2021

KAB Realty Management, LLC
35 Third Street
Dover NH 03820

RE: Water & Sewer License #2021-38WS

Mr. Goldstein,

Effective immediately your water/sewer licenses (2021-38-WS) have been revoked. Your \$100 annual fee for each will be returned. This revocation is the result of KAB's failure to obtain the necessary permits (water connection, sewer connection and excavation) for work at 10 Norway Plains Rd. in June. As a result, the work was unable to be inspected by City staff at that time. Backfilling and paving occurred without such inspection and the work will require exposure for proper City inspection.

Sincerely,

Peter C. Nourse, PE
Director of City Services

From: dazarian@azarianlaw.net,
To: billtgolds@aol.com,
Subject: Re:
Date: Tue, Jul 13, 2021 9:59 am

I've got a call in to Peter Nouris to see if we can figure this out.

Get [Outlook for iOS](#)

From: billtgolds@aol.com <billtgolds@aol.com>
Sent: Tuesday, July 13, 2021 9:55:31 AM
To: David Azarian <dazarian@azarianlaw.net>
Subject: Re:

I am not sure I understand your question

-----Original Message-----

From: David Azarian <dazarian@azarianlaw.net>
To: billtgolds@aol.com <billtgolds@aol.com>
Sent: Tue, Jul 13, 2021 9:28 am
Subject: RE: Fwd:

I know this may be an obvious question, but do we know why the license was pulled in the name of KAB in the first place? Did Dave or Larry pull the license?

Sent from [Mail](#) for Windows 10

From: billtgolds@aol.com
Sent: Tuesday, July 13, 2021 9:19 AM
To: [David Azarian](#)
Subject: Fwd:

See attached

-----Original Message-----

From: Shannon <Shannonnhkab@yahoo.com>
To: billtgolds@aol.com
Sent: Tue, Jul 13, 2021 4:11 am



Azarian Law Office, PLLC
David P. Azarian, Esq.
90 Washington St. Suite 301C
Dover, NH 03820
Tel. (603) 750-0015
dazarian@azarianlaw.net

July 14, 2021

Peter C. Nourse, PE
Director of City Services
Public Works Department
45 Old Dover Road
Rochester, NH 03867
(Via e-mail and regular mail)

Re: KAB Realty Management, LLC/Water& Sewer License #2021-38WS

Dear Mr. Nourse:

Bill Goldstein forwarded your correspondence dated July 6, 2021 indicating that the above-referenced Water & Sewer License had been revoked as "the result of KAB's failure to obtain the necessary permits (water connection, sewer connection and excavation) for work at 10 Norway Plains Rd. in June".

It is not clear how or why KAB Realty Management LLC ("KAB") should be held responsible for any issues that came about as a result of the street dig for the water & sewer connection at 10 Norway Plains Road, particularly where KAB is not responsible for the water & sewer installation at this location. While KAB is an agent of the owner, the property is owned by Roadrunner Real Estate Development LLC which contracted with SJ Cantwell, who is approved and licensed by the City of Rochester for the work they performed and were responsible for cutting the street connecting and stubbing the water & sewer lines in the City Right of way. Ben Shibley, who was contracted by SJ Cantwell, is responsible for the water main tap. The plumbing subcontractor for this job is RPH, Inc. which will run the water and sewer lines from the street stubs to the house which he is permitted to do under his NH Master Plumber license #3552. It is our further understanding that all of this is known to Timothy Goldthwaite of the Department who had been working with these individuals to make sure the installation was carried out pursuant to the DPW's standards and requirements. That said, it certainly appears that the revocation of the water and sewer license to KAB, which is unrelated to the work being done

at 10 Norway Plains Road, is unnecessarily punitive and unwarranted to the situation at hand. Our expectation is that the City will reverse its decision now that it knows the facts.

Obviously, all the parties involved are willing to do whatever is necessary to insure that the Department of Public Works is satisfied with the installation, and it is our understanding that the contractors referenced have been attempting to contact Mr. Goldthwaite of the DPW to get the project back on track.

Please feel free to contact me to discuss this matter. Perhaps a meeting will be helpful so all parties can work out a resolution to the DPW's satisfaction.

Sincerely,

A handwritten signature in black ink, appearing to read 'DPA', with a long horizontal flourish extending to the right.

David P. Azarian

c.c. William Goldstein

From: jeff@sjcantwellinc.com,
To: billtgolds@aol.com,
Subject: 10 Norway Plains Rd
Date: Thu, Jul 15, 2021 10:27 am

Good morning Bill,

I just got off the phone with Tim and he has scheduled an onsite meeting for 9:30 or so. He is looking to go over the utilities and what he wants to have happen.

Thank you

From: billtgolds@aol.com,

To: dave3g30@yahoo.com, brianrphinc@gmail.com, larrypridhamjr@gmail.com, neillenhkab@yahoo.com,

Subject: 10 Norway Plains

Date: Mon, Jul 26, 2021 11:13 am

It is my understanding Cantwell will be back on 10 Norway Plains rd finishing up the correction Tim wanted on Wednesday. We should plan to be there the same day finishing our connections to the house and backfilling our trenches. On Thursday we need to have lint pack delivered so we can finish the shared driveway and the main driveway to the house. The paver is coming on Friday to pave all areas. Dave you need to call to have PSNH there on Monday to energize the house so we can schedule inspections on Wednesday of next week with the hopes of getting a CO for that Friday. If Butch needs to stay late on Thursday to finish the driveway then let him it is critical it gets completed and we close no later then August 6, 2021.

Also the buyers want knobs installed on the cabinets, Dave can you make sure that happens (they will need to sign off on the placement for the knobs before install). Also Neille can you call Michelle so she can clean the house on Monday August 2, 2021

From: jeff@sjcantwellinc.com,
To: billtgolds@aol.com,
Subject: Re: Matildas Way Curb
Date: Fri, Jul 30, 2021 1:40 pm

Also everything went well at Norway Plains Rd. I spoke with Tim and he said we will have the inspection sign offs for us Monday.

Thank you

On Fri, Jul 30, 2021 at 12:42 PM <billtgolds@aol.com> wrote:
sounds good to me

-----Original Message-----

From: Jeff Sparkowich <jeff@sjcantwellinc.com>
To: billtgolds <billtgolds@aol.com>
Sent: Fri, Jul 30, 2021 12:39 pm
Subject: Matildas Way Curb

Good afternoon Bill,

Update on the curb over at Matildas Way, Tri-State has started but will not be able to finish today. They will either return Saturday or Monday to finish this work. Because of this I can not concrete back the curb, so I am going to cone off/caution tape the roadway, to help avoid anyone hitting the curb. Let me know if you have any questions.

Thank you

From: jeff@sjcantwellinc.com,
To: billtgolds@aol.com,
Subject: Fwd: 10 Norway Plains Rd (0222-0063-0001)
Date: Tue, Aug 3, 2021 4:29 pm

Please see the forwarded email of approval. Can I send someone over tomorrow morning to get a check for the work?

Thank you

----- Forwarded message -----

From: Timothy Goldthwaite <Timothy.Goldthwaite@rochesternh.net>
Date: Tue, Aug 3, 2021 at 4:27 PM
Subject: 10 Norway Plains Rd (0222-0063-0001)
To: Jeff Sparkowich <jeff@sjcantwellinc.com>

Jeff,

Water service connection inspection for WSC-21-58 with respect to the above cited property was approved today.

Sewer service connection inspection for WSC-21-59 with respect to the above cited property was approved today.

Regards

Timothy Goldthwaite, PE

Assistant City Engineer

City of Rochester, New Hampshire

Department of Public Works

45 Old Dover Road

Rochester, NH 03867-3445

phone: 603-509-1907

fax: 603-335-4352

email: timothy.goldthwaite@rochesternh.net

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Security features are included. Details on back.

Roadrunner Real Estate Development, LLC
35 Third St
Dover, NH 03820-3316

Kennebunk Savings
62-7450/2112

10051

8/19/2021

R. Costigan
AUG 23 '21

Pay to the
Order of

S.J.Cantwell, Inc.

\$ **13,500.00

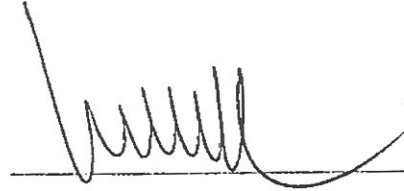
Thirteen Thousand Five Hundred and 00/100*****

Dollars

S.J.Cantwell, Inc.
44 Portland Ave
Dover, NH 03820

Memo

Street Dig



⑈010051⑈ ⑆211274502⑆ 44 008637⑈

-Inst=KENNEBUNK SAVINGS BANK-RtNum=>211274502<
-BranchName=Dover-TlrID=8704
-BusDt=08/23/21-StartTm= 1:36:56 PM
-ItemNum=359177120864

-Inst=KENNEBUNK SAVINGS BANK-RtNum=>211274502<
-BranchName=Dover-TlrID=8704
-BusDt=08/23/21-StartTm= 1:36:56 PM
-ItemNum=359177120864

CHECK FOR NOBILE/RENTAL (1/1/21)

ENDORSE HERE
PAY TO THE ORDER OF
KENNEBUNK SAVINGS BANK
DOVER, NH 03820
▶ 211274502 ▶
FOR DEPOSIT ONLY
S.J.CANTWELL INC
4400940

LIEN WAIVER

(PLEASE PRINT CLEARLY IN ALL AREA'S EXCEPT SIGNATURE)

TO ALL WHOM IT MAY CONCERN:

ASI PACKAGE #: _____

THE UNDERSIGNED BUSINESS:

S.J. Cantwell, Inc

TYPE OF WORK PERFORMED:

Street Dig

UNDER AN AGREEMENT WITH:

Roadrunner R.E. Development, LLC

PROPERTY LOCATED AT:

Norway Plains

Rochester, NH

THE OWNERS OF SUCH PROPERTY ARE:

Roadrunner R.E. Development, LLC

THEREFORE, THIS 19th ☐ DAY OF August ☐ 2021 ☐
 FOR AND IN CONSIDERATION OF THE SUM OF \$13,500.00, HAS BEEN PAID AND RECEIVED,
 THE UNDERSIGNED DOES HEREBY WAIVE AND RELEASE ANY LIEN RIGHTS TO, OR CLAIM OF
 LIEN WITH RESPECT TO AND ON SAID ABOVE DESCRIBED PREMISES, AND THE IMPROVEMENTS
 THEREON, AND ON THE MONIES OR OTHER CONSIDERATIONS DUE OR TO BECOME DUE FROM
 THE OWNER, ON ACCOUNT OF LABOR, SKILL, SERVICE, MATERIAL AND/OR EQUIPMENT
 FURNISHED BY THE UNDERSIGNED TO OR FOR THE ABOVE DESCRIBED PREMISES AND
 IMPROVEMENTS THEREON TO THIS DATE WITHOUT PREJUDICE TO ASSERT ANY LIEN AS TO
 FUTURE DELIVERY, PERFORMANCE OR FURNISHING THAT INCREASE TOTAL VALUE DELIVERED,
 PERFORMED OR FURNISHED TO MORE THAN THE AMOUNT STATED ABOVE.

1. ORIGINAL CONTRACT AMOUNT:

\$

2. ADD CHANGE ORDERS:

\$

3. TOTAL CONTRACT TO DATE:

\$

4. TOTAL PAID TO DATE:

\$

5. AMOUNT THIS DATE:

\$ 13,500.00

6. BALANCE REMAINING:

\$

Authorized Signature

Jeffrey Sparkowich
 Printed Name / Title

Project Manager

Witness

Jeffrey Polchinski

Date

8/20/21

(Intentionally Blank)

Followed By Director Nourse Packet of Information



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net



INTEROFFICE MEMORANDUM

TO: UTILITY ADVISORY BOARD

FROM: PETER C. NOURSE, DIRECTOR OF CITY SERVICES

DATE: September 6, 2022

SUBJECT: KAB/Roadrunner Revocation of Water and Sewer License

CC: Terence O'Rourke, City Attorney

In June 2021, I revoked the water and sewer license of KAB Realty Management. I did this because KAB executed a water and a sewer service installation at 10 Norway Plains Rd. whereby their contractor was not licensed and both services were backfilled prior to City inspection. William Goldstein asserts that this work was performed by Roadrunner Real Estate Development and not KAB Realty Management. However, Mr. Goldstein is the principal for both LLCs.

260-6 E. of the Water Ordinance requires contractors and companies to demonstrate the ability to perform water installations and repairs in a workmanlike manner, consistent with the standards maintained by the Department. Mr. Goldstein's 2022 permit application did not indicate who the company proposes to use as the qualified individual for water and sewer work. It states only "KAB Realty Employees". Also, it is the Department's current practice that water/sewer licenses be issued to contractors and not real estate companies.

KAB/Roadrunner has a history of poor quality work in the City. In 2014 the City pulled the surety from the Trinity Circle subdivision due to Mr. Goldstein's failure to complete the amenities and public improvements per the approved subdivision and per schedule. The City invested the surety towards completing the public improvements. However, the sewer collection system was constructed in a poor fashion regarding grades and it contained debris. A significant amount of infiltration is evident in the system. A sink hole resulted from a major leak in the cross country line and filled the pump station wet well half full of sand. Mr. Goldstein was responsible for maintaining the sewer pump station until City acceptance. Constant probing was required by the City to attempt to have maintenance done and it is questionable whether proper maintenance was performed. Mr. Goldstein terminated the propane heat and the pump froze and the station was left without emergency power. Further, the water curb stop valves that were originally installed by Mr. Goldstein did not meet City specifications and had to be replaced by the City.

It is my request that the Utility Advisory Committee support the Department's sustained water/sewer license revocation.



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net



Attachments:

Letter from Peter C. Nourse to KAB Realty 7/6/21: Revocation of water/sewer licence
Water and Sewer License Application: KAB Realty; 6/8/22
Letter from Peter C..Nourse to KAB Realty: Denial of 2022 Water/Sewer License
Letter from David Azarian, Esq; 6/22/22
Letter from David Azarian, Esq; 8/2/22
Letter from Peter C. Nourse To David Azaarian, Esq 8/22/22
Email 8/2/22 from David Green, Chief Operator, Wastewater: KAB Realty Management LLC/water and sewer license (2021-38-WS)
Email 10/23/14 from Jennifer Hale, City Engineer: Water Work on Trinity
Regular City Council Meeting July 1, 2014: Minutes; Resolution to accept improvements related to Trinity Circle Subdivision
Public Works Committee 5/15/14: Trinity Circle Sub-division Surety
Planning Board Meeting Minutes 5/5/14
Planning Board Meeting Minutes 6/17/13



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

www.rochesternh.net

45 Old Dover Road • Rochester, NH 038 67

(603) 332-4096 Fax (603) 335-4352

July 6, 2021

KAB Realty Management, LLC
35 Third Street
Dover NH 03820

RE: Water & Sewer License #2021-38WS

Mr. Goldstein,

Effective immediately your water/sewer licenses (2021-38-WS) have been revoked. Your \$100 annual fee for each will be returned. This revocation is the result of KAB's failure to obtain the necessary permits (water connection, sewer connection and excavation) for work at 10 Norway Plains Rd. in June. As a result, the work was unable to be inspected by City staff at that time. Backfilling and paving occurred without such inspection and the work will require exposure for proper City inspection.

Sincerely,

Peter C. Nourse, PE
Director of City Services



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
 209 Chestnut Hill Road • Rochester, NH 03867
 (603) 332-4096 Fax (603) 335-4352
www.rochesternh.net

Water and Sewer License Application

Name of Firm: Kab Reaty
 Address of Firm: 35 Thrd St Dover NH
 Telephone #: 603 - 742 - 5300
 Email Address: Dave3g30@yahoo.com

For which license are you applying?

Sewer (fee \$100.00/yr)

Water (fee \$100.00/yr)

Both (fee \$200.00/yr)

Names of Persons who will be covered by License (please inform Public Works Department when you desire to add or delete other persons): Kab Realty Employees

- Have you been licensed by the City of Rochester to work on municipally owned water and sewer lines previously? yes no If so, when? 2019-2020

NOTE: If your company has not held a license previously, or has not held a license at any time during the previous three years, please attach Certificate of Insurance and names, addresses, and telephone numbers of three references who are familiar with your company's work. The Public Works Department will check references prior to issuing a license.

- Have you ever been denied a license, or has a license to work on municipally owned water and sewer lines ever been revoked by the City of Rochester? yes no If so, when? _____
- Do you intend to perform water tapping? yes no If so, please provide references for similar work with other municipalities.

I agree to work on the municipally owned water or sewer lines in a workmanlike manner as required by Rochester Code of Ordinances Chapters 200-6(d) and 200-6(e). Such work shall conform to the requirements of Ordinance Chapters 200 and 201 and any other city standard, as applicable. I also agree to comply with the requirements of the "Excavation Permit Issuance and Inspections" SOP regarding obtaining an excavation permit from the Department of Public Works for any excavation that will occur in any right-of-way under the jurisdiction of the City of Rochester and will abide the terms and conditions of the excavation permit. I realize that pursuant to Ordinance Section 223-17 that I may be required to furnish a bond of indemnity to the City of Rochester for an amount to be determined by the Director of Public Works, prior to beginning any work. I understand that the Director of Public Works retains the right to revoke the license for just cause in the event that any water or sewer work you, or any person under your responsible charge does not meet the standards for satisfactory work as determined by the Director of Public Works.

Signature

Date

(Sign and return this form to the DPW with applicable fee, references and insurance information)



City of Rochester, New Hampshire

June 14, 2022

KAB Realty Management, LLC
35 Third Street
Dover, New Hampshire 03820

Re: *Water and Sewer License Application*

Dear Applicant:

After reviewing your application and your previous work conducted within the City, I am denying your Water and Sewer License Application because you have not demonstrated the ability to perform water and sewer work in a workmanlike manner, consistent with the standards maintained by the Department of Public Works.

Thank you for your attention to this matter.

Respectfully,


Peter Nourse
Director of City Services



Azarian Law Office, PLLC
David P. Azarian, Esq.
90 Washington St. Suite 301C
Dover, NH 03820
Tel. (603) 750-0015
dazarian@azarianlaw.net

June 22, 2022

City of Rochester
Public Works Department
209 Chestnut Hill Road
Rochester NH 03867
Attn: Peter Nourse, Director of City Services

Re: KAB Realty Management LLC/ Water & Sewer License Application

Dear Mr. Nourse:

My client is in receipt of your correspondence dated June 14, 2022.

You state in support of your denial of the above referenced water and sewer application that KAB Realty Management LLC ("KAB") has "not demonstrated the ability to perform water and sewer work in a workmanlike manner, consistent with the standards maintained by the Department of Public Works", based upon "previous work conducted within the City".

The reasons given for the denial are perplexing given that KAB has installed over 84 water services and 42 sewer services over the past ten years all of which have been inspected and approved by the Department of Public Works. Accordingly, I would ask that you provide with specificity what "previous work conducted within the City" was not performed in the workmanlike manner that apparently formed the basis for your decision to deny KAB's application. Absent such specificity, I can only conclude that the basis for the denial is arbitrary and not based on any specific reason or occurrence.

I await your prompt response.

Sincerely,

David P. Azarian
c.c. KAB Realty Management, LLC
Enclosures

AZARIANLAW

Azarian Law Office, PLLC
David P. Azarian, Esq.
90 Washington St. Suite 301C
Dover, NH 03820
Tel. (603) 750-0015
dazarian@azarianlaw.net

August 2, 2022

City of Rochester
Public Works Department
209 Chestnut Hill Road
Rochester NH 03867
Attn: Peter Nourse, Director of City Services
Via E-mail: and regular and certified mail

Re: KAB Realty Management LLC/ Water & Sewer License Application

Dear Mr. Nourse:

This correspondence will serve as a follow-up to my correspondence dated June 22, 2022 relative to the above-referenced matter.

While you have to date not responded to that correspondence, I have been informed by the city's legal counsel that your reasons for denying my client's recent application for a license to be an authorized contractor to perform water and sewer services on municipally owned properties were the following:

1. Licenses are granted only to contractors, not developers;
2. No positive recommendations from other municipalities;
3. "KAB did not pull a license for its work on Norway Plains Road. KAB hired Cantwell as its subcontractor. Cantwell was not an approved contractor then and they did not pull a permit. They buried the work before the City could inspect it"

*
*Per e-mail communication of Terence O'Rourke, City Legal Counsel dated August 2, 2022.

Each of the foregoing statements are inaccurate, to wit:

1. KAB Realty Management, LLC ("KAB") is a contractor which has dug and backfilled the foundations at Trinity Circle and Matildas Way as well as stoned the holes installed

interior and exterior drainage, graded the lots, loamed the lots, installed and maintained erosion controls as well as many other items requested by Alan Dews, the City of Rochester's engineering inspector. Additionally, it is noted that KAB is notified on the SWAPP report along with four other City of Rochester Public Works employees every time there is a rain event where corrections are needed to comply with the EPA Stormwater requirements. This would not be the case if KAB was not considered to be contractor.

It is further noted that KAB owns \$2,000,000 worth of construction equipment, including a CAT 336 Excavator, and Kobelco 170 Excavator, CAT D5 Hydrostat Bull Dozer a CAT 246D Skidsteer, CAT 268B Skidsteer, JCB All terrain Forklift, 8 Chevrolet pickup trucks, a 16' GMC Box truck, 2 service vans, JLG 80' Ariel Lift, JLG 40' Ariel Lift, 26' 12-Ton Trailer to move equipment from site to site, hydroseeding equipment, and other items too numerous to list, etc. Who would own these items if they were not a contractor?

2. KAB has received positive recommendations from other municipalities, including Exeter, Brentwood and Dover (including Alan Dews who was previously employed by the City of Dover and who I understand has recently become employed by the City of Rochester.)
3. As previously advised **KAB DID NO WORK** at the Norway Plains Road project. In fact, KAB had nothing to do with the project. The property was owned by Roadrunner Real Estate Development, LLC. That entity hired SJ Cantwell to do the street dig; accordingly, it would have been their responsibility to get a license to do the work they were hired to complete. This has been pointed out time and again and it remains a mystery as to why this misperception continues.

As previously pointed out, KAB has installed over 42 water services and 84 sewer services over 100 Fire Sprinkler connections over the past ten years all of which have been inspected and approved by the Department of Public Works. This is not an insignificant amount of work.

In light of the foregoing please consider this correspondence a formal request that you reconsider your denial of my client's Application for Water & Sewer License as submitted on or about June 8, 2022.

Thank you for your prompt response.

Sincerely,



David P. Azarian

c.c. KAB Realty Management, LLC



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

www.rochesternh.net

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

August 22, 2022

Azarian Law

David P. Azarian, Esq.

90 Washington St. Suite 301C

Dover, NH 03820

Re: KAB Realty Management LLC/Water and Sewer License Application

Mr. Azarian,

In response to your August 2, 2022 letter regarding the application for water and sewer license, I am denying the appeal.

Licenses are granted to contractors and companies that possess the skills to perform work on the City's water or sewer systems in a workmanlike manner. Possession of these necessary skills must be verified by three independent references. In its application, your client provided no such references. Further, the application requires the names of qualified individuals who have experience that is verified by independent sources. "Realty Employees" does not meet this requirement.

KAB has a history of poor work in the City. Existing construction by KAB at the Trinity subdivision was highly problematic with significant pump station maintenance issues and significant problems with the construction of the sewer collections system.

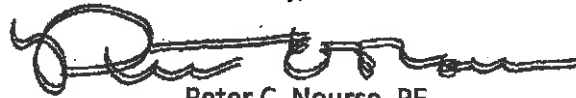
Further the employee of Rochester that your letter of August 2, 2022 references refutes your claims that he has provided positive references for KAB.

Finally, your contention that KAB "had nothing to do" with the Norway Plains Road project is without merit. You state that the Norway Plains Road project was conducted by Roadrunner Real Estate Development, LLC ("Roadrunner") and that any issues with said project should be blamed on that entity. However, both KAB and Roadrunner are single-member LLCs with the same member: your client William T. Goldstein of 35 Third Street, Dover, New Hampshire. Both entities have the same purpose: the buying, selling, and leasing of real estate. KAB is William T. Goldstein and Roadrunner is William T. Goldstein. William T. Goldstein's failures at the Norway Plains Road project are entirely relevant to the City's evaluation of KAB's application.

The City is under no obligation to provide KAB nor any other developer and/or poor performing entity a water/sewer license to perform work on the City's water or sewer system. If your client

is aggrieved by my denial of its appeal, pursuant to §7-36 and §260-49 of the City's Code, it may appeal my denial to the Utility Advisory Board. The point of contact for the Utility Advisory Board is Lisa Clark at lisa.clark@rochesternh.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter C. Nourse", written in a cursive style.

Peter C. Nourse, PE
Director of City Services

Peter Nourse

From: David Green
Sent: Tuesday, August 2, 2022 8:02 AM
To: Scott McGlynn; Peter Nourse; Michael Bezanson
Cc: Dana Webber
Subject: RE: KAB Realty Managment LLC/water & sewer license (2021-38-WS)

There were issues with KAB reality during the Trinity Circle project.

- KAB was responsible for maintaining the pump station until city acceptance – constant probing was required, and it was questionable if they performed the maintenance as stated..... They turned the propane tank off to save on their costs – one pump froze solid. This is also the fuel supply for the generator – which meant no pump station operation in the event of loss of power.
- Collection system – we noticed a significant amount of I/I from this subdivision and upon inspection, gravel was found in the collection system. The city required inspection and repairs, my understanding was multiple repairs were required and a few were major outside of a few duplexes. There was a major leak found in the cross-country line which resulted in a sinkhole during a heavy rain event - filled the pump station wet well half full of sand. Repairs were required and it was recommended that camering of the full collection system be do before surety was released – not sure if this was completed? Lastly – it is my understanding that all sump pumps were tied into the sewer system in this development.....

From: Scott McGlynn <scott.mcglynn@rochesternh.gov>
Sent: Tuesday, August 2, 2022 7:18 AM
To: Peter Nourse <peter.nourse@rochesternh.gov>; David Green <david.green@rochesternh.gov>; Michael Bezanson <michael.bezanson@rochesternh.gov>
Cc: Dana Webber <dana.webber@rochesternh.gov>
Subject: RE: KAB Realty Managment LLC/water & sewer license (2021-38-WS)

Do we have a list of work they have done? Norway plains Apts has two points of infiltration that I am aware of, it appears gaskets may have rolled or removed during installation. One is at Building One's lateral and there is another at the dead end of the private main. If I recall correctly, there was a significant point of infiltration on Matildas Way prior to my working here. I will see if I can get more details on that. Did KAB install Trinity Circle as well?

PLEASE NOTE: My new email address is Scott.McGlynn@rochesternh.gov
 (Not ".net" anymore).

Scott McGlynn
 Rochester Public Works Department
 Municipal Services Supervisor – Utilities Division
 209 Chestnut Hill Road
 Rochester, NH 03867
 Tel. (603) 332-4096
 Cell. (603) 953-3028

From: Peter Nourse <peter.nourse@rochesternh.gov>
Sent: Monday, August 1, 2022 4:08 PM

I have enclosed the document I received from Jim Campbell with the items listed.

Thanks,

Linda Stalk

Principal Business Systems Analyst

PI Prod-Product Systems

Phone: (603) 245-5852

SDN: 8-285-5852

Email: linda.stalk@libertymutual.com

From: Jennifer Hale [<mailto:jennifer.hale@rochesternh.net>]

Sent: Thursday, October 23, 2014 3:12 PM

To: Stalk, Linda

Subject: WATER WORK ON TRINITY

Hello Linda,

SUR is completing work as contracted with the City of Rochester to complete specific items related to the roadway, drainage, sewer and water components of the original project on Trinity Circle. This work included raising catch basin and manhole frames and covers to bring them to the proper elevation for paving; resetting sections of granite curbing; paving the driveway aprons; and completing the final paving for the roadway. In addition SUR is locating the existing shut off valves (for the domestic water and fire services) and re-installing them with city approved curb stops and rods to raise (or lower) them to the correct elevation and for future access. This was an agreement made with the developer, at a cost to the developer to complete the work in order for the Town to assume responsibility for the roadway.

Please let me know if you have any additional questions.

Jennifer Hale, P.E.

Interim DPW Construction Engineer

City of Rochester

45 Old Dover Road

Rochester, NH 03867

T: 603-335-7575

E: jennifer.hale@rochesternh.net

From: Stalk, Linda [<mailto:LINDA.STALK@LibertyMutual.com>]

Sent: Monday, October 20, 2014 5:31 AM

To: Gretchen Young

Subject: WATER WORK ON TRINITY

Hi Gretchen – I was hoping you could provide me with some additional details on the work that SUR is doing on Trinity Circle. My understanding is the water from the street to our condo's did not have a shut-off valve and SUR is now having to fix that issue. Can you please provide me with more details?

Thanks,

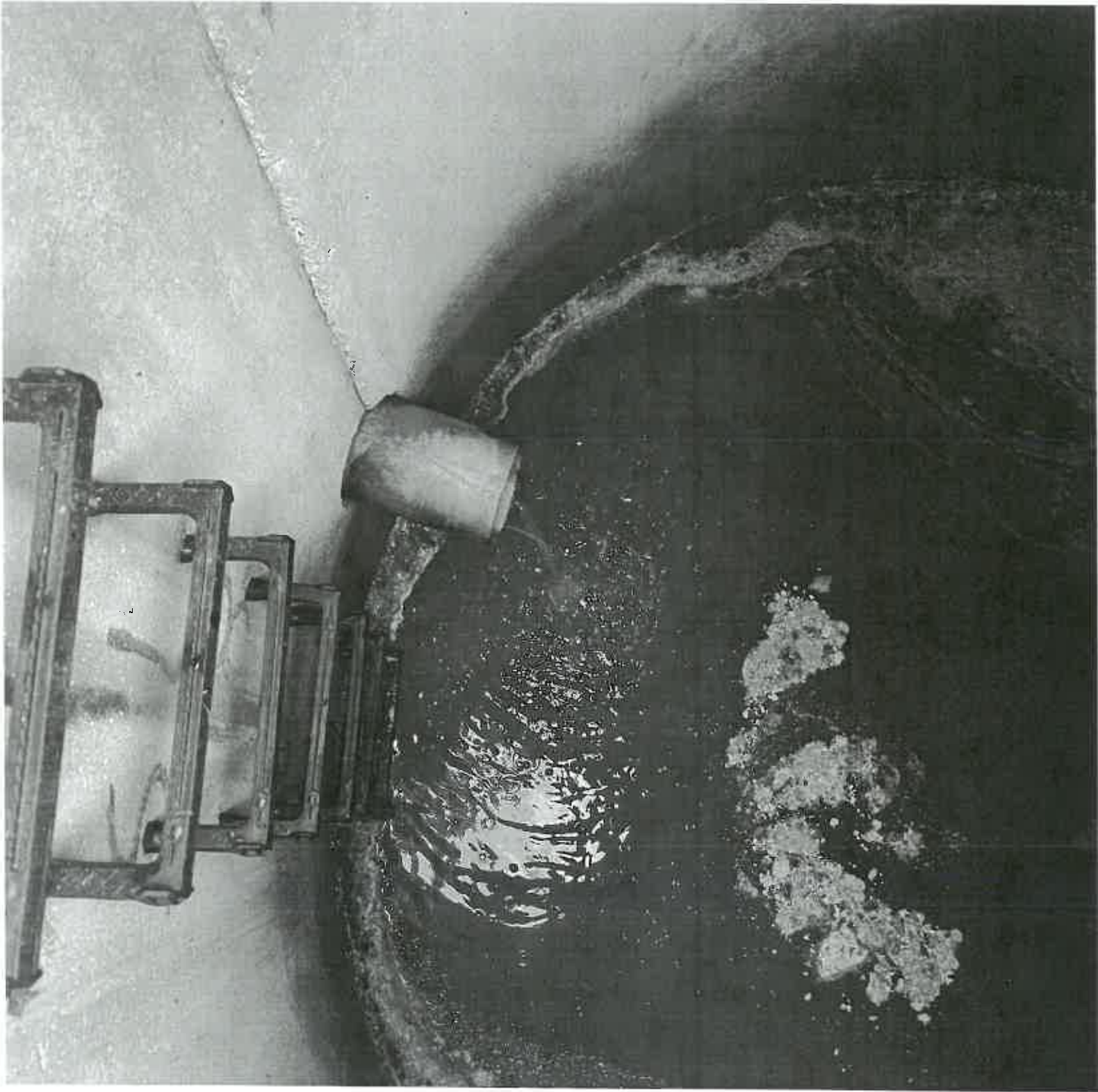
Linda Stalk

Peter Nourse

From: David Green
Sent: Friday, September 2, 2022 10:43 AM
To: Scott McGlynn
Cc: Peter Nourse
Subject: Matildas Way Pump Station
Attachments: IMG_1904.MOV; IMG_1906.MOV; Matilda's way 9-2-22

The 2 short videos show a constant flow of ground water on invert and entering into water well (picture of same).

Thank you,
David Green
Chief Operator WWTF
O: 603-332-8950
C: 603-817-9767



City of Rochester
Draft

Regular City Council Meeting
July 1, 2014

Governor's Counsel is August 24, 2014, so this timeline is fine. Mayor Jean referred the matter is now being sent to a Public Hearing to be held prior to the Regular City Council meeting on August 5, 2014.

→ **12.6. AB 009 Resolution Accepting Developer's Offer of Dedication of the So-Called Trinity Circle Roadway as a City Street, as well as Accepting Certain Associated and/or Related Improvements to Serve as Public Improvements Related to the So-Called Trinity Circle Subdivision, and Making a Supplemental Appropriation in Connection Therewith – First Reading, Second Reading, and Adoption**

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

RESOLUTION ACCEPTING DEVELOPER'S OFFER OF DEDICATION OF THE SO-CALLED TRINITY CIRCLE ROADWAY AS A CITY STREET, AS WELL AS ACCEPTING CERTAIN ASSOCIATED AND/OR RELATED IMPROVEMENTS TO SERVE AS PUBLIC IMPROVEMENTS RELATED TO THE SO-CALLED TRINITY CIRCLE SUBDIVISION, AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION THEREWITH

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

WHEREAS, the so-called Trinity Circle Subdivision (the "Approved Subdivision"), located on Flagg Road in Rochester, was approved by the Rochester Planning Board (the "Planning Board") on June 19, 2006, and, at the time of such approval, such subdivision approval was based upon a series of plans presented to the Planning Board, depicting and detailing various aspects of the development plan, including topographical data, road layout and profiles, drainage and utility locations, as well as a recordable version of the subdivision plan (which plan was certified for recording on June 27, 2007) (collectively such plans are hereinafter referred to as the "Approved Subdivision Plans"); and

WHEREAS, the recordable version of such Approved Subdivision Plans, entitled "Overall Cluster Subdivision Plan, Flagg Road, Rochester, N.H., for Trinity Conservation, LLC", dated January 2006, by Norway Plains Associates, Inc., is recorded in the Strafford County Registry of Deeds as

Plan 90-82 (the "Recorded Subdivision Plan"); and

WHEREAS, the Approved Subdivision Plans, and/or the Recorded Subdivision Plan, depict the Approved Subdivision, with associated amenities and improvements, including such special amenities and improvements as the so-called "Trinity Circle" (the "Trinity Circle roadway"), drainage facilities and structures and utility pipe lines and related utility structures, including a sewer pump station and a drainage pond, along with such associated land and other related rights, of such nature and extent, which are customarily associated with, necessary and/or required for, providing access to and maintenance, repair, or, as required and/or appropriate, replacement of the same (such special amenities and improvements being hereinafter sometimes collectively referred to as the "Proposed Public Improvements")(reference is made to Exhibit A annexed hereto), which Proposed Public Improvements were required by the Approved Subdivision, Approved Subdivision Plans, and/or the Recorded Subdivision Plan, to be completed by, and at the expense of, the Developer (as used in this resolution, the term "Developer" includes the individual(s)/entity or entities which submitted and obtained approval of the Approved Subdivision, and its/their successor(s) in interest); and

WHEREAS, by depicting the Proposed Public Improvements on the Approved Subdivision Plans, and the Recorded Subdivision Plan, the Developer dedicated the Proposed Public Improvements to the City for Public use (see RSA 674:40), with the expectation of the City that the special amenities and improvements would be voluntarily deeded, or otherwise legally transferred to, and accepted by, the City after the completion, at the Developer's expense, of the special amenities and improvements; and

WHEREAS, given that the Proposed Public Improvements, by the terms of its Planning Board Approval with respect to the Approved Subdivision, were to be constructed by the Developer during the construction of the Approved Subdivision, the terms of the Approved Subdivision and State statute(s) required the Developer to post surety to assure completion by, and at the expense of, the Developer of the Proposed Public Improvements; and

WHEREAS, the Developer first posted surety for the Approved Subdivision in or around the Spring of 2007, and the Developer was notified, in the Notice of Decision for the Approved Subdivision, that he/it had four (4) years within which to substantially complete the project, including the Proposed Public Improvements; and

WHEREAS, despite such notification the Developer has, to date, failed to complete the amenities, including the Proposed Public Improvements depicted within, and contemplated by/in the Approved Subdivision and the documents and submissions made by Developer in connection therewith;

City of Rochester
Draft

Regular City Council Meeting
July 1, 2014

and

WHEREAS, at a meeting with the Planning Board on June 17, 2013, regarding the Developer's failure to complete the amenities, including the Proposed Public Improvements depicted within, and contemplated by/in the Approved Subdivision, and the increase in the costs for completing the Proposed Public Improvements, the Developer was informed that he/it was required to post additional surety for the completion of the Proposed Public Improvements in order to obtain a further extension of the completion deadline for the Proposed Public Improvements; and

WHEREAS, under date of July 18, 2013, the Developer was informed by letter that he/it was required to post additional surety for the completion of the Proposed Public Improvements within forty-five days of such date in order to have the completion of the Proposed Public Improvements extended; and

WHEREAS, as of May 2014, the Developer failed to post additional surety with the Planning Board for the completion of the Proposed Public Improvements; and

WHEREAS, as of the date of this Resolution, the Developer has failed and refused to construct and/or complete construction of the Proposed Public Improvements and/or to post additional surety with the Planning Board within the time frames originally established, and/or as extended, by the Planning Board with respect to such requirements, and in spite of the fact that residential units have been sold and are being occupied within the Approved Subdivision, including units fronting on Trinity Circle roadway, which units and their occupants are dependent on the Proposed Public Improvements for necessary, utility services; and

WHEREAS, as a result of the Developer's prolonged and repeated failures to complete the amenities, including the Proposed Public Improvements, required within the Approved Subdivision within the initially established, and subsequently extended, time frames provided by the Planning Board, the City, acting in response to professional estimates that the surety being held by the City was no longer adequate to complete the unfinished amenities depicted on the Approved Subdivision Plans and required to be constructed/provided by the Developer, as well as to votes of both the Planning Board and the Rochester Mayor and City Council requesting such action in May 2014, called the Letter of Credit, in the face amount of \$150,000.00, posted by the current Developer as surety with respect to the Approved Subdivision; and

WHEREAS, the financial institution which issued the Developer's most recent Letter of Credit, in satisfaction of its obligations thereunder, tendered the sum of \$150,000.00 to the City in accordance with the terms of such Letter of Credit; and

City of Rochester
Draft

Regular City Council Meeting
July 1, 2014

WHEREAS, the City is desirous of, and intends to, utilizing the surety funds it has received with respect to the Approved Subdivision as a result of its call of the aforesaid Letter of Credit, to repair and/or complete the Proposed Public Improvements to the extent necessary and achievable with the surety funds received from its call of the aforesaid Letter of Credit.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby:

(a) Accept the offer of dedication by the Developer of the Approved Subdivision of the Proposed Public Improvements depicted within the Approved Subdivision, including, but not limited to, roads (including so-called "Trinity Circle" (the "Trinity Circle roadway") and associated curbing, sidewalks (if any), drainage facilities and structures, and utility pipe lines and related utility structures, including the sewer pump station, such acceptance to include such land and other rights, over, on, and under such portions of the Approved Subdivision, of such nature, and with such extent, as necessary to, and/or customarily associated with, access to and maintenance, repair, replacement, and improvement of the Proposed Public Improvements and their respective uses being hereby accepted;

(b) Provide that the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) be, and hereby is, appropriated as part of the City of Rochester 2014-2015 capital budget of the City of Rochester, Public Works Department (account numbers to be assigned by the Finance Director), such sum to be used for the purpose of addressing, completing, correcting, bringing into compliance with City standards and specifications, and/or taking other actions deemed appropriate by the City Manager, and/or his designee(s) and/or agent(s) with respect to the Trinity Circle roadway, as well as the other Proposed Public Improvements being accepted. Further, that the sums necessary to fund such appropriation shall be derived in their entirety from the surety funds called and received by the City pursuant to the Letter of Credit posted with the City on behalf of the Developer of the Approved Subdivision, and/or surrendered on behalf of the Developer to the City by the issuer of such Letter of Credit, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00);

(c) Accept Trinity Circle roadway as a City street, the location of such street having been previously approved by the Planning Board in accordance with the provisions of RSA 674:40.

Further, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers and to take such other actions as may be necessary to implement the transactions contemplated by this Resolution.
CC FY15 07-01 AB 9

Exhibit A is attached to this set of minutes.

City of Rochester
Draft

Regular City Council Meeting
July 1, 2014

Councilor Walker **MOVED** to suspend the rules and to read the resolution by title only for the second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the second time.

Councilor Lachapelle stated that this is not an accepted street as of yet. He questioned why this development is already receiving curbside trash pickup at this time. Councilor Walker recalled that the curbside trash pickup began when the City Council began discussions about pulling the Trinity Circle Development Surety. Mayor Jean stated that technically the trash pickup should not have begun until the street was formally accepted by the City. Councilor Lachapelle stated that he would be willing to look into the matter for the City Council. He added that the residents might have had a private agreement with Waste Management.

Councilor Varney asked how much this street acceptance would cost the City of Rochester. Attorney Wensley understood that the amount of surety should cover the cost of finishing any work in the public's right-of-way only. City Manager Fitzpatrick agreed and stated that the residents might expect that other work should be done as well; however, it is the City Council's intent only to correct/finish work in the public's right-of-way, in order to accept Trinity Circle as a City Street. Commissioner Nourse stated that he is optimistic that the amount of surety would cover the cost associated with the work to be done in the public's right-of-way.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12.7.AB 010 Resolution Authorizing Supplemental Appropriation to the FY 2014-2015 Operating Budget of the City of Rochester for So-Called Tablet Computers – First Reading, Second Reading, and Adoption

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2014-2015 OPERATING BUDGET OF THE CITY OF ROCHESTER FOR SO-CALLED TABLET COMPUTERS

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

PWC

5/15/14

needed soon and that the long term planning can be addressed after the report is in. Councilor Varney suggested that Mr. Nourse get a budgetary number for the basic repairs and for the inspection and evaluation. Councilor Varney suggested completing a CIP Project Sheet and an Agenda Bill to get it on the Council agenda to add to the FY2015 CIP Budget.



5. **Trinity Circle Sub-division Surety**

Mr. Nourse stated that he believes that the Planning Board voted to pull the surety for this project. Dan Fitzpatrick stated that he had signed the paperwork to initiate that process. Mr. Nourse stated that he expected the approach to the corrections and completion of this development to be comparable with the approach the department took with Anderson and Channing Lane projects last year. He stated City staff would work toward completing the roadway, water, and sewer issues with the available funds prior to moving on to the sidewalks and aesthetics. Mr. Nourse stated that there has been issues with this developer since the project began. The developer has at times refused to pay water hydrant fee, there has been issues with trash, and there were significant issues with the sewer. He went on to say at one point the developer stopped paying the propane company for the gas that supports the generator at the pump station so the utility company took out the meter which made the generator inoperable. Mr. Nourse also stated that there were water quality issues with in the development. There was discussion regarding the payment for necessary work to be completed if the costs are over the amount of the surety. The committee discussed the possibility of liens being put on the remaining unsold parcels and the phase two adjacent property.

6. **Paving**

Mr. Nourse stated that paving is to begin the week of June 2nd. He stated that Brox is starting on Blackwater Road and Pawtuckets Way and will then proceed to Crocker Court next to City Hall. Mr. Nourse stated the other approved streets would take place after July 1st. Mr. Nourse stated that Yeagley Way is on the FY2015 list of approved streets, and Dominicus Way is a small street off from Yeagley that is also in need of paving. He further stated he believes that this small street and paving can be absorbed by the current and proposed budget if the committee approves. The consensus was that if it can be done within the budget constraints then it is ok for him to proceed. Mr. Nourse stated that a resident from the Forest Park Road neighborhood had complained about poor pavement conditions. Councilor Varney stated that the resident was talking about the right side of the pavement at the beginning of the street. Mr. Nourse stated he had noted both the left and the right side and he stated that City staff will be able to patch the area.

City of Rochester Planning Board
Monday May 5, 2014
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on May 19, 2014)

Members Present

Nel Sylvain, *Chair*
Derek Peters, *Vice Chair*
Gregory Jeanson, *Secretary*
Rick Healey
Matthew Kozinski
Mark Sullivan
Dave Walker

Members Absent

Tim Fontneau, excused
Fred Leonard, excused
Robert Jaffin, excused

Alternate Members Present

Charles Grassie
James Gray
Thomas Willis

Staff: James Campbell, Chief of Planning
Crystal DeButts, Planning Secretary

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City clerk's office for reference purposes. It may be copied for a fee.)

Mr. Sylvain called the meeting to order at 7:00 p.m.

The Secretary conducted the roll call.

III. Seating of Alternates

Mr. Willis to vote for Mr. Jaffin and Mr. Grassie to vote for Mr. Fontneau

IV. Communications from the Chair

Mr. Sylvain informed everyone that the City Council the new Zoning Ordinance with a few changes that need to be made, and stated the Planning Board will be working on the Sign and Lighting Ordinances next.

Mr. Sylvain announced that tonight will be Mr. Peter's last meeting.



V. Surety update on Trinity Circle and Heritage Drive

Mr. Campbell stated he's been in communications with Bill Goldstein regarding both Trinity Circle and Heritage Drive. The Letter of Credit is supposed to expire on May 15th; however Mr. Goldstein is to have a new Letter of Credit from Morgan Stanley on May 12th.

Mr. Peters asked if it would be a carryover or if it would have the increased amount.

Mr. Campbell stated Mr. Goldstein didn't say.

Mr. Campbell stated the owner is for Heritage is refinancing and should be completed by the middle or end of June. One of the conditions from the bank is the work must be complete within sixty days.

Mr. Campbell went on to say the Letter of Credit has expired for Heritage Street, there aren't any building permits out right now, but they do have a Certificate of Occupancy that will be held until the surety matter is cleared up.

Mr. Sylvain asked how much money the Letter of Credit for Trinity Circle was for.

Mr. Campbell stated \$150,000.

Mr. Sylvain asked Gretchen Young, City Engineer to come up. He asked if the Board were to pull the surety for Trinity Circle how much would they be short in funds.

Ms. Young stated roughly \$16,000; however that was to get the project complete. Ms. Young went on to say they have hired a pump specialist to examine the pump station because Mr. Goldstein has not been maintaining it so the cost will most likely be more.

Ms. Young also stated the City most likely wouldn't accept the road until Mr. Goldstein cleans up the site.

Mr. Walker asked Mr. Campbell how confident he is that the new Letter of Credit will be in the City's hands on May 12th.

Mr. Campbell stated he is fairly confident but he is moving forward with the City Attorney to ensure everything is inline if they have to draw the Letter of Credit on May 15th.

The Board discussed whether or not to go before the City Council on Tuesday to get a vote in order to pull the surety.

Mr. Sylvain stated he will go before the City Council on Tuesday with the request to pull surety.

Linda Stalk of 106A Trinity Circle came forward asking for clarification as to what the Planning Board will be doing.

Mr. Sylvain explained the process and what will happen if the surety is in fact pulled on the project.

Ms. Stalk asked what the time frame would be from the time surety is pulled to completion of work.

Mr. Peters explained it would depend on the construction schedule.

Eric Potter of 96B Trinity Circle asked if the surety is pulled by the City what role Bill Goldstein would play.

The Board explained Mr. Goldstein will still be the landowner and landlord, but the Board can put restrictions on him until he pays the City back.

Mr. Grassie suggested the Condo Association contact the Attorney General's office.

Mr. Sullivan explained the current Letter of Credit is good until May 15th at which time the bank has an automatic renewal clause. The bank will review the assets and decide if they are going to renew it.

Mr. Sylvain informed the homeowners if they have any questions to contact the Planning Department.

VI. Approval of minutes for April 21, 2014

A motion was made by Mr. Walker and seconded by Mr. Healey to approve the April 21, 2014 meeting minutes. The motion carried unanimously.

City of Rochester Planning Board
Monday June 17, 2013
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on July 1, 2013)

Members Present

Tim Fontneau
James Gray
Rick Healey
Mark Sullivan
Dave Walker
Derek Peters, Vice Chair
Nel Sylvain, Chair

Members Absent

Gregory Jeanson, excused
Matthew Kozinski, excused

Alternate Members Present

Robert Jaffin

Staff: James Campbell, Chief Planner
Crystal DeButts, Planning Secretary

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City clerk's office for reference purposes. It may be copied for a fee.)

Mr. Sylvain called the meeting to order at 7:00 p.m.

The Planning Secretary conducted the roll call.

Seating of Alternates

Mr. Jaffin to vote for Mr. Jeanson

IV. Communications from the Chair

Mr. Sylvain announced the board would be hearing from four candidates to be recommended for appointment to the Strafford Regional Planning Commission.

Mr. Sylvain stated there are two openings and the board would be voting once they heard from the candidates.

Kenn Ortmann stated he was looking to be reappointed to Strafford Regional Planning Commission, stating he has been a member of the Commission for virtually his entire tenure of being the Director of the Planning & Development Department for the City of Rochester.

Mr. Ortmann went on to say he has made and is willing to continue the commitment to be actively involved in the regional planning process because of how Rochester can benefit from active participation; stating some examples such as mapping, census, traffic-counting expertise, MPO and TIP processes, technical assistance

Richard Breton of Riverside Drive stated he is opposed to rezoning North Main Street from Residential to Mixed Use/Commercial. He went on to say there are issues now with home businesses and believes it would only get worse.

Attorney Malcolm McNeill stated he has attended the Planning Board meeting for the last 6 months and believes the Board has made their job harder by eliminating the Residential-3 zone and adding the density rings.

Attorney McNeill said he took offense to the earlier comments that things had been done underhanded, stating in his 42 years of practice he's never been accused of such a thing.

Attorney McNeill went on to say no other Attorney has come forward to say changing the zone would be spot zoning. He stated he stands by it when he says this is not spot zoning.

Attorney McNeill explained again the pros of having multi family housing versus single family housing. He stated the space will no longer be an open space; the New Hampshire owner has a right to develop the land.

Frank Chearamitaro of Rochester Hill Road stated he agreed with Ms. Pollards comments at the last meeting that the city needs quality multi family housing.

Mr. Chearamitaro stated he thought the Board should revisit the density rings as he doesn't believe it makes sense that the rings split some properties.

VI. Approval of minutes

A. June 3, 2013 – Regular Meeting

A motion was made by Mr. Gray and seconded by Mr. Walker to approve the June 3, 2013 minutes. The motion carried unanimously.

VII. Surety discussion with William Goldstein regarding Trinity Circle and Heritage Street

Gretchen Young, City Engineer and William Goldstein addressed the board.

Mr. Goldstein stated he was comfortable with Ms. Young's assessments.

Mr. Sylvain informed what the surety process was and the reasoning for it.

A motion was made by Mr. Gray and seconded by Mr. Sullivan to increase the surety for Trinity Circle to \$167,048.24, and to have the Planning Department issue a letter to Mr. Goldstein to that fact and requiring Mr. Goldstein to comply within 45 days from the date of the letter. The motion carried as amended. Mr. Gray opposed.

A motion was made by Mr. Gray and seconded by Mr. Sullivan to increase the surety for Heritage Street to \$60,000.37, and to have the Planning Department issue a letter to Mr. Goldstein to that fact and requiring Mr. Goldstein to comply within 45 days from the date of the letter. The motion carried as amended. Mr. Gray opposed.

Mr. Sylvain asked Mr. Goldstein if he had any questions.

Mr. Goldstein asked if he could be given 60 days to comply as his bank is hard to get a hold of.