



TOWN OF DURHAM
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Town Planner's Recommendation
118 Piscataqua Road Condominiums
Wednesday, December 4, 2013

➤ I recommend discussion and continuance to December 11.

Please note the following:

- 1) The applicant was going to meet with the Energy Committee on November 19 but did not make that meeting. The applicant should meet with the Energy Committee or at least a representative of the committee to discuss energy issues.
- 2) The applicant was going to meet with the Conservation Commission on November 14. I am waiting to hear the results of that meeting.
- 3) The Fire Department is fine with the proposal as long as the building is sprinkled and access is maintained along the driveway (stated in proposed conditions, below).
- 4) The Public Works Department is fine with the proposal as long as a turnoff is built (stated in proposed conditions, below). The applicant was going to submit a sketch of this if that is acceptable, with the surveyor/engineer providing a detailed cross section later as a precedent condition to be approved by the Town Engineer.
- 5) The Police and Code Enforcement Departments did not have any concerns.
- 6) This was accepted as complete on October 9, 2013. The 65-day timeframe takes us to December 11 so that is fine.
- 7) The Planning Board may approve the dock expansion, path, and well with a recommendation from the Conservation Commission.
- 8) A cross section design for the path is needed. This is appropriate as the path will be used by elderly residents to get to the dock.
- 9) The dock expansion has already been approved by NHDES so the Planning Board would approve this after the fact. The applicant believes that the Conservation Commission reviewed the dock before it went to NHDES.
- 10) A plan to eradicate the Japanese Knotweed in the rear is needed. There is an enormous amount of the highly invasive plant. If it is not eradicated now, including all of the roots, there will be significant problems in the future for the elderly occupants. I incorporated a precedent condition on this.

- 11) The applicant should also eliminate the poison ivy at the rear near the driveway, if feasible.
- 12) The side elevations that were submitted do not include the garage additions. Corrected elevations should be submitted. I included this as a precedent condition, below.
- 13) I have included draft conditions of approval, below, but recommend this be continued to December 11.

Draft

NOTICE OF DECISION

Project Address: 118 Piscataqua Road
Project Description: Site plan and subdivision approval for 4-unit condominium
Applicant: Alexander and Alexandra Bakman
Property Owner: Alexander and Alexandra Bakman
Engineer: J. Corey Colwell, MSC Engineers and Surveyors
Map and Lot: Map 11, Lot 24-4
Zoning: Residence C
Date of approval: December 4, 2013

This project has been approved as stated herein. "Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

Precedent Conditions

*[Office use only. Date certified: _____ ; CO signed off _____ ;
As-built's received? _____ ; All surety returned: _____]*

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Department. Certification of the plans is required prior to issuance of a building permit or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

***Please note. If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval - by June 4, 2014 - the board's approval will be considered to have lapsed and resubmission of the application will be required (unless an after-the-fact extension is granted by the Planning Board). **It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline.** We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

- 1) Plan modification. Make the following modifications to the plan drawings:
 - a) Include a plan for a driveway turnout including a cross section to be approved by the Town Engineer. The turnout shall be:
 - i) on the right side of the driveway as one enters the property from Route 4
 - ii) just past the gate
 - iii) built of gravel

- iv) large enough to accommodate a rectangle that can fit one passenger car (or larger vehicle), i.e. a rectangle at least 20 feet long and 8 feet wide, so that a driver can completely pull off, with curves to enter and exit.
- b) Show an acceptable cross section for the path
- c) Submit corrected side elevations, including the garages.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) “For more information about this site plan, or to see the complete plan set, contact the Town of Durham Planning Department, 15 Newmarket Road, Durham, NH 03824. (603) 868-8064.”
 - b) “All outside construction activity related to the development of this site is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday”.
 - c) Add approval block on each page of drawings for signature of Planning Department. It should read: “Final Approval by Rochester Planning Board. Certified by Michael Behrendt, Planning Director, _____
Date _____”
 - d) “Access into the site for fire apparatus must be maintained at all times during the construction process. This is the sole responsibility of the applicant/developer to maintain this access. Please contact the Fire Department at 330-7182 with any questions about access requirements”.
 - e) “All elements shown on the approved site plan must be properly completed prior to issuance of a certificate of occupancy, unless appropriate surety is placed with the Planning Department.”
 - f) “Note that this approval is for the site plan only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted.
 - g) “The building shall be sprinkled as stipulated by the Durham Fire Department.”
 - h) “Vegetation in the vicinity of the driveway shall be kept clear to maintain emergency access for the Durham Fire Department.”
- 3) The applicant shall submit a plan to eradicate the Japanese Knotweed, to be approved by the Town Planner with a recommendation from the Conservation Commission. It will need to be removed prior to issuance of a certificate of occupancy or an acceptable surety will need to be placed.
- 3) Obtain a permit or letter from NHDOT for the expansion of use.
- 4) Physically relocate the shed that is located near the lot boundary.

- 5) Meet all precedent conditions of the related 2-lot subdivision creating this lot and record the plat at the Strafford Registry of Deeds.
- 6) Remove the poison ivy on site/provide a reasonable treatment to control it.
- 7) Sign this notice at the bottom.
- 8) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town: (a) one large set of mylars; (b) one large set of black line drawings; (c) one set of 11"x17" drawings; plus (d) one electronic version by pdf or CD. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. (The primary set of plans was last received October 3, 2013.)

General and Subsequent Terms and Conditions

All of the conditions below are attached to this approval.

- 1)# This Notice of Decision shall be recorded at the Registry of Deeds within 2 months of plan certification.
- 2) Site work. No site work may be undertaken until: a) all of the precedent conditions are met; b) the preconstruction meeting with City staff has taken place; and c) all appropriate erosion and sedimentation control structures are in place. Contact the Planning Department to arrange for the preconstruction meeting.
- 3) As built. Three sets of full size (measuring at least 22" x 34") or black line paper plus one full size mylar plus 1 set of 11" x 17" plus one digital pdf copy of the as-built site plans (or "record drawings") stamped and signed by the Engineer or Surveyor are to be submitted to the Planning Department prior to issuance of the Certificate of Occupancy (or use/occupancy of the site where no CO is required). The as-built drawings must include the following language or equivalent: "This as-built drawing substantially conforms with the final plans approved by the City of Rochester Planning Board and certified by the Planning and Development Department except for the following significant modifications:". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter.
- 4) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 5) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
- 6) Violations. In the event of any violations of these conditions of approval or of any pertinent local, state, or federal laws – such as those regarding erosion and sedimentation control, wetlands, stormwater management, and general site development standards – the City of Rochester reserves the right to take any appropriate permissible action, including,

but not limited to, withholding of building permits, withholding of certificates of occupancy, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.

- 7) Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project. Contact the City of Rochester Code Enforcement Department at 332-3508 regarding building permits. Please also contact the City of Rochester Fire Department at 330-7182 to ensure that the proposed building meets all Fire Codes.
- 8) Findings of fact. a) The applicant submitted an application, supporting documents, and plans for the project; b) The Planning Board held at least one public hearing on the application; c) The Planning Board accepted the application as complete on October 9, 2013; d) The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application meets all requirements (including any waivers, conditional uses, special exceptions, and/or variances that might have been granted); *WAITING FOR* - d) The applicant met with the Energy Committee or its representative to discuss the Energy Checklist; e) The Conservation Commission recommended approval of the dock expansion, path, and well; f) The dock permit was issued prior to the Planning Board review but the Planning Board granted an after-the-fact approval; and g) The Planning Board duly approved the application as stated herein.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair