



PLANNING & DEVELOPMENT DEPARTMENT
City Hall - Second Floor
31 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

June 19, 2013

Charter Foods North, LLC
1111 Gateway Service Park Road
Morristown, TN 37813

Re: Subdivision and site plan to construct a 1,670 sq ft (28 seat) Taco Bell Restaurant with a drive thru window. Case # 115 – 29-1 – B2 – 13

Dear Applicant:

This is to inform you that the Rochester Planning Board at its June 17, 2013 meeting **APPROVED** your application referenced above.

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

Precedent Conditions [Office use only. Date certified: _____ As Builts received? _____]

Surety required? _____ Surety returned? _____ ROD received? _____]

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 December 17, 2013 - the board's approval will be considered to have lapsed and resubmission of the application will be required. It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

- 1) **Plan Modifications.** The plan drawings are to be modified as follows:
 - a) None at this time

- 2) Plan Notes. Add the following notes (or equivalent) to the plan drawings:
 - a) The approval date and the specific variance granted for signage.
- 3) Easements. Submit the approved sewer, water and drainage easement language between the applicant and the Home Depot.
- 4)# Notarized Deed. The applicant must submit to the Planning Department a copy of the signed and notarized deed which will affect the conveyance of the affected land (the land within the lot lines being adjusted). In addition, the driveway easement deed must be provided to the Planning Department. (After the plat is certified by the Planning Department the original deed, driveway easement, and the plat will then be recorded simultaneously (see below). The deeds may refer to the plat and state that the conveyance is not effective until such time as the plat is certified and all documents are recorded).
- 5) State Plane Coordinates. The plans are to be tied into the State Plane Coordinate System or the applicant will need to contribute \$84.00 to the monumentation fund.
- 6) Inspections. The applicant must sign the Agreement for Payment of Inspection Fees and make a cash deposit to cover the expected costs of inspections, in an amount that is determined by the Public Works Department. (The inspections will be conducted by the City of Rochester Public Works Department or its designee. The applicant must pay for inspections – at an hourly rate as determined by the Public Works Department – of the site, including all new infrastructure serving the site).
- 7) Pre-construction Meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 8) Other Permits. All required state and federal permits must be obtained – including alteration of terrain, sewer, as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 9) Drainage Maintenance. A drainage maintenance agreement approved by Public Works must be executed.
- 10) Final Drawings. (a) One set of mylar plus (b) five sets of large black-line plus (c) one set of 11" x 17" final approved site plan drawings plus (d) one electronic version by pdf or CD must be on file with the City. *Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the site plans.* (The applicant need only submit additional black-line sets of drawings or individual sheets, as needed, to make five complete sets – consult the Planning Department). At the discretion of the Planning Department minor changes to drawings (as required in the precedent condition, above) may be marked by hand. Note: If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings. (The primary set of plans was last received May 7, 2013).

General and Subsequent Conditions

All of the conditions below are attached to this approval.

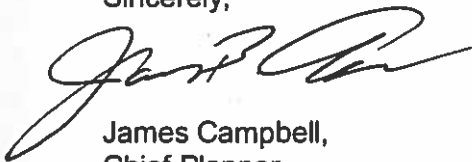
- 1) # **Recording.** The plat, this notice of decision (per RSA 676:3 III), and deed (a deed is required if the lots are owned by two separate parties or if one lot is sold prior to the recording of this plat; (see precedent condition above) must be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by November 9th). See RSA 478:1-a regarding plat requirements. **Failure to comply with this requirement herein shall render the lot line adjustment null and void.**
- 2) **Site Work.** No site work may be undertaken until: a) all of the precedent conditions are met; b) the pre-construction meeting with City staff has taken place; c) the limits of the proposed tree line are marked; and d) all appropriate erosion and sedimentation control structures are in place. These erosion and sedimentation control measures and the orange fence must be in place prior to the pre-construction meeting in order that they may be inspected at the meeting. Contact the City Planning Department to arrange for the pre-construction meeting.
- 3) **Performance Guarantee.** A performance bond must be posted by the applicant before any work commences on a site for all or each portion of the development that, if not properly completed, will have an adverse effect upon the development, adjoining properties, or will have a potential for erosion or pollution. **Where the Planning Board requires the posting of a performance bond or an escrow agreement to secure for the City the satisfactory construction and installation of required site improvements, said surety shall be in an amount determined by the City Engineer.** Construction and installation of required improvements must be satisfactorily executed within the imposed time constraints, or the application shall forfeit said surety, and it shall be used to complete or install said improvements in accordance with city specifications.
- 4) **Variances.** The Zoning Board of Adjustment has granted variances for this project. Any conditions set by the ZBA shall be adhered to by the applicant. Copies of the decisions are part of the record.
- 5) **Erosion Control.** All erosion and sedimentation control structures must remain in place and be maintained until vegetation is established or ground surface is suitably stabilized. Note that the filter fabric on silt fences must be buried at least 12" below the ground surface in order to function properly. Best management practices must be followed for wetlands protection.
- 6) **As Builts.** 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 any accompanying letter. The Department relies on the good judgment and good faith of the engineer/surveyor in determining which modifications should be considered significant (for example, minor adjustments in locations of plant materials would not be significant whereas relocation of a catch basin would be).

- 7) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 8) 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.
- 9) 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 driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
- 10) Other Permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project. Contact the City of Rochester Building Safety/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. Finally, please contact the Department of Public Works for any stormwater, sewer, or water permits or fees that are required.

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

Sincerely,



James Campbell,
Chief Planner

cc: MHF Design Consultants
File