



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

NOTICE OF DECISION

January 27, 2011

Mr. Chris Moretti
G.B. New Hampshire 2, LLC
14 Breakneck Hill Road, Suite 101
Lincoln, RI 02865

RE: Site plan to construct a 13,225 square foot CVS pharmacy with drive through, a secondary 3,700 square foot bank, and associated improvements, including parking, access, drive through, landscaping, and drainage structures. Case # 115-40-B2-10

Dear: Mr. Moretti:

This is to inform you that the Rochester Planning Board at its January 24, 2011 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. The waiver for the length of handicap spaces and the conditional uses were approved.

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 July 25, 2011 - 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. **Also, a building permit must be issued and substantially acted upon within 1 year of plan certification or the Planning Board approval is considered null and void.** See RSA 674:39 on vesting.

- 1) 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 City of Rochester Planning Department, 31 Wakefield Street, Rochester, NH 03867. (603) 335-1338."
 - b) Add approval block on each page of drawings for signature of Planning Department. It should read: "Final Approval by Rochester Planning Board. Certified by _____ Date _____"
 - c) "All utilities must be underground, including utilities extended onto the site from existing poles near the site."
 - 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) "There is a 50 foot buffer requirement from wetlands under the City of Rochester Zoning Ordinance as shown on this plan. There may be no encroachment within these buffers except as permitted under the ordinance. The uses shown within the buffers on this plan are approved conditional uses".
 - f) "This development must be in compliance with all applicable law – including all pertinent provisions of the City of Rochester Site Plan Regulations – unless otherwise waived".
 - g) "The Code Enforcement Officer administers the City of Rochester Sign Ordinance. Signage submitted as part of this site plan package is still subject to his review to ensure compliance with that ordinance and other applicable codes, independent from this site plan review. In addition, if any significant change or expansion is proposed to the design of the approved freestanding sign or to the overall advertising signage for the site (not including accessory signage, such as handicap parking signs), the proposed sign designs must be presented to the Planning Board for review prior to issuance of those sign permits. A sign permit must be obtained prior to installation of any signs on site". See subsequent condition, below.
 - h) "This project proposes to disturb over one acre of existing ground cover and meets other specific requirements related to permit criteria for EPA NPDES compliance. The Contractor is responsible for development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), submission of a Notice of Intent (NOI) to EPA, inspection and maintenance of sediment control measures, documentation of maintenance activities, and submission a Notice of Termination (NOT) to EPA. The Contractor is also responsible to comply with any or all other aspects of current Federal, State and Local storm water or NPDES regulations or requirements."
 - i) "The applicant shall obtain a Stormwater Management permit from the Public Works Department (unless determined to be unnecessary by the City Engineer) and follow the requirements of City Ordinance Chapter 50. The permittee shall prepare a written plan for managing stormwater that enters the construction site and shall present it to the inspection engineer at the pre-construction meeting. The permittee

shall follow Best Management Practices to prevent erosion in areas where the soil has been disturbed.”

- j) “The sewer impact contribution must be paid in full, to the Code Enforcement Department, prior to the issuance of a certificate of occupancy. The sewer impact is a one time payment of \$2.00 per gallon for average daily flow.”
- k) “An orange construction fence must be placed alongside the wetland buffer or where applicable along the edge of the construction areas of the approved conditional uses prior to the start of construction (this is not required if the required silt fence is orange).”
- l) “All off site improvements included in this approval shall be completed prior to issuance of a certificate of occupancy unless an appropriate surety is placed.”

2) Make the following modifications to the plan drawings:

- a) Show landscaping in front of and on the sides of the electrical transformer to screen it from the street.
- b) Show all ADA markings and signage, including ramps, striping, truncated domes, etc. (check with the Code Enforcement Department with any questions)
- c) Add “no parking signs” at the two striped rectangles next to the handicap parking spaces.
- d) Clarify which plants will be placed in front of the transformer in front of Laconia Savings Bank. The plants should buffer the view of the transformer.
- e) Show snow storage area for bank, to be located outside of the wetland buffer.
- f) Show truncated domes at crosswalks per ADA
- g) Add full enclosure around dumpster behind bank; add detail for at least 6 foot high fencing.
- h) Submit detail/cut sheets for shielded lights and poles (not to exceed to exceed 25 feet in height)
- i) Incorporate any final NHDOT changes into the plans.
- j) Label dumpster locations
- k) Label crosswalk in front of bank
- l) Label # of river birch on Landscaping Plan
- m) Submit revised lighting plans showing no areas exceeding 15 footcandles.

3) Submit final plans for the crosswalk(s) in North Main Street once approved by NHDOT.

4) Submit colors for proposed signage.

- 5) Clarify street numbering with the City Assessor.
- 6) Obtain driveway permit from NHDOT (see Subsequent Condition 1).
- 7)# The plans are to be tied into the State Plane Coordinate System or \$84.83 is to be contributed to the Monumentation Fund.
- 8) 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.)
- 9) The sewer discharge permit of \$50.00 is to be paid to the Planning Department (this is for any new connection to sewer which will exceed 500 gallons per day).
- 10) Make any outstanding payments to CLD Consulting Engineers, the City of Rochester's consultant for outside review.
- 11) The pre-construction meeting agreement is to be signed by the property owner.
- 12) All required state and federal permits must be obtained with copies of permits or confirmation of approvals delivered to the Planning Department.
- 13) A drainage maintenance agreement approved by Public Works must be executed.
- 14) (a) One set of mylar plus (b) five sets of large blue-line or black-line plus (c) one set of 11"x17" final approved site plan drawings – including the lighting and signage plans - 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 blue-line/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 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 January 13, 2011.)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) If the applicant desires to obtain a certified site plan by the Planning Department prior to issuance of the NH DOT driveway permit (regarding precedent conditions 2i, 3, 6, and 12) it may do so if it also provides a recordable, signed acknowledgement/ agreement acceptable to the Planning Department that any building or site work performed prior to the driveway permit's receipt shall be at its own risk and that an updated site plan must be provided to the Planning Department for certification within 30 days following the issuance of the driveway permit that incorporates appropriate reference to the permit and its conditions. No certificates of occupancy for the site will be issued without final nhdot approvals.

- 2) There are a number of wall signs proposed. The applicant would need to apply for a variance to have more than one building sign. The pylon sign does not meet the ordinance for area or setback. The maximum allowed is 75 square feet per side. Also see precedent condition above.
- 3)# **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; c) the prominent orange fence along the edge of the wetland buffer, if any, are present (referred to in precedent condition, above) is installed; 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 preconstruction meeting.
- 4) 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.
- 5) The City will reimburse the applicant \$259.50 that was overpaid on the application fee.
- 6) Three sets of full size (measuring at least 22" x 34") blue line 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. 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) The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 8) 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) Please note. 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.

- 10) 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.

(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).

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Michael Behrendt
Chief of Planning

cc: VHB - David Fenstermacher via e-mail
RLP Realty, Inc. - Richard Poulin
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