



PLANNING & DEVELOPMENT DEPARTMENT  
City Hall - Second Floor  
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Planning & Zoning  
Community Development  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

NOTICE OF DECISION

August 21, 2012

Cumberland Farms, Inc.  
100 Crossing Boulevard  
Framingham, MA 01702

Re: Nonresidential site plan for Agricultural retail motor fuel outlet which includes Agricultural 4,503 sq ft convenience store and fueling dispensing area with four dispensers and an overhead canopy.  
Case # 115 – 41- B2 -12

Dear Applicant:

This is to inform you that the Rochester Planning Board at its August 6, 2012 meeting APPROVED your application referenced above.

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"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 requested waiver(s) and conditional use 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 February 5, 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. 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) Plan modification. Make the following modifications to the plan drawings:
  - a) Clarify type of curbing being used for landscaped island at the entrance to the development.

- b) State plane coordinates. The plans are to be tied into State Plane Coordinate System or the applicant will need to contribute to the monumentation fund as determined by the Planning Department.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
- a) 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 \_\_\_\_\_"
- b) "Limits of proposed tree line shall be clearly marked prior to cutting."
- 3) Easements. Submit the approved access easement language between Map 115 Lot 41 and Lot 42.
- 4) Staff. Secure final staff sign-offs for application.
- 5) 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.)
- 6) Preconstruction meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 7) Other permits. All required state and federal permits must be obtained – including alteration of terrain, as appropriate - with copies of permits or confirmation of approvals delivered to the Planning Department.
- 8) Drainage maintenance. A drainage maintenance agreement approved by Public Works must be executed.
- 9) Architecturals. The applicant must submit two 11" x 17" paper sets of full architectural elevations in color as approved by the board (one for Planning and one for Code Enforcement). These must include a scale and show building height.
- 10) Final drawings. (a) One set of mylar plus (b) five sets of large black-line plus (c) one set of 11"x17" 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 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 July 30, 2012.)

#### General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1)# 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; 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 preconstruction meeting.
- 2) Variances. The Zoning Board of Adjustment has granted two variances for this project for signage. One was for the setback and size of the pylon sign and the second was for two wall signs on the canopy in addition to the wall sign on the building when only one wall sign is allowed.

- 3) Waivers. The Planning Board granted the following waivers as part of this approval: Article II, Design Standards, Section 5 (D) (2); 5 (D) (8b); 5 (D) (8c); and 5 (E) (11).
- 4) 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.
- 5) 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 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).
- 6) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 7) 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.
- 8) 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.
- 9) 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.

(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,

The signature is handwritten in cursive, reading "James Campbell". Below the signature, the letters "CO" are circled in ink.

James Campbell,  
Chief Planner

cc: MHF Design Consultants, Inc. c/o Frank Monteiro  
File