



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

September 16, 2010

Liu's Garden
67 Briarbrook Street
Milton, MA 02186

RE: Site plan application to establish a Chinese Restaurant. Case # 128-219-B2-10

Dear Mr. Liu:

This is to inform you that the Rochester Planning Board at its September 13, 2010 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 requested waiver(s) 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 March 14, 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) "All utilities must be underground, including utilities extended onto the site from existing poles near the site. However, if the only pole nearby is across the street, one additional pole may be placed on/near the property to allow for overhead extension of wires

across the street. Utilities extending from any such new pole must be underground. The applicant may work with the City staff as appropriate to address this requirement.”

- b) “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”.
 - c) “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”.
 - d) “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”.
 - e) “The sewer impact contribution must be paid in full 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.”
 - f) “Hancock Street was recently paved and is therefore subject to a cutting moratorium for five years. However, an excavation permit to install utility service connections will be issued prior to the five year timeframe provided: i) a minimum \$5,000 bond is posted with the Public Works Department for, and remains in effect for, at least a year after the street is cut; and ii) the applicant’s contractor completes a curb to curb overlay for a distance of at least 20 feet on either side of all trench patches and all pavement joints are heated with infrared and rerolled.”
- 2) 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.)
 - 3) The sewer discharge permit of \$50.00 is to be paid (this is for any new connection to sewer which will exceed 500 gallons per day).
 - 4) The pre-construction meeting agreement is to be signed by the property owner.
 - 5) A drainage maintenance agreement approved by Public Works must be executed.
 - 6) The applicant must submit two 11” x 17” paper sets of full architectural elevations in color as approved by the board, including showing the green metal roof (one for Planning and one for Code Enforcement). These must include a scale and show building height.

- 7) (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 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 September 1, 2010)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) The drainage system must be properly maintained to ensure it remains in working condition.
- 2) If a fire suppression system is required and the service needs to be upgraded, any changes must be reviewed and approved by DPW prior to construction.
- 3) The plans propose using the existing sewer service. The existing sewer service must be exposed, inspected and approved for re-use by Public Works. If the existing service is deemed unacceptable by Public Works, then the service shall be replaced from the main to the building.
- 4) The project will need a hood suppression system for cooking equipment. Sprinklers may be needed if occupancy exceeds 50.
- 5) The applicant has the right to use back City land for staging of construction subject to the approval of the City Manager. The City Manager has the right to withdraw permission to utilize its land upon reasonable (relatively short) notice.
- 6)# **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.
- 7) 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.
- 8) Five 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 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).

- 9) The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 10) 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.
- 11) 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.
- 12) 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: Berry Surveying & Engineering
File