



**PLANNING & DEVELOPMENT DEPARTMENT**  
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Planning & Zoning  
Community Development  
Conservation Commission  
Historic District Commission

**AMENDMENT**

April 6, 2012

OCW Retail-Rochester, LLC  
c/o The Wilder Companies  
Prudential Tower  
800 Boylston Street - Suite 1300  
Boston, MA 02199

Re: Amendment to approved site plan to eliminate the 5,500 square foot "Restaurant B" building, and replace it with a 12,500 square foot retail building, b) remove the 400 square foot ATM facility, and c) provide blanket approval for range of permitted uses on the site if located within approved buildings. 130-38 & 246-21-B2/R2-12

Dear applicant:

This is to inform you that the Rochester Planning Board at its April 2, 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.

**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 October 2, 2012 - 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) Add "no parking" signs at the two striped rectangles next to the handicap parking spaces.

- b) Show fencing to enclose the dumpster. It is to be six feet high or the height of the dumpster, whichever is higher.
- 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) "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) "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."
- d) "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."
- e) "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. Various requirements regarding the building design – possibly including a sprinkler system - may be specified at that time."
- 3) Provide cut sheets for all lights, including full cut off designs.
- 4) 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.)
- 5) Preconstruction meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 6) 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.

#### **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

- 1) This amendment includes an allowance to convert any existing or approved uses on the site plan to any office, retail sales, retail service, business service, or restaurant use without any Planning review provided the total number of parking spaces required for the site does not exceed 1,521. However: a) The manager/owner of Rochester Crossings shall notify the Planning Department when there is any such proposed change in use (from one type of use to another). The Planning Department shall then email the Planning Board of the proposed change in use and allow all board members at least 24 hours to request that the change in use be reviewed. If no such request is made then the Planning Department may approve the change administratively; and b) This allowance exempting change of use from review does not include situations where there is a change of use to the spaces occupied by the two major tenants in Retail B (Kohl's) and Retail C (Lowe's).
- 2) Final architectural designs are to be submitted via pdf to the Planning Department. The department will forward these to the Planning Board. If any members have any concerns expressed within 24 hours then the architectural design shall be reviewed by the Planning Board. However, in such event no notice nor public hearing shall be required.
- 3)# **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.** 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) **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. 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).
- 5) **Execution.** The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 6) **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.
- 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.

(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,

A handwritten signature in cursive script that reads "Michael Behrendt" followed by a small monogram "MBH".

Michael Behrendt  
Chief of Planning

cc: Bryant Anderson, P.E. VHB  
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