



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

NOTICE OF DECISION

June 11, 2012

Tractor Supply Company
Steve Younger, Director of Owned Store Development
200 Powell Place
Brentwood, TN 37027

Re: Site plan to construct a 19,097 square foot retail store with 15,000 square feet of outdoor display area and associated parking. Case # 208-1-2-GRD-12

Dear Mr. Younger:

This is to inform you that the Rochester Planning Board at its June 4, 2012 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) and conditional use were granted.

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 December 4, 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) In accordance with RSA 674:41 I. (c), City Council must approve issuance of building permits for this site to take access off Two Rod Road, which is a class VI road.
- 2) Plan modification. Make the following modifications to the plan drawings:
 - a) Add "(Class VI portion)" after "Two Rod Road" on drawing.

- b) Add one "no parking sign" at the eight foot wide striped rectangle next to the handicap parking spaces.
 - c) Confirm that the abutters, John and Carol Meader, are willing to have their driveway relocated to Two Rod Road (Class VI portion), and confirm location of proposed driveway (this condition shall not delay progress in meeting the precedent conditions on this project; there shall not be any fee should a modification from this condition be required).
 - d) Remove note 26. on C1 as it is the same as note 22.
 - e) Provide cut sheets of wall pack lights.
- 3) Plan notes. Add the following notes (or equivalent) to the plan drawings:
- a) "Any outdoor loudspeakers must comply with performance standards under the Zoning Ordinance for maximum decibel levels at the property line."
 - b) "It is acknowledged to be the sole responsibility of Tractor Supply (and its successors) to maintain the travelway and any associated improvements along Two Rod Road (Class VI portion), providing access to the subject project, until such possible time in the future when additional development might take access from the road and other arrangements for maintenance might be made."
 - c) 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 _____"
 - d) "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".
 - e) "An orange construction fence must be placed alongside the wetland buffer prior to the start of construction (this is not required if the required silt fence is orange)."
- 4) Driveways. Obtain driveway permit from NHDOT
- 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 and subsurface (for leach field), as appropriate - with copies of permits or confirmation of approvals delivered to the Planning Department.
- 8) Current use. The subject property or a portion of it is presently in Current Use. The applicant must provide to the City of Rochester Assessing Department a revised current use map and/or any other items needed to assure that the requirements of RSA 79-A and the New Hampshire Department of Revenue's Administrative Rules are satisfied. Contact the Assessing Department at 332-5109 with any questions. It will facilitate the process for you if you contact the department well in advance of commencing the project.

- 9) Outstanding fees. Pay balance of the application fee - \$300.00 that is due.
- 10) Drainage maintenance. A drainage maintenance agreement approved by Public Works must be executed.
- 11) 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.
- 12) 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 May 16, 2012.)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

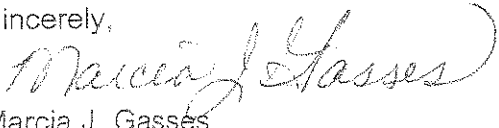
- 1) Prior to the issuance of a building permit the applicant shall record an indemnification form pursuant to RSA 674:41 I. (c).
- 2) If required by the chair of the E911 Committee, the applicant shall apply for a new street name and post a street sign at the entrance of what is presently Two Rod Road (Class VI portion).
- 3) Signage. The applicant shall submit a color pdf program for all proposed signage to the Planning Department. If any Planning Board member wishes to have the board review the sign it shall be presented to the board without any notification or public hearing being required.
- 4) Barbed wire may not be used on the outdoor fencing (according to the applicant none is proposed).
- 5) Knox boxes shall be provided to the building and to fenced in areas as requested by the Fire Department.
- 6) A spill control counter measure section shall be included in the Stormwater Management Maintenance and Inspection Manual (SMMIM) that is provided as part of the Alteration of Terrain Permit application and drainage report.
- 7)# 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 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.
- 8) Waivers/Variances/Conditional Use. The Planning Board granted waivers for landscaping and a conditional use for a driveway to be located in the outer 25 feet of the buffer. The ZBA granted variances for an eight foot high fence and for parking to be based on the actual number of needed spaces (65 rather than 87).

- 9) 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.
- 10) 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).
- 11) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) Logging. Please note that RSA Chapter 79 - Forest Conservation and Taxation specifies requirements for the removal of timber or wood from a property. Please contact the City of Rochester Assessing Office at 332-5109 if Chapter 79 applies to any intended cut or if you have any questions about any intended cut. It is the property owner's responsibility to ensure compliance with Chapter 79. RSA 79.1 II. (b) (5) states *'The following persons shall not be required to file an intent to cut or be subject to the tax imposed by this chapter...[a] person who cuts or causes to be cut, within the tax year, up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips, from the person's own land within a municipality, for land conversion purposes other than timber growing and forest uses, provided that those persons intending to convert the use of the land have secured all required permits including, but not limited to, building permits, subdivision or zoning permits, excavation permits, or site plan approvals, as necessary for the use to which the land will be converted, and are able to furnish proof of such permits.'*

(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, reading "Marcia J. Gasses". The signature is written in dark ink and is positioned above the printed name and title.

Marcia J. Gasses
Planning Secretary

cc: Norway Plains Associates
File