



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

NOTICE OF DECISION

January 12, 2012

Cardinal's Seafarer Restaurant, Inc.
Rene Cardinal & Wayne Cardinal
P O Box 316
Rochester, NH 03866

RE: **Wayne Cardinal & Rene Cardinal, Route 11** (by Berry Surveying and Engineering).
Lot Line Revision. Case # 216-29 & 221-164-B2-12

Dear Sirs:

This is to inform you that the Rochester Planning Board at its January 9, 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.

Precedent Conditions [Office use only. Date certified: _____ ROD received? _____]

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 June 19, 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) The plan drawings are to be modified as follows:
 - a) Show boundary line to be abandoned in distinct fashion (e.g. dot-dash line)

- b) Add "and use" under the note for easement of the existing power line.
 - c) Add "See Easements under Notes" in bold type on or under the main drawing.
 - d) Label Cardinals Plaza as #17 Farmington Road, the Fish Market as #19 Farmington Road, and the vacant dealership as #21 Farmington Road.
 - e) Add note adjacent to the five parking spaces on lot 221-64 west of the new lot line, "Access to these five parking spaces may not be blocked."
- 2) Add the following notes (or equivalent) to the plan drawings:
- a) "There are no utilities, water or sewer facilities, or other property features located in the area to be transferred that are linked with the sending lot in such a manner as to impede the legal fee simple transfer of that area, i.e. no encroachments will result from the boundary adjustment."
 - b) "Easements. This lot line adjustment includes cross easements for the two subject lots for parking, access into the site, and circulation through the site, to be used in a reasonable and in the customary fashion of such easements. In the event that either lot is redeveloped such that a change or termination of one or more of the easements is in order, the applicant for such redevelopment may propose a change or termination as part of the site plan application, subject to reasonable approval by the Planning Board."
- 3) Change the address for the Fish Market building to 19 Farmington Road (presently both the Fish Market and vacant dealership are 21 Farmington Road.)
- 4)# The plans are to be tied into the State Plane Coordinate System or \$40.00 is to be contributed to the Monumentation Fund.
- 5) The applicant must submit to the Planning Department a copy of the signed and notarized deed which will effect the conveyance of the affected land (the land within the lot lines being adjusted). (After the plat is certified by the Planning Department the original deed and mylar of the plat will then be recorded simultaneously (see below). The deed may refer to the plat and state that the conveyance is not effective until such time as the plat is certified and all documents are recorded.)
- 6) (a) Two sets of mylar (or one mylar and one acetate/washout (one recording mylar will be recorded at the registry and one full set will be retained by the Planning Department) plus (b) five sets of large blue-line or black-line plus (c) one set of 11"x17" final approved plans 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 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 December 12, 2011.)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1)# The plat (mylar), this notice of decision (per RSA 676:3 III), and deed (a deed is required if the lots are owned by two separate parties or if one lot is sold prior to recording of this plat; see precedent condition above) must be recorded together at the Strafford County Registry of Deeds within two calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by November 9th). See RSA 478:1-a regarding plat requirements. **Failure to comply with this requirement herein shall render the lot line adjustment null and void.**
- 2) The project must be executed exactly as specified in the approved application package unless changes are approved by the City.
- 3) 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.
- 4) 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.

(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).

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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