



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

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Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF DECISION

November 18, 2010

Poulin Realty Acquisition
Ron Poulin
401 North Main Street
Rochester, NH 03867

RE: Site plan to construct a facility containing a tire sales and service, drive up coffee shop and car rental. Case # 216-25-B2/A-10

Dear Mr. Poulin:

This is to inform you that the Rochester Planning Board at its November 15, 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.

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 May 16, 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) 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) "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".
 - c) "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."
- 2) Make the following modifications to the plan drawings:
 - a) Add note on page E-1 Existing Conditions to disconnect the water service for the existing house at the water main.
 - b) Mark snow storage areas on the plan.
 - c) Tie in roof drain on southerly side of the building to the catch basin at easterly corner of the site.
 - d) Add "no parking signs" at the two striped rectangles next to the handicap parking spaces.
- 3) Obtain driveway permit from NHDOT or confirmation that the permit is approvable/forthcoming pending final okay of construction drawings (note that no certificate of occupancy will be issued with this permit).
- 4)# The plans are to be tied into the State Plane Coordinate System or \$55.41 is to be contributed to the Monumentation Fund.
- 5) 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) 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).
- 7) The pre-construction meeting agreement is to be signed by the property owner.

- 8) All required state and federal permits must be obtained – including alteration of terrain (if applicable) - with copies of permits or confirmation of approvals delivered to the Planning Department.
- 9) Pay balance of any fees, including application fee(\$199.80), that are due.
- 10) A drainage maintenance agreement approved by Public Works must be executed.
- 11) 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) (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 October 20, 2010.)

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1)# **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. However, the existing house on the lot may be demolished at any time once a demolition permit is obtained.
- 2) 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.
- 3) 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).

- 4) The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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,

Michael Behrendt
Chief of Planning

cc: Norway Plains Associates
File