



PLANNING & DEVELOPMENT DEPARTMENT
City Hall - Second Floor
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Planning
Community Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

May 16, 2014

OCW Retail-Rochester, LLC
c/o The Wilder Companies
Prudential Tower
800 BOYLSTON ST STE 1300
BOSTON, MA 02199

Re: Site plan to use a modify a previously approved restaurant pad site at Rochester Crossing to allow for an I.H.O.P. Restaurant Case# 130-38-HC-14

Dear Applicant:

This is to inform you that the Rochester Planning and Development has **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: ^{SMC} 7/23/14; CO signed off? _____]

As- Builts 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 by November 03, 2014 – this 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 this approval is considered null and void.** See RSA 674:39 on vesting.

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cc: Building, Zoning, and Licensing Services Dept.
P. Cutrer, Deputy Fire Chief
G. Young, City Engineer
B. Anderson, VHB Inc.
File # 130-38-HC-14

6/23/14
\$1500
C# 3634
SML 6/17/14
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).

2) Pre- Construction meeting. The pre-construction meeting agreement is to be signed by the property owner.

3) Other permits. All required state and federal permits must be obtained – including alteration of terrain, sewer, as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.

4) Drainage maintenance. A drainage maintenance agreement approved by Public Works must be executed.

5) Final drawings. (a) One mylar of Sheet C2 plus (b) four sets of large black-line plus (c) one set of 11" x 17" 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.*

General and Subsequent Conditions

All of the conditions below are attached to this approval.

1) Site work. **No site work may be undertaken until: a) all of the precedent conditions are met; and, b) the pre-construction meeting with City staff has taken place.** Contact the City Planning Department to arrange for the pre-construction meeting.

2) Performance guarantee. The applicant, prior to issuance of a building permit or beginning site work, shall provide site improvement and restoration security. **The performance guarantee shall be an amount equal to 10% of the approved Construction Cost Estimate (including a 10% contingency) to ensure the proper and timely completion of site work and site restoration within the development. Before the subdivision/site plan can be recorded, lots deeded to third parties, or structures occupied the applicant shall provide a cost estimate of remaining site work including labor, and provide the city with a security equal to 110% of the estimated cost for remaining site work. (Any existing surety being held at this time may be considered toward this amount). This amount shall include preparation of as-built plans.**

Construction Cost estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency. Costs for items not specifically addressed in the Surety Schedule will be based on 1) City standards; 2) NHDOT weighted averages; 3) industry standards; or 4) contractor estimates.

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- 3) Previous approvals: The previous conditions of approval for Rochester Crossing remain applicable.
- 4) 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.
- 5) 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 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).
- 6) Execution. The project must be executed exactly as specified in the approved application package unless changes are approved by the City.
- 7) 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.
- 8) 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 standard – 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.
- 9) 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 Building, Zoning, and Licensing Services Department at 332-3508 regarding building permits. Please also contact the City of Rochester Fire Department at 330-7182 to ensure the proposed project meets all Fire Codes. Finally, please contact the Department of Public Works at 332-4096 for any stormwater, sewer, or water permits or fees that are required.

Sincerely,



Seth Creighton, Staff Planner

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