



**PLANNING & DEVELOPMENT DEPARTMENT**  
City Hall - Second Floor  
31 Wakefield Street  
Rochester, New Hampshire 03867-1917  
(603) 335-1338 - Fax (603) 335-7585  
Web Site: [www.rochesternh.net](http://www.rochesternh.net)

Planning and Development  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

## NOTICE OF DECISION

February 25, 2016

Josh Levy  
Farmington Associates, LLC  
322 Reservoir Street  
Needham, MA 02494

**Re: Site plan and Conditional Use Permit to construct a 163,000 sq ft commercial development. Case# 216 – 8,9,10 – GRD – 15**

Dear Applicant:

This is to inform you that the Rochester Planning Board at its February 22, 2016 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- 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 within 6 calendar months to the day of the board's approval – by August 22, 2016 - 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 modifications. The plan drawings are to be modified as follows:
- a) Add a "tree box filter" symbol and label to the legend.
  - b) Silt fence/erosion control is shown at the very rear of the site against the property line at the top of the proposed slope blasted slope/wall. If this erosion control is not necessary, please remove.
  - c) The final plans shall reflect any NH DOT required changes.
  - d) The final plans shall reflect any NH DES required changes.
  - e) Remove all references to the "100' tall sign".
  - f) Please resize/rescale sheet C-18 so that the southern property line is shown.
  - g) The sidewalk that is adjacent to the parking lot travel land which connects the roundabout to the dual 55,000 sq ft buildings is called out to be 6' wide concrete for  $\frac{3}{4}$  of the length, and the remainder is called out to be 4' wide bituminous. Please change the bituminous to concrete.
  - h) Please call out a thrust block to be placed against the cap at the future connection.
  - i) Please get all colors on the plans to black and white to eliminate any possible shading confusion moving forward. There are some browns, blues, purples, and magentas on the plans.
  - j) Please adjust the warning tape elevation call out from 24" (min) to just read 24". The warning tape is to be located approximately 24" from the top of the pipe, not further if possible.
  - k) Please adjust the callout on the trench details for the storm drain and the sewer from "common fill" for the 12" above the pipe to "sand blanket" or a similar callout matching DOT 304.1.
  - l) Please provide a detail showing the rebus frames and grates for the CBs within the City right-of-way. There is a note in the NHDOT type B detail stating this, but it seems like it could be easy to miss.
  - m) Please provide a detail showing the paxrex frames and covers for the MHs within the city right-of-way. There is a note in the manhole frame and grate detail stating this, but it seems like it could be easy to miss.
  - n) Please adjust the fiberglass hydrant marker pole length from 24" to 48" (min).
  - o) Please adjust the insulation detail on C-12 from being titled "Sewer Pipe Insulation Detail" to "Utility Pipe Insulation Detail" as this type of insulating is for all utility piping.

- p) On sheet C-2A, the stream crossing is called out as a culvert, please revise to call it a "bridge".
  - q) Details of the decorative guardrail must be provided.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
- a) Please note on the plans that additional information and details regarding the proposed cascade and stream/wetland work can be found in the NH DES Wetlands Dredge and Fill application or relocation.
  - b) The "notes" section at the bottom of most plan sheets contains workds that are blurred or missing letters, please correct.
  - c) The "Plant Schedule" on Sheet 5-C uses the code "CA" for two different plants. Please correct.
  - d) Please add a note that the truncated domes on the detectable warning plates are to be installed in parallel with the direction of travel from the sidewalk to the crosswalk. The triangle pattern versus the square pattern is dependent on how the detectable warning plate is installed in reference to the crosswalk.
- 3) Please submit documentation of what storm event the cascade is designed to handle.
- 4) Please submit documentation of the water table in the location of the cascade, and provide a written response noting the depth (feet or inches) of earth between the bottom of the proposed cascade and the top of groundwater table.
- 5) As has been done for Route 11, please submit a traffic study/traffic analysis that lists the projected levels of service at all Marketplace Blvd intersections. It is possible that additional plan revisions may result from a review of this document.
- 6) Please eliminate or reduce by ½ the amount of wall-mount sconce lighting on the eastern sides of both the northern most 2,800 sq ft restaurant and the 17,900 sq ft retail.
- 7) Additional wall mounted lighting along the western side of the Indoor Recreation structure may be warranted (the additional lighting would light the immediately adjacent sidewalk).
- 8) At the request of Staff, the applicant is producing a plan that shows all improvements that are slated to be paid for by the City as part of the TIF/Developers Agreement. This plan will be presented to the Planning Board at the public hearing.  
Staff must also review this plan because the City's land use regulations require the developer to make certain improvements; we will review for such compliance, and any resulting plan changes (if any) will be forwarded to the applicant and the applicant will incorporate them into the final plan set.

- 9) Operation & Maintenance Documents:
- a) Please specify that snow is not to be pushed into the cascade, wetland, or wetland buffer areas.
  - b) Please submit a more detailed monitoring and maintenance plan specific to the cascade and impacted stream buffer areas. These plans should specify inspection intervals, procedures relative to vegetation removal and planting, stabilization, and sediment removal.
- 10) Demo plans call for the drain line between the two CBs at the end of the Marketplace Blvd located beneath the power lines. Is this accurate? It appears to be in the other drawings as remaining.
- 11) What is the purpose of PDMH-142? It appears that it may be difficult to access and install along the edge of the steep slope.
- 12) How was the PUD modeled for the downstream treatment systems? Was there consideration taken that a constant groundwater inflow into the treatment system may cause saturation of the downstream systems and therefore decrease their functionality? While it may not greatly impact stormwater flows, it could impact the system overall.
- 13) 2" is not a common size for ductile iron pipe. Please adjust this to 2" copper or 2" SDR9 (200psi) HDPE. If the HDPE is used, then the detail will need to show tracer wire in addition to the warning tape. If copper is used, then only the warning tape is required.
- 14) NFPA 1 required hydrants at a maximum spacing of 500' apart with a potential increase in frequency based on adjacent building usage. Please review Ch. 18 of NFPA 1 and Annex I for details on hydrant spacing and required fire flow, and revise plans as necessary.
- 15) Please provide inline gate valves approximately every 500'. Please pair these valves with hydrants whenever feasible, away from the water source, to facilitate a directional flushing program.
- 16) Detail for the spacing between the large river stones is called out to be both "Native Material" and "1 thick rip-rap", please reconcile the difference and determine which is desired.
- 17) Please submit a draft easement(s) that speak to placing drainage, access ways, and other improvements on the Eversource property.
- 18) The final plans must include the street addresses of each structure. Please work with City Staff on these address numbers.
- 19) The lots must be merged. A lot merger application is required.

- 20) Easement deeds. The applicant shall provide a copy of any and all draft easements regarding the proposed private drainage structures within a proposed City Right-of-Way ("Frontage Road") in addition to other necessary deeds, including Eversource.
- 21)# Notarized Deed. Not applicable to this application.
- 22) 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 Administration Rules are satisfied. We encourage you to contact the Assessing Department at 332-5109 as soon as possible to discuss with them the financial ramifications of converting current use land. It will facilitate the process for you if you contact the department well in advance of commencing the project. The applicant shall provide the Planning Department with written verification from the Assessor that this has been done.
- 23) State Plane Coordinates. The plan shall be tied into the State Plane Coordinates.
- 24) 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 a 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).
- 25) Pre-construction meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 26) Other permits. All required state and federal permits must be obtained – including any water and sewer, as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 27) Drainage maintenance. A drainage maintenance agreement approved by Public Works must be executed. In addition, a stormwater operations and maintenance plan and schedule shall be submitted.
- 28) Final Drawings. (a) three sets of large black-line plus (b) one set of 11"x17" final approved site plan drawings plus (c) one electronic version by pdf or CD must be on file with the City. (The applicant need only submit additional black-line sets of drawings or individual sheets, as needed, to make three complete sets – consult with 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 February 9, 2015). An updated set of architectural drawings shall be included.

### **General and Subsequent Conditions**

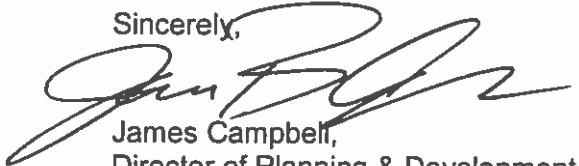
All of the conditions below are attached to this approval.

- 1) As tenants are secured and the related building facades are determined, the applicant must submit architectural elevations to be reviewed and approved by City Staff and/or the Planning Board. Also, the building facades along the frontage road shall be designed so as to not appear as the backside of the building.
- 2) As stated by the applicant, all exterior site lighting (except for security lighting) will be turned off outside of business operating hours.
- 3) The bridge should be built to NH DOT standards. Please provide verification to DPW that this bridge will meet such standards.
- 4) Once the bridge is built, please send the following information to the NHDOT for their records:
  - Bridge location
  - Plans and shop drawings
  - Specifications and Calculations
- 5)# **Site work.** No site work may be undertaken until: a) all of the precedent conditions are met; b) the pre-construction meeting with City staff has taken place; c) the limits of the proposed tree line are marked; 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 of Rochester Planning Department to arrange for the pre-construction meeting.
- 6) **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 structure 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.
- 7) **Variances.** Any and all variances must be adhered to.

- 8) 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.
- 9) As built. Three sets of full size (measuring at least 22" x 34") or black line paper plus on full size mylar plus 1 set of 11" x 17" plus on 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).
- 10) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.
- 11) 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.
- 12) 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.
- 13) 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's Building, Zoning, and Licensing 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. Finally, please contact the Department of Public Works for any stormwater, sewer, or water permits or fees that are required.

(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).

Sincerely,



James Campbell,  
Director of Planning & Development

cc: Tighe & Bond  
J. Grant, BZL Services (via email)  
R. Vincent, Assessing (via email)  
O. Friend-Gray, City Engineer (via email)  
File