

Planning & Zoning Community Development Conservation Commission Historic District Commission Arts & Culture Commission

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



JUN 17 2015

APPLICATION FOR A VARIANCE

	ALLEGATION	A VAINANGE
TO:	BOARD OF ADJUSTMENT CITY OF ROCHESTER	DO NOT WRITE IN THIS SPACE CASE NO 2015 - 17
	617-896-4947	DWYEFILED 9-17-15 ZONING BOARD CLERK
Name of a	applicant_OCW RETAIL-ROCHESTER, c/o The Wilder Comp	anies (on behalf of Tenant, IHOP)
Address_	800 Boylston Street Suite 1300 Boston, MA	
Owner of	property concernedSAME	
	(If the same as appli	cant, write "same")
Address_	(If the same as applicant, write "sa	me")
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Location_	160 Washington Street Rochester, NH	
Map No.	130 Lot No38	Zone HC 82
Description	on of property_Existing Shopping Center - new restaura	nt
		ghting (up lighting) on new IHOP restaurant.
	dersigned hereby requests a varian (d)(1)(a) and asked that said terms be waive	
	ble in this case, the undersigned also receptified plot plan, (see attached request s	equests a waiver from the requirement to heet) Yes No////
enjoymen		mstances exist which prevent the proper he Zoning Ordinance and thus constitute
	Signed	
	(Applic	ant) Continue on Page 2

(Page 2)

CRITERIA FOR VARIANCE

Case # <u>2015-17</u>

Date 1 7 - 1 7 - 1 3
A Variance is requested by The Wilder Companies, Ltd., on behalf of IHOP
from Section 42.28 Subsection (d)(1)(A)
of the Zoning Ordinance to permit: building accent up-lighting
at160 Washington Street (IHOP) Map130 Lot38 Zone H
Facts supporting this request:
The proposed use would not diminish surrounding property values because: Location is within an existing shopping center that already includes site lighting and other building lighting. The additional lighting levels
from Section 42.28 Subsection (d)(1)(A) of the Zoning Ordinance to permit: building accent up-lighting at 160 Washington Street (IHOP) Map 130 Lot 38 Zone Facts supporting this request: 1) The proposed use would not diminish surrounding property values because: Location is within an existing shopping center that already includes site lighting and other building lighting. The additional lighting levels will be insignificant to the existing background lighting and will not impact surrounding properties. 2) Granting the variance is not contrary to the public interest because: The proposed lighting will only enhance the new restaurant and will improve visibility for new customers. The location of the existing shopping center is such that it is located significantly above the surrounding roadway network and much of the center is not visible. 3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property; At the time of the adoption of Section 42.28 in August of 2014 the building design had been completed and the Tenant was not made aware of the recently enacted Zoning bylaw. Building lighting is an important element to the this tenant's design and presence at the shopping center and given the location of the IHOP building on the site, the building lighting is key to attracting customers and its ultimate success. If the business falls after the significant investment in the construction of this new building, the owner is left with a vacant building with limited new tenant options to replace IHO 4.) Granting the variance would do substantial justice because: Substantial investment in new building would allow Owner to see return on Investment. In addition, the success of this tenant will positively impact the rest of the shopping center and allow it to remain economically viable.
only enhance the new restaurant and will improve visibility for new customers. The location of the existing shopping center is such
following special circumstances of the property: At the time of the adoption of Section 42.28 in August of 2014 the building design had been completed and the Tenant was not made aware of the recently enacted Zoning bylaw. Building lighting
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4.) Granting the variance would do substantial justice because: Substantial investment in new building
would allow Owner to see return on investment. In addition, the success of this tenant will positively impact the rest of the shopping center
and allow it to remain economically viable.
lighting primarily for its negative impacts on surrounding properties and roadways. The lighting levels associated with the accent lighthing



March 9, 2015

Ref: 52190.01

Mr. Seth Creighton
Department of Planning and Development
Second Floor, City Hall
31 Wakefield Street
Rochester, NH 03867-1917



JUN 1 7 2015

Re: Site Plan Modification 130-38-HC-14 IHOP Rochester Crossing 160 Washington Street

Mr. Creighton:

On behalf of our client, OCW Retail-Rochester, LLC, VHB is pleased to submit the enclosed application for a modification of approval 130-38-HC-14 for the IHOP Restaurant within Rochester Crossing. The modification proposed is to provide ground and building mounted accent lighting for the certain features of the building as shown on the attached plans. It is our understanding that this modification will require approval by the Planning Board. As such, we respectfully ask that this application be added to the agenda for the April 6th Planning Board Meeting.

We have enclosed the following materials for your review:

- Modification Application (15 copies)
- Application Fee: \$125.00
- Site Plan w/ Building Accent Light Locations Shown (15) 11x17 copies, (1) full size copy
- Building Photometrics Plans, 3/6/2015 (15) 11x17 copies, (1) full size copy
- Lighting Catalog/Cut Sheets (15 copies)
- Waiver Request (see below)

<u>Waiver Request – Section 6 (E) (8)</u>: A waiver is requested to allow vertical surface illumination levels that slightly exceed the 4 fc max. requirement for the left side of the building's portico roof lighting as shown on the enclosed Left Tower and Portico Roof Lighting Levels Plan. The lighting levels for all of the other

2 Bedford Farms Drive

Suite 200

Engineers | Scientists | Planners | Designers

Bedford, New Hampshire 03110

P 603.391.3900

F 603.518.7495

Mr. Seth Creighton Ref: 52190.01 March 9, 2015 Page 2



areas of the proposed building lighting will be less than the 4 fc maximum requirement. The following reasons are provided in support of this waiver request:

- The light levels only slightly exceed 4 fc in a small area immediately adjacent to the proposed
 portico lights on the left side of the building. Based on the photometrics plan, it is the architect's
 professional opinion that these light levels do not create the impression of "hot spots" or overlighting of the building's decorative elements and do conform to the intent of the regulations.
- 2. Project site topography and visibility of commercial business: Although the property directly abuts Spaulding Turnpike on the north, and Washington Street to the west, the IHOP building will not be visible from the Turnpike or Washington Street due to the fact that the site is significantly higher than the adjacent roadways. Due to its topographical characteristics the site slopes sharply down to Spaulding Turnpike and more gradually down to Washington Street where the shopping center's only access is located. The ultimate success of a business like IHOP is, in large part, dependent on capturing potential customers from the roadways. Building accent lighting, if done tastefully can help attract customers where reliance of direct visibility from the roadway is not possible and signage is not enough. Surrounding businesses outside of Rochester Crossing have an advantage as they are situated at generally the same elevation as the adjacent roadway and have excellent sight lines to the building.
- The additional visibility created by the accent lighting is consistent with a commercial corridor and will not adversely impact sensitive receptors such as residential homes or businesses in the vicinity.
- 4. The waiver, if granted, would not generate any light trespass or glare that would impact vehicular or pedestrian traffic, nor is any of the lighting directed toward stands of trees or habitat areas.

VHB appreciates your continued assistance on this project. Please let me know if you have any questions or require an additional information.

Sincerely,

Bryant A. Anderson, P.E.

Senior Project Engineer banderson@vhb.com

cc: Kelli Burke, The Wilder Companies Terry Case, Mr. Stax, Inc. Jonathan Dupree, NRD



Modification to Approved Project

City of Rochester, New Hampshire

Case # 130-38-HC-14 Property Address 160 V	Vashington Street
Type of project: Site Plan_X; Subdivision; Line	Adjustment; Other
Project name I.H.O.P. Restaurant	
Date of original Planning Board approval May 16, 2014 (Plann	ing & Development Approval)
Description of modification _ To provide ground mounted and roo	of/wall accent lighting for the
previously approved I.H.O.P. restaurant within the Rochester Cros	sing site.
OCW Retail-Ro Name of applicant or agent filling out this form 800 Boylston Si	chester, LLC (c/o The Wilder Companies) treet, Ste. 1300, Boston, MA 02199
Phone Number: 617-841-9200 Email Address: kburke@	wilderco.com
Applicant? Kelli Burke Agent? Bryant Anderson (VI-banderson@vhb.com	IB) Today's date 3/9/2015
<u>Please note</u> : Modifications are reviewed by the Planning Board b notices are required. (In contrast, projects, which are considered abutters, are considered amendments for which notice and a pub \$125.00 fee for a modification. For very simple matters ("adminis staff, there is no fee.	ut no public hearing is held and no it to have a potential impact upon lic hearing is required.) There is a trative modifications") approved by
Fee paid? Yes No Check # Staff initials t	
Modification approved Modification denied Date of Plant	
Conditions	ing board action
Conditions	-

Signature: Date:	

Macintosh HD:Users:jaredrose:Desktop:Modification App



PARADOX 4

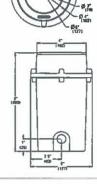
4" Architectural In-Grade LED (Line Voltage)



CATALOG NUMBER		
NOTES		,
TYPE	L26	

203 mm





DESCRIPTION

Hydrel's Paradox Series sealed modular in-grade luminaires are multi-purpose units designed for up lighting architectural and landscape features. These units can be flush mounted into a variety of substrates including concrete or tile, landscape materials, and are IC rated up to 35 watts for wood or insulation applications as well. They are ideal when aperture size or luminaire depth is a priority.

-	
ORDERING	INFORMATION

IP67 <</p>

EXAMPLE: PDX4 B 9LED WHT53K MVOLT SP FLC 12S TKO LPI

PDX4	8		9LED	WHT53K	MVOLT	SP
Model*	filiateri	dit.	LEBYON	LEF Colm*	Valtage*	Light Distribution*
PDX4	SS 8SS B	Stainless Steel Brushed Stainless Steel Bronze	9LED	WHT53K Cool White WHT41K Neutral White WHT30K Warm White AMB Amber BLU Blue GRN Green RED Red	120 ^{1,3} MVOLT ²	SP Spot MFL Medium Flood

FLC	LC 125		тко		
iens"	Coods title 43	4-CC+ 100+	Options	Lamp*	Usting
FLC Flat Lens Clear FLCAS Flat Lens Clear Anti-Slip FLCSR Flat Lens Frosted, Slip Resistant	125* Two 1/2" NPT Side (Standard) 128* Two 1/2" NPT Bottom 205* Two M20X 1,5 Side (Standard) 208* Two M20X 1,5 Bottom	internal TKO Tilt Kit Optic	LDIM In-line dimming 120 volt only	LPI LED Array Included	IEC* International Electrotechnical Commission

Suitable For Wet Locations

*Required Catagories

Notes:

- 120 Volt power supply is magnetic and dimmable using standard incandescent dimming controls when ordered with LDIM option.
- 2 MVOLT = 120-277 electronic power supply, non-dimmable
- 3 Only for use in 60HZ applications.
- 4 Only for use in 50HZ applications.

NOTE: Hydrel Reserves The Right To Modify Specification Without Notice. Any dimension on this sheet is to be assumed as a reference dimension: "Used for information purposes only. It does not govern manufacturing or inspection requirements." (ANSI Y14.5-1973)



20660 Nordhoff St., Suite B • Chatsworth, CA 91311 • www.hydrel.com Phone: 866.533.9901 • Fax: 866.533.5291 ©2014 Acuity Brands Lighting, Inc. 5/27/14

PDX4_LINEV_LED

FEATURES & SPECIFICATIONS

DOOR MATERIAL: Die cast bronze or stainless steel.

HOUSING: Die cast bronze and injection molded thermoplastic. The housing is U.V. stabilized, impact and corrosion resistant for use in all types of environments

LAMP TYPE: LED: Monochromatic LED, 9W

VOLTAGE: See ordering guide

LIGHT DISTRIBUTION: See ordering guide.

LENS/SEAL: Tempered clear flat borosilicate glass. The patent pending door / lens seal uses proprietary knife edge technology to secure the assembly to the housing. Two captive screws hold the assembly in place. The lens is notched to provide maximum aperture opening.

FIXTURE AIMING: The Paradox^{1M} Series uses optical aiming filters with the LED light source when the TKO kit is ordered. The TKO kit consists of 4 filters: 5°, 10° and 15° tilt and 5° axial spread.

CONDUIT ENTRIES: Two 1/2" NPT side entries standard, two 1/2" bottom entries are optional.

IP67 🔷 🛦 🛦

ACCESSORIES: See ordering guide for a list of accessories.

POWER MODULE: Integrally mounted modular LED driver, prewired for easy installation and maintenance.

POWER SUPPLY: Integrally mounted transformer.

FINISH: Natural bronze or stainless steel with a brushed finish

LISTING: CSA, CSA,

RATED: IC, non-IC, ground mounted recessed.



L27

Product Description

Slim low profile design. Luminaire is constructed from rugged die cast aluminum housing and die cast end caps for superior heat dissipation and durability. Integral weather-tight LED driver compartment and high performance aluminum heat sinks. Rugged die cast mounting pads provide for soild and secure luminaire mounting. Optional field adjustable extruded mounting arms to space luminaire up to 18" (457mm) away from the mounting surface. Luminaire body is rotatable 360° in 5° increments for proper aiming and uniform illumination. Rotation is clearly marked with index marks on end caps.

Performance Summary

Utilizes BetaLED® Technology

Patented NanoOptic® Product Technology

Made in the U.S.A. of U.S. and imported parts

CRI: Minimum 70 CRI

CCT: 5700K (+ / - 500K) Standard, 4000K (+ / - 100K), 3500K (+ / - 100K)

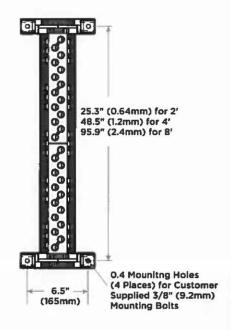
Limited Warranty1: 10 years on luminaire / 10 years on Colorfast DeltaGuard* finish

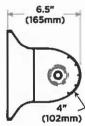
Accessories

XA-XFR12BZ

Field Installed Accessories 18" (457mm) Extension Arm 9" (229mm) Extension Arm Spaces luminaire center 9" (229mm) away Spaces luminaire center 18" (457mm) away from the mounting surface from the mounting surface XA-XFR95V XA-XFR18SV XA-XFR9WH XA-XFR18WH XA-XFR98K XA-XFR18BK XA-XFR9PB XA-XFR18PB XA-XFR9BZ XA-XFR18BZ 12" (305mm) Extension Arm Spaces luminaire center 12" (305mm) away from the mounting surface XA-XFR125V XA-XFR12WH XA-XFR12BK XA-XFR12PB







Ordering Information Example: FLD-OL-40-D2-07-D-UL-SV-350-OPTIONS

FLD-OL	40			D				
Product	Optic	Hounting	LED Count (x10)	Version	Voltage	Color Options	Drive Current	Dylions
FLD-OL	40 40" Flood	D2* D4* D8*	07 14	D	UL Universal 120-277V UH Universal 347-480V	SV Silver (Standard) BIK Black BZ Bronze PB Platinum Bronze WH White	350 350mA 525 525mA 700 700mA	40K 4000K Color Temperature - Color temperature per light bar; minimum 80 CRI 35K 3500L Color Temperature - Color temperature per light bar; minimum 80 CRI DIN 0-10V Dimming - Control by others - Refer to dimming spec sheet for details - Carrit exceed specified drive current

1 See www.cree.com/lighting/products/warranty for warranty terms
1 D = Direct Rotatable; 2 = 2' (.6m); 4 = 4' (1.2m); 8 = 8' (2.4m)







Rev. Date: 06/19/2014



Product Specifications

CONSTRUCTION & MATERIALS

- · Slim low profile design
- Luminaire is constructed from rugged extruded aluminum housing and die cast end caps for superior heat dissipation and durability
- Integral weather-tight LED driver compartment and high performance aluminum heat sinks
- Rugged die cast mounting pads provide for solld and secure luminaire mounting
- Optional field installable extruded aluminum arms to space luminalre up to 18" (457mm) away from the mounting surface
- Luminaire body is rotatable 360° in 5° increments for proper aiming and uniform illumination. Rotation is marked on end caps with index marks
- Exclusive Colorfast DeltaGuard* finish features an E-Coat epoxy primer with an ultra-durable powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. Standard is silver. Bronze, black, white, and platinum bronze are also available

ELECTRICAL SYSTEM

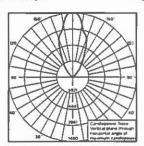
- Input Voltage: 120-277V or 347-480V, 50 / 60Hz, Class 1 drivers
- · Power Factor: > 0.9 at full load
- · Total Harmonic Distortion: < 20% at full load
- 36" (914mm) outdoor rated flexible cord provided for electrical connection
- Integral 10kV surge suppression protection standard
- To address inrush current, slow blow fuse or type C / D breaker should be used

REGULATORY & VOLUNTARY QUALIFICATIONS

- cULus Listed
- · Suitable for wet locations
- Enclosure rated IP66 per IEC 60529 when ordered without P or R options
- Consult factory for CE Certified products
- 10kV surge suppression protection tested in accordance with IEEE / ANSI C62.41.2
- Luminaire and finish endurance tested to withstand 5,000 hours of elevated ambient salt fog conditions as defined in ASTM Standard B 117
- RoHS Compliant
- · Meets Buy American requirements within ARRA

Photometry

All published luminaire photometric testing performed to IESNA LM-79-08 standards by a NVLAP certified laboratory.



ITL Test Report #: 68434 FLD-OL-40-RD-24-14-D-UL-700 Initial Delivered Lumens: 4588

IES File

To obtain an IES file specific to your project consult: http://www.cree.com/lighting/tools-and-support/exterior-ies-configuration-tool

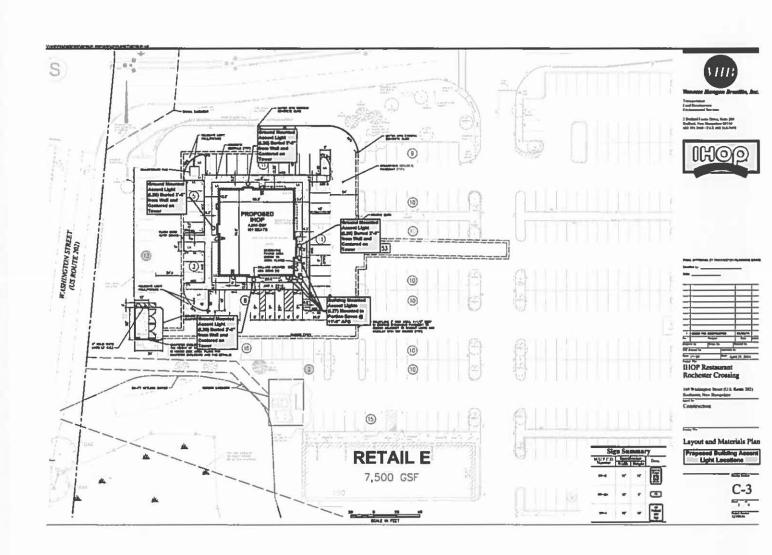
Lumen Output, Electrical, and Lumen Maintenance Data

CED Count / ft (m)	5700K finitial Delivered Lumens 1,271 2,492	4000K Initial Delivered Lamens	System Watts 120-480V	120V	208V	TOTAL C				SOK Hours Projected Lumen Maintenance
Count / ft (m) 2ft 07	Delivered Lumens	Delivered Lamens	120-480V	120V	208V	240V				
		115	3500				2771	3479	430V	Factor @ 15 °C (59 °F)**
		1,185		nA n 25 C (7	7 F)					
	2.492		19	0.16	0.11	0.08	0.09	0.07	0.07	
(.6m) 14		7,785	35	0.28	0.18	GIB	0.16	0.11	0.09	A
4ft 07	2,542	2.229	35	0.28	0.18	0.18	0.16	0.11	0.09	93%
(1.2m) 14	4,985	4371	64	0.54	0.32	0.78	0.75	0.15	0.19	
8ft 07	5,083	4,459	64	0.54	0.32	0.28	0.25	0.15	0.19	
(2.4m) 14	9,966	8,742	126	110	0.65	0.58	0.53	0.76	0.36	Al
			525	mA = 25 € (7.	(F)					
2ft 07	1,855	1,627	25	0.21	D.16	0.11	0.09	80.0	0.09	
(.6m) 14	3.638	3,191	50	0.41	0.25	0.22	0.20	0.12	0.15	A Company
41t 07	3,711	3,255	50	0.41	0.25	0.22	0.20	0.12	0.15	92%
(12m) 14	7,275	6,382	94	0.81	0.48	0.41	0.37	0.28	0.2	1 227
Btt 07	7,421	6.510	94	0.81	0.48	0.41	0.37	0.28	0.21	9
(2.4m) 14	14.55	12.764	197	161	0.94	0.81	0.23	0.55	0.41	d .
(2-4/10)	The state of the s	4409		m4 a 25 C (7		4400	700	-	SADES.	
211 07	2,338	2.051	37	0.32	0.23	0.17	0.18	0.11	0.09	7
(.6m) W	4584	4,021	66	0.55	0.23	0.79	0.26	0.20	0.05	al .
411 07	4,676	4,102	66	0.55	0.33	0.29	0.26	0.20	0.15	90%
(1.2m) 14	9,69	8,043	126	1.09	0.54	0.54	0.48	0.20	0.27	30%
Bft 07	9,353	B,204	126	1.09	0.64	0.54	0.48	0.37	0.27	4
(2.4m) 14	18,338	16,086	751	2.17	1.26	1.08	0.96	0.37	0.54	ri .

^{*} For more information on the IES BUG (Backleys-Lightyle-Care) Rating visit www.cana.ony/PDF/Emalas/1945-TBugRatingsAddendum.pdl. Vield with no lift.
** Projected L_C000 Fours: +60,000. For recommended furner manate-rance factor data see TD-13

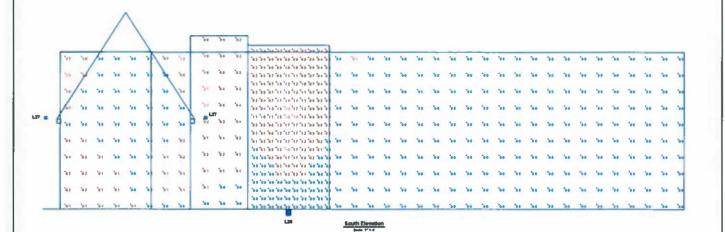
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STATISTICS									
Decaription	Dyreshod	Aveg	Mon	Mine	MosAllon	Avglitte			
Frant Tomas		0-6 to	18.94	G G to	N/A	NEA			
Front (Stoutin) visual	+	994	914	0 0 fc	NIA	N/A			
Person Left Year	*	11.5 pt	2616	00%	R/A	N/A			
Person Right well		62 N	12%	00%	H/A	NEA			
Perton High Year		10 S No	27 lb	00%	H/A	NEA			

Byrrdsol	Later	CHY	College Harry	Chrost Spillers	Lomp	Pile	Lesture	WF	Watte
-	L27	4	PLD-02-265 = 14-2 -14-700-401 (700-40) 000-4104-800 PROH FLD-01-26 (700-4) (700-4)	COSH FELIRED PROM 28 LED TYPE II MEDIUM OPTIC ROWA LIMEAR FLOCED	COMPOURED FROM TWENTY-BIGHT LIGHT EMITTING DICCES 6.EDES VERTIGAL BASS -COMM	PLD-CL-7N- 14-DLL-705 GON-FIGURED E.B	Abechda	0 462	36
0	1.24	1	PICE WELSTON MAYOUT FLC WELSTONA	FTIA X \$ 1,6"H PARACOR SERVES OF CRADE LED FOTTURE SIZ DA YILO'S LED FOTTURE SIZ DESTRUCTURE SIZ DESTRUCTURE SIZ TEMPERED CLEAR FLAT SCROSLICATE GLASS LEMS	SIX DAYLIGHT LEDS	POSE BLED WHITSE WID LT PLC WID COMMAND		0 85	10 58



Designer JRM Date MAR 5, 2015

Scale AS NOTED Drawing No. 14258-F-R2

1 of 1

IHOP FROMT TOWER LIGHTING LEVELS ROCHESTER, NY

Symbol	Labol	City	Cololog Hotelon	Congrigition	Lomp	Plin	Lawrence	ш	Yests
-	L27	3	FLD-CR-7M-"-14-[-LR-700-40K (700-40) CO-#10LHED FROM FLD-CL-2M CZ-14-D-LR-700-# BUSPEZ1-4C-UD (700-44)		CONFIGURES FROM TWENTY-EIGHT LIGHT E-HITTING DICCES REEDS VERTICAL BASE -DOWN	PLD-CL. 294 14.D.QL. 700- COMPROMED E.S	Almeshale	0.60	38
0	L28	1	POW SLED WHISE MAD T FLC HEL STEMA	FDIA I & LETH PARADOX BORGS EN- ORADE LED FOI TURE BU DA VIORI I LEDS WEN REDUS PLOCE THREE PLOCE TO SERVE PLOC	SEX DAYLESHT LEDS	PORA BLED WHATEN, IMPO LT PLC WAT SCHOOL HIS	ADMIRADO	8 85	10 54

STATISTICS						
Doostpillon	Dyttical	Avg	thos	tite	Diktory/Editor	Avegalities
Last Phoss		27%	14340	0196	148.0 7	2201
Loft Tower	+	386	20%	00 N	H/M	MYA
Laff (Weep) Wept	+	91tc	30%	50 Nr	HIR	MYA

| No. | No.

Designer JRM Date MAR 6, 2015

IHOP LEFT TOWER AND PORTICO ROOF LICHTING LEVELS

MAR 6, 2015 Scale AS NOTED Drawing No. 14258-W-R2

1 of 1



STATISTICS						
Description	Symbol	Aug	Man	Blick	Manafallan	Arquitin
Liti Harryn Wapil	+	00 to	01 to	District	H/A	RIA
Rive Hearth Week	+	00%	01%	504i	te/A	Pri A
Horan (Rear) Tower High	*	089	21%	00%	MIA	HEA



North Elevation

Y

Tower Upday and Portico Roof Lighting
Rechester, NY

JRM Date MAR 6, 2015 Scale As Noted

Drawing No. 14258-N

1 of 1

Byrmbal	Label	Dily	Cololing Huttelant	Conditional	Lamp	Pitte	Lamone	ш	Whethe
-	L27	٠	PLD-DL-294**-14-2 -UL-700-H0X (700-H3) COS-PSULPED PRION FLD-DL-70 (31-14-D-UL-700-9 SUFFEZ1-H0-UD (700-H4)	CONFISARIO PROM 28 LED 1995 II MEDIUM OPTIC TOWN LINEAR FLOCIO	CENTROLITED FROM TWENTY-EIGHT LIGHT E-WITTING DICCES 0,EERS, VERTICAL BASE -DOWN	FLDCL 794 14 DUL 185 CONFIGURED ES	Absolute	0.85	36
0	L20	2	PENSED WATES MACET FLC HFL 125MA	FTIM X 8-18PH PARACCI SERIES IN ORNCE LED FOTUNE BIT DAY, ID-H LEDS WITH INCRUMI PLOOD TEMPORED CLEAR FLAT BORDBLICATE GLASS LENS	SIX DAYLIGHT LEDS	POEL BLED WATSTR MYD LT FLC MFL COMMA IN	Alexandre	095	10 %

East Elevation

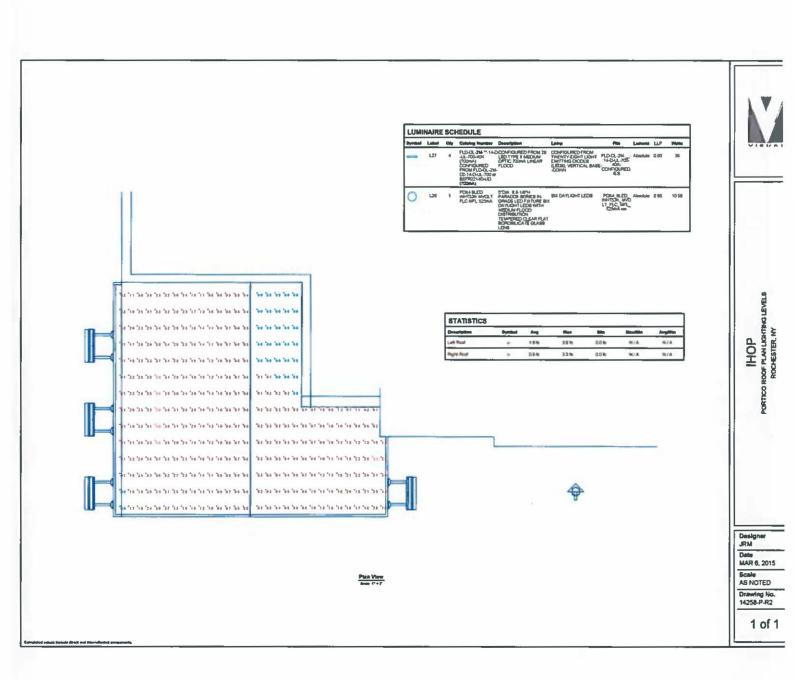
V

IHOP RIGHT SIDE TOWER AND PORTICO ROOF LICHTING LEVELS ROCHESTER, MY

Designer JRM Date

Scale AS NOTED Drawing No. 14258-E-R2

1 of 1





Supplement in support of the Application of OCW Retail-Rochester, LLC for a Variance from Performance Standards governing lighting requirements I-HOP Restaurant at Rochester Crossing Located at 160 Washington Street Located in the B-2 Zoning District Map 130, Lot 38

Summary of Relief Requested

OCW Retail-Rochester, LLC of 800 Boylston Street, Suite 1300, Boston, MA 02199, on behalf of its Tenant, IHOP Restaurant, (hereinafter "Applicant") seeks relief for the following:

A variance to the terms of Article 42, Section 42.28 (d), 1 A

Brief Statement of Relevant Facts

On May 16, 2014 A Notice of Decision was issued to OCW Retail-Rochester, LLC by the Rochester Planning Board for approval of a Site Plan to modify a previously approved restaurant pad at Rochester for an IHOP restaurant (Case# 130-38-HC-14). Building design drawings were prepared for the new restaurant and such plans included building accent lighting features. The Applicant was not made aware of restrictions on lighting. Applicant subsequently filed a building permit application in July of 2014. This application included a full set of building drawings dated 6/23/14. These drawings included provisions for building accent lighting including details for same.

On 9/23/14, a Building Permit was issued (#8472). Copy Enclosed.

During the construction of the building and during a site visit performed by the City of Rochester Planning Staff, certain lighting fixtures were identified to be in violation of the Site Plan Regulations Section 6(E)(8) which "discourages exterior lighting of buildings except for highlighting of exceptional architecture".

A Modification of the Site Plan for a Waiver Request from Section 6(E)(8) was made on March 10, 2015 requesting a waiver to allow vertical surface illumination levels that slightly exceed the 4 fc maximum requirement for the left side of the buildings portico roof lighting. Lighting levels for all other areas of the proposed building lighting are less than the 4fc maximum requirement. A copy of this application is enclosed.

On April 6, 2015, the Planning Board approved the Waiver.

During the Staff's TRG report for the above Waiver Request which was issued to applicant on March 30, 2015, it was noted that in addition to a waiver of the Site Plan Regulations, that the Zoning Ordinance Section 42.28(d)(1)(A) requires that all new lighting comply with the Site Plan Regulations, as well as be "shielded to avoid sky glow". The staff report concluded that a variance from Section 42.28(d)(1)(A) would therefore be required.

Criteria for the Sign Variance

1. The proposed use will not diminish surrounding property values

 The additional lighting created by the accent lighting is consistent with a commercial corridor and will not adversely impact sensitive receptors such as residential homes or businesses in the vicinity. It is located within an existing 300,000 SF shopping center where background lighting levels are established by site lighting, building lighting for the shopping center buildings as well as the background lighting of the existing roadways. The proposed accent lighting will not provide any perceptible increase to the lighting levels at Rochester Crossing.

2. Granting the variance is not contrary to the public interest

The accent lighting will not generate any light trespass or glare that would impact vehicular or pedestrian traffic and therefore is not contrary to the public interest. It is in the public interest for there to be safe notice and visibility to buildings and access to the shopping center located in an area zoned for business use.

3. <u>Denial of the variance would result in an unnecessary hardship to the owner because of the unique circumstances of this property.</u>

Project site topography and visibility of commercial business: Although the property directly abuts Spaulding Turnpike on the north, and Washington Street to the west, the IHOP building will not be visible from the Turnpike or Washington Street due to the fact that the site is significantly higher than the adjacent roadways. Due to its topographical characteristics the site slopes sharply down to Spaulding Turnpike and more gradually down to Washington Street where the shopping center's only access is located. The ultimate success of a business like IHOP is, in large part, dependent on capturing potential customers from the roadways. Building accent lighting, if done tastefully can help attract customers where reliance of direct visibility from the roadway is not possible and signage is not enough. Surrounding businesses outside of Rochester Crossing have an advantage as they are situated at generally the same elevation as the adjacent roadway and have excellent sight lines to the buildings. Rochester Crossing does not enjoy this level of visibility.

4. Granting of the variance would do substantial justice.

It is in the interest of the City as well as the applicant that the shopping center be successful and that the businesses located within the center, be able to compete on a balanced platform with other competitors. The recession of 2008 greatly impacted leasing efforts and it took 7 years to find a suitable, high quality tenant for the final pad location. Commercial retailers are focused on "brand". Many of today's most successful retailers accomplish this branding through building design and signage. The success of the retailer is identified with the brand identity. Building design elements such as the color and material selection are an important part of the design but accent lighting also plays a very important role in this. Tasteful lighting enhances the building and landscaping features including stone towers and portico eaves and creates a pleasing and inviting atmosphere which can contribute to the success of the business, in this case IHOP and the success of the business is paramount to a successful shopping center.

5. The use is not contrary to the spirit of the ordinance.

The Zoning Ordinance sets performance standards to control lighting primarily for potential negative impacts on surrounding properties and roadways. The lighting levels generated by the IHOP accent lighting will be imperceptible from surrounding properties and roadways.

This Card Must Be Placed In Plain View On The Job Site City of Rochester



Building Permit # 8472 Map/Lot 0130-0038-0000

Date Issued	9/23/2014		Date Expires	9/23/2015
	ted to Applicant:	OCW RETAIL ROCHE	STERILLC	
Work Permit				ON PREVIOUSLY APPROVED OSSING DEVELOPMENT
Location 16	0 WASHINGTON	ST		
Signed	James Grant			
Licensing Servi	ces Office to the pro		nces, and regulat	file at the Building, Zoning and ions relating to construction, of Rochester.
		SE SIDE FOR IN		
	SP	ECIAL CONDITION	NS AND NOT	ES
		CONTRAC	TORS	
	PRINC	IPAL CONSTRUCTION	GROUP LLC	
	-			

THIS PERMIT EXPIRES 1 YEAR AFTER DATE ISSUED. PERMITS SHOULD BE RENEWED PRIOR TO EXPIRATION DATE. FEE WILL BE BASED ON WORK REMAINING.

Zoning Summary Chart Zoning District(s): Overlay District(s): Business 2 (B2), Residence 1 (R) Wetland Conservation District

Zoning Regulation Requirements		Required		Provided	
MIN. LOT AREA		NC	3K	49.3±	AÇ++
FRONTAGE		NC	ME	-	FT
FRONT YARD SETBACK		25	FT	> 25	FT
SIDE YARD SETBACK		0	FT	> 0	FT
REAR YARD SETBACK		25	FT	> 25	FT.
WETLAND SETBACK	(BUFFER)	50	FT	50	П.
MAX. BUILDING HEIGHT		35	FT	≤ 35	FT
MAX. BUILDING COVERA	GE	50	2	≤ 50	E
MIN. OPEN SPACE		25	×	> 25	*
PAVEMENT SETBACK	(FRONT)	15	FT	≥ 15	FT
	/sors	10	FT	> 10	FT

- . CHART BASED ON BE DISTRICT REQUIREMENTS.
- INCLIDES PROPOSED RIGHT-OF-WAY AND EXCLUDES DRAINAGE EASEMENT AREA (LDT 248-21).

Parking Su	mmary Chart	
	Spe	ces
Description	Required	Provided
ITANDARO SPACES		1,392
A07040-7 00.070		

Description	Kedmiea	PTOVICIO
STANDARD SPACES		1,392
ACCESSIBLE SPACES .	26	40
TOTAL SPACES	1,502++	1,432
BICYCLE SPACES ***	75	7 RACKS
LOADING SPACES	17	19

INCLIDES VAN ACCESSIBLE SPACES
VARANCE PROVIDES Y GRANTED TO REDUCE REQUIRED PARKING (REQUIRED 1,521, PROVIDED
1,432). PREVIOUS SEE PLAN AUDIOMOTI ALLOWS FOR THE CONVERSION OF ANY EXISTING
ON APPROVID LISES (EXCEPT LOWES AND KONLS) PROVIDED TOTAL NUMBER OF PARKING
SPACES REQUIRED FOR THE STE DOES NOT EXCED 1,521.
SECOT REQUIRED PARKING.

Parking Req	pirements:			
RETAIL A:	-	TOTAL +	•	157
	(SALES)	10,125 SF x 1 SPACE/200 SF +	- 51	
	(STORAGE)	1,125 SF x 1 SPACE/800 SF 4	. 2	
	(SEATS)	122 SEATS # 1 SPACE/3 SEATS .	- 41	
	(STOOLS)	105 STOOLS # 1 SPACE/2 STOOLS 4	- 53	
	(EMPLOYEES)	20 EMP. x 1 SPACE/2 EMP. +	- 10	
KOHL'S (RETAI	L 0):	TOTAL .	• 10	320
	(SALES)	61,839 SF = 1 SPACE/200 SF :	- 309	
	(STORAGE)	6,800 SF = 1 SPACE/600 SF =	- 11	
LOWE'S (RETAI	L C):	TOTAL -	•	704
	(SALES)	125,469 SF # 1 SPACE/200 SF	627	
	(STORAGE)	46,381 SF x I SPACE/800 SF	. 77	
RETAIL D:		TOTAL .		107
	(SALES)	20,680 SF x 1 SPACE/200 SF :	103	
	(STORAGE)	2,200 SF x 1 SPACE/600 SF 4	- 4	
RETAIL E:		TOTAL -	•	44
	(SALES)	5,482 SF x 1 SPACE/200 SF -	- 27	
	(STORAGE)	608 SF = 1 SPACE/600 SF	- 1	
	(SEATS)	43 SEATS = 1 SPACE/3 SEATS	14	
	(STOOLS)	O STOOLS . I SPACE/2 STOOLS .	. 0	
	(EMPLOYEES)	3 DMP. x 1 SPACE/2 DMP	- 2	
RETAIL F:	015-115-V-1100-V	TOTAL 4		15
	(SALES)	2,700 SF x 1 SPACE/200 SF	- 14	
	(STORAGE)	300 SF x 1 SPACE/600 SF 4	- 1	
PETSMART:	I ■ INCAO (SILLEVINI ■ C	TOTAL	•	58
	(SALES)	11,185 SF x 1 SPACE/200 SF	- 56	
	(STORAGE)	1,243 SF = 1 SPACE/600 SF	- 2	
MOP RESTAUR	ANT;	TOTAL	•	70
	(SEATS)	181 SEATS . 1 SPACE/3 SEATS	- 60	
	(STOOLS)	0 STOOLS : 1 SPACE/2 STOOLS	. 0	
	(EMPLOYEES)	20 EMP. a 1 SPACE/Z EMP.	- 10	
TROPICAL SMO	OTHE (RESTAURA)			27
	(SEATS)	42 SEATS = 1 SPACE/2 SEATS	- 21	
	And the Control of th		No. 2400	

Loading Requirements:

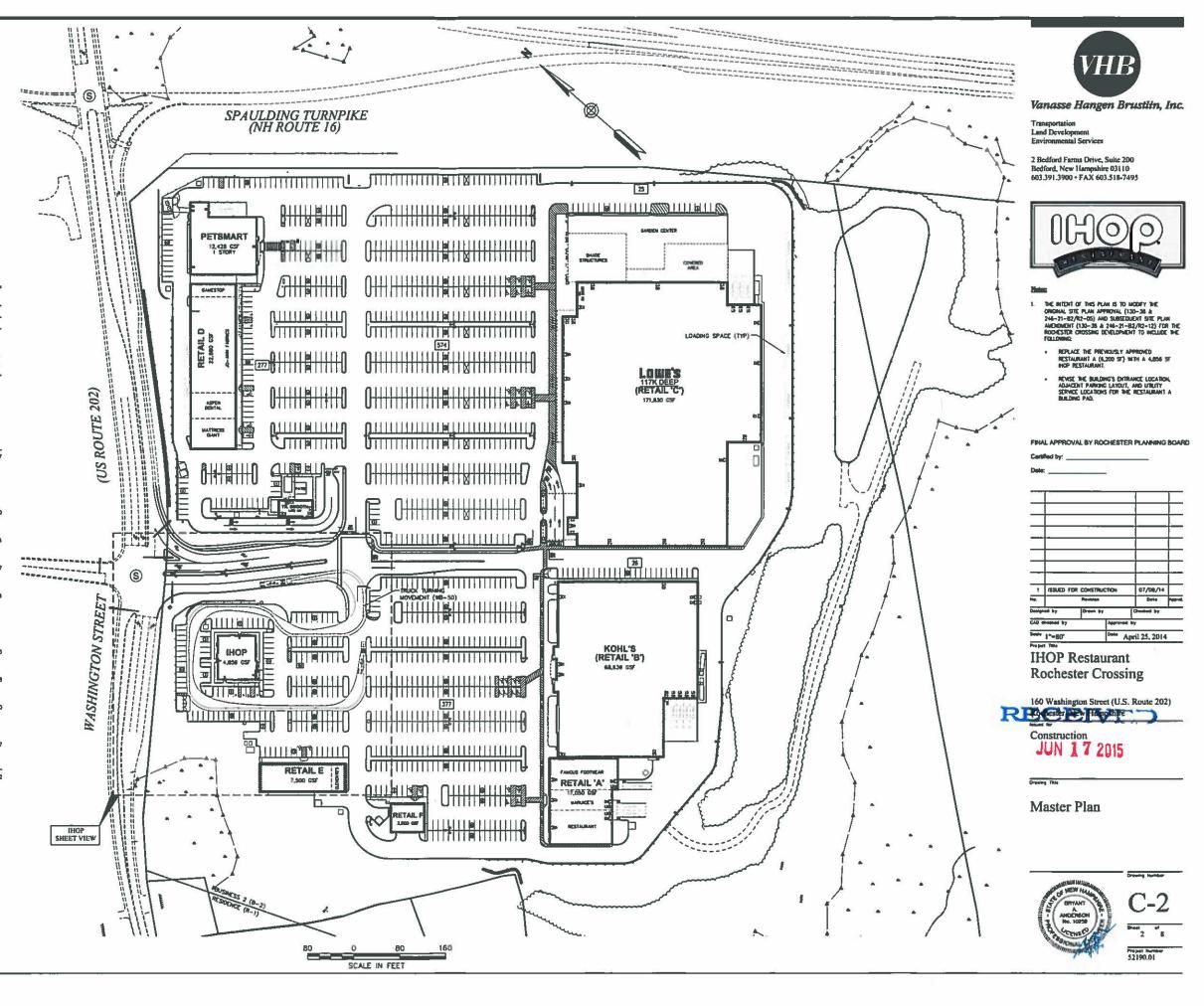
(EMPLOYEES)

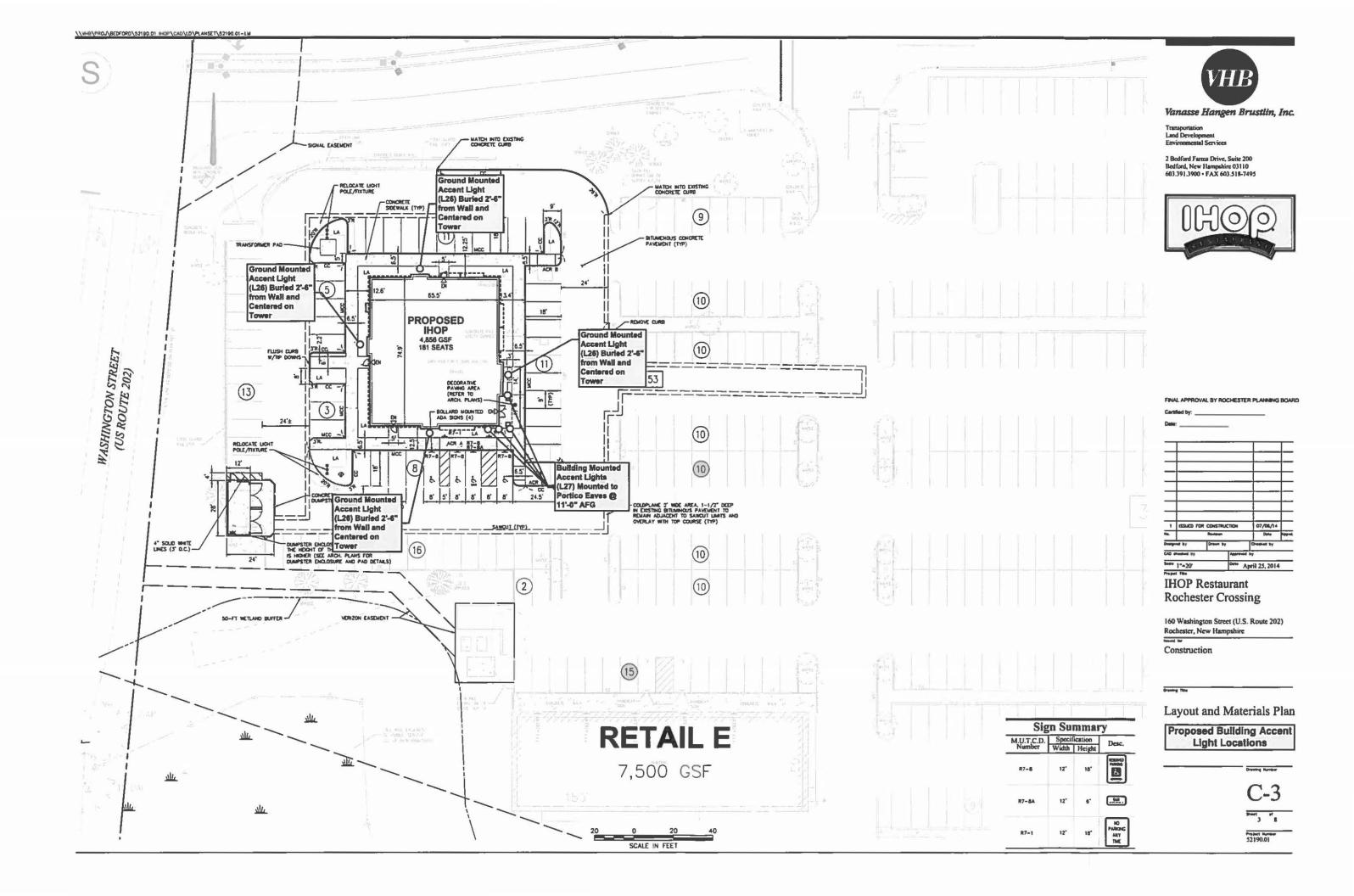
10,000 = 1/10,000 + 7,050/20,000		Š
10,000 x 1/10,000 + 58,639/20,000	•	4
:10,000 x 1/10,000 + 161,630/20,000		-
10,000 x 1/10,000 + 12,880/20,000	-	2
< 10,000		
< 10,000		
9F):10,000 x 1/10,000 + 2,500/20,000	-	
< 10,000		
(1,872 SF): < 10,000		
	10,000 x 1/10,000 + 58,839/20,000 10,000 x 1/10,000 + 161,839/20,000 10,000 x 1/10,000 + 12,889/20,000 < 10,000 < 10,000 \$7}:10,000 x 1/10,000 + 2,509/20,000 < 10,000	10,000 = 1/10,000 + 7,050/20,000 = : 10,000 = 1/10,000 + 58,839/20,000 = : 10,000 = 1/10,000 + 161,830/20,000 = 10,000 = 1/10,000 + 12,880/20,000 = < 10,000 = < 10,000 = \$F\$:10,000 = 1/10,000 + 2,500/20,000 = < 10,000 =

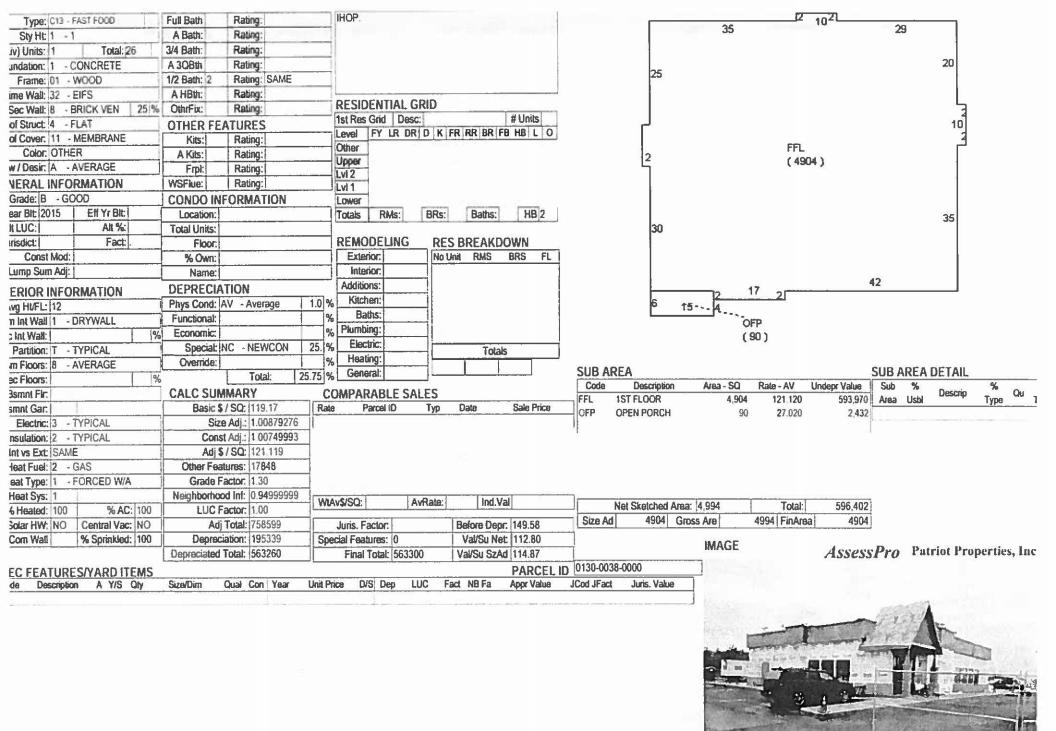
TOTAL LOADING REQUIRED = 17

6 EMP. # 1 SPACE/1 EMP. = 6

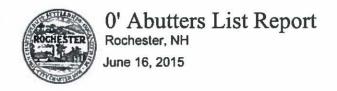
TOTAL PARKING REQUIRED -











Subject Property:			
Parcel Number: CAMA Number: Property Address:	0130-0038-0000 0130-0038-0000 160 WASHINGTON ST	Mailing Address:	OCW RETAIL ROCHESTER LLC % WILDER CO 800 BOYLSTON ST STE 1300 PRU T BOSTON, MA 02199
Abutters:		***	
Parcel Number:	0123-0068-0000	Mailing Address:	GTY MA/NH LEASING INC
CAMA Number:	0123-0068-0000		125 JERICHO TPK SUITE 103
Property Address:	130 WASHINGTON ST		JERICHO, NY 11753
Parcel Number:	0123-0078-0000	Mailing Address:	IAN JOSEPH CAMPBELL LLC
CAMA Number:	0123-0078-0000		60 FARMINGTON RD
Property Address:	125 WASHINGTON ST		ROCHESTER, NH 03867-4327
Parcel Number: CAMA Number: Property Address:	0129-0002-0000 0129-0002-0000 83 BROCK ST	Mailing Address:	ROMAN CATHOLIC BISHOP % FINANCE & REAL ESTATE OFFICE P O BOX 310 MANCHESTER, NH 03105-0310
Parcel Number:	0129-0003-0000	Mailing Address: No Mailing Required	CITY OF ROCHESTER
CAMA Number:	0129-0003-0000		31 WAKEFIELD ST
Property Address:	59 BROCK ST City-		ROCHESTER, NH
Parcel Number:	0130-0028-0000	Mailing Address:	PARKER MICHELLE
CAMA Number:	0130-0028-0000		21 JANET ST
Property Address:	21 JANET ST		ROCHESTER, NH 03867-4409
Parcel Number:	0130-0029-0000	Mailing Address:	TALON DAVID & PAMELA J
CAMA Number:	0130-0029-0000		19 JANET ST
Property Address:	19 JANET ST		ROCHESTER, NH 03867-4409
Parcel Number:	0130-0030-0000	Mailing Address:	DOWNS SHANE R & SHEENA D
CAMA Number:	0130-0030-0000		17 JANET ST
Property Address:	17 JANET ST		ROCHESTER, NH 03867-4409
Parcel Number:	0130-0039-0000	Mailing Address:	WALKER ARTHUR & VICKI L
CAMA Number:	0130-0039-0000		174 WASHINGTON ST
Property Address:	174 WASHINGTON ST		ROCHESTER, NH 03839-5504



Mailing Address:

Mailing Address: LECLAIR RONALD & PATRICIA

ACCOUNTING

P O BOX 3430

176 WASHINGTON ST

ROCHESTER, NH 03839-5504

MANCHESTER, NH 03105-3430

PUBLIC SERVICE CO OF NH % TAX

Parcel Number:

CAMA Number:

Parcel Number:

CAMA Number:

0130-0040-0000

0130-0040-0000

0130-0042-0000

0130-0042-0000

Property Address: 176 WASHINGTON ST

Property Address: 173 WASHINGTON ST

(9)

(10)



0' Abutters List Report Rochester, NH

March 10, 2015

Parcel Number: CAMA Number: Property Address:	0130-0043-0000 0130-0043-0000 19 LABRADOR DR	Mailing Address:	ROUTE 202 L L C % JEAN M KANE 117 BOW ST PORTSMOUTH, NH 03801	(11)
Parcel Number: CAMA Number: Property Address:	0130-0043-0001 0130-0043-0001 26 LABRADOR DR	Mailing Address:	ROUTE 202 L L C % JEAN M KANE 117 BOW ST PORTSMOUTH, NH 03801	(11
Parcel Number: CAMA Number: Property Address:	0130-0044-0000 0130-0044-0000 2 FLORENCE DR	Mailing Address:	BARSTOW WALTER H JR & BRENDA J 2 FLORENCE DR ROCHESTER, NH 03867-4221	(12
Parcel Number: CAMA Number: Property Address:	0130-0053-0000 0130-0053-0000 1 FLORENCE DR	Mailing Address:	SHEVENELL DAVID T & TAMMI L 1 FLORENCE DR ROCHESTER, NH 03867-4222	(13
Parcel Number: CAMA Number: Property Address:	0237-0001-0000 0237-0001-0000 184 WASHINGTON ST	Mailing Address:	MCCALLION DONALD F JR & PAULA A 7 JODY LN STRAFFORD, NH 03884	(14
Parcel Number: CAMA Number: Property Address:	0237-0001-0001 0237-0001-0001 180 WASHINGTON ST	Mailing Address:	MCCALLION DONALD N JR & PAULA & THOMAS M & LORI ANN 7 JODI LN STRAFFORD, NH 03884	(15
Parcel Number: CAMA Number: Property Address:	0237-0006-0001 0237-0006-0001 177 WASHINGTON ST	Mailing Address:	WASHINGTON ST PARTNERS LLC % CHESAPEAKE DEVELOPMENT LLC 501 DANIEL WEBSTER HWY MERRIMACK, NH 03054-3713	(16
Parcel Number: CAMA Number: Property Address:	0246-0020-0000 0246-0020-0000 0 WASHINGTON ST	Mailing Address:	CITY OF ROCHESTER 31 WAKEFIELD ST ROCHESTER, NH	
Parcel Number: CAMA Number: Property Address:	THE IN MANUSCRIPPING SHOP BUILDING THE IS	Mailing Address:	OCW RETAIL ROCHESTER LLC % WILDER CO PRUDENTIAL TOWER STE 300 800 BOYLSTON ST BOSTON, MA 02199	(1)
Parcel Number: CAMA Number: Property Address:	0246-0022-0000 0246-0022-0000 202 WASHINGTON ST	Mailing Address:	LAURION RITA A REVOC TRUST % LAURION RITA A TRUSTEE 2 ROCHESTER HILL RD ROCHESTER, NH 03867-3210	(17
Parcel Number: CAMA Number: Property Address:	0246-0024-0000 0246-0024-0000 92 CHESLEY HILL RD	Mailing Address:	THONE DOROTHY K 92 CHESLEY HILL RD ROCHESTER, NH 03839-5501	(18

Notification Fee:

Property Address: 92 CHESLEY HILL RD

18 Mailings x \$3.78 per mailing =

\$68.04

ROCHESTER, NH 03839-5501



CAI Query Manager Online Rochester, NH





