



PLANNING & DEVELOPMENT DEPARTMENT
City Hall Annex
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Web Site: www.rochesternh.net

Planning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

August 28, 2017

McDonald's USA, LLC
Rhona Murray
690 Canton Street
Westwood, MA 02090

Re: Site plan for a side-by-side drive thru, upgrades to the building façade, and changes to parking. Case# 115 – 42 – HC – 17

Dear Applicant:

This is to inform you that the Rochester Planning Board at its August 21, 2017 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 February 21, 2018 - 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) The outside lighting needs to be shielded to meet Site Plan Regulations.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) A note shall be added to the plan stating that the hours of operation are the same as previously approved 5:00am to 11:00pm.
- 3) The applicant shall provide the easement language for the parking lot.
- 4) The applicant shall provide information regarding the sound level projected from the drive-thru window.
- 5) The applicant shall provide a photometrics plan showing the lighting meeting Site Plan Regulations.
- 6) There shall be no deliveries before 8:00am.
- 7) The applicant shall provide total disturbed area calculations to the Department of Public Works so any drainage needs can be evaluated.
- 8) The applicant shall provide for a 6 foot stockade fence as required in their June 18, 2001 approval and there is to be no space between the fence and the ground.
- 9)# Notarized deed. Not applicable to this application.
- 10) Current use. The subject property or a portion of it is not presently in Current Use.
- 11) State Plane Coordinates. Not applicable to this application.
- 12) 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).
- 13) Pre-construction meeting. The pre-construction meeting agreement is to be signed by the property owner.
- 14) Other permits. All required state and federal permits must be obtained – including any water and sewer, DOT (if modifications to Route 108 need to be made the applicant will need to go back to the Planning Board) as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.
- 15) Drainage maintenance. If required by the Department of Public Works, a drainage maintenance agreement approved by Public Works must be executed.
- 13) 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 July 31, 2017). An updated set of architectural drawings shall be included.

General and Subsequent Conditions

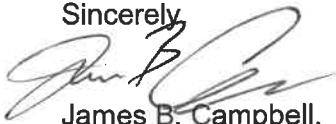
All of the conditions below are attached to this approval.

- 1) The dumpster must be screened.
- 2)# 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.
- 3) 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.
- 4) Variances. Not applicable
- 5) 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.
- 6) As built. An as-built survey plan for this project shall be provided showing the final location of improvements, site conditions, and location and size of utilities. Please submit three full-size paper copies, one 11"x17" paper copy, one electronic copy, and one AutoCAD file of the final as-built plan. Submissions of as-built plans are required prior to: issuance of Certificate of Occupancy's; release of performance escrow money; and, determination of the project being complete. If the applicant seeks a Certificate of Occupancy prior to 100% completion of all improvements, an as-built must be submitted documenting the site at the time. A final, additional, as-built will be required once the project is 100% complete.
- 7) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the City.

- 8) 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.
- 10) 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.
- 11) 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 B. Campbell,
Director of Planning & Development

cc: Bohler Engineering
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