



PLANNING & DEVELOPMENT DEPARTMENT
City Hall Annex
33 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 330-0023
Web Site: www.rochesternh.net

Planning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

July 7, 2020

James Mitchell
Tropic Star Development, LLC
321 D Lafayette Road
Hampton, NH 03841

Re: Site plan and Conditional Use Permit to construct a 4,350 s.f. convenience store and retail motor fueling facility. Case# 131 – 7- NMU – 20

Dear Applicant:

This is to inform you that the Rochester Planning Board at its July 6, 2020 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? _____]

The Planning Board hereby grants the following waivers:

1) Site Plan Regulation Article 3, Section 14(B)(2) requires that new driveways be at least 150 feet from a collector road (centerline to centerline). The proposed "entrance-only" driveway does not meet the required separation from Brock Street because it is 100-feet from Brock Street, instead of 150-feet.

The Planning Board grants this waiver because the 50 foot difference is negligible and the alternative was not supported by the Fire Department, Police Department, or the Planning Department. The proposed design is the safest option.

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 January 6, 2021 - 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. See RSA 674:39 on vesting.

- 1) Plan modifications. The plan drawings are to be modified as follows:
 - a) None at this time.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a) Please add a general note on the plans that the property will work in good faith with abutting properties to incorporate a future vehicular connection. Site Plan Regulation Article III Section 10 (F)(4).
 - b) Note what hours the lights will be on, generally, and which will be on timers/motion sensors.
- 3) Soil contamination exists on site, as noted in the report by GeolInsight. Submission of a soil remediation plan is required.
- 4) The existing 12" RCP culvert at the northern side of the property is to be camera scoped, and the findings are to be forwarded to the Department of Public Works Assistant City Engineers and the Planning Department.
- 5) The applicant is to verify size, material, and condition of drain line indicated as 18" RCP (south of full entrance) on Sheet 4 of 11.
- 6) Current Use. The subject property or a portion of it is not presently in Current Use.
- 7) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 8) Inspections. The applicant must sign the Agreement for Payment of Inspection Fees and make a cash deposit to cover the expected costs of inspection, 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).
- 9) Pre-Construction Meeting. The pre-construction meeting agreement is to be signed by the property owner.

- 10) 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.
- 11) Drainage Maintenance. A drainage maintenance agreement approved by the Department of Public Works must be executed. In addition, a stormwater operations and maintenance plan and schedule shall be submitted.
- 12) 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 flash drive 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 black-line sets of drawings or individual sheets, as needed to make four 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 June 9, 2020).

General and Subsequent Conditions

All of the conditions below are attached to this approval.

- 1) Security cameras are to be used in the outdoor seating area.
- 2) Prior to Certificate of Occupancy, as outlined in Site Plan Regulation Article III Section 7, lot corners are to be monumented, please provide a letter from a NH licensed Surveyor stating these have been installed.
- 3) Because Rochester is becoming known for its Arts movements, the "false window" on the Brock Street side of the store is to be filled in with art. We are open to all art, but something similar to this could fit well: <https://www.fosters.com/news/20171023/lilac-city-installs-downtown-art>.
- 4) Impact Fees. Impact fees apply to this development; the amount will be determined based on the building permit application or as-built plans. The fees must be paid at the time of the issuance of a Certificate of Occupancy.
- 5) Prior to certificate of occupancy the Surveyor is to submit a signed letter to the Planning Department stating that the new lot corner monuments have been set and that reference pins have been set on all easement bounds.
- 6)# 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.

- 7) Performance Guarantee. If applicable, prior to issuance of a building permit or beginning site work, the applicant 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 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.
- 8) Erosion Control. If needed as determined by the City Engineer, 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"x34") or black line paper plus one set of 11"x17" 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 were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter. The Department relies on the good judgement 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 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,

A handwritten signature in black ink, appearing to read "Seth M. J.", with a long horizontal flourish extending to the right.

Seth Creighton, AICP,
Interim Director of Planning & Development/Chief Planner

cc: GPI
Viewpermit
File