



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
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

NOTICE OF DECISION

May 4, 2021

NM Cook
NM Cook Development, LLC
22 Isaac Circle
Dover, NH 03820

Re: Site plan and conditional use permit to construct a bank with drive-thru teller and ATM. Case# 216 – 29 – GRD – 21

Dear Applicant:

This is to inform you that the Rochester Planning Board at its May 3, 2021 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 III Section 5.B.12 states that 25% of the lot should be either landscaped or left in a natural vegetated state. The applicant has requested a waiver from this because the proposal will build out more than 75% of the lot.

The Planning Board grants this waiver because much of this area has been historically disturbed. Much of the existing lot is either paved or un-vegetated, and the applicant is not making the situation worse. There is landscaping proposed in the front and side to rear of the lot shown on sheet 12.

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 3 calendar months to the day of the board's approval – by November 3, 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. Add lot dimensions (distance, in feet, of lot lines) to the plans.
- b. Architectural plans – please add notes stating material type and colors of roofing, siding, and window.
- c. Sheet 10, add orange construction fence to the legend. Add double perimeter barrier at the base of the steep slope within wetlands buffer. Reference detail E-10 Section.
- d. Sheet 10, place perimeter controls outside limit of all work including trail relocation.
- e. The limit of work around DMH #17 will extend into the wetlands buffer more than shown to allow excavation to depth, please amend.
- f. Some sheets do not have titles, please amend.
- g. Sheet 22, please provide details for the water service installation.
- h. Detail U6 on Sheet 22 references detail U9, yet none exists. Please update.
- i. Please clarify where there gate valve will be used. This appears to be gravity sewer materials. Gravity sewer service does not need valve. If for water, the materials must be changed to City of Rochester standards.
- j. One tree in each landscape island is needed (landscape islands abutting the 6-parking space lot), please add.
- k. Per police Department concern, placement of the ATM at the rear of the building is not ideal from a safety standpoint, as it is hidden from site. This area should have good lighting and good placement of security cameras. Please add this to the plan.
- l. Sheet 7 shows snow storage in an area in which it will not work in the front of the site. Please remove.
- m. Remove all language and details related to proposed trail location and improvements. This is off site and not part of this approval.
- n. Please add bollards to the plans to protect the rear structural post.
- o. Please include some lane delineations at the entrance to designate travel lanes from the large open lot to the southeast of the new development.
- p. Roof mounted mechanical and utility infrastructure shall be screened per Site Plan Regulations Section 7.E.2.a

2) Plan notes. Add the following notes (or equivalent) to the plan drawings:

- a. Add note to plans, "Prior to building demolition permit application, call Utility Billing Office to schedule shutoff and meter removal".

- b. Sheet 6, add this note: "Prior to construction, the applicant shall provide flow calculations and schematics to DPW for review of final domestic and fire water service size and configuration, including proposed backflow prevention devices and meters. All commercial and industrial uses require a testable backflow device registered with the Water Utility Billing office. DPW will not sign off on building permit until backflow and metering requirements are satisfied. Hazard class and meter type are determined by DPW."7)
 - c. Sheet 5, Note 23, please remove the word "vested".
 - d. Sheet 5, Note 27, states "mechanicals are to be placed on roof". Is this accurate? The roof is shown to be peaked. Please address.
 - 3) All refuse and yard waste on lot 216-29-1 and lot 216-29 must be removed prior to issuance of the CO.
 - 4) Draft easement language (for access, utilities, parking, snow storage, and the like) must be submitted and must be found acceptable by City of Rochester Legal, Planning, Assessing, and DPW departments. Easements shall be recorded and referenced on the final recorded plan set.
 - 5) As discussed during TRG by Police, DPW and Planning, a concern is with egress traffic from the business to Rte 11. During peak travel times it is difficult to make a left turn across traffic. NH DOT has jurisdiction over Route 11 and driveways along it. TRG staff will be suggesting to NH DOT DPW that this site's exit should be limited to right-turn-only. The City and NHDOT have an agreement to coordinate Route 11 Farmington Road development reviews. To expedite, please provide DPW with copies of all correspondence related to NHDOT review and approval.
 - 6) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
 - 7) 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).
- In accordance with RSA 676:4-b the Public Works Department may, at its discretion dependent on project complexity, require 3rd Party Construction inspection of all subdivision plan improvements. Payment of construction inspection services by the applicant whether performed by a 3rd Party firm or DPW will be via a signed Construction Inspection Services agreement. All required subdivision plan improvements shall additionally be subject to inspection by the City Engineer or designee who shall act as the agent of the Board in enforcing the standards and specifications called for in these regulations.
- 8) Pre-Construction meeting. The pre-construction meeting agreement is to be signed by the property owner.
 - 9) Other permits. All required State and Federal permits must be obtained. The following DPW permits will likely be required: Stormwater Permit, Water Connection Permit, Sewer Connection Permit, Sewer Assessment & Commercial/Industrial Questionnaire, Cross Connection Control Permit and Curb Cut Permit (provide approved NHDOT driveway permit with application).

Copies of permits or confirmation of approvals shall be delivered to the Planning Department by the applicant.

- 10) Drainage maintenance. If applicable, a drainage maintenance agreement approved by Public Works must be executed. In order to comply with the Stormwater Management IOP Manual, DPW staff shall be allowed periodic access to the parking areas for inspections related to the annual stormwater infrastructure report compiled for the City Engineer.
- 11) Final Drawings. (a) three sets of large black-line plus (b) one set of 11" x 17" 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 five complete sets – consult the Planning Department). At the discretion of the Planning Department minor changes to drawings (as required in the precedent conditions, above) may be marked by hand. Note: If there are significant changes to 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. Once the plan is recorded at the Registry of Deeds, submit two 11x17 recorded copies of the plan. Assessing will need an 11x17 recorded copy of the plan.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

1. For demo of the existing building on site, please coordinate removal and capping of existing sewer service with DPW; the capping must be completed prior to project completion or as specified by DPW.
2. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.
3. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the CUP and DES wetlands permit). Wetland buffers shall be marked with orange snow fence prior to any onsite activity, and such markers shall be maintained throughout construction.
4. Landscaping: All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as this site plan remains valid;
5. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
6. Snow storage - Snow shall be removed and stored such that the drainage structures can function properly and the required parking spaces can be utilized. Snow storage may not impact the City's access to the sewer pump station.
7. The new drainage infrastructure must be constructed prior to construction of the new building and associated parking. If the infrastructure is used as a temporary settling area

during construction, the infrastructure shall be cleaned out and brought down to proposed bottom elevation prior to CO of new building.

8. 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.
 9. 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 in the form of either letter of credit or cash equal to 110% of the estimated cost for remaining work. (Any existing surety being held at this time may be converted toward this amount). This amount shall include preparation of as-built plans.
 10. As-Builts. Three sets of full size (measuring at least 22" x 34") or black line paper 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 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).
- As-builts are to include State Plane Coordinates. A copy of the Asbuilt line work is also to be submitted as a CAD file that is georeferenced to that same coordinate system.
11. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
 12. Approvals. 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.
 13. 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.

14. 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.
15. **APPEAL PROCESS:** Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

(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,



Shanna B. Saunders,
Director of Planning & Development

cc: Berry Surveying & Engineering
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