

City of Rochester Planning Board
Monday July 2, 2012 (Regular Meeting)
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on July 16,2012)

Members Present

Nel, Sylvain, *Chair*
Tim Fontneau, *Vice Chair*
James Gray
Rick Healey
Stephen Martineau
Derek Peters
Mark Sullivan
Dave Walker, Councilor

Members Absent

Gloria Larochelle, excused

Alternate Members Present

Robert Jaffin
Gregory Jeanson
Matthew Kozinski

Staff: Kenn Ortmann, Director of Planning & Community Development
James Campbell, Chief Planner
Marcia J. Gasses, Planning Secretary

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City Clerk's office for reference purposes. It may be copied for a fee)

Mr. Sylvain called the meeting to order at 7:00 p.m.

The Planning secretary conducted the roll.

Mr. Kozinski to vote for Ms. Larochelle

Communications from the Chair

None

Approval of minutes for

- A) June 11, 2012 Chapter 42 Meeting
- B) June 18, 2012 Workshop Meeting

A motion was made by Mr. Walker and seconded by Mr. Gray to approve the June 11, 2012 and June 18, 2012 meeting minutes. The motion carried unanimously.

Mr. Sylvain welcomed Jim Campbell, Chief Planner

Mr. Sylvain explained to the board that the meeting on July 16, 2012 may be preceded by a consultation with legal council at 6:30 p.m.

- A. Cumberland Farms, inc. 299 North Main Street** (by MHF Design Consultants, Site Plan for retail motor fuel outlet which includes a 4, 503 sq. ft. convenience store and fueling dispensers (8 fueling positions) and an overhead canopy. Existing structures to be demolished.
Case # 115-41-B2-12

F.X. Bruton representing Cumberland Farms explained the project would include a complete rebuild. The intent of the applicant was to only have Cumberland Farms occupy the site. During initial discussions with staff it was suggested the building be moved back on the site. To accommodate truck turning radii modification of a cross access agreement with McDonalds will be necessary. The building will be relatively the same size and the signage will require a variance.

Chris Tymula of MHF Designs explained the location of the canopy, building and landscaping. He stated that the easement from McDonalds would allow for full access to the dumpsters behind the building. Mr. Tymula showed the board pictures of the existing site and a rendition of the proposed.

Mr. Sylvain opened the public hearing

No one spoke

Mr. Sylvain left the public hearing open.

Mr. Peters asked what distance the building needed to be moved.

Mr. Tymula explained that everything would be set back an additional 15'.

Mr. Fontneau questioned the parking, identifying the current parking issues and seeking clarification that the issues would be corrected.

Mr. Sullivan asked if the tanks would be brought up regardless of the moving of the building.

Mr. Tymula stated yes.

Mr. Peters questioned the drainage and where snow storage would be.

Mr. Tymula explained where they were before the board for preliminary review they did not yet have the drainage designed. Some of the snow storage would be to one side.

Mr. Walker expressed that the two new green spaces to the side of the building were not essential and that the landscaping in the front was more important.

Mr. Sylvain questioned whether the landscaping at the corners was surrounded by curbing. He expressed that if it was it would provide additional protection to the corners of the building.

A motion was made by Mr. Walker and seconded by Mr. Peters to accept the preliminary application as complete with the notation by staff that additional information was need, including drainage and lighting plans and continued the application to August 6, 2012 . The motion carried.

B. Pumpkin Patch Daycare, LLC, 71 Flagg Road. Conversion of existing single family home to a daycare center. Case # 261-114-A-12

Bernie Taylor, the applicant described the project.

Mr. Campbell noted the comments from Building Safety included: electrical and building permits are required to be pulled and inspected and passed and a health license will be required. The Fire Department had noted that pending inspection that a sprinkler system may be needed.

Mr. Peters asked if there was aggregate in place to use for the parking and turnaround.

Mr. Taylor stated yes.

Mr. Walker asked if the second floor was to be used for storage & office.

Mr. Taylor stated yes.

Mr. Peters asked if the septic field was large enough for the use.

Mr. Taylor believed it was.

A motion was made by Mr. Fontneau and seconded by Mr. Healey to accept the application as complete and close the public hearing. The motion carried unanimously.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the application. The motion carried unanimously.

VII. Chamberlain Investment Properties, Anderson Lane Subdivision (by Jones and Beach Engineers) Discussion on remaining issues regarding surety and project completion.
Case # 118-51 & 119-100-A-04

Mr. Sylvain explained that Ms. Gasses had written a letter to Mr. Jones regarding the boards concerns with the remaining issues. He asked Mr. Ortmann to speak with Mr. Jones and Mr. Nourse before the next meeting.

Mr. Sylvain explained he would like to have the City Attorney available for a 6:30 p.m. consultation.

A general discussion on the standards used for pricing ensued.

Mr. Gray asked why the board would be consulting with legal council.

Mr. Sylvain explained the board would need advice on how to proceed if there was not an agreeable resolution to the situation.

Other Business

- 1) Rigz Enterprises - Signal Street - Map 120, Lot 42 & 43
The prior owner had reconstructed the building on the premises but never completed the project. Mr. Rigazio, who owned the adjacent lot 42, purchased Lot 43 in 2010. Mr. Rigazio would like to construct a small 10-space parking lot on Lot 42 to service the building; a lot merger would be required.

Mr. Ortmann explained he was presenting this to the board just for their authorization to go forward with this application under the special downtown review process.

The consensus of the board was to allow this to go forward under the special downtown review process.

- 2) The Rubber Group, currently located in Somersworth, was purchasing the empty industrial building located at 22 Nadeau Drive, Map 141, Lot 30. The company would require a 6,000 gallon tank to hold nitrogen. The nearest residential structure according to Art Nickless is located 850' from the proposed location.

Mr. Ortmann requested permission from the board to handle this application as a minor site.

The consensus of the board was to handle this application as a minor site.

Mr. Ortmann explained that the board would be discussing surety & inspections at the next meeting and he planned to attend.

Mr. Sylvain requested that someone from DPW be in attendance to answer questions that may arise.

Mr. Ortmann explained to the board that Mr. Campbell had hit the ground running but he was requesting that the board not meet to discuss the Chapter 42 rewrite until August due to a staffing shortage.

Mr. Walker stressed that the maps would take a lot of time and he felt that the board should meet to begin discussions in July.

After considerable discussion of different possible dates to begin the consensus of the board was to begin discussion on July 30th.

The board discussed a project in the City which had allegedly broken ground without the appropriate permits and possible actions the board could take.

Mr. Ortmann explained to the board that the project had not had a City pre-construction meeting. Subsequently a pre-construction meeting occurred on June 26th,

Adjournment

A motion was made by Mr. Peters and seconded by Mr. Walker to adjourn at 8:11 p.m. The motion carried.

Respectfully submitted,

Marcia J. Gasses