**City of Rochester Planning Board**

Monday May 5, 2014

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on May 19, 2014)*

*Members Present*

Nel Sylvain, *Chair*

Derek Peters, *Vice Chair*

Gregory Jeanson, *Secretary*

Rick Healey

Matthew Kozinski

Mark Sullivan

Dave Walker

*Members Absent*

Tim Fontneau, excused

Fred Leonard, excused

Robert Jaffin, excused

*Alternate Members Present*

Charles Grassie

James Gray

Thomas Willis

Staff: James Campbell, Chief of Planning

Crystal DeButts, 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 Secretary conducted the roll call.

**III. Seating of Alternates**

Mr. Willis to vote for Mr. Jaffin and Mr. Grassie to vote for Mr. Fontneau

**IV. Communications from the Chair**

Mr. Sylvain informed everyone that the City Council the new Zoning Ordinance with a few changes that need to be made, and stated the Planning Board will be working on the Sign and Lighting Ordinances next.

Mr. Sylvain announced that tonight will be Mr. Peter’s last meeting.

**V. Surety update on Trinity Circle and Heritage Drive**

Mr. Campbell stated he’s been in communications with Bill Goldstein regarding both Trinity Circle and Heritage Drive. The Letter of Credit is supposed to expire on May 15th; however Mr. Goldstein is to have a new Letter of Credit from Morgan Stanley on May 12th.

Mr. Peters asked if it would be a carryover or if it would have the increased amount.

Mr. Campbell stated Mr. Goldstein didn’t say.

Mr. Campbell stated the owner is for Heritage is refinancing and should be completed by the middle or end of June. One of the conditions from the bank is the work must be complete within sixty days.

Mr. Campbell went on to say the Letter of Credit has expired for Heritage Street, there aren’t any building permits out right now, but they do have a Certificate of Occupancy that will be held until the surety matter is cleared up.

Mr. Sylvain asked how much money the Letter of Credit for Trinity Circle was for.

Mr. Campbell stated $150,000.

Mr. Sylvain asked Gretchen Young, City Engineer to come up. He asked if the Board were to pull the surety for Trinity Circle how much would they be short in funds.

Ms. Young stated roughly $16,000; however that was to get the project complete. Ms. Young went on to say they have hired a pump specialist to examine the pump station because Mr. Goldstein has not been maintaining it so the cost will most likely be more.

Ms. Young also stated the City most likely wouldn’t accept the road until Mr. Goldstein cleans up the site.

Mr. Walker asked Mr. Campbell how confident he is that the new Letter of Credit will be in the City’s hands on May 12th.

Mr. Campbell stated he is fairly confident but he is moving forward with the City Attorney to ensure everything is inline if they have to draw the Letter of Credit on May 15th.

The Board discussed whether or not to go before the City Council on Tuesday to get a vote in order to pull the surety.

Mr. Sylvain stated he will go before the City Council on Tuesday with the request to pull surety.

Linda Stalk of 106A Trinity Circle came forward asking for clarification as to what the Planning Board will be doing.

Mr. Sylvain explained the process and what will happen if the surety is in fact pulled on the project.

Ms. Stalk asked what the time frame would be from the time surety is pulled to completion of work.

Mr. Peters explained it would depend on the construction schedule.

Eric Potter of 96B Trinity Circle asked if the surety is pulled by the City what role Bill Goldstein would play.

The Board explained Mr. Goldstein will still be the landowner and landlord, but the Board can put restrictions on him until he pays the City back.

Mr. Grassie suggested the Condo Association contact the Attorney General’s office.

Mr. Sullivan explained the current Letter of Credit is good until May 15th at which time the bank has an automatic renewal clause. The bank will review the assets and decide if they are going to renew it.

Mr. Sylvain informed the homeowners if they have any questions to contact the Planning Department.

**VI. Approval of minutes for April 21, 2014**

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve the April 21, 2014 meeting minutes. The motion carried unanimously.*

**VII. Continued Applications:**

**A. DEW Properties, LLC, 13 Health Care Drive**

Mr. Peters recused himself for this project.

Scott Lawler of Norway Plains Associates presented the site plan to construct a 15,200 square foot surgery center. He stated they were before the Board a month ago, the access would be off from Health Care Drive, the center will be open Monday through Friday, have three operating rooms, two procedure rooms, and will employ approximately 30 people and 6 Doctors.

He stated there are multiple State permits, as well as a couple Federal permits they have applied for. They have already received the NHDOT permit for increase of use for Health Care Drive; they have also received the Federal permit from the FAA for obstruction evaluation for the building.

Joe Britton from Lavallee/Bresinger Architects presented the revised plans showing the increased landscaping and updated building material.

Mr. Sylvain stated the public hearing was still open.

No one came forward.

Mr. Walker stated he believes it meets the needs and thinks they went over and above what the Board asked for.

*A motion was made by Mr. Jeanson and seconded by Mr. Walker to close the public hearing. The motion carried unanimously.*

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

**B. Waterstone Retail, Inc., Farmington Road**

Ken Mavrogeorge of Tighe & Bond presented the application to construct a 300,000 square foot commercial space. He stated this was the third time in front of the Board, since the last meeting they have made a number of changes to the plan including reducing parking from a Conservation Easement area, as well as increasing open space by over 70,000 square feet, adding retaining walls to reduce impacts to sensitive areas; the most notable change is to stormwater management by adding gravel wetland, four underground infiltration basins, and underground detention basins.

Mr. Sylvain stated this was still a public hearing.

Dorothy Harris stated her family abuts the Conservation Easement. She said she took pictures from last fall and now so the Board is able to see how many trees have been taken down.

Ms. Harris went on to say before the Conservation Easement was there you could barely get through on the paths and now all the trees are all gone.

Mr. Campbell stated the cutting has been properly permitted and it is allowed.

Mr. Peters asked if they are finished cutting trees.

Robert Graham of Route 11 investments came forward stating he is the owner of the land and they are done with cutting trees. He stated there may be clean up that needs to be done.

No one else came forward to speak.

Mr. Walker asked what type of sign they are proposing; wanting to know if it’s a TV sign.

Mr. Mavrogeorge stated *it* will be just a standalone sign*.*

Mr. Sylvain addressed Ms. Harris’ concern with the steep slope at the rear of the site, asking is they intended on fixing the slopeso it’s not so steep.

Mr. Mavrogeorge responded they are looking at doing a proposed gradual cut of 30 feet and adding a chain link fence with signage prohibiting trespassers.

Mr. Campbell stated Staff is pleased with the changes that have been made. He said there is still the waiver for drainage.

*A motion was made by Mr. Walker and seconded by Mr. Peters to approve the drainage waiver request. The motion carried unanimously.*

*A motion was made by Mr. Peters and seconded by Mr. Walker to close the public hearing. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Jeanson to approve the application with the stipulation they come back for architectural approval as they secure tenants. The motion carried unanimously.*

*A motion was made by Mr. Peters and seconded by Mr. Walker to approve the conditional use application. The motion carried unanimously.*

Mr. Sylvain called a recess at 8:09pm

Mr. Sylvain called the meeting back to order at 8:17pm

**VIII. New Applications:**

1. **Steven & Joan Noel, 981 & 983 Salmon Falls Road**

Scott Lawler of Norway Plains Associates explained the application for a lot line revision is to reduce Lot 25 from 11.39 acres to 1.36 acres, while providing frontage and increasing Lot 48 from 37.66 acres to 47.68 acres.

Mr. Lawler stated the Noel’s were granted a variance to allow the increase of frontage from zero to eighty, less than the required 150 feet.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Peters asked if this would be a buildable lot.

Mr. Lawler answered yes, it is a buildable lot.

*A motion was made by Mr. Grassie and seconded by Mr. Jeanson to approve the application. The motion carried unanimously.*

**B. Michael Rocheleau, Pine Street**

Christopher Berry of Berry Surveying & Engineering presented the application for a minor subdivision to create two lots, one with an existing house and one to be built in the future. He stated the back of the lot is mostly wooded and none of the trees will be coming down. Mr. Berry went on to say there aren’t any drainage issues.

Mr. Sylvain opened the public hearing.

Helen Beauregard of 69 Pine Street stated she is concerned with subdividing this lot due to the challenging conditions of the neighborhood because of absent landlords.

Richard Henderson of 66 Pine Street wanted to know why the applicant wants to subdivide if he intends to sell the property. Mr. Henderson stated he objects to having a rental property next to him.

Andrea Lemire of 17 Pine Street stated she feels the neighborhood is not desirable due to all the rentals and she feels if they add another rental unit it will only add to the problems.

Mr. Walker asked about the waiver the applicant is requesting.

Mr. Campbell stated the applicant is requesting a waiver from Subdivision Regulations, section 5.15.1 for an additional sidewalk.

Mr. Berry said the waiver request would be for now, not if the street gets reconstructed and the City puts in a sidewalk.

There was a discussion of what the use of the new parcel would be.

Mr. Campbell reminded the Board the application is for a subdivision and if the new parcel would be large enough.

*A motion was made by Mr. Healey and seconded by Mr. Willis to approve the application. The motion carried.*

*Mr. Walker opposed.*

**C. Guay Ventures, LLC, 20 Summer Street**

Scott Lawler of Norway Plains Associates presented the application for a minor subdivision to create two parcels. He stated one lot will the existing Sticker Station and the other lot will be vacant.

Mr. Lawler said the applicant is requesting a waiver from Subdivision Regulations, section 5.15.1 for additional sidewalks.

Mr. Sylvain opened the public hearing.

Peg Johnson of 49 Stillings Court gave a brief background of the property which is across the street from her. Ms. Johnson went on to say when the surveyor was there she was told one thing and now that she has seen the plan it is showing another and she would like clarification.

Mr. Lawler stated he wasn’t exactly sure where the pins are located as he was not present during the survey, however he would be happy to meet with Ms. Johnson.

Mr. Campbell stated City Staff didn’t have any concerns with this application.

*A motion was made by Mr. Peters and seconded by Mr. Jeanson to close the public hearing and approve the application and waiver request. The motion carried unanimously.*

**D. Charles Burrows, 155 Old Dover Road**

Christopher Berry of Berry Surveying & Engineering presented the application for a lot line revision to revise the location of a shared lot line.

Mr. Berry stated the project was approved in 2011, however the approval lapsed.

Mr. Sylvain opened the public hearing.

No one came forward.

*A motion was made by Mr. Walker and seconded by Mr. Peters to close the public hearing and approve the application. The motion carried unanimously.*

**E. 201 Storage, LLC, 201 Highland Street**

Michael Sievert of MJS Engineering presented the application to amend an approved site plan. He explained the original approval was for multiple storage buildings on the site. Mr. Sievert stated new proposal is different from the traditional storage facility as it will be a large climate controlled higher end storage facility with a more architecturally please design. There will be a few smaller buildings on the outer edge of parcel like the original design. Mr. Sievert said the new building will have one loading and entrance area and everything will be done on the inside of the building. He went on to say it will no longer be a 24 hour facility, it will now have operational hours.

Mr. Sylvain opened the public hearing.

Sarah Nice of Woodland Green with a list of requests she is seeking. 1) the future second building be only one story, 2) they extend the 4-foot tall landscape berm further to the right between the wetland area and around the backside of the large two-story building, 3) they install two staggered rows of 35 arborvitae trees and are taller than 6 feet, 4) the exterior walls of the four storage buildings abutting Woodland Green be aesthetically pleasing material such as brick, wood/clapboard, or stucco and be a muted/earth tone color, 5) lights that shine directly down and not bleed onto Woodland Green, 6) no unlimited hours, 7) a maintenance plan regarding porous pavement, 8) outdoor storage/parking not be permitted.

Mr. Sylvain asked what the distance is between the berm and the rear to building 4.

Mr. Sievert responded approximately 80 feet.

Mr. Peters asked what the height of the proposed building will be.

Mr. Sievert responded 35 feet.

Mr. Grassie asked if the applicant would need to come back to the Board for the second building.

Mr. Campbell stated yes, they would.

Mr. Peters asked that the hours of operation (6:00am to 9:00pm) be made part of the precedent conditions.

There was a discussion regarding outdoor storage and parking. The Board decided this will be allowed temporarily until the second building is constructed.

*A motion was made by Mr. Peters and seconded by Mr. Jeanson to close the public hearing and approve the amendment. The motion carried unanimously.*

**IX. Other Business**

**A. Review of the International Code Council sign ordinance**

Mr. Sylvain stated the sign ordinance will be reviewed at the workshop meeting on May 19th.

**B. Other**

Mr. Sullivan asked to have the Compliance Officer go out to Trinity Circle.

**X. Adjournment**

*A motion was made by Mr. Peters and seconded by Mr. Walker to adjourn at 9:41 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,

Planning Secretary