

City of Rochester Planning Board
Monday October 7, 2019
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on October 21, 2019)

Members Present

Nel Sylvain, *Chair*
Robert May, *Vice Chair*
Mark Collopy
A. Terese Dwyer
Tim Fontneau
Mark Sullivan
Dave Walker

Members Absent

Donald Hamann, excused
Matthew Kozinski, excused

Alternate Members Present

Joyce Bruckner
James Gray
Daniel Rines

Staff: James B. Campbell, *Director of Planning & Development*
Seth Creighton, *Chief Planner*

(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 7:03 p.m.

The Chief Planner conducted the roll call.

III. Seating of Alternates

Ms. Bruckner voted in place of Mr. Kozinski and Mr. Rines voted in place of Mr. Hamann.

IV. Communications from the Chair

The Board held a moment of silence for former Planning Board Chair, School Board member, and State Representative Julie Brown who passed away over the weekend.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the September 16, 2019 meeting minutes. The motion carried unanimously.

VI. Consent Agenda

A. Service Credit Union, 83 South Main Street – Extension Request

Items VIII B and E were added to the consent agenda by the Chair.

B. Index Packaging, Inc., 91 Innovation Drive – Continuance Request

E. Real Estate Advisors, Inc., 24 Jeremiah Lane – Continuance Request

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the consent agenda. The motion carried unanimously.

VII. New Applications

A. Dianne Libby & Timothy Zielfeder, 278 Old Dover Road

Joel Runnals of Norway Plains Associates presented the plan for a 2-lot subdivision. He said the entire parcel is 6.8 acres and they are proposing to subdivide a new parcel consisting of 1.89 acres located in the agricultural zone. Mr. Runnals said the new lot will be serviced by a well and septic system which will require State subdivision approval.

Mr. Sylvain opened the public hearing.

Roland Loubier of 10 Whitehouse Road expressed his concern regarding a brook that runs through the property. He said it's not a buildable lot because you can't build on wetlands.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said staff recommends accepting the application as complete and based on the information that is available recommends the Board approve the application.

Mr. May asked if there are any rules in place regarding the shape of lots. Mr. Runnals said it started out as an odd shape lot.

Mr. Sylvain asked about the wetland on the property. Mr. Creighton said it was discussed at TRG and was determined there is enough buildable space for a house, driveway, yard, and utilities.

Mr. Runnals said they are not proposing to fill any wetlands and they will be going through NH DES for approval also.

Mr. Loubier rebutted by saying the State looked at the lot years ago and determined it was unbuildable.

Mr. Fontneau asked if the lot will be for sale or for a relative to build on. Ms. Libby said she's not sure yet. Mr. Fontneau asked that the wetland buffer be clearly marked so there isn't any surprises in the future for a buyer. Mr. Campbell said it is under precedent condition number 5 of the notice of decision.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to accept the application as complete. The motion carried unanimously.

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

VIII. Continued Applications

A. Index Packaging, Inc., 91 Innovation Drive – 4-Lot subdivision

James Hayden of Berry Surveying and Engineering explained the plan for a 4-lot subdivision. He said the first piece would be owned by Index packaging, the second piece would also be owned by Index Packaging for their access road, the third piece would be owned by the City of Rochester as a separate lot, and the fourth lot would also be owned by the City of Rochester as a right-of-way for Innovation Drive.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell there are no waiver requests or conditional use permits with this application. He said Staff recommends the Board accept the application as complete and approval of the subdivision.

Mr. Fontneau asked if the proposed center lot would be transferred to the City in the future. Mr. Campbell said yes, that is the intent.

A motion was made by Mr. Walker and seconded by Mr. Collopy to accept the application as complete. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the 4-lot subdivision. The motion carried unanimously.

C. Glenn Davids Integrity Auto, Inc., 415 North Main Street

James Hadden of Berry Surveying and Engineering presented the plan and explained the plan has been before the Board previously. He said they have worked out most of the details with City Staff expect for a few comments.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell said there is no conditional use permit or waiver requests and the Board accepted the application as complete at the August 5th meeting.

He said one of the items Staff would like to discuss is the sidewalk issue. He said the property is in the urban area and is a requirement of the Site Plan Regulations that sidewalks are required on both sides of the road in the urban area. Mr. Campbell said the applicant also has the option to make an equivalent contribution for a sidewalk to be constructed in front of Cumberland Farms and McDonalds on North Main Street. He said it is currently on Publics Works list of sidewalk construction.

Mr. Campbell said this has been discussed with the applicant and they have agreed.

Mr. Sullivan asked if the contribution will be in addition to the revenue source that's already there. Mr. Campbell said yes.

Ms. Dwyer asked if the applicant has already cleared the area in anticipation of going ahead with the project before any approvals have been given. Mr. Creighton said they have and informed the Board that both the City and the State have put stop work orders on the applicant until approvals have been granted. Ms. Dwyer asked that the City watches carefully to make sure the applicant is doing what he is supposed to and not jumping too far ahead.

Mr. Fontneau said one of the concerns of the abutter at the original meeting was the drainage by the lot line. He asked if the City is comfortable with the detention pond proposed at the lot line. Mr. Creighton said the Assistant City Engineer and Planning have both looked at it. Mr. Sylvain asked if there would be retaining wall installed. Mr. Hayden said there is a four foot high retaining wall proposed at the toe slope.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the site plan.

There was discussion on the motion.

Ms. Dwyer said she would like the City to oversee the applicant to ensure the process and the approval are being followed.

The motion carried unanimously.

D. Donald & Bonnie Toy, 418 Old Dover Road

Christopher Berry of Berry Surveying and Engineering presented the plan for a 14-unit expansion of an existing mobile home park. He said there hasn't been any substantial change to the plan since the last time they were before the Board.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell said the applicant is not requesting a conditional use permit or any waivers and the application was accepted as complete at the August 5th meeting. He said Staff recommends the Board approve the application with the conditions as set forth.

Mr. Creighton said Staff is looking for the Board to give them feedback on required open space. He said some of the items they have come up with are walking trails, a gazebo, common garden area, or a community room. Mr. Sylvain asked where the applicant stands with the suggestions from the City. Mr. Berry said they are willing to do some walking trails, gardens, and a gazebo but are not willing to do a community room. There was some discussion on where to have these areas.

Ms. Dwyer asked if the common gardens and some benches could be placed in the back of the lot. Mr. Berry said there is a flatter space in the back of the proposed raingarden that could work. There was discussion on where a gazebo could be placed.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the application for a mobile home park expansion. The motion carried unanimously.

IX. Other Business

Donna Cunha of 798 Portland Street spoke about issues she has with the newly developed Carol Court which her property abuts. She said doesn't believe the drainage ditch between her property and the new homes was built correctly. She also said she would like the developer to install a fence between the properties because her existing fence is falling down and she doesn't want to look at the drainage basin.

Mr. Creighton explained the City has been working with the developer over the last few weeks to bring the property as a whole to get a Certificate of Occupancy. He explained Public Works and Planning have now signed off however, the Fire Department and Building, Zoning, and Licensing Department still have to sign off.

Mr. Creighton said the drainage system was built to plan and as far a fence that would be a civil matter.

Mr. Sylvain told Ms. Cunha when the developer comes back before the Board her concerns will be brought up.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:18 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary