

City of Rochester Planning Board
Monday April 5, 2021
Virtual Meeting
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on April 19, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner
A. Terese Dwyer
Tim Fontneau – arrived at 7:05pm
Robert May
Mark Sullivan
Daniel Rines
Dave Walker

Members Absent

Alternate Members Present

Paul Giuliano
Donald Hamann
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planning Administrative Assistant II*

(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. and made the following statement:

Good Evening, as Chairperson of the Planning Board I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

Providing public access to the meeting by telephone: At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call **857-444-0744** and use conference code **843095**. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. (Please note: In order to notify the meeting host that you would like to speak, press 5* to be recognized and unmuted)

Public Access Troubleshooting: If any member of the public has difficulty accessing the meeting by phone, please email crystal.galloway@rochesternh.net.

Roll Call: Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

III. Seating of Alternates

Mr. Whitehill voted in place of Mr. Fontneau until his arrival at 7:05pm.

IV. Communications from the Chair

There was no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the March 22, 2021 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Compliance Hearing

A. SDJ Development of Rochester, LLC, Fillmore Boulevard/Eisenhower Drive

Mr. Giuliano recused himself.

Ms. Saunders explained this has been an ongoing compliance and erosion control issue. She said part of the compliance issues include stockpiles and erosion control of the stockpiles, winter stabilization plan, the access road needing to be complete before CO #6 is released, issues with the sites of 119 Fillmore, 123 Fillmore, and 8, 14, and 16 Eisenhower.

Ms. Saunders said the City has been working with Mr. Strickler since December when the first round of CO's were requested. She said staff has met with him and the engineers on January 5th, January 12th, January 28th, February 2nd, and February 15th to try to reach compliance. Ms. Saunders said staff has also contacted the Department of Environmental Services who had reached out because of concerns.

Ms. Saunders told the Board that Public Works is at the site in addition to the mentioned meetings; adding this is only one of 13 active developments plus 24 CIP projects going on that DPW conducts site visits at.

Ms. Saunders said staff recommendation under State Statute 676:12 V giving Mr. Strickler four weeks to come into compliance, with no issuance of CO's during that time, and during that time the developer will work with the City to get a Clerk of the Works, and the PB can conduct a site walk.

Chris Strickler of SDJ Development said staff is representing him a very bad light and it's unfair. He said they pay Stoney Ridge \$1,500 to \$2,000 a month to conduct site inspections, adding the site is in the best condition it's been in in a long time.

Mr. Strickler told the Board all the drainage is working properly, lots 119, 10, and 14 don't have any issues with drainage.

Mr. Strickler said holding CO's is unjustified, and he said he believes they are in full compliance.

Ms. Saunders read the following letter addressed to the Board:

Hello,

I would like to convey a message to the Rochester Planning Board. I am the Realtor representing the buyer for 8 Eisenhower Drive as well as his spouse.

We have been under contract since July 2020 and were set to close on 10/01/2020. There have obviously been delays but the house was finished weeks ago. The house received its final inspection and passed.

Shanna sent me the letter the city addressed to Chris Strickler of SDJ Development. I have also read his response to the city. According to the information I have it appears to be somewhat confusing as to the disconnect between the developer and the city.

We would like to convey the hardships the delay is causing our family. We understand there is more work to be done regarding the drainage issue; however, it is our understanding this work was to be done soon. The project is bonded as well.

Since Covid, my husband has been working remote (like many). However, our current residence is not suited for this. We have also recently had our fourth child but had planned to have already moved in time for her arrival. Our house is small and does not accommodate a family of six and a full-time working father (not to mention I also work out of the home).

Another very important issue for us is our rate lock. We are currently locked in at 2.375% and just did a 30 day extension (\$1800). This extension is up this Friday, April 9th. We do not know if we can extend this and for how long (every 7 days is another \$500). The extra money this will cost our family over the life of our loan is tremendous. We are willing to close knowing the developer has more site work to finish.

We ask the developer and city to resolve this issue as soon as possible. The hardship this is causing our family is great-both financially and causing our daily life many struggles. We ask you please consider granting the CO for our property.

Thank you,
Melissa Spaulding, REALTOR®
Better Homes and Gardens The Masiello Group
2 Center Street, Suite B, Exeter, NH 03833

Michael Heinemann, in-person public attendee, said he's under agreement to purchase 13 Eisenhower Drive but has been living at Holmewood Suites in Dover. He said in December his family relocated to New England for a job, he was promised a closing date of January 14th by Mr. Strickler. Mr. Heinemann said he's been living in a hotel since then. He asked the Board to issue to the CO's.

Ms. Saunders told the Board the City did not receive the request for a CO until March 16th, making it clear the City hasn't been holding up the CO since January.

Ms. Dwyer said she drove through Highfield Commons over the weekend. She said she got out at a few places and had some concerns about a few things. She said sections of the silt fence on 119 Fillmore are not up properly and not holding properly. She going down Fillmore around lots 321 and 326 where she saw the silt fence was not stable enough, there were tears. Ms. Dwyer went on to say she spoke to the homeowner at 119 Fillmore, on the Eisenhower side. They do not own the entire side of the lot and there is a lot of erosion that has already happened.

Mr. Sullivan asked if the March 30th letter was based on an inspection that Public Works conducted. Ms. Saunders explained the March 24th pictures in the letter were from a Planning Department site visit but an inspection report was not yet put together. Mr. Sullivan asked when the last time Public Works conducted a site inspection. Assistant City Engineer Tim Goldthwaite told the Board it would have been around March 9th; adding they are only able to get there two to three times a month. He said there is quite a bit of work that happens that Public Works does not see. Mr. Goldthwaite said they do try to get there after rain events or a heavy thaw or in response to a complaint.

Mr. Sylvain said over a number of years the Board has discussed the stockpiles. He asked when some of the stockpile will be removed. Mr. Strickler explained the stockpile on the right, which is part of the existing conditions plan has shrunk by half to two-thirds. He said there is a fair amount of material that occupies three lots, which has been matted. Mr. Strickler went on to say they are in the process of engineering phase III and the material is needed to fill the proposed road. He said the stockpile at the end of the road is designated for phase IC, and the stockpile on the left is loam which he said will be processed this month. Mr. Sylvain said there is now a berm going toward Walnut Street behind all the houses. Mr. Strickler said the berm is going to eventually run parallel to Eisenhower all the way up.

Mr. Sylvain said we the Board and a developer make an agreement, both sides need to make sure it's adhered too.

Mr. Fontneau said he feels the Board needs to take some type of action ASAP in order to get the two homeowners into their homes.

Chief Planner Seth Creighton told the Board there is a note on the existing conditions plan as well as the approval that says the stockpile in question is to be moved from the current location to a higher location. He said that has not happened and is one of the reasons they are out of compliance.

Ms. Dwyer said the Board, Staff, and the developer need to work together and be proactive.

A motion was made by Mr. Sylvain and seconded by Ms. Dwyer to approve the Certificate of Occupancy for only 8 and 13 and are to be issued by Wednesday afternoon. No other CO's are to be issued. The motion carried unanimously by a roll call vote.

The Board discussed and set a site walk for Thursday April 15th at 5:30pm with Public Works and the Planning Department.

VII. Consent Agenda

A. David & Janet Kondrup, 64 & 66 Lowell Street

Ms. Saunders told the Board the square footage and frontage of each lot meets requirements per its zone. She said staff recommends the Board accept the application as complete, and approve the application.

A motion was made by Mr. Collopy and seconded by Mr. Walker to approve the consent agenda with the conditions set forth. The motion carried unanimously by a roll call vote.

VIII. New Applications

A. Marybeth & David Walker and Norman Roberge, 30 & 54 Brock Street

Mr. Walker recused himself. Mr. Sylvain appointed Mr. Hamann to vote in Mr. Walkers place.

Joel Runnals of Norway Plains Associates presented the lot line revision plan. He explained there is a right-of-way for the waterline to connect to the Fairgrounds and a drainage easement.

Ms. Saunders said the applicant is requesting a waiver from Subdivision Regulations 4.2.6 and 4.2.8 regarding topo and wetlands.

A motion was made by Mr. Fontneau and seconded by Mr. Collopy to accept the application as complete. The motion carried unanimously by a roll call vote.

Ms. Saunders reviewed the conditions of approval.

A motion was made by Mr. Collopy and seconded by Mr. May to close the public hearing. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Collopy and seconded by Mr. May to approve the waiver request and application with conditions set forth. The motion carried unanimously by a roll call vote.

B. Meredith Walters, 43 Betts Road

Mr. Runnals explained the proposed subdivision is to build a single family residential home with a driveway, well, and septic system that will have frontage on Cross Road.

Mr. Runnals said they are requesting a waiver from delineating the entire 25 acre parcel.

Ms. Saunders said Staff recommends the application be accepted as complete.

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

Ms. Saunders went over the conditions of approval.

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

A motion was made by Mr. Collopy and seconded by Mr. Walker to close the public hearing. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the 2-lot subdivision and waiver request with the conditions set forth. The motion carried unanimously by a roll call vote.

C. Laperle Family Revocable Trust, 60 Haven Hill Road

Scott Lawler of Norway Plains Associates explained the proposed 5-lot subdivision with new road. He said the parcel is approximately 25.6 acres which is mostly wooded and has a large wetland complex that cuts through about one third of it.

Mr. Lawler said the proposed lots are between 1.4 to 1.7 acre lots with the remaining land being conveyed to the single lot at the end of the cul-de-sac.

He went on to say there will be open and closed drainage systems throughout the development and the plans depict drainage easements throughout.

Mr. Lawler said each lot will have individual well and septic systems and as required by the Fire Department the homes will be required to provide some means for fire suppression.

Mr. Lawler said they have met with the Conservation Commission for a Conditional Use Permit for jurisdictional wetlands as they are proposing to have approximately 2,100 square feet of direct wetlands impact and another 520 square feet of temporary wetlands impacts in order to remove and replace an existing culvert.

Ms. Saunders said Staff suggest approving the Conditional Use Permit. She said the Conservation Commission accepted the application for the impacts to the wetland buffers due to the proposed installation of the above ground stormwater system.

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

Ms. Saunders reviewed the conditions of approval.

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

A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing. The motion carried unanimously by a roll call vote.

Mr. Fontneau said proposed lot 10-13 doesn't look like it has very much buildable area. Mr. Lawler explained the lot meets the City's requirements of 3,000 square feet outside of the building setbacks and wetland buffers. He said there is ample room for a building and septic system without impacting the buffers.

Mr. Collopy clarified the Eversource easement, saying should there be an issue in the future Eversource has the right to access the poles. Mr. Lawler explained they have discussed the design with Eversource and they found having the easement placed within the cul-de-sac was the best location.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the Conditional Use Permit. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the 5-lot subdivision with the conditions set forth. The motion carried unanimously.

D. Granite State Credit Union, 148 & 150 Farmington Road – Concept Review

Mr. Lawler presented the preliminary site plan. He explained there are currently two residential properties with a shared driveway. Mr. Lawler went on to explain they are proposing to construct a 3,000 square foot bank branch with three drive-up isles, one being an ATM. He said they are proposing driveway access for the site onto Route 11 as well as Two Rod Road.

Mr. Lawler explained the stormwater for the development will be collected in a series of catch basins then discharged into a treatment swale which will then flow into an infiltration basin.

Mr. Sylvain asked where the location of the dumpster and snow storage are proposed. Mr. Lawler explained the locations on the plan.

Mr. Walker asked when a traffic light will be warranted for Two Rod Road because he is very concerned about exiting left onto Route 11. Mr. Lawler said the applicant has a traffic engineer who will have a full traffic report with the impacts this project will have. He went on to say in his experience he doesn't feel this addition will be enough to trigger the need for a light.

Mr. Walker stated his concern for having both access points being able to exit onto Route 11. He suggested making the direct access to Route 11 a right turn only. Mr. Lawler acknowledged that NHDOT recently upgraded that section to include a center turn lane.

Mr. Collopy agreed, and added it's a 50 mph zone and even though there's a center turn lane it can still be very dangerous.

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

E. EFI Express, LLC, 0 Tebbetts Road

Brain Pratt of Fuss & O'Neil presented the site plan to construct two 6,000 square foot buildings for a high performance automotive facility. He explained they will have a 625 foot driveway which they designed to have the least wetland impact.

Mr. Pratt explained they will have a collection of deep sunk catch basins for stormwater and a number of infiltration basins and a bio retention pond.

Mr. Pratt said they are requesting a waiver to reduce the parking requirements. He went on to talk about the driveway width, saying TRG wanted a 20 foot driveway rather than 24 foot that was proposed. He said 20 feet is too narrow but they are willing to do 22 feet.

Mr. Pratt said the Conservation Commission was concerned about fluids they may have on site. He explained there will not be large amounts of fluids on site, it will just be five gallon or quart sized containers due to the nature of specialty vehicle they work on. They have a spill control plan and will have a spill kit on site.

Ms. Saunders told the Board there is an additional RV parking area with hook-ups on site, for race team RVs. She went on to explain the applicant will be going before the Zoning Board for the proposed security apartment because it exceeds the 800 square feet that is allowed.

Ms. Saunders said there is a conditional use permit for the wetlands impact, as well as two waivers. She said staff recommends approving the conditional use permit because the Conservation Commission reviewed it and recommends approval.

Ms. Saunders said staff supports the parking waiver request because there will be additional parking inside the building; the second waiver is for not submitting the signage design yet which staff supports as well.

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

Ms. Saunders reviewed the conditions of approval.

Mr. Collopy asked if they only work on race cars or if someone can take their stock car and have it upgraded to high performance, street legal. Marc Swanson of EFI Express said they service both. He said they don't condone unlawful activity on the streets.

Mr. Fontneau said he is concerned with noise that will come from the site. He asked if the buildings will be sound proofed. Mr. Swanson said they will have sound suppressors on the Dyno bay. Mr. Pratt added the buildings have been placed to shield residential homes to the south from the parking lot and the maintenance bays have been pointed to the north facing the highway.

Mr. Walker asked how high the roof will be. Mr. Pratt said it will be 18 feet 9 inches and slopes to 14 feet on the narrow side.

Ms. Dwyer said she's not comfortable giving approval to a project the Board hasn't seen architectural renderings for.

Mr. May asked for clarification on the issue with the driveway width. Ms. Saunders said it is in relation to the MS 4 permit, the Department of Public Works brought up the issue regarding reduction to impervious surface.

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

A motion was made by Mr. Walker and seconded by Mr. Collopy to continue the application to the May 3, 2021 meeting to gather more information on the driveway width and to get architectural and building elevation renderings. The motion carried unanimously by a roll call vote.

IX. Other Business

A. Planning Update

Ms. Saunders did not have an update for the Board.

B. Other

There was a brief discussion regarding motions.

X. Adjournment

A motion was made by Dwyer and seconded by Mr. Walker to adjourn at 9:51 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development