

City of Rochester Planning Board
Monday September 13, 2021
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on September 20, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Tim Fontneau
Robert May
Mark Sullivan
Dave Walker

Members Absent

Peter Bruckner, excused
A. Terese Dwyer, excused
Daniel Rines, excused
Lance Whitehill, excused

Alternate Members Present

Keith Fitts
Paul Giuliano
Donald Hamann

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planner I*

(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 recording secretary conducted roll call.

III. Seating of Alternates

Mr. Fitts voted for Mr. Rines and Mr. Giuliano voted for Ms. Dwyer.

IV. Communications from the Chair

There were no communications from the Chair

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the August 2, 2021 meeting minutes. The motion carried unanimously.

VI. Consent Agenda

A. Laperle Family Revocable Trust, 60 Haven Hill Road – Extension to meet precedent conditions

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the extension to April 5, 2022 as requested. The motion carried unanimously.

VII. Continued Applications

A. Farmington Associate Properties, LLC, 68 Farmington Road

Ms. Saunders told the Board the applicant has requested a continuance to the October 4th meeting.

A motion was made by Mr. Walker and seconded by Mr. Collopy to continue the application to the October 4, 2021 meeting as requested. The motion carried unanimously.

VIII. New Applications

A. Bruce Wotton, 127 Meaderboro Road

Scott Lawler of Norway Plains Associates presented the plan for a five lot subdivision. He explained they have had the wetlands delineated by Joe Noel, Certified Wetland Scientist in May of 2021. Mr. Lawler said each lot will have the required 150 feet of road frontage and will exceed the minimum lot size requirement of 45,000 square feet. He said each lot will be serviced by individual wells and septic systems. Mr. Lawler explained the first four lots will have development in the front of the lots and the fifth will have development in the rear of the lot due to a small wetland pocket at the front of the property. Mr. Lawler went on to explain due to NHDOT jurisdiction they have limited the number of driveway permits allowed to three. He said lots 18 and 18-1 will have a shared driveway, lots 18-2 and 18-3 will also have a shared driveway and are at the shared property lines.

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

Ms. Saunders explained the proposed subdivision meets all the rules and regulations. She said staff recommends the application be accepted as complete.

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

Ms. Saunders said staff recommends approval with a condition a plan note be placed on the plan at the building permit stage, Chapter 218 Stormwater Management and Erosion Control Ordinance requires a stormwater permit from Public Works. She said all the other conditions of approval are standard.

Mr. Fontneau asked what the lot size is after the wetlands are figured in. Mr. Lawler said they might lose a half acre.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the application with the condition set forth. The motion carried unanimously.

B. Robert & Mary Small, 163 Whitehall Road

James Hayden of Berry Surveying and Engineering presented the plan for a three lot subdivision. He explained the applicant is also seeking a Conditional Use Permit to provide access to buildable uplands on one of the proposed lots. Mr. Hayden explained the lot has been surveyed and a full topographic survey as well as a full wetland analysis. He said lot 57-2 will need a Conditional Use Permit access the buildable uplands in the middle of the lot. The Conditional Use Permit will be for 850 square feet of wetland disturbance and 1,650 square feet of buffer disturbance.

Mr. Sylvain opened the public hearing.

Chris Poulin of 19 Shaw Drive said he is concerned with the wetlands as his property is very wet already. He said he is concerned his property will flood with new development. Mr. Poulin asked if there are any drainage measures being taken.

Bethany Duntley of 175 Whitehall Road asked where the entrance will be for this subdivision, if it will be off Whitehall Road or Shaw Drive.

Dennis Carignan of 12 Shaw Drive said the land was tested 15 years ago and it was determined too wet to be developed.

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

Ms. Saunders explained the applicant has not been before the Conservation Commission yet for the Conditional Use Permit however, the Conservation Commission representative did way in at the TRG meeting and has been out to the site. Ms. Saunders said staff does recommend approving the subdivision but contingent on approval from the Conservation Commission.

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

Ms. Saunders went through the conditions of approval. She said a note needs to be added to the plan that the development is in the Airport Overlay District. The development is subject to the Chapter 2018 Stormwater Management and Erosion Control Ordinance so they will need a stormwater permit from Public Works. Ms. Saunders said in addition, Shaw Drive is in moratorium until 2025 so City Council would be required in order to install the water service connection.

Ms. Saunders said all three lots will have access off Shaw Drive.

Mr. Walker asked about the second abutters concern of the lot being too wet to subdivide years ago. Ms. Saunders explained the way the plans are drawn, the house, the septic and the well are all out of the wetland buffer. She went on to say the Conservation Commission does go out to the sites and walk the wetland line and if there are any questions they set up a meeting with the Wetland Scientist.

Mr. Fontneau said he remembers this lot coming before the Board in the past but couldn't remember the reason the subdivision was denied.

Christopher Berry of Berry Surveying & Engineering said they hired the same Wetland Scientist from the original subdivision proposal. He said they will have city water so there is no need to worry about wells. Mr. Berry explained a former Chief Planner was instrumental in having the applicant remove a lot from the subdivision at the time. He went on to say the City has a pretty robust Chapter 218 Stormwater Regulation.

Mr. May asked if the stormwater permit is from the City or the State. Ms. Saunders said it is from the City and is a result of the MS4 permit which says the water from a lot cannot just be dumped into the City system without treatment.

Mr. Sylvain asked what will be done for the drainage concerns of the abutting property. Mr. Berry explained Mr. Poulin's property was subdivided from this parcel 15 years ago. He said there is a wetland situated between the two properties, any water that comes out of the wetland runs down and into the swale located in front of the project site. He went on to say there will be stormwater mitigation on the site as a result of Chapter 218.

Mr. Fontneau asked if there is a culvert at the end of Shaw Drive. Mr. Berry said there is a large wetland complex after you get beyond the power lines. Mr. Fontneau said he is concerned about the homes further down Shaw Drive and where the water will go from this development.

There were further discussion regarding drainage concerns. Mr. Fontneau said he would like to hear from the Conservation Commission and Public Works before the Board votes on this subdivision.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the October 4, 2021 meeting to allow the Conservation Commission and Public Works to provide their input. The motion carried unanimously.

C. Rob Graham, 0 Norway Plains Road

Ms. Saunders informed the Board there was a scheduling conflict and the applicant has requested a continuance to the October 4th meeting.

A motion was made by Mr. Walker and seconded by Mr. Collopy to continue the application to the October 4, 2021 meeting as requested. The motion carried unanimously.

IX. Other Business

A. Planning Update

Ms. Saunders let the Board know there has been a tour set up by a mixed use developer on Wednesday September 22nd. She said Board members wishing to attend should meet at 5:30pm at Portsmouth Green, 6:15pm Portwalk, and 7:00pm at the Orpheum in Dover.

Ms. Saunders said next Monday will be the workshop meeting, the Board will be seeing a TIF presentation, an amendment for height requirements, and the NH Coastal Adaptation workgroup.

B. Other

Mr. Fontneau asked about the Minor Site Review that was held for development on Elmo Lane as he was unable to attend the meeting. Ms. Saunders explained the original plan that was approved in 2006 included development of three industrial sites and the upgrade of Elmo Lane from a driveway to a road. She said one industrial site was built but none of the roadway was constructed. Ms. Saunders explained the property has now changed hands and the new owner was not aware of any of this issues. She said they are proposing to construct a small metal building and as part of this approval they will be required to upgrade the stormwater drainage to be sufficient to what is out there now, provide water upgrades for proper fire protection, they have to show borings have been done to show the road has been constructed to withstand the weight of a large fire vehicle, and the company that is currently subletting the space needs to get approval from the City. Ms. Saunders said Elmo Lane will no longer become a city street as it is only providing access to one industrial building.

Mr. Walker expressed his concerns with residential units at The Ridge. He said he would like to see the loop road prioritized prior to construction of any residential units. Mr. Sullivan reminded Mr. Walker the change is for the entire zone, not just one lot.

Mr. Collopy asked if things change for the workshop meeting he would still like to discuss what's going on at Highfield Commons because the cold weather is coming and the City needs to address any issues now. Mr. Sullivan said the developer should only be working with the City Departments, not the Planning Board. Mr. Sylvain reminded the Board the developer was given a punch list during the site walk months ago that hasn't been completed yet.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:06 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planner I

and

Shanna B. Saunders,
Director of Planning & Development