

City of Rochester Planning Board
Monday June 19, 2017
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on July 10, 2017)

Members Present

Nel Sylvain, *Chair*
Dave Walker, *Vice Chair*
Tim Fontneau
Rick Healey
Robert Jaffin
Robert May
Mark Sullivan
Tom Willis

Members Absent

Matthew Kozinski, excused

Alternate Members Present

James Gray
Jeremy Hutchinson
Kyle Starkweather

Staff: James B. Campbell, *Director of Planning & Development*
Crystal Galloway, *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 7:00p.m.

The Planning Secretary conducted the roll call.

III. Seating of Alternates

Mr. Hutchinson voted in place of Mr. Kozinski.

IV. Communications from the Chair

There were no communications from the Chair.

V. Opening Discussion/Comments

A. Public Comment

Steve Beaudoin of 24 Hemlock Street said he is a stockholder for the Rochester Fairgrounds. He said they will be holding a meeting in July and will be presented with three options for the future. Mr. Beaudoin went on to say the best option would be to subdivide the land and keep a small parcel to allow for a smaller fair. He said he believes the way the fairgrounds is currently zoned limits the land and suggested trying an entertainment zoning district again but limiting it to just the fairgrounds and not the surrounding neighborhoods.

B. Discussion of general planning issues

There were no issues to be discussed.

VI. Approval of minutes

A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the June 5, 2017 meeting minutes. The motion carried unanimously.

VII. Continued Applications

A. Makris R.E. Development, LLC, Chesley Hill Road & Donald Street - Subdivision

Christian Smith of Beals Associates said since the last meeting they were able to conduct a site walk with the Board and have attended another TRG meeting. He said they have fully designed sidewalks throughout the development, Donald Street, down Ramsey and out to Route 125. In addition to that he said they had gotten through what they presume will be the last TRG meeting and said they are down to a very small number of issues; several of which have been addressed.

Mr. Smith said he sent Mr. Friend-Gray updated detail on three box culverts at the end of last week. He said notes from the Planning Department still say a third party review is necessary however, he doesn't feel it is necessary because he said Public Works is happy with the changes made and they should be able to just let the Alteration of Terrain Bureau at the State review it.

Mr. Sylvain opened the public hearing.

Gregg DeNobile of Chesley Hill Road said he's still very concerned that there are a lot of items going on that the abutters don't seem to have access to. He said he heard TRG mentioned two or three times during the applicants presentation and he believes the TRG is controlling what's going on more than the Board. He said he still hasn't seen a copy of the minutes from a TRG meeting; saying he thought the Board oversaw these types of events and not the department heads.

Mr. DeNobile went on to say it was his understanding that the Board didn't want sidewalks to nowhere in these type of developments because there's an ordinance that they have to be plowed in a certain timeframe and it will just create extra cost; then asked who will pay for it.

Mr. DeNobile said he didn't hear anything regarding the traffic survey. He said it's been mentioned that this project and the project for Highfield Commons need to co-mingle because one is going to impact the other. He said he's asked several times for a left turn lane from Chesley Hill Road onto Route 125 because at certain hours of the day you have to sit and wait through two or three light cycles to make the turn; he added the abutters are an afterthought and their property rights are being trampled on.

Lou Archambault of 224 Chesley Hill Road said he attended the site walk along with Mr. DeNobile; he said Mr. Campbell considered a five foot piece of grass near the street then the sidewalk and then his yard as an esplanade. He said that was a very fancy word and this isn't France. Mr. Archambault said he mentioned it to some of the abutters and they looked confused. He said the closest thing to an esplanade in this city is on Fillmore Boulevard.

Mr. Archambault went on to say that running a path down the side of his property for children to walk is more of a ruse; they were told that the southern part of the estate was not to be used because the developer would've needed to run a sewer line down to Route 125. He asked why did the City decide to run a sidewalk through a parcel of land that has been deleted from this project. Mr. Archambault said he used the term ruse because it's a foot in the door to the next building houses at the bottom of Norman Street. He went on to ask who will plow the sidewalk, who will maintain it, who will travel on it, skateboards, motorcycles, etc.; the City will be liable for any injuries. He said a sidewalk to and from nowhere is being planned, not to mention the homes along Ramsey Drive will lose their front yard.

Alan Dews of Chesley Hill Road said he knows there isn't a way to prevent the development from happening so he would like to see construction hours posted and a 50 foot buffer around the construction site. Mr. Dews also asked that debris piles aren't allowed to be kept on the site so they don't end up looking like Highfield Commons.

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

Mr. Campbell said most of the issues were discussed on the site walk however; there are still some key issues that are outstanding. He said Public Works is requesting a third party review for drainage; sidewalks are being proposed throughout the development so the Board will have to decide whether or not they will require them to extend down Chesley Hill Road because the applicant is not proposing to do that; whether or not the applicant will be required to hook up to the City sewer system; and finally staff would like Chesley Hill Road to be striped.

There was discussion about the need for a third party review. Mr. Campbell said Mr. Friend-Gray is the expert and if he's not comfortable signing off on the drainage then, he's not comfortable saying a third party review isn't needed. Mr. Smith said there was only one outstanding issue and it's been taken care of and sent to Mr. Friend-Gray to review. Mr. Jaffin asked if the remaining drainage issues could be noted on the alteration of terrain permit for their review. Mr. Campbell suggested getting Mr. Friend-Gray's opinion on the changes before moving forward with a third party review.

The Board went on to discuss the proposed sidewalks. Mr. Smith explained the sidewalks will be throughout the development, down Norman and Ramsey Street then down to Bootleggers. He went on to explain grading of the sidewalk. Mr. Sylvain said he would like a guardrail put in the right-of-way in front of Mr. Archambault's home for the protection of his property.

Next the Board discussed whether to allow septic systems or have the applicant tie into the sewer system. Mr. Fontneau said it's more important to keep the lots the way they are so it would be better to keep the septic systems that are proposed. Mr. Sylvain asked who was in favor of keeping the septic system design versus tying into city sewer. It was a 6 -1 show of hands vote in favor of keeping the design as is with septic systems.

The Board moved on to discuss off-site improvements. Mr. Sylvain asked what the width of the road is at the end of Chesley Hill Road and Route 125. The applicants Traffic Engineer Scott Thornton said it approximately 32 feet or so of pavement; adding that it's really not wide enough to add another lane. Mr. Sylvain said something needs to be done to keep traffic from backing up; whether is timing the traffic lights differently or

adding a turn lane. The applicant Alexis Makris said they have had traffic studies done and the numbers don't warrant any changes. She asked if the city would hold a joint meeting with herself and NHDOT.

There was a brief discussion about striping Chesley Hill Road.

A motion was made by Mr. Walker and seconded by Mr. Jaffin to stripe Chesley Hill Road. The motion carried unanimously.

Mr. Campbell said the applicants are requesting several waivers and discussed them with the Board. The first waiver is for Subdivision Regulation Section 5.2.5 (Depth to width ration of new lots). He said staff supports this waiver request because the lots are not grossly wider then they are deep.

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

The second waiver is from the Subdivision Regulations Section 5.3.7 (cul-de-sac- length). Mr. Campbell said staff supports the waiver request because the length is just over 1,200 feet, it is temporary, and the TRG staff had no concerns.

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

Mr. Campbell said the third waiver request has to do with drainage and suggested not voting on it until Mr. Friend-Gray has a chance to review the changes. The Board agreed.

The Board discussed the concerns of abutter Alan Dews. Mr. Sylvain said normal construction hours are 7:00am to 5:00pm five days a week. Mr. Fontneau asked that a stipulation be added to the notice of decision about keeping the construction site clean in order to avoid dirt piles sitting on the different phases of the site.

Mr. Willis expressed his concern about acceptance of the new road. He suggested the escrow not be allowed to drop below 25% of the construction cost until the road is accepted by the City and there should be a time limit on the amount of time given before the city can move against the developer.

A motion was made by Mr. Walker and seconded by Mr. Healey to continue the application to the July 10, 2017 meeting. The motion carried unanimously.

B. Makris R.E. Development, LLC, Chesley Hill Road & Donald Street – Lot line revision

A motion was made by Mr. Walker and seconded by Mr. Jaffin to continue the application to the July 10, 2017 meeting. The motion carried unanimously.

Mr. Sylvain called a recess at 8:38pm

Mr. Sylvain called the meeting back to order at 8:46pm

VIII. Review of permitted uses for the office commercial zoning district

Mr. Campbell said the Board had discussed looking at this during the last meeting. Mr. Sylvain asked if it would be feasible to remove the fairgrounds from the office commercial zone and create a zone specifically for it.

Mr. Walker asked how long it would take to create a new zone. He said he is concerned that something will be happening soon with the land.

Mr. Gray expressed concerns about spot zoning. Mr. Sullivan said he doesn't believe any change to this parcel would be spot zoning but suggested having a legal expert take a look at it. Mr. Gray reminded the Board that the parcel across from Lowes went into litigation and any action the Board takes can be litigated. Mr. Jaffin agreed saying if the Board tried to change anything right now it could open them up to legal issues. Mr. Fontneau suggested proposing an entertainment district overlay again but just on the fairgrounds parcel. Mr. Sylvain asked Mr. Campbell to have the City Attorney look into it.

IX. Review of May 2017 Surety and Inspections

Mr. Campbell said there haven't been too many changes to the inspection or surety lists other than dates have now been added for the inspections.

X. Other Business

A. Recommendation of Donald Hamann for appointment to Strafford Regional Planning Commission

A motion was made by Mr. Walker and seconded by Mr. Willis to recommend Mr. Hamann for appointment to the Strafford Regional Planning Commission. The motion carried unanimously.

XI. Adjournment

A motion was made by Mr. Willis and seconded by Mr. Walker to adjourn at 9:35 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary