

City of Rochester Planning Board
Monday October 2, 2017
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on October 16, 2017)

Members Present

Nel Sylvain, *Chair*
Matthew Kozinski, *Secretary*
Tim Fontneau
Mark Sullivan
Tom Willis

Members Absent

Dave Walker, excused
Robert May, excused

Alternate Members Present

Terry Dwyer
James Gray
Jeremy Hutchinson
Kyle Starkweather

Staff: Seth Creighton, *Chief Planner*
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 7:00 p.m.

The Planning Secretary conducted the roll call.

III. Seating of Alternates

Mr. Hutchinson voted in place of Mr. Walker, Ms. Dwyer voted in place of Mr. May, and Mr. Starkweather voted for one of the vacant regular member positions.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A motion was made by Ms. Dwyer and seconded by Mr. Willis to approve the September 18, 2017 meeting minutes. The motion carried unanimously.

VI. Extensions/New Applications:

A. LaPerle Family Trust/Michael Garland & Ellen McDonald, 44&52 Haven Hill Rd. - Extension

Mr. Creighton said the applicant is requesting a seven month extension to meet precedent conditions. Staff supports the request.

A motion was made by Mr. Fontneau and seconded by Mr. Starkweather to approve the extension to May 1, 2018 as requested. The motion carried unanimously.

B. LaPerle Family Trust, 52 Haven Hill Road - Extension

Mr. Creighton said the applicant is requesting a seven month extension for this project as well. Staff supports the request.

A motion was made by Mr. Fontneau and seconded by Ms. Dwyer to approve the extension to May 1, 2018 as requested. The motion carried unanimously.

C. Dr. David Pak, 248 North Main Street - Extension

Mr. Creighton said the applicant is requesting a six month extension in order to meet precedent conditions. Staff supports the request.

A motion was made by Mr. Fontneau and seconded by Mr. Hutchinson to approve the extension to April 3, 2018 as requested. The motion carried unanimously.

D. Kevin & Stephanie Burke, 313 Blackwater Road

Ray Bisson of Stonewall Surveying explained the current layout of the parcel. He said the applicant wants to create a lot for their son to build a house on. Mr. Bisson said they will require a variance to allow the horse that the owner has and they are on the Zoning Board agenda for later in the week.

Mr. Sylvain opened the public hearing. No one from the public was present to speak.

Mr. Crieghton said there were no concerns from TRG and no revisions were needed. He said staff supports the subdivision and recommends approval with a condition of approval being that a variance is needed.

Mr. Willis asked what the quality of the well water is. Mr. Bisson said they haven't had it tested but there have never been any issues.

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

A motion was made by Mr. Fontneau and seconded by Mr. Kozinski to approve the subdivision. 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 they have gotten the response from the third party review for drainage and held a final TRG meeting. He said he knows part of the discussion will be pertaining to sidewalk that is designed through Norman Street.

Mr. Smith said with regard to the off-site water improvements, the applicant would like to know if it could be written into the conditions that the amount be capped at \$80,000 because that was the agreement with Wright-Pierce and the Planning Department.

Mr. Sylvain opened the public hearing.

Gregg DeNobile of Chesley Hill Road asked what the term "final action" means on the agenda because he said he still has a long list of items in question and there will be a lot of discontent if this gets passed. Mr. Creighton explained staff writes what the application could be ready for on the agenda. He said the applicant has submitted enough and it's a complete application, it's gone through the TRG process, and has had numerous public hearings and is at a point that staff is recommending final action be taken if that is what the Planning Board wants to do.

Mr. DeNobile said part of the problem is the technical review group. He said there have been people that have tried to attend the meetings and have been rejected, and there no minutes available. He went on to say he doesn't like the idea of an independent body making decisions.

Mr. DeNobile said he is still very concerned with the drainage; he said he's been told it has been addressed and fixed. He had pictures from the mother's day flood in 2006 that he submitted into the record. Mr.

DeNobile said his big concern is what will happen down the road literally and figuratively. He said Chesley Farm Estates which is across the street from him had a drainage issue however; the developer still owned everything so he had to fix the problem. He said the Board made a motion to stripe Chesley Hill Road but it was rejected; he asked if the application would still be approved without the stripe down the road. Mr. DeNobile again asked about the traffic light for Route 125, saying he apparently has to do all the running around because no one else can be bothered.

He went onto say he has asked numerous times about traffic surveys and how this project would intermingle with Highfield Commons. He said the only thing he has heard from the traffic study is that the average speed is 32 mph and added that every neighbor laughed when they heard it. Mr. DeNobile said the sidewalk is still up in the air and asked how it will be maintained and if there are any estimated costs. He asked about the pump station and what is to happen if the cost exceeds the \$80,000 cap; with no impact fees who will pay.

Lou Archambault of Chesley Hill Road spoke about the proposed sidewalk, drainage, speed on Chesley Hill Road, and road width.

Tom Rowe of 176 Chesley Hill Road said he is concerned about his pond and the drainage issues on the hill. He said the developer has made promises to give him a portion of land in order to have the entire pond on his land.

Alan Dews of Chesley Hill Road said he would like to see the construction begin at the bottom of the field. He would also like a guarantee that if anything happens to his artisan well during blasting the developer will pay to connect him to city water. Mr. Dews asked for a 25 foot no cut buffer between the development site and his home.

Pete Tessier of 200 Chesley Hill Road asked what side of the pond the driveway will be located. He said he is concerned with runoff and was told there would be a riprap swale but it's not shown on the plan.

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

Mr. Smith explained where the sidewalks will run and said they will not be increasing water to the abutting properties.

Mr. Smith said Mr. Campbell, Vanesse Associates, and DOT will be working on signal changes to help with the flow of traffic.

He said the concern about the pond on Mr. Rowe's property is part of the lot line revision application.

Mr. Fontneau asked what pump station they will be using. Mr. Sylvain explained it's the one on Washington Street. Mr. Gray asked when the estimate of \$80,000 was given. Mr. Smith said it was March of 2016. There was brief discussion of Mr. Dews well. Mr. Creighton explained that it would be a civil matter if something were to happen to it.

Ms. Dwyer suggested the developer send out letters to abutter's informing them what will be happening. Mr. Smith said Ms. Makris wouldn't have an issue with sending out letters to notify people with wells.

Mr. Willis asked what the marketing amenities will be; making reference to the wall for Chesley Farm Estates. He said the City isn't in the business of maintaining walls and asked if there will be a home owners association. Alexis Makris told him they have worked very hard to not have a HOA.

There was a lengthy discussion regarding the construction of the sidewalks.

Ms. Makris said she would be willing to put money into a fund to construct a sidewalk at a later date.

A motion was made by Ms. Dwyer and seconded by Mr. Willis to close the public hearing. The motion carried unanimously.

Mr. Creighton said the applicant had a few waiver requests. The first is a waiver of Subdivision Regulations Section 5.2.5 (Depth to Width ratio of new lots)

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

The second is a waiver of Subdivision Regulations 5.3.7 (Cul-de-sac length).

A motion was made by Ms. Dwyer and seconded by Mr. Kozinski to approve the waiver request. The motion carried unanimously.

The third is a waiver of Chapter 50 Section 50.7(C) 3. (Drainage).

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

Mr. Creighton said the applicant is also requesting a conditional use permit to impact wetland/wetland buffers.

A motion was made by Mr. Fontneau and seconded by Ms. Dwyer to approve the conditional use permit. The motion carried unanimously.

A motion was made by Ms. Dwyer and seconded by Mr. Kozinski to approve the application. There was more discussion regarding sidewalks.

The motion failed by a 5-3 roll call vote.

A motion was made by Mr. Fontneau and seconded by Mr. Willis to approve the application with the stipulation that an alternate sidewalk design be constructed should the City Council reject the current proposal. The motion carried by a unanimous roll call vote.

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

Mr. Smith said the plan for the lot line revision went through the TRG process and is to allow a pond to be completely located on an abutting property.

Mr. Sylvain opened the public hearing. No one from the public was present to speak.

Mr. Creighton said staff doesn't have any concerns.

A motion was made by Mr. Fontneau and seconded by Mr. Starkweather to accept the application as complete and approve the lot line revision. The motion carried unanimously.

Mr. Sylvain called a recess at 9:13pm

Mr. Sylvain called the meeting back to order at 9:22pm

C. Real Estate Advisors, Inc., 24 Jeremiah Lane

Christopher Berry of Berry Surveying & Engineering said they have received both third party reviews and are working on revisions. He asked that the project be tabled until they have a chance to work with staff on final plans. He added that they will re-notify the abutters.

Mr. Creighton said he believes it's a reasonable request and said the applicant should be ready to resubmit in thirty days. He said there isn't any new material to discuss and wouldn't suggest opening the public hearing.

A motion was made by Mr. Kozinski and seconded by Ms. Dwyer to table the application. The motion carried unanimously.

Al Benton came to the podium saying he was there for the public hearing and was insisting to speak. Mr. Sylvain gavelled him, told Mr. Benton he was out of order and not to speak to the project because the public hearing wasn't opened.

VIII. Other Business

Mr. Starkweather asked what the status is with the proposal for rezoning from Economic Development. Mr. Creighton said someone from Economic Development will be back to give formal presentation.

IX. Adjournment

A motion was made by Mr. Willis and seconded by Mr. Starkweather to adjourn at 9:42 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary