

City of Rochester Planning Board
Monday August 6, 2018
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on August 20, 2018)

Members Present

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

Members Absent

A. Terese Dwyer, excused
Matthew Kozinski, excused
Kyle Starkweather, absent

Alternate Members Present

Joyce Bruckner
James Gray
Donald Hamann

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

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

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 July 9, 2018 meeting minutes. The motion carried unanimously.

VI. Consent Agenda

A. Paul & Sue Normand, 28 & 34 Pond View Lane

Mr. Creighton explained there was a subdivision done within the last 12 months. He said this is a very simple lot line revision to be able to meet set backs for construction of a garage.

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

VII. New Applications

A. David & Destiny Groen, 138 Chesley Hill Road

James Hayden of Berry Surveying & Engineering presented the plan for a 2-lot subdivision. He said a Wetland Scientist has been on site and delineated two wetlands, one being located near the proposed driveway of the second lot. Mr. Hayden said the driveway will go through the wetland buffer but will not affect any wetland its self. He went on to say the Assistant City Engineer has asked that the driveway be moved back a few feet and to revise the under drainage on the side of the driveway.

Mr. Sylvain opened the public hearing.

Gregg DeNobile of Chesley Hill Road asked if there was an abutter's list, stating he never received a letter of the subdivision. He also asked if this went before the TRG and if so what the commentary on it. Mr. Sylvain said the project did go before TRG and would be discussed with Mr. Creighton after the public hearing.

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

Mr. Creighton said had a copy of the abutter's list and said Mr. DeNobile was listed on it and a letter should have gone out to him.

Mr. Creighton went on to say the project was reviewed at TRG for setbacks, lot sizes, and a Conditional Use Permit for wetland impact. He said the conditional use permit went before the Conservation Commission which they supported as designed and with no conditions of approval.

There was a brief discussion regarding the use of silt socks versus silt fence.

A motion was made by Mr. Walker and seconded by Mr. May 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 Conditional Use Permit. The motion carried unanimously.

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

B. Great Woods Development, LLC, Laredo Lane, Smoke Street, & Bailey Drive

Scott Lawler of Norway Plains Associates explained the history of the development and phasing plan that was approved in 2008. He said the developer would like to finish phase I and have the road be accepted by the City.

Mr. Lawler explained the proposed amendment to revise the notice of decision for street trees and walking paths.

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

The Board decided to go through and discuss each item one by one.

Mr. Creighton said the first item is for condition 1b) requiring an asphalt apron between lots 22 and 23 connected to the road pavement. Mr. Creighton said lots 19 and 20 should also be included and said staff supports eliminating this requirement.

Mr. May asked if removing the paths would change the lot size. Mr. Creighton said it would not and added it will be maintained along with the open space.

Mr. Sylvain asked if the wetlands will be marked. Mr. Lawler said yes, the developer is working on gaining access to the properties in order to place the markers.

Condition 1c and d) to extend the sidewalk and provide an acceptable cross section for the sidewalk onto the Pray subdivision to Stonewall Drive. Mr. Creighton said staff supports eliminating the requirement because the City Council has released the ROW and thus there is no longer an available manner to extend a sidewalk to Pray Street.

Condition 1e) to show benches in appropriate locations throughout the subdivision. Mr. Creighton said staff supports eliminating this requirement because the proposed benches were to be located along the path and sidewalk that are now proposed to not be required.

Condition 1f) include landscaping plan for the center of the cul-de-sac. Mr. Creighton said staff supports either eliminating this requirement or changing the number of required trees.

General condition 7 on the overall subdivision of land which requires two street trees within the front 15 feet of each lot, within the easement area. Mr. Creighton said staff supports amending this requirement to that it spaces the trees further apart, resulting in less trees. General condition 8 on the overall subdivision of land which requires all buildable lots be subject to a 15-foot wide tree planning easement along the front of all the lots. Mr. Creighton said staff supports maintain this requirement.

Mr. Fontneau asked what the Subdivision Regulations say. Mr. Creighton said the regulations state it's at the discretion of the Board.

There was discussion regarding the need for additional trees or not.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the amendment, removing the requirement for street trees and removing the requirement for a 15-foot easement for trees. The motion carried; Mr. May opposed.

C. Stillwater Kennels & Training, Inc., 100 Meaderboro Road

Mr. Lawler presented the plans to expand the existing dog kennel. He said the business has been in operation since 1988 when it was approved by the Planning Board.

Mr. Lawler said the applicant is proposing a 1,296 sq.ft. addition for the dogs to be able to remain inside during inclement weather. He said they are not proposing to increase the number of dogs for boarding or kenneling. Mr. Lawler said they are requesting a waiver from the parking requirements for the number of spaces needed.

Mr. Sylvain opened the public hearing.

Erica Elliot of 96 Meaderboro Road said every day there is constant barking, starting around 5:30am which wakes up her two small children. She said there is no control over the barking and it goes on for hours at a time. Ms. Elliot said she has purchased noise machines for every room in her house to try and drown out the dogs barking but they don't help

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

Mr. Creighton said the Board should also look at some of the other improvements that had been done but never got approved.

Mr. Sylvain asked what the distance is from the kennel to the neighbors house. Mr. Lawler said it's about 50 feet from property line to property line.

The applicant Fred Abbey said nothing has changed since he took over in 2010. He said the dogs go out for approximately 15 minutes at a time starting around 6:00am and then are out from 9:00am to 10:45am for morning activities. Mr. Abbey said the addition would reduce the noise of the dogs.

Mr. Sylvain asked how many dogs they have. Mr. Abbey said they have 10 to 15 that go home at 5:30pm for day care and they have about 20 that are kenneled.

Mr. Fontneau asked if Ms. Elliot could hear the dogs inside or outside of the house. Ms. Elliot said both. Mr. Walker asked if she knew there was a kennel there when they bought the house. Ms. Elliot said yes and they had concerns and viewed the house numerous times but they didn't go there at 5:30am or 10:00pm.

Mr. Sullivan asked what could be done to help with the noise. Mr. Creighton suggested things like sound proofing the building, fencing, evergreen vegetation, or an earth berm.

Mr. Sylvain called a recess at 8:25pm to allow the applicant and the abutter to try to come to an agreement.

Mr. Sylvain called the meeting back to order at 8:38pm

Mr. Lawler said he and Mr. Abbey spoke with the abutters during the break and said Mr. Abbey is willing to change the time the dogs go outside from 6:00am to 6:30am.

Mr. Walker suggested saw tooth-ing the stockade fence and adding evergreens to muffle the sound of the dogs barking.

Mr. Fontneau said he felt inclined to continuing the project to the next meeting to give the applicant and the abutter time to discuss and try to come up with some solutions.

Mr. Sylvain asked staff to look at the original notice of decision to see what was approved.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the application to the August 20, 2018 meeting. The motion carried unanimously.

VIII. Continued Applications

A. SDJ Development of Rochester, LLC, Fillmore Boulevard

The applicant requested a continuance to the regular meeting in September.

A motion was made by Mr. Walker and seconded by Mr. Hamann to continue the application to the September 10, 2018 meeting. The motion carried unanimously.

IX. Other Business

There was no other business to discuss.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Fontneau to adjourn at 8:52 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary