

**City of Rochester Planning Board**  
Monday November 22, 2021  
Special Meeting  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on January 3, 2022)*

Members Present

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Peter Bruckner  
Robert May  
Dave Walker  
A.Terese Dwyer

Members Absent

Mark Sullivan

Alternate Members Present

Paul Giuliano  
Donald Hamann  
Keith Fitts  
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Ashley Greene, *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.)

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**I. Call to Order**

Nel Sylvain called the meeting to order at 7:00 p.m.

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**II. Roll Call**

The recording secretary, Ashley Greene, conducted the roll call attendance.

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**III. Seating of Alternates**

There were no seating of alternates.

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#### IV. Approval of Minutes for November 1, 2021

*Dave Walker made a motion to approve the minutes from November 1, 2021. Mark Collopy seconded the motion. The motion carried by a unanimous voice vote.*

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#### V. SDJ Development of Rochester, LLC, Fillmore Boulevard/Eisenhower Drive Approved 2018; 24-lot Subdivision Case# 237 – 3&8 – PUD – 18. **Compliance Hearing**

Keith Fitts and Paul Giuliano recused.

Shanna Saunders recapped the last meeting that Fillmore Boulevard/Eisenhower Drive was discussed. Ms. Saunders stated that this project was last discussed at the November 1, 2021, meeting. Ms. Saunders stated that there were three (3) COs issued that night, #18, #22, and #24. The developer is requesting COs for #16, #17, #30, #34, #36, and #40. The remainder parcels are not being considered for COs as there are not foundations.. Ms. Saunders stated that the City's thought is to decide on which COs to issue tonight and then button up the site. Only work on homes and interior work, and very minimal site work over the winter season. Ms. Saunders stated the reason being is because of the rainy springs, and the erosion control and seeding needs to be set for the Winter so that it holds up in the Spring. Ms. Saunders stated that #28 is not under consideration tonight because it is currently being used as an access road, and is too close to the fill pile. Houses #21, #25, #29, and #31 are also not under consideration because of the historical dirt pile that is still within the 100 feet of the houses.

Ms. Saunders stated that between November 1, 2021, and November 22, 2021, there have been numerous site visits between the Planning Department and Department of Public Works. Since November 1, 2021, the swale is now stabilized, there is straw matting on the stockpiles which prevents the dirt from traveling during rainstorms. The catch basins have been protected. Ms. Saunders stated the DES required on any house that was actively under construction get mulch berms into place to stop the flow of water. The level spreader for Hussey Hill Pond has been completely redone, and it is now level and as wide as it is supposed to be. The finalized berm is now stone and has been matted, and the inspection staff believe that is functioning how it should be. Ms. Saunders stated that behind the houses on the left-hand side of the road the AoT pile has been moved and the compact dirt behind the houses were causing wash outs during rainstorms. The City and DES required them to put in a temporary swale and pond and stabilize it with the matting, which held up during the last rainstorm. Ms. Saunders stated that catch basin 50 is stabilized with bark mulch and protection has been put in place around the catch basin to prevent it from clogging.

Ms. Saunders stated that with all of these adjustments, along with the ponds that were re-contoured and finished, the site is now almost in compliance. Ms. Saunders stated that for those reasons, the staff is recommending issuance of COs for #16, #17, #30, #34, and #40 with the conditions that the lawns are graded and reseeded, AoT area is protected with mulch berms, Keech Nordstrom Associates submits the volume calculations for the sediment forebay in Pond 1, and Stoney Ridge submits an invasive species remediation plan to the City. Ms. Saunders stated that if those four recommendations are followed, along with building inspections being passed, then Staff is recommending COs be issues. Ms. Saunders also stated that if the winter stabilization plan is not followed at any time, then this would halt any other CO issuance.

Mr. Sylvain called Courtney Donaldson, investor to the project, to speak.

Mr. Donaldson stated that he apologizes for the frustration with this project, but he is doing his best to work with engineers to get the Site up to City code.

Mr. Sylvain asked what the hold up was with #7. Mr. Donaldson stated that there is no hold up, but that he instructed Highfield Homes not to work on #7, due to homeowners being upset they were working on something that was not yet sold. Mr. Donaldson stated that we aren't doing work on any more properties until those people that have bought houses are into their homes. Mr. Donaldson stated they are looking to get Phase III going, and get the stockpile moved into Phase III. Mr. Donaldson requested getting the building permit for #37, as the foundation has been in on that lot for two (2) years.

Mr. Sylvain stated that his only concern with #7, and any other foundation that is in, that if they aren't going to be framed before the winter then they need to be capped. Mr. Donaldson stated that they would move forward with framing those foundations if they got the approval to do so. Mr. Sylvain stated that his concern is regarding safety and young kids being up there. He requested that those foundations be capped. Mr. Donaldson agreed.

David Walker stated that he went for the site walk on November 1, and he asked if the Hussey Hill Pond has been draining in the three (3) days that is it supposed to. Mr. Donaldson stated that seven to nine days after the rainstorm there was still water draining into the pond. Mr. Donaldson stated that the three days doesn't start until after all the water is done draining into the pond. He stated that because of that reason it makes it difficult to get that calculation done. Mr. Walker asked if they have figured out where all the water has come from? Mr. Donaldson stated that the water is coming from multiple places, and it is currently being worked on.. Ms. Saunders stated that what we are focusing on now is getting the site to the state that we approved it in for the COs being recommended and then over the winter figure out what is wrong with the design of the Hussey Hill Pond to prevent it from properly draining.

Mr. Sylvain asked if sweeping is being done once a week? Mr. Donaldson stated that it is done with their own skid steer during the week and then on Friday mornings a third-party company sweeps for three (3) hours.

Mr. Sylvain stated that he appreciates Mr. Donaldson stepping up, getting people into their homes, and working well with the City. Mr. Sylvain stated that he is hoping the Site gets back on track. Terry Dwyer stated that Mr. Donaldson has been very transparent and has been doing a great job getting people into their homes that have been waiting.

Mark Collopy asked if the building permits that have foundations are being held? Ms. Saunders stated that typically a foundation permit is issued first and is then confirmed with a Foundation Location Plan to make sure that it was placed correctly and then a building permit is issued. Ms. Saunders stated that #7 has a building permit, but there have been issues with #37 which was holding up the building permit.

Ms. Saunders stated that we are looking for a vote on releasing CO issuance for #16, #17, #30, #34, #36, and #40 with conditions.

*Ms. Dwyer made a motion to approve the release of COs with conditions for #16, #17, #30, #34, #36, and #40. Mr. Collopy seconded the motion. The motion carried by a unanimous voice vote.*

Mr. Collopy asked that if any other the conditions are breached that the Planning Board be notified. Ms. Saunders agreed.

## **IX. Other Business**

Mr. Sylvain stated that he would like to recommend to City Council that Keith Fitts be made into a voting member. Mr. Walker stated that there are multiple letters of interest in the City Clerk's Office which now

makes Mr. Fitts' position opposed and must now go through City Council. Ms. Dwyer asked if there is a letter that can be written to recommend Keith Fitts and David Walker be appointed to the Planning Board.

*Ms. Dwyer made a motion to write a letter to the City Council to recommend Keith Fitts and David Walker to a voting member position on the board. Mr. Collopy seconded the motion. The motion carried by a unanimous voice vote.*

Mr. Collopy asked how many seats were currently open. Mr. Sylvain stated that there are currently three (3) seats open.

Mr. Sylvain stated that he requested from the Mayor Elect that Donald Hamann becomes the regular City Council Representative.

Mr. Sylvain stated that he announced at the Planning Board Retreat that he would not be running for Chair again, and that December 6, would be his last meeting. Mr. Sylvain stated that Robert May was elected to be the Vice Chair.

## **X. Adjournment**

*Mr. Walker made a motion to adjourn the meeting at 7:33 p.m. Ms. Dwyer seconded the motion. The motion carried by a unanimous voice vote.*