

CITY OF ROCHESTER

Planning Board

Monday, February 11, 2008 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved February 25, 2008)

Members Present

A. Terese Desjardins, *Chair*

Tim Fontneau, *Secretary*

Lance Powers, *Vice Chair*

Tom Abbott

Alan Dews

Thomas McCallion

John David Meader

Members Absent

Rick Healey (Excused)

Alternates Present

Eugene McCarthy

Ray Varney

Alternates Absent

James Murray

Staff: Michael Behrendt, Chief Planner

Madeleine Carter, Secretary

(These minutes are the legal record of the meeting and are in the format of an overview of the meeting. It is neither represented nor intended to be a true transcription 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).

Ms. Desjardins called the meeting to order at 7:00 p.m. The secretary conducted roll call.

Ms. Desjardins stated she received a letter from Jim Graham resigning from the Planning Board as of this evening. He just needs some time off; he has done a lot of volunteerism for the City of Rochester and wants to spend more time with his family. She stated she accepted the letter with regret. She thanked him for his outstanding service. She believes he has been on the Planning Board for 8 or 9 years.

Ms. Desjardins appointed Mr. McCarthy as voting member for Mr. Graham.

She stated there are two positions that are available. She stated the public is invited to apply for a seat on the board; it is a great opportunity to give community service.

Communications from the Chair

Ms. Desjardins stated at their workshop in February they would have the dates for the retreat, and the dates for the Subdivision Regulation Committee meeting. She stated those dates would be made public for any Planning Board members to attend for the Subdivision Regulation meeting. She stated the public is also welcome to go to those meetings. The retreat date is open to the public however it would not be held in the chambers.

She stated she would not be attending the workshop on February 25th she would be vacationing during that week.

Approval of minutes for January 28, 2008

A motion was made by the Mr. Powers and seconded by Mr. McCallion to approve the above minutes of January 28, 2008. Motion carried unanimously.

Continued Applications:

A. Raven Realty, LLC. 127A Farmington Road (by Norway Plains Associates). 4-lot subdivision. Case # 208-18-A-07 (PH)

Art Nickless, Norway Plains Associates stated they are still involved in the CLD process. He has nothing new to report.

Mr. Behrendt stated staff recommended acceptance as complete and approval of all of the waivers. He stated Tom Willis, Public Works Department, has endorsed the waivers. He stated this is an allowable use in the agricultural zone. He briefly discussed other minor items and issues.

A motion was made by Mr. Varney and seconded by Mr. McCarthy to accept this application as complete.

Ms. Desjardins opened the public hearing. No one came forward.

Mr. Nickless briefly discussed the elimination of a detention pond and other issues.

Motion carried unanimously.

Board members, and Mr. Nickless discussed the waiver request for curbing.

Board members asked to get Public Works opinion on the curbing.

This application was continued to the March 10, 2008 meeting.

Board members agreed they would not accept the waivers at this point.

B. Summit Land Developers, Farmington Road / Route 11 (by Trittech Engineering Corp.)
Site plan to construct a one-story medical office building. Case # 208-18-A-07 (PH)

Barry Grier, Trittech Engineering, stated the only major change would be reducing the aisle width from 24 feet to 22 feet. He briefly discussed some engineering issues, a waiver for the lighting, and other items and issues.

Mr. Behrendt stated staff recommended approval of the lighting waiver and continuance to March 10.

Board members and Mr. Behrendt discussed getting information for the signage, which Mr. Behrendt stated would be in their next packet. Also discussed was a use variance.

Board members and Mr. Grier briefly discussed drainage and sloped curbing.

Ms. Desjardins opened the public hearing. No one came forward.

A motion was made by Mr. Meader and seconded by Mr. Dews to close the public hearing. Motion carried unanimously.

This application was continued to the March 10, 2008 meeting.

C. Salvelinus, Inc., c/o J. Grossman, 249 Blackwater Road. Amendment to approved 6-lot subdivision to delete condition-prohibiting duplexes. Case # 263-25-A-07 (PH)

Attorney Jerry Grossman, applicant, discussed building single-family homes. He discussed the plans that were being viewed on the screen that included the diagram of the lots, and stated duplexes are allowed in this zone.

Mr. Behrendt discussed the plans that were being viewed on the screen. He stated staff recommended approval of the upper two lots, and not allowing duplexes on the lots fronting Blackwater Road.

Board members discussed keeping this as a single-family neighborhood, and the lots fronting Blackwater Road upland area.

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included the lots fronting Blackwater Road upland area. He stated there is more than enough room for duplexes there. He discussed the pictures of the road he handed out to the Board that included the sight distance. He stated there are no technical issues.

Board members, and Mr. Nickless discussed the sight distance, zoning restrictions, the square footage, unusable upland, increasing the septic systems, giving an amendment without good reason that it is a hardship, the properties on Blackwater Road, an easement for a shared driveway, quality of life for the people that live there, problems sustaining water levels in this area, two bedroom homes, and other items and issues.

Ms. Desjardins asked Mr. Grossman if he would be willing to say only two bedrooms in each duplex and never come back again and ask for an amendment.

Mr. Grossman gave his word that he would not come back again to ask for an amendment and that building two bedroom units is reasonable.

Board members, and Mr. Nickless discussed increasing the no cut buffer zone to 25 or 50 feet.

Ms. Desjardins opened the public hearing.

Dennis Ward, 31 Kipling Rock Road, asked if it was a common practice to put duplexes in this kind of area.

Ms. Desjardins stated duplexes are allowed in this zone. She stated it is just not a common practice.

Mr. Ward stated duplexes are not in line with what is already there. He believes this would be a negative effect on the neighborhood.

Ms. Desjardins stated there are 3 possible options. Options are to deny the request, approve the request for the amendment on all four properties but limit it to just 2 bedroom duplexes, or approve the duplexes on two properties but exclude the Blackwater Road property and keep that for single-family homes.

A motion was made by Mr. Varney and seconded by Mr. Powers to approve this amendment for lots 25-2, 3, 4, and 5 with a 15 foot no cut buffer on the back side of lot 25-3 and on the developed side of lot 25-4. And add a note on the plan that the area must be staked prior to any construction.

Board members were concerned with parking on Blackwater Road, the water table in the area, a well for each unit, and other items and issues.

Motion carried. Three opposed. Ms. Desjardins, Mr. Dews, and Mr. McCallion.

D. Mark Phillips, England Road. (by Norway Plains Associates). 17-lot subdivision.
Case # 263-10-A-07 (PH)

Mr. McCarthy recused himself.

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included the 150 foot setback from the front wall, 2 driveways, a large area to be preserved, the orchard, a new driveway coming off the new road, a 50 foot strip to be conveyed to the City for future access, adding 4 catch basins, and other items.

Mr. Behrendt stated staff recommended approval as stated in the recommendations. He discussed adding language for maintenance of the street to include snow plowing. He also discussed the Certificate of Occupancy; removing precedent condition 1f, lot 16 to be accessed from the new street, precedent conditions 2j1, and storage of vehicles. He stated Jeff Winders, Conservation Commission member, recommended prohibiting logging and removal of topsoil in the open space, or allowing logging under the supervision of a certified forester. He also discussed the leach field.

Mr. Nickless stated he had no problem as to where the leach field would be. He discussed the current use, and a forestry management plan. He also agreed there would be no logging except under the supervision of a licensed forester.

Board members wanted to know who is in charge with the intent to cut applications. Mr. Behrendt replied it is the Assessing Department.

Board members discussed deleting precedent condition 2l. Also discussed were precedent conditions 2b, and 2h. Members discussed the fact that buffer markers are not part of the ordinance.

Mr. Nickless discussed the wetlands, the site and septic plan, and the buffers.

Ms. Desjardins asked Mr. Nickless for an interpretation of a perk test. Mr. Nickless explained the perk test.

Ms. Desjardins asked if there would be enough water for these lots. Mr. Nickless replied no one could really know until they are drilled. He explained the different kind of drills that have been used.

Ms. Desjardins opened the public hearing. No one came forward.

A motion was made by Mr. Varney and seconded by Mr. Fontneau to approve this application to include no sprinklers, the catch basins, remove precedent conditions 2l, and 2h, no logging except under the supervision of a licensed forester, no mobile homes, and no leach fields in the front.

A motion was made by Mr. Varney and seconded by Mr. Fontneau to amend the motion to reinstate precedent condition 2h.

Motion carried. One opposed. Mr. Powers.

The motion as amended was approved.

New Applications/Amendments:

A. Rose Realty, LLC/Robert Diberto, 14 Spruce Street (by Norway Plains Associates) 2-lot subdivision. Case # 120-219-R2-08 (PH)

Art Nickless, Norway Plains Associates discussed the Zoning Board of Adjustment approval to the placement of the building, some of the comments from Mr. Willis at the TRC meeting.

Mr. Behrendt stated a site walk of the property was done about a year ago. He discussed extending the pavement, and stated upgrading the street would be out of proportion. He also discussed how the duplex should be located.

Board members, Mr. Behrendt, and Mr. Nickless discussed the location and placement of the duplexes, upgrading the waterline, buffering for the abutters, and a turn around for plowing snow.

Ms. Desjardins opened the public hearing. No one came forward.

Board members asked to hear from someone about cleaning up the site and planting buffers.

This application was continued to the March 10, 2008 meeting.

B. Grant D. Myhre, 98 Ten Rod Road. (by Norway Plains Associates) Site plan for pole barn for storage & indoor horse exams / exercise. Case # 220-24-A-08 (PH)

Art Nickless, Norway Plains Associates, briefly discussed a previously approved plan in 2005 for this site. He stated this would be more of a conventional type barn attached to the existing barn. He discussed the drainage plan, and stated the color of the roof would blend in with the existing barn.

Ms. Desjardins opened the public hearing. No one came forward.

A motion was made by Mr. Varney and seconded by Mr. Powers to continue this application to the February 25, 2008 meeting. Motion carried unanimously.

C. Newland Development Association, 103, 105 & 107 Milton Road. (by MHF Design Consultants, Inc., Frank C. Monteiro, PE). Preliminary (design review) site plan to consolidate 3 existing parcels of land and build a new 14,622 square foot freestanding Rite Aid Pharmacy with drive-up window. Case # 210-40-41, 42-B2-08 (PH)

Ms. Desjardins explained to the public the preliminary process.

Frank Monteiro, MHF Design Consultant, discussed the location of the facility, and gave a basic overview of the project. He discussed the plans that were being viewed on the screen

that included the survey plan, the 4 structures to be removed, the zone lines, the preliminary site plan, and a view of the building elevation. He discussed having one access on Rte. 125, a traffic consultant and study, a secondary access which would be on Denali Drive along with a truck access there, the utilities plan drainage, 2 underground detention ponds, infiltration for the run off of the roof, the septic system and leach field, the lighting plan, a sidewalk on Rte. 125, and curbing. He stated they are looking for comments and inputs from the board.

Mr. Behrendt stated he has received several letters of concern from the abutters.

Ms. Desjardins stated she had one more to add to the list that she had received from one of the abutters.

Mr. Behrendt discussed the on site leach field, the architectural design, and the location of the dumpster.

Ms. Desjardins stated she would like to see only one access and no access on Denali Drive.

Board members, and Mr. Montoire discussed the loading area, hours of operation, a time frame for deliveries, the wetlands, and the impervious surface in the setback, the detention pond, drainage issues, and other issues and items.

Mr. Montoire explained why they wanted an access on Denali Drive. He discussed the plans that were being viewed on the screen that included the tractor trailer deliveries which would be only once a week, a traffic study, hours of operation which would be 8 am to 10 pm, 7 days a week. He stated it would not be open 24 hours a day.

Ms. Desjardins opened the public hearing.

Matt Wilkinson, 16 Denali Drive, stated he is concerned with access on Denali Drive, drainage, children playing, adding traffic to the neighborhood, tractor trailers not being able to make the turn into that access. He also stated his sump pump runs almost all the time.

Frank Stefanov, 7 Kodiak Court, stated he is concerned with lighting and privacy issues. He would like to know what would happen to the existing trees.

Martha Bertsimas, 23 Kodiak Court, stated she is concerned for the children playing in the neighborhood. She stated her biggest concern is the issue with the delivery trucks. She asked if this project could be put somewhere else in the City.

Mark Sullivan, 25 Denali Drive, stated he is not opposed to the general project, but indicated he is opposed to any access through Denali Drive. He stated he would like the Board to take the concerns of the abutters into consideration. He would like keeping the tree line as a buffer. He is also concerned with heavy equipment traveling on that road.

Joseph Johnson, 6 Kodiak Court, stated he is concerned with the access and he is opposed to the project. He does not believe they need 69 parking spaces. He is also concerned with the hours of operation, drainage problems, leaving the trees, adding some greenery to the site, and not allowing an access on Denali Drive.

Laura Fulmer, 25 Kodiak Court, stated she agrees with everything the other neighbors said.

Bertha Johnson, 23 Denali Drive, stated she is opposed to the access on Denali Drive.

Ms. Desjardins thanked all the residents for coming to the meeting and expressing their concerns.

Board members discussed the lighting which should be hooded, keeping the trees for buffering, getting a parking study to determine whether 69 spaces is needed, getting a variance for parking, and adding language on the Notice of Decision that there would not be any tractor trailers parking on Denali Drive.

Ms. Desjardins summed up the general points, which included but were not limited to; not having access on Denali Drive, and drainage. She stated Mr. Montoire stated the drainage would be going to Rte. 125 and the manmade detention pond out back would not be used. Other items discussed were lights from the parking lot that would directly affect the abutters, maintaining the tree line buffer that is in the rear of the building, restriction of heavy equipment with no access on Denali Drive for any type of constructional phase, looking at the total number of parking spaces, hours of operation to coincide with Market Basket across the street, lighting, signage, and the lighting on the signage.

Board members agreed this is a business zone. Also discussed were buffering, access on Denali Drive, looking at other options, and perhaps reducing the size of the building.

Karen Pollard, Economic Development Manager for the City of Rochester, briefly discussed looking at alternative sites. She said this would add convenience to their customers. She encouraged everyone to work with the applicant on this project, and to do anything they could to fit this into the neighborhood.

Mr. Behrendt reiterated that there should be no access on Denali Drive. He suggested adding more green space, a buffer at the rear of the building, and manipulating the site between now and the next meeting.

Board members, and Mr. Montoire discussed when the applicant could come back.

Ms. Desjardins stated the Board members would go on their own to do a site walk. She also asked Mr. Montoire to look into reducing the square footage of the store to have less parking spaces, and less impervious surface, having the delivery trucks use just the access on Rte 125, and / or looking at possibly going to the Zoning Board of Adjustment for a variance. She stated the first one is the preferred choice.

This application was continued to March 10, 2008.

Other Business:

Mr. Behrendt stated he would provide some background information on waivers on the February 25th meeting for the proposed amendments to the Site Plan and Subdivision Regulations. The information would include issues that have already been presented.

Board members discussed Lupine Lane, issues with 15-foot trees in an easement, conditions for a Certificate of Occupancy, and other items and issues.

Mr. Powers asked Board members to email him by this Friday, with dates they would be available for the next retreat.

Adjournment:

*A motion was made Mr. Fontneau and seconded by Mr. Dews to adjourn at 9:47 p.m.
Motion carried unanimously.*

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)
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