

**CITY OF ROCHESTER
Planning Board**

Monday, March 10, 2008 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved March 24, 2008)

Members Present

A. Terese Desjardins, *Chair*

Tim Fontneau, *Secretary* (left at 9:15 pm)

Lance Powers, *Vice Chair*

Tom Abbott

Alan Dews

Rick Healey

Thomas McCallion

John David Meader

Alternates Present

Eugene McCarthy

Ray Varney

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.

Communications from the Chair

Ms. Desjardins stated the retreat to discuss the impact fees has been scheduled on March 27th, 7 p.m. at the Lecture Hall, 2nd floor (via the elevator), Police Department. There will be no public hearing, however the public is invited to come and listen to discussions.

Ms. Desjardins stated the applicant for item B under the Consent Agenda has requested a postponement to April 7, 2008. Mary M. Witherell Rev. Trust, 235 Chesley Hill Road. (by Norway Plains Associates) 2-lot subdivision. Case # 137-4-R1-08 (PH)

Item D under Continued Applications has been postponed to the April 7th meeting, 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). Public hearing would remain open.

Approval of minutes for February 28, 2008

Ms. Desjardins stated she was absent at the last meeting, Mr. McCallion was appointed voting member in her absence. Mr. McCallion is a regular voting member therefore that sentence should be deleted.

A motion was made by the Mr. Healey and seconded by Mr. McCallion to approve the above minutes of February 28, 2008 with correction. Motion carried unanimously.

Item A was taken off the Consent Agenda and put under the Continued Applications.

Continued Applications:

A. The Flatley Company, Washington Street. Review of freestanding sign for site to contain Staples store and a 3,000 square foot commercial building (sign review is condition of site plan approval). Case # 123-78-B1-07

Richard Cane, representing the Flatley Company, discussed the plans that were being viewed on the screen that included where the proposed sign would be, and other items.

Mr. Behrendt stated Staff recommended approving the sign with the condition that the two smaller signs have a medium or dark background color.

Mr. Healey asked how close were they to the cemetery. Mr. Cane replied 50 or 60 feet from the cemetery buffer.

A motion was made by Mr. Abbott and seconded by Mr. Powers to approve the request for a freestanding sign. Motion carried unanimously.

Mr. Cane stated everything is done except getting the sign off from DOT. He briefly discussed the precedent conditions. He stated they would like to have the pre-construction meeting on this Thursday, March 13th before everything is satisfied and to start the site work without the driveway permit.

Mr. Behrendt discussed the Staff's policy and procedure for a pre-construction meeting. He stated Staff has recommended approval for the meeting and to begin the site work with the condition that the applicant sign a document stating if they do not get the required permit they would restore the site.

Board members, Mr. Behrendt, and Mr. Cane discussed getting the driveway permit from DOT before doing any site work, putting up a bond for restoration, and signing a formal letter if the site work is not finished.

A motion was made by Mr. Fontneau and seconded by Mr. Healey to approve the pre-construction meeting, which would be held on March 13th, and they may start the site work after that meeting. Motion carried unanimously.

Mr. Cane stated he would sign a letter stating the site would be restored if they did not get the DOT permit.

A. WHC Development, LLC, Secretariat Estates, Washington Street & 202.

1) Request for modification regarding Subsequent Condition 5) requiring completion of infrastructure prior to issuance of any certificates of occupancy. Condition of approved Phase II site plan for Planned Unit Development – 18 single-family units.

2) Request to allow construction of split ranch style houses in Phase II of PUD.

Case # 250-35-PUD1-05

Michael Witcher, Witcher Builders, briefly discussed the construction of Phase II and the original approval. He discussed the final topcoat of pavement, curbing, landscaping, the septic system, and other items.

Mr. Behrendt stated Staff recommended approving the modification regarding subsequent condition 5) with conditions being met prior to any CO's as presented in the Staff's recommendations.

Board members and Mr. Witcher discussed drainage, surety, blasting, cape cod berm, run off in the spring, the heavy ledge that is on the site, established roadway, and sidewalks. Also discussed were language to be put in the conditions stating the roads would be maintained, and putting a time frame on being complete.

Mr. Witcher stated they have budgeted for completion by this fall.

A motion was made by Mr. Dews and seconded by Mr. Fontneau to approve the modification for number 1) 50 percent of the Certificate of Occupancy and / or before November 15th of 2008, which included curbing and the sidewalks. Motion carried unanimously.

Board members briefly discussed procedures and policies for the PUD ordinance.

Ms. Desjardins stated someone would let Mr. Witcher know within the next few days when the subcommittee would be meeting to discuss request number 2.

B. Raven Realty, LLC. 127A Farmington Road. (by Norway Plains Associates).

4-lot subdivision. Case # 208-18-A-07 (PH)

Art Nickless, Norway Plains Associates, representing Jeremiah Gage, discussed connecting the project to the City sewer. He also discussed precedent condition 1h, (adding an easement). He discussed the plans that were being viewed on the screen concerning item 1j, in the precedent conditions (shared driveway).

Mr. Behrendt and Mr. Nickless discussed the plans that were being viewed on the screen concerning the easement of the cemetery and the pump station.

Mr. Behrendt stated that condition could be taken off.

Mr. Nickless discussed adding an easement to the cemetery, the detention area in the buffer, and leaving the detention area where it is.

Mr. Behrendt stated Staff recommended approval of all the waivers. He briefly discussed some of the Staff's recommendations that included the above ground utilities, the waivers, the treatment swale, and other items and issues.

Mr. Nickless discussed the plans that were being viewed on the screen that included the location of the utilities.

Board members discussed having the utilities go behind the Shoe Department that would be referred to as option 1.

Board members and Mr. Behrendt briefly discussed the conditional use of the treatment swale.

Board members briefly discussed the Conservation Commission comments and concerns dated March 7th, that included, it is near two City drinking water wells, how close are the two future City wells, what does DES have to say about the storm water management plan, and other issues. Mr. Nickless replied those are Jeff Winders, Conservation Commission member comments, he was not present at the TRC meeting.

Board members, Mr. Behrendt, and Mr. Nickless discussed other comments and concern from other the Conservation Commission meetings.

Mr. Nickless discussed the plans that were being viewed on the screen that included the detention pond, and other items and issues.

Board members suggested moving the detention pond out of the buffer zone but leave the treatment swale in the buffer zone.

Mr. Nickless stated he would be agreeable to that.

Board members and Mr. Nickless discussed installing sloped curbing, the green strip, and other items.

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

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

A motion was made by Mr. Powers and seconded by Mr. Dews to close the Public Hearing. Motion carried unanimously.

Consensus of the Board was to have sloped curbing.

A motion was made by Mr. Dews and seconded by Mr. McCallion to approve option one with sloped curbing, the modified Staff recommendation, move the detention basin, and to add access to the cemetery. Motion carried unanimously.

Board members, and Mr. Behrendt discussed the conditional use for the treatment swale.

C. 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-closed)

Bob Stowell, representing the applicant, briefly discussed the Staff's comments.

Mr. Behrendt stated Staff recommended approval as stated in the recommendations.

Ms. Desjardins read the comments from the Conservation Commission sign off.

Mr. Stowell responded to the comments that included, but were not limited to, the treatment swale.

Board members discussed precedent condition 1k, which had omitted the word "not" in front of shall. Also briefly discussed was precedent condition 2.

A motion was made by Mr. Dews and seconded by Mr. Powers to approve this application as stated to include inserting the word "not" in front of the word shall in item 1k, delete number 2 in the precedent conditions, and the applicant would install sloped curbing. Motion carried unanimously.

E. 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 plans that were being viewed on the screen that included a 6 inch water line, the turn around, limits for new paving, cleaning up the wetland area, mitigation, and other items.

Mr. Behrendt discussed mitigation, treatment for the coal that is on the site, the Boards' site walk of the area, showing what is in that area on the plans, and other items.

Board members and Mr. Nickless discussed the safety and environmental hazards that might be present on the site, hiring a soil scientist to determine what needs to be cleaned, and other items and issues.

Mr. Nickless gave a brief history of the site, and stated he would try to get an environmental report.

Ms. Desjardins opened the public hearing.

Jeff Winders, Conservation Commission member, stated he grew up in that area. He played in the coal sheds and Willow Brook. He discussed the plans that were being viewed on the screen that included the flood area and asked that no other fill would be put in that lower flood area. He discussed mitigation along Willow Brook, and stated he would be willing to write for a grant to help restore Willow Brook.

Mr. Nickless stated he would make the applicant aware of Mr. Winders offer to apply for a grant.

Board members, and Mr. Nickless discussed asking the soil scientist to attend the next meeting, and adding language in the conditions for the turn around.

This application was continued to the April 7, 2008 meeting. The applicant would also get information from DES.

New Applications/Amendments:

A. G & L Investments, LLC, Donald Gagnon / Rochester Truck, Undeveloped lot on easterly side of Rte. 125/Calef Highway (by Norway Plains Associates) Site plan for new storage and display area Case # 262-28-B2/I3-08 (PH)

Art Nickless, Norway Plains Associates, representing Donald Gagnon, briefly discussed the initial review. He discussed the plans that were being viewed on the screen that included the wetlands, emergency vehicle access to the mobile homes, run off to the detention basins, the access points to the display area, getting a driveway permit, the signalized intersection, and other items.

Mr. Behrendt stated this is not ready for acceptance. Once engineering is complete it could be sent to CLD for review. He also stated the applicant would have to get recommendation and review from the Isinglass River Local Advisory Committee. He briefly discussed the lighting, landscaping, and other items.

Board members and Mr. Behrendt discussed the access at the lights on Rte. 125, discouraging any other access, and the rear entrance.

Board members, Mr. Nickless, and Mr. Gagnon briefly discussed the 2nd entrance, keeping the gate locked, removing the rear entrance, the impervious surface, and rearranging the site.

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

Mr. Nickless discussed sending this to CLD to look at the drainage and traffic. He also discussed getting information from the Isinglass River Local Advisory Committee.

This application was continued to the April 7, 2008 meeting. This may also be pushed back if the Board does not hear from the Isinglass River Local Advisory Committee.

B. Burger King Restaurant c/o Jones Lang LaSalle Americas, Inc., 250 North Main Street (by Patrick Trigg) Site plan for redevelopment of the existing Burger King, includes demolition of existing 5,550 square foot building and construct a new 2,591 square foot building in its place with improvements to the parking layout, lighting and utilities (by Wagner Engineering Associates, Inc.) Case # 115-27-R1-08 (PH)

Howell Gordy, representing the applicant, discussed the diagram that was being shown on the screen for the modification of the site that included the standard façade look. He also discussed the original rendition.

Board members, and Mr. Gordy discussed the differences between the original building and the modified rendition.

John Lorden, Wagner Engineering, discussed the plans that were being viewed on the screen that included the existing conditions, the 49 parking spaces, 3 main access points, and the drive thru which would exit onto North Main Street. He discussed the views of the proposed site plan that include the driveway, the drive up that would handle 10 vehicles, decreased impervious surface area, landscaping, more buffer area, landscape islands, the drainage area, 4 new catch basins, the test pits, run off, new lighting, underground utilities, reducing the building size by 50 percent, and other improvements.

Board members, and Mr. Lorden discussed the lighting, the waiver for lighting, and the existing lighting.

Mr. Behrendt stated Staff recommended approval and applauded the applicant for all the work they have done to present this. He also discussed removing precedent condition 1h (sewer impact contribution) from the conditions. He discussed precedent condition 6 (sewer discharge permit).

Board members, and Mr. Lorden discussed the number of seats which would be 60, the access points, diagram of the site plan number C2, sloped verses vertical curbing, sloped curbing for the drive thru, narrowing the one way entrance to discourage any exits from that location, and letting the applicant go with whichever curbing they wanted.

A motion was made by Mr. Dews and seconded by Mr. McCallion to accept this application as complete. Motion carried unanimously.

Board members, and Mr. Lorden discussed adding do not enter signs, and other issues.

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

Board members, Mr. Behrendt, and Mr. Lorden briefly discussed the drainage catch basin ditch on Cushing Boulevard.

A motion was made by Mr. Fontneau and seconded by Mr. Powers to approve all the precedent conditions, with the exception to remove precedent conditions 1h, and number 6. Motion carried unanimously.

Nomination to Strafford Regional Planning Commission.

Ms. Desjardins asked if anyone on the Board would be interested in becoming a member of the Strafford Regional Planning Commission. She stated Tom Willis, Public Works Department, had to step down because of his workload.

Mr. Behrendt, and Board members discussed how long one would serve on the committee (3 years), and how often the committee meets (once a quarter in Dover).

Ms. Desjardins asked everyone to consider serving.

Ms. Desjardins appointed Mr. McCarthy as voting member for Mr. Fontneau at 9:15 pm as he had to leave the meeting.

Proposed Amendments to City of Rochester Site Plan and Subdivision Regulations – various amendments to standards and process.

Board members and Mr. Behrendt discussed the Site Plan Regulations that included adding a paragraph to the As-built drawings, and other items.

Mr. Behrendt briefly discussed the amendments to the Site Plan and Subdivision regulations for the As-built drawings.

Mr. Behrendt, and Board members discussed adding language on the As-built drawings, getting an electric, digital disk or a PDF file for the As-built drawings.

The consensus of the Board was to get the information electronically.

Board members discussed deleting Section 6, (I) Outdoor lighting.

Board members discussed items in the Subdivision Regulations.

Nothing was addressed for Section 4, 4.1 (Key Plan), Section 5, 5.1 (General Guidelines), 5.2 (Lots), and item 5.3.7 (cul-de-sac).

Board members, and Mr. Behrendt discussed item 5.3.7a (circle at the end of cul-de-sac).

Nothing was addressed for items 5.3.7b, or 5.4.1.

Board members, and Mr. Behrendt discussed items 5.4.5, 5.4.9, and 5.4.14.

Nothing was addressed for items 5.13 (Roadside Trees), 5.14 (Curbing), 6.1 (Monuments), 6.2.4, 6.2.4.5, and 6.2.5.

Board members, and Mr. Behrendt discussed items 6.3 (Class 6 Road Improvements), and 6.7 (As-built drawings).

Nothing was addressed for items 6.9 (Stopping Sight Distance), and 6.9.4, Section 7, 7.3 (Waiver), 7.10 (Exhibits), Section 8 (Definitions), and item 8.23-a (Subdivision, Frontage).

Mr. Behrendt and Board members discussed Table 5-1 (Street Cross-Section Design Standards), and Table 5-2 (Street Alignment Design Standards).

Other Business:

Board members and Mr. Behrendt briefly discussed Highfield Commons, and stated members should contact Caroline Lewis, in the Planning Department if they are interested in attending the OEP Spring Conference.

Adjournment:

A motion was made Mr. Powers and seconded by Mr. McCallion to adjourn at 10:00 p.m. Motion carried unanimously.

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)

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