

**CITY OF ROCHESTER
Planning Board**

Monday, March 24, 2008 at 7:00 p.m. (workshop)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved April 7, 2008)

Members Present

A. Terese Desjardins, *Chair*

Tim Fontneau, *Secretary*

Lance Powers, *Vice Chair*

Tom Abbott

Alan Dews

Thomas McCallion

Rick Healey

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 reminded everyone of the upcoming annual retreat to discuss the impact fees, which is scheduled for this Thursday, 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.

Public Comment

No comments.

Discussion of general planning issues

No discussion.

Approval of minutes for March 10, 2008

Ms. Desjardins stated on page one there should be a time in there as to when Mr. Fontneau left the meeting. Also on page 8 at the top she would like to have the time as to when she appointed Mr. McCarthy as voting member for Mr. Fontneau.

A motion was made by Mr. Healey and seconded by Mr. McCallion to approve the minutes of March 10, 2008 with corrections as stated. Motion carried unanimously.

Nomination to Strafford Regional Planning Commission

Ms. Desjardins stated Elaine Lauterborn, City Councilor, had submitted a letter of interest to answer any questions the Board may have.

Elaine Lauterborn explained how her interest in the Strafford Regional Planning had evolved. She stated she has attended numerous meeting; she has had direct involvement as a representative of the Isinglass River Local Advisory Council. She discussed working with Julie LaBranch, serving on the 125 Transportation Committee, and other items. She stated she has become familiar with the work of the commission, and she believes she could have some value serving as commissioner, if that is the Boards pleasure.

Board members and Ms. Lauterborn discussed how many representatives are on the committee, which are four members.

Ms. Desjardins asked Ms. Lauterborn is she would be willing to do the three-year term. She replied with a nod of her head.

Ms. Desjardins asked Board members if they were all in agreement to submit Councilor Lauterborn's name to the City Council for their approval.

Everyone was agreeable.

Ms. Desjardins asked Mr. Behrendt to send a letter on behalf of the Board to the City Council and the Mayor. Mr. Behrendt replied he would.

Consent Agenda:

A. Bayonne Construction, Portland Street & Morrill Court. Extension (3/10/2009) to meet precedent conditions for lot line revision. Case # 117-165, 165-1-R2-07

Ms. Desjardins explained the one-year extension is because of the market conditions.

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

Board members discussed considering only a six-month extension.

Mr. Behrendt read the conditions that had not been met.

A motion was made by Mr. Powers and seconded by Mr. Healey to approve this extension to March 10, 2009. Two opposed: Mr. McCallion, and Mr. Dews. Motion carried.

Public hearing - Proposed Amendments to the City of Rochester Site Plan Regulations and Subdivision Regulations – Various Amendments to Standards and Process

Ms. Desjardins stated discussion for the non-public session would be held at the end of the meeting.

Ms. Desjardins opened the public hearing.

Art Nickless, Norway Plains Associates, stated there were three minor issues he hoped the Board would consider. He then discussed items in the proposed Subdivision Regulations, which included, Section 4, 5.3.7 (cul-de-sac), Section 6, 6.1.4 (monuments) and 6.9.4 (stopping sight distance).

Board members, Mr. Behrendt, and Mr. Nickless discussed language for the above items.

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

Continued Applications / Amendments / Modifications:

A. WHC Development, LLC, Secretariat Estates, Washington Street & 202. Amendment to conditions of Planned Unit Development to allow construction of ranch style and split level houses in Phase II of PUD. Case # 250-35-PUD1-05 (PH)

Ms. Desjardins stated the PUD subcommittee and the developer met this week. The subcommittee members were all in agreement in allowing the change.

Michael Witcher, Witcher Builders, discussed the sites where they would like to put the split-level / ranch style homes. He stated the committee decided that would be appropriate.

Mr. Behrendt stated per the PUD subcommittee recommendations staff recommended approval of the amendment to the PUD to state ranch and split level houses are allowed in Phase II.

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

A motion was made by Mr. Dews and seconded by Mr. Powers to close the public hearing and approve this amendment. Motion carried unanimously.

Planning Board members asked to have a copy of what would be modified. Mr. Behrendt replied he would get that.

B. Summit Land Developers, Farmington Road / Route 11 (by Tritech Engineering Corp.)
Modification to approved site plan (regarding process and timeframe to meet conditions) for a one-story medical office building. Case # 208-18-A-07

Bob Stowell, Tritech Engineering, representing Summit Land Development, briefly discussed the site plan approval. He stated they are anxious to get started. He discussed the memo from Mr. Behrendt and how they could get going sooner on this project. He discussed getting a building permit, starting the site work before conditions were met, scaling back on what they are asking for, modifying the subsequent condition number 2, allowing site work to start, skipping the request for a building permit, a letter of credit for re-vegetation of the site in case things do not work out the way they should, providing surety, the pre-construction meeting, and other items and issues. He stated the only precedent condition that has not been met is the Raven Realty project has not been recorded.

Ms. Desjardins went over the applicant's request for modification. She stated the applicant is asking for a pre-construction meeting to take place, to begin site work, and a letter of credit for re-vegetation of the site if things fall through.

Mr. Behrendt briefly discussed a foundation permit. He stated the applicant would like to be vested before changes to the States Shore Land Protection Act go into effect. He stated he understands the foundation has to be poured before April 1st for them to be vested.

Board members, Mr. Behrendt, Mr. Nickless, and Mr. Stowell discussed starting construction to the site, completing the sewer pump station design, when the Shore Land Protection Act might take effect, DES, getting a foundation permit, permitting process, and other items and issues.

Mr. Behrendt stated the Board might want to clarify conditions that included, but not limited to, signed permission from Raven Realty, erosion control devices, shore land protection for the site, access to the site for construction vehicles, the right-of-way between the Black Dog and Meineke property, the Public Works Department, and other items and issues.

Board members discussed getting the City Attorney's opinion because of all the issues with the project, the bridge, the island, bonding the road, the building time frame, surety, agreement with Raven Realty, and other items and issues.

A motion was made by Ms. Desjardins and seconded by Mr. Powers to approve this amendment with the following conditions; a letter from Raven Realty agreeing to the site work and crossing any areas that need to be crossed, a pre-construction meeting may be held, Summit may start site work on the property but must also submit a letter of credit to the City of Rochester stating they will be responsible for re-vegetation in case the project falls through.

Board members, and Mr. Nickless discussed changing the wording for precedent condition 3, certification of the plan, and other items and issues.

Motion carried unanimously.

C. Steve Miller (Copp Trust), 597 Salmon Falls Road. (by Norway Plains Associates).
46-lot subdivision. Case # 224-321, 324, 328-A-07 (PH)

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included, but not limited to, the access, the buffer, the sewer issue, the cul-de-sac, a sewer easement, two retention ponds, the open space, and the wetlands. He discussed the overall view of previously approved projects, and the upland area. He discussed the major overhauling of the road. He stated he forwarded a topographic plan to the Public Works Department for their comments. He also discussed connection to the Pray Development.

Mr. Behrendt discussed the open space, clarity of the exactions, drainage improvements, 5-foot asphalt path / sidewalk to the Pray Development, getting a traffic analysis, sending this to CLD for review, and other items.

Mr. Nickless stated they would be doing a traffic analysis.

Board members, Mr. Behrendt, and Mr. Nickless discussed checking the minutes as to when the road was taken out of the Pray Subdivision. Board members also discussed installing sidewalks, off site improvements, what department heads consider should be the highest priority, stone dust for the path, and other items and issues.

Mr. Nickless discussed fixing the drainage, the sidewalk, the paved path, no sidewalks, and applying a certain amount of money for drainage.

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

Board members and Mr. Nickless discussed sending this to CLD and giving them a heads up that a sidewalk may or may not be included.

Mr. Nickless stated he would come up with a preliminary estimate for the cost of off site improvement changes.

This application was continued to April 21, 2008. Abutters would be notified prior to acceptance.

Ms. Desjardins called a recess at 8:30; meeting resumed at 8:35 pm.

Discussion and Prospective Adoption of Proposed Amendments

Discussion of Site Plan Regulations included, but not limited to:

No discussion on Article II – Procedure for Site Plan Applications, Section 5, Site Design and Development Criteria, items A (Site Development Plan), and item 7.

Mr. Behrendt and Board members discussed Section 4, Required Improvements and Agreements, item D (As-Built Plans), Section 5, items c, r, and D (Required Parking Spaces), and item E (Technical Adjustments).

No discussion on Section 6, Physical Arrangement, item F (Pedestrian, Bicycle and Transit Accommodations), and item 2 (Bicycles).

Mr. Behrendt and Board members discussed Article III – Enforcement, Variances, and Waivers Validity and Effective Date, Section 2 Waivers.

A motion was made by Mr. Healey and seconded by Mr. Abbott to adopt the proposed amendments to the Site Plan Regulations inclusive to additions and deletions as discussed in the recommendations. Motion carried unanimously.

Discussion of the Subdivision Regulations included, but not limited to:

No discussion on Section 4, 4.1 (Key Plan).

Mr. Behrendt and Board members discussed Section 5, 5.1 (General Guidelines).

No discussion on item 5.2 (Lots).

Mr. Behrendt and Board members discussed items 5.3.7, 5.3.7a and b (cul-de-sac), and item 5.4.1 (drainage).

No discussion on items 5.4.5 and 5.4.9.

Mr. Behrendt and Board members discussed 5.4.14.

No discussion on item 5.13.1 (Roadside Trees).

Mr. Behrendt and Board members discussed 5.14.1, 5.14.4, and Section 6, 6.1, (Monuments).

No discussion on items 6.2.4, 6.2.45, 3.2.4, and 6.3.

Mr. Behrendt and Board members discussed items 6.7.6, and item 6.7.8.

No discussion on item 6.9.3.

Mr. Behrendt and Board members discussed items 6.9.4, and Section 7, 7.3 (Waiver).

No discussion on items and 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).

No discussion on Table 5-2 (Street Alignment Design Standards).

A motion was made by Mr. Healey and seconded by Mr. Abbott to accept the proposed Subdivision Regulations with the proposed changes as discussed in the recommendations, minus all the ones that are going back to the committee. Motion carried unanimously.

Board members and Mr. Behrendt discussed signing off on what was adopted / approved.

Other Business

Board members, and Mr. Behrendt briefly discussed the Angelo project on 101 Wakefield Street. Mr. Behrendt stated he would get clarification from Mr. Nickless on that for the April workshop meeting.

Adjournment

A motion was made Mr. Powers and seconded by Mr. Dews to adjourn at 9:15 p.m. Motion carried unanimously.

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)