

**CITY OF ROCHESTER  
Planning Board**

Monday, June 2, 2008 at 7:00 p.m. (regular meeting)

**City Council Chambers**

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved June 16, 2008)*

Members Present

A. Terese Desjardins, *Chair*

Lance Powers, *Vice Chair*

Tim Fontneau, *Secretary*

Tom Abbott

Richard Groat

Rick Healey

Thomas McCallion

John David Meader

Members Absent

Alan Dews (Excused)

Alternates Present

Lawrence Spector

Ray Varney

Alternates Absent

Eugene McCarthy

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.

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**Communications from the Chair**

Ms. Desjardins stated the next retreat would be on June 23<sup>rd</sup> from 6 to 8 pm, the topic for that meeting would be the impact fee schedule, and there would be another item on that agenda. The place for the meeting would be announced when it is decided where it would be held. The public is welcome to attend.

## Approval of minutes for May 19, 2008

*A motion was made by the Mr. McCarthy and seconded by Mr. Powers to approve the minutes of May 19, 2008. Motion carried unanimously.*

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### CONTINUED APPLICATIONS:

**A. Kel-Mar LLC, Betts & Cross Roads.** (by Berry Surveying & Engineering). 17-lot subdivision. Case #203-25-A-08 (PH)

Chris Berry, Berry Surveying & Engineering briefly discussed the original design. He then discussed the new design, which consisted of modifying the access ways to the open space, widening one of the access ways, and the detention basin. He discussed the plans that were being viewed on the screen that included the drainage and other items. He stated there were a few items that needed to be modified before it is finalized. He discussed the width and radius of the pavement for the cul-de-sac, blasting that would be done, foundation survey, testing of the wells, and other items.

Mr. Behrendt stated Staff recommended acceptance as complete and to send this to CLD for review. He asked if it would be appropriate to require a pre-blasting survey of neighboring wells for residential properties, which would be done by the applicant, the steep footpath, and other items.

Mr. Varney asked if the Board could get a cost for the well flow rate, and the number of wells that were tested. Mr. Berry stated he would get that information to Mr. Behrendt.

Mr. Berry briefly discussed calculating a bond amount.

Ms. Desjardins opened the public hearing.

Rob Gilbert, Cross Road, stated he had water concerns.

*A motion was made by Mr. Fontneau and seconded by Mr. Healey to accept this application as complete and send it to CLD for review. Motion carried unanimously.*

Mr. Berry discussed the slope, a 15-foot wide walkway, and installing boundary markers. He stated they are not proposing to install a walkway.

Board members, Mr. Behrendt, and Mr. Berry discussed the 15-foot walkway / foot path, access to the open space, installing a split rail fence, a 30-foot walking strip, boundary lines, the lower and upper cul-de-sac, and other items.

This application was continued to the July 7, 2008 regular meeting.

**B. Mary M. Witherell Rev. Trust, 235 Chesley Hill Road.** (by Norway Plains Associates)  
2-lot subdivision. Case # 137-4-R1-08 (PH)

Art Nickless, Norway Plains Associates, discussed the original application, and other items. He gave a brief history of the site. He stated the site would have municipal water and an onsite septic system.

Mr. Behrendt stated Staff recommended approval as stated, and to delete the conditional use, which should not have been on the recommendations.

Board members asked to have a statement from the City Engineer, for the record, stating it would be inappropriate to connect the sewer line. Mr. Nickless replied there are no problems with that.

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

*A motion was made by Mr. Fontneau and seconded by Mr. Meader to approve this application with a statement from the City Engineer. Motion carried unanimously.*

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

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen and explained the 3 major points of the drainage analysis.

Board members, and Mr. Nickless discussed the culvert on Salmon Falls Road.

Mr. Behrendt stated Staff recommended approval. He stated precedent condition 3 could be deleted because it has been met. He stated subsequent condition 1 should be deleted and to make it a precedent condition instead with a note on the plans.

Board members, Mr. Behrendt, and Mr. Nickless, discussed precedent conditions 1b, 1d, and item 2g.

Mr. Nickless discussed the 3 lots fronting Salmon Falls Road, and having a note on the plan for bonding.

*A motion was made by Mr. Fontneau and seconded by Mr. Meader to approve this application with changes. Motion carried unanimously.*

Mr. Behrendt stated he would add language to the general and subsequent conditions stating the applicant would work with the Planning Department to provide conveyance and construction on the frontage lots with appropriate terms to be worked out with Planning. He stated the subsequent condition would state the applicant may convey and build upon frontage lots provided an appropriate plan for this is developed with the Planning Department.

## **New Application:**

### **A. A. Russell C. Howard, Dry Hill Road.** (by Norway Plains Associates). 2-lot subdivision. Case # 247-20-1-A-08 (PH)

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen, which included the variance that was granted without the required frontage, the right-of-way, and new frontage on Dry Hill Road, the common driveway, and other items.

Mr. Behrendt stated he emailed the Board the revised plans. He stated the applicant should give an indemnification letter releasing the City of any responsibility. He discussed the 30-foot easement, the deep ravine, and the sight distance.

Ms. Desjardins opened the public hearing.

Doug Annis and Kathy Powell, Dry Hill Road, both discussed the variance of the approved back lot. They stated the front lot was denied because this would land lock the rest of the land. They discussed issues with the road, which they said would be impossible for any emergency vehicles to travel on. They discussed the issues with the wetland, and a letter that they sent to Board members.

Board members did not know anything about the letter and asked to have more information.

Mr. Nickless stated this lot has frontage and does not need a variance. He discussed the plans that were being viewed on the screen that included the variance that was approved.

Board members, and Mr. Nickless discuss the previous variance and changing the numbering of the lots, which were incorrectly put on the plans.

Board members briefly discuss the Zoning Ordinance.

This application was continued to June 16<sup>th</sup> workshop meeting.

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### **B. Steve Miller, 139 Flagg Road.** (by Norway Plains Associates). Preliminary 8-lot subdivision. Case # 259-29-A-08 (PH)

Art Nickless, Norway Plains Associates, stated this property abuts the Trinity Conservation project. He discussed access to the water and sewer lines, the possibility of a future subdivision, the large knob of sand on the property, conduits, and going to the Zoning Board of Adjustment for a special exception next week.

Mr. Behrendt discussed getting an excavation application, and other items.

Board members, and Mr. Nickless discuss the wetland boundary, the buffer, the excavation permit, and other issues.

Ms. Desjardins opened the public hearing.

Craig Warner, Flagg Road, stated he was concerned with all the material that has already been excavated from that property without a permit. He stated he did bring this to the Codes Department attention about what was going on out there.

Mr. Abbott stated the Codes Department did go out and take pictures, which were also given to the Staff Planner, the Director of Planning, and he believes the Conservation Commission also got the pictures. He stated he does not believe Mr. Behrendt got the pictures. At that point it basically got loamed and covered over. It stopped; there was not a lot the Codes Department could do with it, he does not know if the Planning Director sent it to DES or not. He stated he does not know where it went from there.

Ms. Desjardins stated the Board was unaware of what Mr. Warner's has presented. She stated there appears to be pictures that were sent to the Planning Department, which the Board did not have access to.

Mr. Warner suggested the Board do a site walk.

Mr. Behrendt stated he would look into Mr. Warner concerns.

Board members asked if the buildings would be single-family homes. Mr. Nickless replied he would have to check with Mr. Miller.

It was the sense of the Board that the applicant should not be required to get an excavation permit.

Board members agreed to do individual site walks.

This application was continued to July 7<sup>th</sup> regular meeting.

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**Other Business:**

No other business discussed.

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**Adjournment:**

*A motion was made Mr. Powers and seconded by Mr. Spector to adjourn at 8:30 p.m.  
Motion carried unanimously.*

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)

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