

**CITY OF ROCHESTER
Planning Board**

Monday, August 4, 2008 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved August 18, 2008)

Members Present

A. Terese Desjardins, *Chair*
Lance Powers, *Vice Chair*
Tim Fontneau, *Secretary*
Tom Abbott
Alan Dews
Richard Groat
John David Meader

Members Absent

Rick Healey (excused)
Thomas McCallion

Alternates Present

Eugene McCarthy
Lawrence Spector
Ray Varney

Staff: Michael Behrendt, Chief Planner

(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. Mr. Behrendt conducted roll call.

Discussion of the Natural Resources Plan was moved to the end of the meeting.

Approval of minutes for July 21, 2008.

A motion was made by Mr. Powers and seconded by Mr. Meader to approve the minutes of July 21. Motion carried unanimously.

Consent Agenda:

Items B and C were taken off the Consent Agenda for discussion.

A. James and Jane Benton, 579 Portland Street & Jeremiah Jacob Stuart, 24 Jeremiah Lane. (by Mott Survey Company, LLC). Lot Line Revision. Case # 111-82-R1 & 223-21-A-08 (PH)

D. Jeffrey Royer & Nancy Stone, 60 Harding Street. (by Norway Plains Associates) 2-lot subdivision. Case # 128-191-R1-08 (PH)

A motion was made by Mr. Powers and seconded by Mr. Fontneau to approve items A and D. Motion carried unanimously.

B. ERCH Realty Trust & Fazekas Revocable Trust, 16 Milton Road (by Norway Plains Associates). Lot Line Revision. Case # 222-88 & 89-I3-08 (PH)

Board members and Mr. Behrendt discussed approving this application with the condition that there would be no expansion or change of use on the main lot without site plan approval.

A motion was made by Mr. Varney and seconded by Mr. Meader to approve this application as discussed. Motion carried unanimously.

C. Rochester Pinewood Real Estate & Bruce Boudreau, 68 Ten Rod Road (by Norway Plains Associates). Lot Line Revision. Case #221-49&48-57-R1-08 (PH)

Board members, Mr. Behrendt, and Art Nickless (Norway Plains Associates), discussed the open space, the pavement; which would be on Mr. Boudreau's property, and removing the condition to install a fence on Mr. Boudreau's property.

A motion was made by Mr. Dews and seconded by Mr. Abbott to approve this application as recommended. Motion carried unanimously.

Continued Applications:

A. KPRP LLC, 159 Milton Road - vacant parcel just north of Saks Mobile Home Park (by Berry Surveying & Engineering) 5-lot subdivision. Case # 205-211 & 212-A-08 (PH)

Chris Berry, Berry Surveying & Engineering presented the project and explained that use of pervious pavement was not workable. It does not have the load bearing capacity of conventional pavement. Mr. Behrendt stated he concurs.

Ms. Desjardins opened the public hearing.

Harry Tagen, 54 Forest Park Drive, asked about fencing along the walking path, which is next to his property. Mr. Berry stated he met with the abutters and there was a consensus for fencing rather than planting there. He will bring this back with the final design.

A motion was made by Mr. Varney and seconded by Mr. Fontneau to send this application to CLD for review unless the Public Works Department deems it's not necessary. Motion carried. Three opposed: Ms. Desjardins, Mr. Powers, and Mr. McCarthy.

The applicant would re-notify abutters when they are ready to come back.

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

Chris Berry, Berry Surveying & Engineering updated the Board. He stated he hopes for a decision by August 18. The Board discussed the path and suggested having more water bars/railroad ties. Mr. Behrendt stated that he would meet with Mr. Berry and Tom Willis, Public Works Department, to make a suggestion. Mr. Varney stated nobody will maintain the trail. He thinks it is reasonable as presented. Mr. Fontneau stated it needs to be walkable. Ms. Desjardins suggested having more railroad ties to help with erosion.

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

Mr. Dews stated he objects to there not being curbing with this steep roadway. Mr. Berry discussed the slopes, swales, and drainage. Mr. Varney asked how drainage interacts between the upper and lower cul-de-sac.

Mr. Berry stated he would meet with Planning and Public Works to discussed phasing. He stated most drainage structures are down slope. They would rebuild the plunge pool to make it a better retention facility. Mr. Dews asked about the street trees.

The project was continued to August 18.

Ms. Desjardins acknowledged that the applicant is hoping for approval that night.

Public Hearing and Prospective Adoption of Proposed Amendments to Subdivision Regulations:

A. Installation of Street Sign prior to Certificates of Occupancy

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

The Board stated it should be clear that the street name sign and traffic control signs are included.

This application will be brought back on August 18 on the consent agenda.

B. Installation of Street Trees by October 15 of each year

Ms. Desjardins opened the public hearing.

Chris Berry, Berry Surveying & Engineering stated it is a problem when trees are installed 3 years after the project is approved. He stated stopping CO's for a few trees is a little onerous. Mr. Fontneau stated the language has some flexibility.

Board members discussed the amendment.

A motion was made by Mr. Powers and seconded by Mr. McCarthy to approve item B.

A motion was made by Mr. Varney and seconded by Mr. Groat to amend the last motion to eliminate the words after “requirement is not met”.

The amendment carried 9-0. The main motion then carried 9-0.

Communications from the Chair– Discussion of Natural Resources Master Plan

Ms. Desjardins explained the purpose of the plan.

Ea Ksander, Community Development Specialist stated priorities are discussed in the plan. A few places the language is strong where current provisions need to be clarified.

Ms. Desjardins stated she does not want to look at the document with marked up changes. She would like to see a split page with the changes. She stated the Board could embrace the changes on August 18 and then send the document to the Council. She stated the master plan is a guide rather than regulation.

The Board discussed prime wetlands.

Mr. Fontneau stated there was some hesitation in case we are challenged if we act inconsistent with the plan. Mr. Behrendt stated that was very unlikely. It would have to be a very extreme situation supported by other facts for the City to be successfully challenged on the basis of a master plan.

Ms. Desjardins stated this is a balancing act. This document gives us some teeth and some very good guidance. This is not enforceable. Mr. Meader stated it should state that this is a guide, not a regulation.

Mr. Powers stated he would like to remove some items. Mr. Groat stated he emailed some items today. He stated there should be a disclaimer at the beginning. Mr. Varney stated the state has not adopted in stream rules so why is this in the document. He stated we might want to leave out the scenic road overlay district until the ordinance passes.

Mr. Varney asked about the East Rochester school open space. What does unofficially mean. Ms. Ksander stated that it is not held in any manner.

Mr. Varney suggested there be an organization to take care of the Salmon Falls River, like the watershed coalition for the Cocheco River. He stated we could encourage this in the plan. He asked about the aquifer ordinance. Mr. Behrendt stated the existing one is very weak and there is a thorough new one in the comprehensive rezoning.

Mr. Varney stated where ordinances are referred to there should be a reference number.

Mr. Meader asked why do we have to rush through this for August 18. Ms. Desjardins stated we do not need to, but the Board has had the document for about six weeks. Mr. Meader suggested discussing this in a separate meeting.

Mr. McCarthy suggested there be a split page with what it says now and what the change would be. Ms. Desjardins asked Ms. Ksander to present a split page with comments for August 18.

Ms. Desjardins stated if there are any other concerns to email Ms. Ksander by this Wednesday.

Mr. Varney asked why we have infiltration vs. detention basins since the Board would not decide this.

Mr. Powers suggested deleting the following recommendations from the plan:

Page 14 - SL1

Page 24 – FR1, 3-8, 10, and 11

Page 30 – EC2 and “adopting development regulations, developing management guidelines for land owners, and” under EC4

Page 44 – WT4, 5, and 9

Page 76 – TH3

Page 88 – RC 4 and 5

Page 93 – PR3

Other Business:

Mr. Varney asked about the Angelo property and possible revocation. The Board decided to place this item on the August 18 agenda to discuss possible revocation.

A motion was made by Ms. Desjardins and seconded by Mr. Groat to remove the impact fee schedule from being table.

The motion failed 6-3 with Mr. Abbott, Ms. Desjardins, and Mr. Groat voting for the motion.

Adjournment:

The meeting adjourned at 8:56 p.m.

Respectfully submitted,

Michael Behrendt, Chief Planner

(These minutes were transcribed from notes)