

**CITY OF ROCHESTER  
Planning Board**

Monday, August 18, 2008 at 7:00 p.m. (workshop)

**City Council Chambers**

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved September 8, 2008)*

*Members Present*

A. Terese Desjardins, *Chair*

Lance Powers, *Vice Chair*

Tim Fontneau, *Secretary*

Tom Abbott

Alan Dews

Richard Groat

Rick Healey

John David Meader

*Alternates Present*

Eugene McCarthy

Lawrence Spector

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.

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**Communications from the Chair**

Ms. Desjardins stated Mr. McCallion has stepped down from the Board. She stated they have an opening for a regular Planning Board Member if anyone is interested.

Ms. Desjardins stated Mr. McCallion was a representative for the Planning Board for the Historic District Commission and Mr. Healey was the alternate. She asked Mr. Healey if he would be interested in representing the Planning Board for the Historic District Commission. Mr. Healey replied yes. Ms. Desjardins stated they would now be looking for an alternate for the Historic District Commission, she asked everyone to think about it. She stated at the next meeting she would be asking someone to step up to the plate to be that alternate. If no one on the Board would want to be on that committee then they would find someone.

Ms. Desjardins stated Natural Resources Master Plan has been postponed to September 22, 2008. This item would be the first thing on the agenda, there would be an hour set aside for discussion. She asked that each Planning Board member bring their packet with them because the Board would be going through the whole document page by page for any questions or concerns on that.

Ms. Desjardins stated item “**C**” **Steve Miller, 139 Flagg Road** (by Norway Plains Associates). 7-lot subdivision. Case # 259-29-A-08 has been postponed to the September 8<sup>th</sup> meeting.

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**Opening Discussion/Comments** (up to 30 minutes)  
**Public Comment**

No comments.

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**Discussion of general planning issues**

No discussion.

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**Approval of minutes for August 4, 2008**

*A motion was made by Mr. Healey and seconded by Mr. Groat to approve the minutes of August 4, 2008. Motion carried unanimously.*

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**Consent Agenda:**

Items A and B were taken off the consent agenda for discussion.

**C. Proposed Amendment to Subdivision Regulations:** Installation of Street Signs prior to Certificates of Occupancy (PH)

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

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

*A motion was made by Mr. Powers and seconded by Mr. Healey to approve. Motion carried unanimously.*

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**A. Mark Phillips, England Road** (by Norway Plains Associates). Extension to (2/11/09) meet precedent condition for 17-lot subdivision. Case # 263-10-A-07

Mr. Varney stated this states you are waiting for the City to review. Do you really want to wait until February or you don't care.

Art Nickless stated part of the delay is because before the project can start you have to post a bond they are hoping this extension would give time to get into a better market. He stated they have all the State approvals and plans have been submitted to make sure they have met the precedent conditions with the exception of the bond issue.

*A motion was made by Mr. Meader and seconded by Mr. Powers to approve this extension to February 11, 2009. Motion carried unanimously.*

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**B. Amarosa Perkins Development, Airport Drive** (by Norway Plains Associates).  
Request to reactivate site plan for 8,800 square feet of flexible industrial space, Phase II.  
Case # 242-3-12-07

Art Nickless, Norway Plains Associates, stated the application was accepted as complete and was tabled by the Board. He stated they are asking to take it off the table.

Mr. Varney stated it is past the date and he believes the applicant should submit a new application and waive the fee.

Board members discussed submitting a new application to start the timetable over again and to waiving the fee.

*A motion was made by Mr. Powers and seconded by Mr. Healey to approve the submission of a new application and waiving the application fee. Motion carried unanimously.*

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#### **CONTINUED APPLICATIONS:**

**A. Highfield Commons Planned Unit Development**, Route 202. Request for extensions to meet precedent conditions for Phases I and II. Case #237-3, 6, 8 & 246-5-A-02

Ms. Desjardins stated she asked Mr. Behrendt to research how many extensions the applicant has had been granted to this date. She stated the project started in January 2003.

Mr. Behrendt there has been a hand full of them. He discussed Phases I and II. He stated the applicant is asking for one-year extension to September 30, 2009. He stated presently their deadline is September 30, 2008.

Jim Mullaney, developer, briefly spoke in defense of the extensions, phasing and the Master Plan.

Ms. Desjardins stated factoring out the water tower because that is between you and the City. She asked what other conditions do you need to be meet.

Mullaney stated all that is needed is preparing the mylar for certification, and money to pay for their share of the traffic study which is due when the plat is recorded. He stated they are asking for the extension primarily because of the condition of the housing market. The

second reason is they do not have a written agreement with the City for not only the water tower but also the water booster station on the corner of Hussey Road and Washington Street. He stated they could proceed but they would end up with two booster stations and the likely hood of a possible eminent domain scared off their lender. He stated he received an email from the City Manager saying that they did not forget and would be getting it shortly but he has not received it. He stated his understanding is they have had only one extension and they need another one.

Board members discussed agreement with the City; housing market should not be a reason for an extension, 60-day extension instead of a year, the booster station, and other items.

Mr. Mullaney discussed contributing an undetermined amount of money to the City, running the water and possibly rebuilding Hussey Hill Road. He stated this is a massive project. He stated the City asked him to hold off until the City could work up an agreement and now he feels victimized by this. He stated he does not know what else to do and asked for the Board's good will and reasonable judgment.

Mr. Varney asked Mr. Mullaney asked if the City asked him not to sell the development. Mr. Mullaney replied the City asked him not to proceed with the development until they worked out the water tower.

Mr. Varney stated he believes there should be discussion at the City Council (tomorrow evening, August 19) level to get this clarified.

Ms. Desjardins stated the City Council should be brought up to date and recommended postponing this decision / discussion until the September 8, 2008 meeting.

Mr. Powers stated he would make a motion to approve because holding this up another year isn't going to hurt anything.

*A motion was made by Mr. Powers and seconded by Mr. Dews to approve this extension.*

Mr. Varney stated one of the subsequent condition states he is required to work with Public Works Department on the water tower to get approval. He stated we are getting a different story from the other side of the party. He stated it behooves us to understand what is really going on before another year is granted.

Board members discussed hearing from the City to get their side of the story as to why the City is holding this up.

Mr. Powers withdrew his motion and Mr. Dews consented.

*A motion was made by Mr. Groat and seconded by Mr. Healey to postpone the decision on this extension to September 8, 2008 meeting.*

Board members discussed having the City present at that meeting to openly discuss what is going on, getting something in writing from the City Manager or the City Manager could speak to the Board personally and or submit something in writing to the Board.

*Motion carried unanimously.*

Mr. Mullaney briefly discussed his contract and his expenses, and not receiving comments from the Public Works Department. He stated they pleaded with Public Works Department at a subcommittee meeting for an agreement, which they absolutely promised they would have this summer. He stated he has requested on a number of occasions as to how much a reclamation bond would be and no one would respond.

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**B. Great Woods Development, LLC (Steve Miller, developer), 597 Salmon Falls Road** (by Norway Plains Associates). Amendment to approved 45-lot subdivision of Copp property to append Lot 224-322, a 19-acre lot owned by Leo and Evelyn Huppe, to Great Woods open space, and to add one buildable lot to the Great Woods Subdivision. Case # 224-321, 324, 328-A-07 (PH)

Art Nickless, Norway Plains Associates briefly discussed the TRC discussion. He stated they are asking the Board to allow one additional lot to make it more feasible for the applicant. He discussed the plans that were being viewed on the screen that included the open space.

Mr. Behrendt stated Staff has recommended approval of this amendment.

Board members and Mr. Behrendt discussed clarifying language and getting a new map.

Board members, and Mr. Nickless briefly discussed the wetlands, the upland and other items.

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

*A motion was made by Mr. Healey and seconded by Mr. Powers to close the public hearing. Motion carried unanimously.*

*A motion was made by Mr. Powers and seconded by Mr. Meader to approve this amendment. Motion carried unanimously.*

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

Chris Berry, Berry Surveying & Engineering discussed the drainage issues, CLD review, the trail, and discussions at TRC meeting. He discussed the extensive comments/issues from an email the Mr. Willis, Public Works Department had sent. He also discussed the on site wells, avoiding blasting, surety, and other items.

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

Board members and Mr. Behrendt briefly discussed Mr. Willis comments and issues, the wells, blasting and other issues.

Mr. Berry stated any blasting that affects the wells would be a civil matter.

Board members discussed the last sentence in precedent condition 2b, item 2j, precedent condition 3, and subsequent condition 1.

Mr. Berry briefly discussed bonding the road.

Board members and Mr. Behrendt discussed conditions 2g, 2h, 2o, and subsequent conditions 1 and 7.

Mr. Varney he would like to see just one document on this. He stated he has no issue with approving however he would like this contingent on coming back in two weeks with a phasing plan that shows how trucks (including Fire and Waste Management trucks) are going to get in and out, what lots might be developed at a time and what increments you are going to move up the road.

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

*A motion was made by Mr. Powers and seconded by Mr. Healey to close the public hearing. Motion carried unanimously.*

Mr. Varney stated he would recommend approving Phases I and II, the applicant could come back in two weeks, the Board could then amend the approval to include other phasing schemes he deems appropriate.

Board members and Mr. Berry discussed drainage issues.

*A motion was made by Mr. Abbott and seconded by Mr. Healey to approve this application with the following conditions. Remove item J, item 1 from Mr. Willis comments, altering the signage, deleting the last two lines in 2b, and item 2h (using orange silt fence as opposed to construction a construction fence).*

Mr. Behrendt discussed including in the motion everything in Mr. Willis email with the exception of item one, and Mr. Berry memo into the actual Notice of Decision, and adding a notation they have a right to return for phasing.

Mr. Powers asked the developer is he all right item 2c. Mr. Berry stated the applicant is ok with that.

Board members and Mr. Berry discussed number 14 in the comments from Mr. Willis.

*A motion was made by Mr. Abbott and seconded by Mr. Healey to amend the motion to take number 14 off of Mr. Willis letter/comments and keep number 7 in which is the usual language. Motion carried unanimously.*

This has been continued to September 8, 2008 for phasing

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**Discussion of Possible Revocation of Minor Site Plan Approval: Nicholas & Judith Angelo, 108 Wakefield Street** (by Norway Plains Associates). Case #116-165-R2-06

Mr. Behrendt discussed removal of pavement, vegetation, vehicle access and other items.

Ms. Desjardins recommended the applicant contact DOT directly because it is State land.

Mr. Behrendt discussed the site plan, dirt bikes and ATV activity.

Art Nickless discussed the sketch that was being viewed on the screen that included access to the garage, encroachment, and ATV activity.

Board members and Mr. Nickless discussed acquiring an as-built, installing a fence all the way across the back to prevent ATV access, endorsing the plan, re-vegetation, when the applicant should come back, and other items.

This application was continued to September 8, 2008. The applicant would also be submitting revised plans.

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**Other Business**

No other business discussed.

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**Adjournment**

*A motion was made Mr. Dews and seconded by Mr. Fontneau to adjourn at 8:50 p.m. Motion carried unanimously.*

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)