

CITY OF ROCHESTER

Planning Board

Monday, September 8, 2008 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved September 22, 2008)

Members Present

A. Terese Desjardins, *Chair*

Lance Powers, *Vice Chair*

Tim Fontneau, *Secretary*

Alan Dews

John David Meader

Members Absent

Tom Abbott (Excused)

Richard Groat (Excused)

Rick Healey (Excused)

Alternates Present

Eugene McCarthy

Ray Varney

Alternates Absent

Lawrence Spector (Excused)

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 City Council approved Gene McCarthy as a full voting member.

Ms. Desjardins appointed Mr. Varney as voting member for Mr. Healey.

Ms. Desjardins thanked the Flatley and Dick Cane for the wonderful job they did in respect to the people buried at French Hussey Cemetery on Washington Street. They have done an absolutely outstanding job in honoring the community. She stated if you haven't been out there you should take a ride out there it is an absolutely beautiful site (where the new Staples is).

Ms. Desjardins announced there would be a Public Forum at the Roberge Building, behind the Courthouse and Art Stream on Wednesday, September 17, from 7 to 9 p.m. The topic is the Historic expansion. Everyone is encouraged to attend.

On October 25th the fall conference for planning and zoning will be held at Loon Mountain. Any Planning Board member who wishes to attend please let the Planning Department know for registration.

Approval of minutes for August 18, 2008.

Ms. Desjardins stated she spoke with Madeleine Carter about the minutes. On page 4 the 3rd sentence is to be deleted, same page September to be replaced with August, and the word “is” to be replaced with “isn’t” in Mr. Powers statement.

A motion was made by the Mr. Powers and seconded by Mr. McCarthy to approve the minutes of August 4 as stated. Motion carried unanimously.

Continued Applications:

A. Kel-Mar LLC, Betts & Cross Roads. (by Berry Surveying & Engineering). Modification on Phasing for approved 17-lot subdivision. Case #203-25-A-08

Chris Berry, Berry Surveying & Engineering discussed the phasing of the upper and lower half of the project. He discussed the roads, swales, the hammerhead, Phase II, drainage, the detention basin, potential on-site problems, cross-country drainage pipe, construction of Cross and Betts Roads, timing for bonding on each phase, and other items and issues.

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

Mr. Dews stated he does not like the idea of the hammerhead being graveled. He stated it should show on the plans exactly where the detention is going to be as part of Phase I. If this project dies it should be accepted as a City street. He stated the Phasing line should also show everything it encompasses in that Phase.

Mr. Berry stated TRC members thought the hammerhead would be more appropriate.

Board members discussed the cul-de-sac and paving.

Mr. Berry discussed the temporary turn around and putting gravel up to a certain point.

Board members discussed putting a base coat of pavement.

Mr. Berry stated it would be bonded just in case something goes wrong.

Mr. Behrendt discussed surety for Phase I and the cul-de-sac.

Board members discussed getting a letter from Public Works Department saying it is OK.

Board members briefly discussed vesting and defining the word phasing in the NOD.

Mr. Behrendt discussed revising the original NOD, surety for the cul-de-sac, getting a revised plan for Phase I, sending a PDF file to the Board, proposed changes that have been suggested in his email, email the Board to review the changes, and other items and issues.

Mr. Berry stated there would be no alteration of the terrain beyond the Phase line.

A motion was made by Mr. Varney and seconded by Mr. Dews to approve as stated in the recommendations. Motion carried unanimously.

B. Zoeller Construction, 60 Harding Street. Modification of approved 2-lot sub-division and waiver to allow for above ground utilities. Case # 128-191-R1-08

Board members agreed to delete the 4th bulleted item on page 2 in the recommendations.

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

C. Newland Development Association, 103, 105 & 107 Milton Road. (by MHF Design Consultants, Inc., Frank C. Monteiro, PE). Site plan to consolidate 3 existing parcels of land and build a new 14,673 square foot freestanding Rite Aid Pharmacy with drive-up window. Case # 210-40-41, 42-B2/R1-08 (PH)

Frank Monteiro, representing the developer, handed out new drawings. He discussed an aerial view of the plans that were being viewed on the screen that included the consolidation of 3 lots and other items. He also discussed the plans that were being viewed on the screen that included the original plan. He discussed the concerns of the abutters, various options, and closing off the driveway to Denali Drive. He discussed the new design of the plans that were being viewed on the screen that included an additional buffer to the rear, and general support of the configuration by the TRC members. He stated they are working with the Fire Department with their concerns, eliminating parking at the side, doing a traffic study and other items and issues. He discussed the plans that were being viewed on the screen that included the architecture of the building, and what kind of material and colors for the building.

Mr. Behrendt stated Staff has recommended endorsement. He stated the square footage is wrong on the agenda it should be "14,673" square feet and not "14,622" square feet.

Ms. Desjardins opened the public hearing.

Matt Wilkinson, 16 Denali Drive, stated his concerns were drainage and light pollution.

Board members discussed moving this forward and sending it to CLD for review, concerns from abutters that were heard and taken into consideration, leaving the public hearing opened for the next meeting, no acceptable to have flood lights at the back of the building, and to consider shielding the lights.

This project has been continued to the October 20, 2008 meeting.

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

Jim Mullaney, developer, passed around a book that outlined the project. He stated he has two partners on the project. He discussed the purchase agreement, the Master Plan, Phase III, difficulty in recording the plat, a municipal water tower, waiting for a letter from the City Manager which he was told would be received shortly, DES, pulling Phase III off the table, construction phases, modification of Phase II, and other items and issues.

Mr. Behrendt stated Staff has recommended approval of the extension to September 30, 2009.

Mr. Mullaney stated he believed TRC had no problems with the project.

Board members discussed getting a clearer illustration of the Phases.

Board members and Mr. Mullaney discussed the water tower, the entrance of Fillmore Boulevard, Pierce Drive, and other items.

A motion was made by Mr. Fontneau and seconded by Mr. Powers to approve the extension to September 30, 2009. Motion carried unanimously.

This project is continued to the September 22, 2008 meeting.

E. Nicholas & Judith Angelo, 108 Wakefield Street. Modification of Minor Site Plan Approval for pavement and parking lot. (by Norway Plains Associates). Case #116-165-R2-06

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included the existing vegetation, the tree line, trees along the old railroad bed, the steep slope, the railroad right-of-way, placing boulders to prevent access, planting ground cover, no erosion there, placing barriers along the pavement to prevent vehicles from exiting onto Wakefield Street, rearranging the parking lot and other items.

Mr. Behrendt stated he visited the site and the plan looks good. He stated Staff has recommended approval with the condition the applicant contact the DOT for their approval. He briefly discussed getting approval from DOT for that site and if DOT does not approve the applicant would return to the Planning Board for another arrangement.

Board members discussed getting an as-built.

Mr. Nickless discussed the plans that were being viewed on the screen and stated this is what is actually is out there.

Board members discussed not putting rocks and barrels on the site unless they touch each other, barriers along the boundary line, fencing as a barrier for the ATV's, impervious surface, the parking spaces, snow storage, removing the extra pavement, restoring the crushed stone area, and other items and issues.

A motion was made by Mr. Varney and seconded by Mr. McCarthy to remove the extra pavement, grass the area, and restore the crushed stone area. Motion carried. One opposed. Ms. Desjardins.

F. Steve Miller, 139 Flagg Road (by Norway Plains Associates). 7-lot subdivision.
Case # 259-29-A-08 (PH)

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included the original layout. He briefly discussed the requirements of Chapter 50, dealing with the drainage and runoff.

Mr. Behrendt briefly discussed the applicant needing a variance, the basic cluster design, the open space in the back, and approval of the excavations as submitted in his email.

Ms. Desjardins opened the public hearing.

Mr. Nickless discussed intra-grading the cul-de-sac area, which he stated would not be seen from the road, and the removal of about 3,000 to 4,000 yards of material to be taken over to his Gagne Street project to loam and seed some of those areas.

Mr. Behrendt stated Staff has approved the intra-grading as stated in his email

Craig Warner, 142 Flagg Road, stated he is concerned with the excavation of material.

Mr. Nickless explained to Mr. Warner what is being proposed for the excavation.

Mr. Nickless and Mr. Warner discussed bonding, surety, and reclamation.

A motion was made by Mr. Dews and seconded by Mr. Powers to approve the excavation. Motion carried unanimously.

New Applications:

A. Packy Investment Properties (PIP) LLC, 60 Farmington Road. (By Berry Surveying & Engineering) Preliminary site plan for a new restaurant (Dairy Queen). Case # 216-8-13-08 (PH)

Mr. Berry, Berry Surveying & Engineering, discussed the site, concerns for the traffic on Route 11, DOT's expectations, aligning the entrance with Crane Drive, getting traffic and drainage analysis, possible traffic light in the future, and buffering for an abutter.

Mr. Behrendt briefly discussed buffering for the Rochester Toyota building, orienting the building parallel or perpendicular to the street, and the access.

Board members discussed the driveway, the parking lot, and 2 buildings on the property, lining up the road with Crane Drive, and drainage.

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

The consensus of the Board was to line up Mr. Campbell's road with Crane Drive.

This project is continued to the October 6, 2008 meeting.

B. Amarosa Perkins Development, Airport Drive (by Norway Plains Associates) Site plan for flexible space at industrial building, 8,000 square feet. Case # 242-3-12-07 (PH)

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen. He stated he would hope the Board would accept as complete.

Mr. Behrendt stated Staff has recommended acceptance, send to CLD, and close the public hearing.

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

A motion was made Mr. Dews and seconded by Mr. Powers to close the public hearing, accept as complete, send to CLD for review, and continue to the October 6, 2008 meeting. Motion carried unanimously.

C. Roman Catholic Bishop of Manchester, 59 Main Street, Gonic. (by Norway Plains Assoc.). Site plan to add 16 parking spaces. Case # 138-19-R2-08 (PH)

Art Nickless, Norway Plains Associates, representing St. Leo's parish in Gonic, stated the parishioners are parking on the street and are being ticketed. He discussed the plans that were being viewed on the screen of the proposed parking lot. He briefly discussed snow removal and other items and issues.

Mr. Behrendt stated Staff has recommended approval as stated in the recommendations. He discussed adding a condition for the storage of snow.

Mr. Nickless stated he would note a condition on the plan for the storage of snow.

Board members discussed no parking signs on the corner of Colby Street.

Ms. Desjardins opened the public hearing.

Jim Lark, 67 Main Street, stated his concern is where the rainwater and snowmelt would drain off. He asked if the 2 trees in the rear would remain, who would maintain the hedge, and his concern with light pollution. He also asked to inspect the site plan and if there is a dark sky requirement in Rochester which Mr. Behrendt replied yes to the requirement of the dark sky.

Mr. Nickless discussed the grading plan and stated the water would end up in the river, the 2 trees would stay intact, no additional lighting would be installed, and the site plans would be provided to Mr. Lark.

A motion was made Mr. Powers and seconded by Mr. Meader to close the public hearing, and approve as submitted in the recommendations. Motion carried unanimously.

D. Brian Boudreau & Charles Clement, III, Silver Street. (by Norway Plains Associates). 3-lot subdivision. Case # 120-200-R2-08. (PH)

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included the cul-de-sac, the usable area, and other items.

Mr. Behrendt stated this is not ready for final action, as more information is needed.

Ms. Desjardins opened the public hearing.

Chris Adams, 31 Western Avenue, stated he is concerned with drainage, the swale, the property lines, and affecting the integrity of Willow Brook's water flow.

Mark Jacobs, 35 Silver Street, stated he is concerned about the cul-de-sac, the turn around, and it should be brought up to City regulations.

Mr. Nickless briefly discussed the comments from TRC about the cul-de-sac. He stated they would be dealing with that. He discussed the plans that were being viewed on the screen that included the elevation, drainage, a culvert and other items.

This project is continued to the September 22, 2008 meeting.

E. Tana Properties & Norbert Therrien, Milton Road. (by Norway Plains Associates). 3-lot subdivision. Case # 215-58 & 58-1-12, I3-A-08. (PH)

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included getting a variance, isolated developable areas, and other items. He stated they would also need a conditional use permit.

Mr. Behrendt discussed the land conservation plan that was supplied by Jeff Winders, member of the Conservation Commission.

Mr. Nickless discussed the wetland analysis of the City and other items.

Board members discussed the entrance to the lots across the street.

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

This project is continued to the October 6, 2008 meeting.

Other Business:

Ms. Desjardins stated she asked Mr. Behrendt to invited Herman Ejarque to the meeting to discuss 19 Charles Street, change of use.

Mr. Behrendt stated the minor site was approved today and hopefully discussions of the concerns about parking could be resolved tonight so Mr. Ejarque's project would not need to be bumped up

to the Board. He stated he emailed everyone the approval. He stated there are no site changes just changes of use.

Board members asked Ms. Enman who uses the Grange and what are the times of meetings.

Lois Enman, Grange secretary, stated the Grange is right next door to Mr. Ejarque property. She stated he is doing a nice job cleaning up the area. She discussed the months, days and hours the Grange, Odd Fellows, and another organization meet. She gave a brief history of the site. She described the flow of traffic, the concern of parking, and the safety at the intersections. She stated winter would be a problem for parking as well.

Board members briefly discussed the parking issue.

Herman Ejarque stated he spoke to the City Engineer. The City Engineer suggested 2 options to alleviate the problem, which Mr. Ejarque stated he had no problem with. He is sure the City will figure the best way to handle parking on the street. His parking would be at the 2 City lots, one on Liberty Street and the other at the Library where there is a path that comes around to Liberty Street.

Ms. Desjardins stated Charles Street is a difficult area. She stated especially in the afternoon when the cars are going down Portland Street. She stated there is not enough room especially when there is snow piled up next to the sidewalk.

Mr. McCarthy gave Mr. Ejarque credit for restoring that building.

Board members and Mr. Ejarque discussed the small building in the back, and blocking of some of the parking spaces.

Mr. Ejarque stated he would like to do some nice landscaping next year.

Ms. Desjardins advised Mr. Ejarque he is all set and thanked Ms. Enman for coming to the meeting.

Ms. Desjardins stated she would like the Board to start thinking about reviewing the norms agreed upon at the next retreat. She stated in her opinion some of the members have forgotten some of them.

Adjournment:

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

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)

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