

CITY OF ROCHESTER

Planning Board

Monday, October 6, 2008 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved October 20, 2008)

Members Present

A. Terese Desjardins, *Chair*

Lance Powers, *Vice Chair*

Tim Fontneau, *Secretary*

Tom Abbott

Alan Dews

Richard Groat

Rick Healey

Eugene McCarthy

John David Meader

Alternates Present

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 congratulated Richard Menzel, long time Planning Board camera system volunteer who as of this past Friday has become a grandfather to grandson Elijah.

Ms. Desjardins stated the following items have been postponed to the October 20, 2008 meeting.

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

Item "C" Brian Boudreau & Charles Clement, III, Silver Street (by Norway Plains Association). 3-lot subdivision. Case # 120-200-R-08 (PH)

Item "E" 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-closed)

Approval of minutes for September 22, 2008.

A motion was made by the Mr. Powers and seconded by Mr. Abbott to approve the minutes of September 22. Motion carried unanimously.

Continued Applications:

A. Nasir Mian, 83 Milton Road. Modification to approved site plan to allow opening of convenience store before overall site is completed. Case # 210-53-B2-08

Nasir Mian, applicant, stated he is requesting permission to open his convenience store before the overall site is completed. He briefly discussed the States process, the gas station would be up and running by next spring.

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

Board members and Mr. Behrendt discussed the 1st bulleted item on page 1 in the recommendations.

Board members asked how long the store would be closed while the tanks are being installed. Mr. Mian replied about 2 days.

Board members and Mr. Behrendt discussed striping the parking area, paving the area after the tanks are installed, and other items and issues.

Mr. Mian stated paving could not be done in the winter months because of the additives and adhesives in the petroleum.

Ms. Desjardins asked Mr. Mian if he would be agreeable to a stipulation in the conditions that it could not be done until at least mid April. Mr. Mian responded absolutely.

Board members and Mr. Mian discussed temporarily striping the parking area, no change of use to the site, clarifying whether the store would be closed for 2 days or 2 months. According to a letter dated September 24th from the Miancom USA LLC, which states, "the site would be closed for about 2 months for petroleum related construction work".

Mr. Mian stated the store would not be closed for 2 months, and he believed the letter was written before the current conditions changed. He stated at first just the pipes were going to be redone and resealed but the State would not allow that therefore they need to put in new tanks.

Ms. Desjardins stated Mr. Mian is stating the store would not be closed for more than 5 days and not for 2 months. Mr. Mian replied the store would not be closed for 2 months.

Mr. Abbott suggested recording the amended site plan before a Certificate of Occupancy is issued.

Board members discussed striping a section for handicap parking, attaching the letter from Miancom and other items and issues.

Ms. Desjardins stated the Board is requesting the installation of the gas station portion would not start until mid April, there would be a coarse pavement put in place for the parking lot area, striping for a handicap space, the letter from Miancom and the approval to be recorded before any Certificate of Occupancy is issued.

A motion was made by Mr. Fontneau and seconded by Mr. Healey to approve with modification as discussed. Motion carried unanimously.

D. Tana Properties & Norbert Therrien, Milton Road. (by Norway Plains Assoc.). 3-lot subdivision. Case # 215-58&58-1-I2, I3-A-08 (PH)

Art Nickless, Norway Plains Associates, briefly discussed getting input from the Conservation Commission regarding a conditional use for the driveway entrance onto the smaller of the 3-lots, nature of the wetlands, doing a site walk, the buffer, granting a conditional use, the entrance to the site, and other items.

Mr. Behrendt stated Staff has recommended no changes be made. He stated the wetlands appear to be fairly sensitive. He stated the next meeting for the Conservation Commission is being held the 4th Wednesday in October. Staff has recommended approval as stated in the recommendations.

Mr. Varney asked Mr. Behrendt what could be built there without coming back to the Planning Board. Mr. Behrendt replied single-family houses and duplexes are not allowed.

Mr. Varney stated then there would be no problem getting approval but if access is requested for any reason they would have to come back to the Planning Board. Mr. Nickless replied absolutely.

Mr. Varney stated he does not see any reason the Board has to be concerned with any conditional use at this point.

Board members, and Mr. Nickless discussed approving the lots but not the conditional use, the access points, and precedent condition # 3.

A motion was made by Mr. Dews and seconded by Mr. Powers to approve the subdivision with no need for a conditional use.

Mr. Nickless stated having it noted that a formal conditional use permit would be required at the time the site is developed.

Mr. Behrendt discussed adding a note to precedent condition 2c, lot 58-1 as permanent open space. He discussed modifying condition #2c. Mr. Behrendt discussed modifying condition #3 to say this would come back to the Planning Board to approve condition #3 but with no public hearing and no notices. Mr. Nickless replied he has no problem with that.

A motion was made by Mr. Dews and seconded by Mr. Powers to amend the motion as stated.

Motion carried unanimously with amendment.

New Application:

A. Norman Labrecque & Barbara Labrecque-Burkhead, 79 Ten Rod Road. (by Norway Plains Associates). 3-lot subdivision. Case # 221-55-A-08 (PH)

Art Nickless, Norway Plains Associates, briefly discussed creating two of the lots for the Labrecque children. He discussed the 50 foot buffer, and the field. He stated they would be doing the test pits when they get comments for the configuration.

Mr. Behrendt discussed lot 55-2, the upland area in the front & beyond the wetlands, poorly but not very poorly drained wetlands, and other issues.

Board members and Mr. Behrendt discussed variances for a deck, landscaping, and other items.

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

This application was continued to the November 3, 2008 meeting.

B. Sunrise Revocable Trust, C/o Thomas Aubert, 40 Cross Road. (by Norway Plains Associates). 3,200 square foot cold storage building. Case # 205-24-12-08 (PH)

Art Nickless, Norway Plains Associates, briefly discussed the existing storage facility, storing the applicants RV in the new storage building, the access, a drainage report, the detention ponds, and this not being any problem for the neighbors.

Mr. Behrendt stated this would need a drainage letter and Staff has recommended continuance to the October 20th meeting.

Board members, and Mr. Nickless discussed lighting on the building.

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

This application was continued to the October 20, 2008 meeting.

C. Jeremiah Stuart, 24 Jeremiah Lane. (by Berry Surveying & Engineering). Lot line adjustment and proposed conveyance of Jeremiah Lane to City as City Street. Case # 223-21-A-08 (PH)

Chris Berry, Berry Surveying & Engineering discussed the plans that were being viewed on the screen that included the road layout, acceptance of the street, the L type turnaround, the right-of-way, maintenance of the road, and other items.

Mr. Behrendt briefly discussed the right-of-way, and stated he had no comments for Tom Willis, Public Works. He discussed comments from Melodie Esterberg, Public Works Department. He discussed the right-of-way, and stated there is possibly a dug well on the site. He stated the acceptance should include widening the right-of-way at the gravel, and a square 50-foot long hammerhead on the left side at the end of Jeremiah Lane to accommodate the ladder truck in the future, which is just under 48-feet.

Mr. Berry briefly discussed the dug well that is on the site, and other issues and items.

Board members discussed accepting this as a City Street, getting Public Works comments before approving, and other issues.

Mr. Berry stated they are looking for the Board to approve the plan that has been presented to the Planning Department and the Planning Board. This is the plan they are looking to endorse this evening. He stated they are not interested and he is not authorized to grant any additional land other than what he has shown here. He stated there is an existing dug well there. He discussed the RSA requirement. He stated they are not asking the Board to move and utilize a lot line they are asking to modify a lot line so they could appropriately lay out a roadway.

Mr. Behrendt stated this should be referred to as a dedication and acceptance of the street and not a layout of the road. He discussed adding language to precedent condition 2b.

Board members discussed accepting this as a City Street, obtaining a right-of-way, bringing the road up to City standards, getting comments from Public Works, and other issues.

Mr. Berry stated they were receiving City services on that road but it was decided under the constitution within the State of New Hampshire they were not able to have those services granted to them in an effort to clarify the ownership of the road, and they were instructed to obtain a layout or dedication which under the RSA requires action by this Board

Mr. Healey stated at present the Council has no intention of making the present owners bring the road up to City standards.

Mr. Varney stated there are a couple of ways for the services to continue. He stated the Council directed the City Manager and advised the residents who actually petitioned the Council to have the street accepted. The Council directed them to work together and go through this process to have the street deeded to the City so the present services could continue. It was never any intent for the City or anyone else to do improvements on any of this property. He stated there is no plan to spend any funds there. He stated what Mr. Berry was asked to do was to develop a plan that conveys the property that would be suitable for the City to maintain it's present level of service. He stated that is what Mr. Berry has done. Mr. Berry was not asked to create cul-de-sac, hammerheads, and so on. He briefly discussed what the City Council might discuss at tomorrows meeting.

Ms. Desjardins stated as long as this is deeded to the City, services could be maintained, and the road would not have to change in any way as long as there is no new development. She stated once new development happens the City could be looking to upgrade it to the City standards.

Board members discussed right-of-way, explicit motion for a Lot Line Adjustment, letting the City take care of the roadway, and the liabilities.

Mr. Behrendt discussed precedent condition #2 in the recommendations, the Fire Department, and Ms. Esterberg's comments.

Board members discussed precedent condition #2a, b, and c.

Ms. Desjardins read the comments from Mark Dupuis, Fire Marshal, which stated, "The Fire Department does not approve of accepting the current road without an adequate turnaround, either in the form of a cul-de-sac or a hammerhead. In either case the minimum dimensions of either must be maintained or established. This may also require 1 or 2 hydrants based on the distance from the street."

Mr. Behrendt discussed the Fire Department concerns, the right-of-way, precedent condition #3, conveying the property, removing 1a, and other issues.

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

A motion was made by Mr. Fontneau and seconded by Mr. Meader to approve the Lot Line Adjustment and to remove precedent conditions 1a, 2a, and #4.

Board members discussed the conveyance, approving the Lot Line Adjustment, not referring to Jeremiah Lane as a City Street, stopping the wording after "package" in general & subsequent condition #3, and amending the motion.

A motion was made by Mr. Fontneau and seconded by Mr. Meader to amend the motion to include the removal of the wording "as a City Street" from item 2b in the precedent conditions, remove precedent condition #4, and in general & subsequent condition # 3 stopping after the word "package".

Mr. Abbott asked what the RSA's mean. Mr. Behrendt read the meaning of the RSA's.

Mr. Behrendt stated Staff recommends retaining #4 in the precedent conditions.

Board members and Mr. Behrendt discussed precedent & general & subsequent condition #1 and that the word "shall" in precedent condition #4 might be misleading.

A motion was made by Mr. Powers to move the question.

A vote was taken to approve the amendment as is.

Motion carried unanimously.

Other Business:

Ms. Desjardins stated the Board would be taking 1 hour of discussion on October 20th meeting on the Master Natural Resource Chapters. Also discussed was when the next PUD committee would be meeting. Date to be determined.

Adjournment:

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

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes) N:\PLAN\2008 PBinfo\10/6 PBminutes.doc