

**CITY OF ROCHESTER**

**Planning Board**

Monday, January 5, 2009 at 7:00 p.m. (regular meeting)

**City Council Chambers**

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved January 26, 2009)*

Members Present

A. Terese Desjardins, *Chair*

Tim Fontneau, *Secretary*

Richard Groat

Rick Healey

Eugene McCarthy

John David Meader

Members Absent

Lance Powers, *Vice Chair* (Excused)

Tom Abbott (Excused)

Alan Dews (Excused)

Alternates Present

Nel Sylvain

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 appointed Mr. Sylvain as voting member for Mr. Dews.

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**Approval of minutes for December 15, 2008**

*A motion was made by the Mr. Healey and seconded by Mr. Sylvain to approve the minutes of December 15, 2008. Motion carried unanimously.*

**Approval of minutes for December 18, 2008 retreat**

*A motion was made by the Mr. Sylvain and seconded by Mr. Healey to approve the minutes of December 18, 2008 retreat. Motion carried unanimously.*

Item A was taken off the consent agenda for discussion.

**Consent Agenda:**

**A. KPRP LLC, 159 Milton Road.** (by Berry Surveying & Engineering). Lot Line Revision. Case # 205-211 & 212-A-09 (PH)

Board members discussed the application for the 5-lot subdivision for this.

Chris Berry, Berry Surveying & Engineering stated the subdivision application that was previously proposed would be taken off the table and dismissed at this point. He explained the modification of the 3-acre piece to make that lot smaller. He stated they would sell the existing house and keep the remaining land as open.

Board members discussed the access to the property in the back, which would be through the 72-foot wide strip.

Mr. Berry stated that is the existing access. He discussed access to the rear of the land. He stated they are not revising the access.

Ms. Desjardins opened the public hearing.

Andrew Turner, Milton Road, stated this is near his property and he would like to know what the eventual outcome of this would be.

Mr. Berry discussed the 2 existing parcels. He stated they are proposing to make the front lot smaller. He stated the development to the rear of the land is unknown, or if it would ever be developed.

Board members discussed the plans that were being viewed on the screen of the 72-foot wide strip.

Mr. Turner stated he was concerned there would be a driveway on his side of the street.

Mr. Berry discussed the wide strip.

Ms. Desjardins stated there is not a definite answer to that question.

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

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

**B. Russell C. Howard, Dry Hill Road.** (by Norway Plains Associates). Extension to (2/16/09) meet precedent conditions on approved 2-lot subdivision.  
Case # 247-20-1-A-08

*A motion was made by Mr. Fontneau and seconded by Mr. McCarthy to approve this extension to the February 16, 2009 meeting. Motion carried unanimously.*

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

*A motion was made by Mr. McCarthy and seconded by Mr. Groat to postpone this application to the February 2, 2009 meeting. Motion carried unanimously.*

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Ms. Desjardins stated item "B" Highfield Commons Planned Unit Development, Route 202. Phase I subdivision and Phase II multifamily development. Case #237-3, 5, 6, 8-A-02, has been postponed per the applicant's request to the February 2, 2009 meeting.

**Continued Applications:**

**A. Waste Management, 90 Rochester Neck Road** (by Sanborn, Head and Associates). Site plan to develop facility to treat medical waste by autoclaving (steam heat) prior to disposal in the TLR-III Refuse Disposal Facility. Case # 267-3-14-08 (PH)

Alan Davis, Waste Management, asked if the Board wanted him to update them on the last meeting.

Mr. Behrendt stated the Board did get updated plans and comments from Mr. Willis, Public Works Department, in their last packets. He stated there are no major issues with this. Staff is waiting for the Isinglass River Local Advisory Commission recommendations.

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

This application was continued to the January 26, 2009 meeting.

Mr. Davis explained what the Isinglass River Local Advisory Commission can and cannot do.

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**Continued Applications:**

**C. James Stock, Jr., 11 Jarvis Avenue** (by Norway Plains Associates). Preliminary (conceptual) application for mini-storage units – revised preliminary design submitted.  
Case #215-62-12-08.

*A motion was made by Mr. McCarthy and seconded by Mr. Meader to reopen the preliminary application. Motion carried unanimously.*

Rick Lundborn, Norway Plains Associates, discussed the plans that were being viewed on the screen that included access for the fire trucks, the wetlands and uplands, getting information to DES for their review, Heath Bog, and other items.

Mr. Behrendt stated this is a challenging site. He stated the use of this property is reasonable. He discussed the plans that were being viewed on the screen that included the impervious surface, the impact on the wetlands, and other items.

Board members discussed using salt on the road.

Rick Lundborn explained the salt and sand use on the road.

Board members discussed the plans that were being viewed on the screen that included the building on the left, the fire truck access and having discussions with the Fire Department about the access.

Board members discussed getting more information about snow removal, treatment of salt application, and a schematic of the road design.

Rick Lundborn stated he would be putting a formal application together.

The preliminary application was closed and no date of return was discussed

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**D. Douglas and Nanette Vaughan, 26 Justin Lane and Thomas and Lisa Buchalski, 40 Justin Lane.** Amendment to approved subdivision along Justin Lane (approved 1988) to remove easement along the side boundaries of lots 260-4 and 260-5, owned by the applicants. The easement was established to allow for a potential future city street linking Justin Lane to the rear lot 259-89 (PH)

Douglas and Nanette Vaughan, applicants discussed when they purchased the land. Mr. Vaughan discussed getting rid of the easement, not living on a corner if they could help it, what could be done on that land and other items. He gave pictures of the area to Board members to see what he was talking about.

Mr. Behrendt stated this application is fairly complicated. He discussed the plans that were being viewed on the screen that included an overview of the area, the wetlands, the hydric soils, frontage on Hansonville Road, the 50-foot easement, the City owned right-of-way, a notice for future buyers, a future road, Arthur Taylor (owner of the back property), having no city water connections to the site, and other items. He discussed Staff's recommendations.

Mr. Vaughan discussed what Mr. Taylor had told him about the lot.

Mr. Behrendt stated if the Board approves this amendment it would then have to go to the City Council for a formal vote to relinquish its role as beneficiary of the easement. Then some type of discharge would need to be recorded. He stated abutters were notified. Staff has not been contacted by anyone concerning this amendment. He stated the City Manager and City Attorney have concerns concerning the easement. He stated if the back property owner had no objections to extinguishing this it would be a key and good to see in writing. He stated he did try to call Mr. Taylor but has not been able to reach him.

Ms. Desjardins explained to Mr. Vaughan the process of the meeting.

Mr. Behrendt stated this should go to the City Attorney to review this before action is taken. He stated the applicant would have to pay for that review.

Ms. Desjardins discussed getting a notarized or some type of legal letter from Mr. Taylor stating he does not object to this. She stated if the City is claiming to be the beneficiary of this easement it should not be put on Mr. Vaughan and Mr. Taylor to pay for the City Attorney's fees. The City needs to take ownership and responsibility of this easement.

Board members discussed the amendment of the subdivision approval to take that out of the subdivision, eliminating the subdivision application, no interest from Mr. Taylor, extinguishing the right-of-way, legal fees, removing the easement from the City, getting a notarized letter from Mr. Taylor, continuing discussion at the next meeting, liability to the City, the right-of-way, and other items.

*A motion was made by Mr. Fontneau to amend the site plan to eliminate the easement across the two lots.*

Ms. Desjardins opened the public hearing.

Chris George, Blue Hills Road, stated she is concerned of more traffic, and changing the atmosphere of the community. She stated they are in favor of the Vaughan's request.

Mark Leahey, Blue Hills Road, stated he and his family moved into that area because it was secluded and a family area. He stated the only drawback would be more traffic.

Tom Buchalski, Justin Lane, stated he does not see what the big deal is over this.

Nanette Vaughan, applicant stated she does not see why the Board would need a notarized letter from Mr. Taylor because he has already been notified.

Mr. Behrendt stated he would ask the legal fees be at the City's expense, he does not believe there would be any objection.

Mr. Healey stated he would like it noted that the City solicitor also lives in the area in question, he believes he knows what is going on.

Mr. Fontneau withdrew his motion.

*A motion was made by Mr. Fontneau and seconded by Mr. Healey to continue this application to the January 26, 2009 workshop meeting.*

Board members discussed not getting a notarized letter from Mr. Taylor because he was notified of this meeting.

*Motion carried.*

*Two opposed: Mr. McCarthy, and Mr. Sylvain.*

Ms. Desjardins called a recess at 8:10 pm, meeting resumed at 8:20 pm.

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## **Master Plan Natural Resources Chapter**

Kenn Ortmann, Director of Planning and Development, stated Ea Ksander, Community Development Specialist would have been here to address this but she has a bad cold and her doctor advised her to stay home. He stated there are 2 pages of a memo from Ms. Ksander. He read the memo that included the following:

- Recommendation of TH 3
- Changes to the language of TH 3
- Recommendation of SR 1
- Changes to the language of SR 1
- Elimination of SR 5
- Recommendation of RC 6
- Changes to the language of RC 6
- Discussion of TH 3 to eliminate the last 2 words and adding language
- Discussion of the last sentence in RC 6
- Mr. Ortmann explained RC 6
- Discussion of TH 3, rate and volume
- Mr. Ortmann explained TH 3
- Bringing the summarized section of the goals for each chapter in sync with the individual changes being made
- Sending this to the City Council for their endorsement
- Board officially adopting the document after City Council has their review

The consensus from the Board is to send this to the City Council for endorsement.

Mr. Ortmann reviewed what he would information he would be sending the City Council for their review by the end of the week.

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## **Item IX. Various Proposed Amendments to the Historic District Ordinance (not map), Section 42.33.**

Mr. Sylvain briefly discussed the turn out of people that were at previous meetings.

Ms. Desjardins stated comment cards from those meetings were sent to the City Council.

Discussions included the following:

- Discussion of pages 1, 2, 3A, B and C.
- Page 3, consensus of the Board was to eliminate the second letter "F colors)
- Page 4, reword last sentence
- Discussion of new letter "E"
- Page 4, new letter "G" change wording
- Discussion of new letter "K"
- No discussion on pages 5, 6, 7, and 8

- Page 9, discussion of letters C & D
- No discussion for page 10
- Discussion on page 11, letter H
- Discussion on page 12, letter D
- Discussion on page 13, change wording for #7
- Discussion on page 13, eliminate the new #3
- Discussion on page 14
- Discussion on page 15, change wording on letter “B”
- Discussion on page 16
- Discussion on page 17, top of the page sentence above item A

Mr. Sylvain stated this would be brought back to the Board with changes on the February 23<sup>rd</sup> workshop meeting.

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**Item X. Proposed amendments to Site Plan Regulations and Subdivision Regulations regarding fees for amendments and modifications**

Board members briefly discussed the December retreat.

Mr. Behrendt stated he would incorporate the changes that were discussed and bring them back to the workshop for adoption.

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**Other Business:**

Discussions included:

- Mr. Sylvain, Chair of the Subcommittee for the electronic sign stated he is working on a date for the committees next meeting.
- Small wind energy systems
- Wood burning furnaces

Ms. Desjardins congratulated Richard (Planning Board video & audio operator) on becoming a grandfather again this past December to a granddaughter “Charlotte”.

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**Adjournment:**

*A motion was made Mr. Healey and seconded by Mr. Fontneau to adjourn at 9:45 p.m. Motion carried unanimously.*

Respectfully submitted,

Madeleine Carter, Secretary