

CITY OF ROCHESTER
Planning Board
Monday, April 6, 2009 at 7:00 p.m. (regular meeting)
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved April 20, 2009)

Members Present

A. Terese Desjardins, *Chair (arrived at 8 PM; remained in the audience, meeting adjourned at 8:15 PM)*
Tim Fontneau, *Vice Chair*
Nel Sylvain, *Secretary*
Tom Abbott
Richard Groat
Rick Healey
Eugene McCarthy
John David Meader
Derek Peters

Alternates Present

Gloria Larochelle
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).

Mr. Fontneau called the meeting to order at 7:00 p.m. The secretary conducted roll call.

Communications from the Chair

Mr. Fontneau appointed Ms. Larochelle as voting member for Ms. Desjardins until she arrives.

Approval of minutes for March 16, 2009

A motion was made by the Mr. Sylvain and seconded by Mr. Groat to approve the minutes of March 16, 2009 workshop. Motion carried unanimously.

Consent Agenda:

Mr. Behrendt explained how the consent agenda is put together.

A. ERCH Realty Trust & Fazekas Revocable Trust, 16 Milton Road (by Norway Plains Associates). Extension to meet precedent conditions for lot line revision. Case # 222-88 & 89-13-08

B. Roman Catholic Bishop of Manchester, 59 Main Street, Gonic (by Norway Plains Associates). Extension to meet precedent conditions for site plan to add 16 parking spaces at St. Leo Parish. Case # 138-19-R2-08

C. Kel-Mar LLC, Betts & Cross Roads (by Berry Surveying & Engineering). Extension to meet precedent conditions 17-lot subdivision. Case #203-25-A-08

A motion was made by Mr. McCarthy and seconded by Mr. Healey to approve all 3 extensions in the consent agenda. Motion carried unanimously.

Continued Applications/Amendments/Extensions:

A. 397 Portland Street Rochester, LLC (Bayonne Construction, original applicant), Portland Street & Morrill Court. Extension to meet precedent conditions for lot line revision. Modification for condition prohibiting duplexes. Case # 117-165, 165-1-R2-07

Attorney Jim Shannon, representing the applicant, briefly discussed the approved and recorded subdivision, the proposed buyer, the number of units, the previous and present owner, and other items.

Mr. Fontneau discussed the prohibition against the duplex on the original lot where the existing home is. He stated putting a note on the plan that indicates the prohibition would be removed only upon the finalizing of the Lot Line Revision, which creates two 12,000 square foot lots. He stated if it is finalized the prohibition is removed; if it does not get finalized for some reason or another, and remains at 6,000 square feet and 18,000 square feet, the prohibition would remain.

A motion was made by Mr. Abbott and seconded by Mr. Meader to approve a six-month extension to September 10, 2009, and remove prohibition upon finalization of the Lot Line Revision. Motion carried unanimously.

Board members discussed charging fees for modifications and extensions.

B. Public Service Company of NH, 103 Walnut Street (by T. F. Moran, Inc.). Site plan to expand existing substation to 1,620 square foot building which also includes new transformer at the Rochester Substation for new transformer.
Case # 122-93-12-09 (PH closed)

Nick Golon, Project Manager, discussed plans that were being viewed on the screen that included the widening of the turnpike, and other items. He stated NH-DOT and Tom Willis, Public Works Department stated in a letter they do not believe a culvert is appropriate. He stated there would be no impact relative to the highway. He stated Walnut Street is a State road.

Board members and Mr. Golon discussed the putting a culvert in. Mr. Sylvain stated he wanted it stated in the minutes that he has asked that a culvert be put in.

Mr. Behrendt briefly discussed the emails from the engineer to NH-DOT and Tom Willis, Public Works Department that stated they do not believe a culvert is appropriate.

A motion was made by Mr. Abbott and seconded by Ms. Larochelle to approve this application. Two opposed: Mr. Sylvain, and Mr. McCarthy. Motion carried.

C. McDonald's USA, LLC, 161 Wakefield Street (by Bohler Engineering, Matt Brook).
Site plan to raze existing building and rebuild McDonald's restaurant.
Case # 113-49-B2/R2-09 (PH closed)

John Kucich, Bohler Engineering, discussed the plans that were being viewed on the screen that included the trash corral, the fully enclosed trash compactor, the landscaping, cutting back the vegetation, the building signs, and other items.

Mr. Behrendt stated Staff has recommended approval of the application as stated in the recommendations. He asked the Board to choose a color and the mullion for the building.

Board members discussed putting flashing lights or something on that order, for the access way.

Tim Doyle, Vice President of Operations for McDonalds, discussed the plans that were being viewed on the screen that included the turn around, the entrance and exit, the site line, the height of the shrubs, and other items.

Board members discussed the existing tree by the sign.

Mr. Doyle stated they would plant low shrubs, and the tree would be taken down.

Mr. Behrendt stated the shrubs would be approximately 24 to 30 inches high.

Mr. Kucich discussed the plans that were being viewed on the screen that included where the scrubs would be.

Board members agreed the shrubs would be a maximum of 24 inches in height. Also discussed were the various number of proposed signs.

Mr. Kucich discussed the plans that were being viewed on the screen that included the signs and liability issues.

Board members and Mr. Kucich discussed the plans that were being viewed on the screen that included the exit, and cutting back the shrubs between the Fazekas and McDonald's property.

Mr. Kucich stated they would cut the shrubs back.

Board members discussed the waiver for the light, the side landscaping, and other items.

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

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

Board members discussed which color (coffee / yellow) and which mullion (vertical / cross bars) was preferred.

A motion was made by Mr. Healey and seconded by Mr. Peters to approve the coffee color and the vertical mullions. Motion carried unanimously.

New Hampshire Shoreland Protection Act. Application by City of Rochester for Exemption for Urbanized Areas under RSA 483-B: 12

Mr. Fontneau explained the application.

Mr. Behrendt explained the City's position on this, the zoning concerns, and the colored maps that included the different colors to identify zones B1, B2, Industrial, R1 and R2. He stated Staff would submit the Boards recommendations to the City Council and Staff would prepare an application package with background information for submission; then submit it to the State.

Board members discussed the definition of urbanization, and part of the definition should be the lot lines.

Mr. Varney explained the reason for this application.

Board members discussed the plans that were being viewed on the screen concerning the Salmon Falls River area map.

Discussions included:

- Starting at the Business zone (intersection of Autumn and Main Street) and ending at the end of the Agricultural zone on Weare Street.
- Granting variances
- Replacement of certain structures
- Tara Estates
- Starting at the right side of Penny Lane and ending on Weare Street.

Board members agreed with the last bulleted sentence.

Board members and Mr. Behrendt discussed the plans that were being viewed on the screen that concerned the Cocheco River area map.

Board members agreed to start at Quaker Lane in Gonic and end on the northerly end at the turnpike.

Board members unanimously agreed recommendation on both plans.

Extensions:

NH Northcoast Corporation, Summer Street & Stillings Court. (by Norway Plains Associates). Extension to meet precedent conditions on 2-lot subdivision. Case # 112-3 & 120-425-B2-08

Tana Properties & Norbert Therrien, Milton Road (by Norway Plains Associates). Extension to meet precedent conditions on 3-lot subdivision. Case # 215-58&58-1-I2, I3-A-08

A motion was made by Mr. Abbott and seconded by Mr. Healey to approve the above two extensions. Motion carried unanimously.

Other Business:

Board members and Mr. Behrendt discussed the following items:

- Policies for modifications.
- Highfield Phasing
- State and legal opinions on recording a plat without surety

Regarding modifications, Mr. Behrendt said that there are three types of changes after plans are approved: amendments, modifications that come to the Planning Board, and administrative modifications. Very minor items may be treated as administrative modifications. On these Mr. Behrendt emails the Board information and within 24 hours any member of the Board can bump the request to the full Board for review. If a request gets bumped the applicant has to pay the \$100 fee. The fee is not required for administrative modifications.

Adjournment:

A motion was made Mr. Sylvain and seconded by Mr. Healey to adjourn at 8:15 p.m. Motion carried unanimously.

Respectfully submitted,

Madeleine Carter, Secretary
(These minutes were transcribed from notes)