

CITY OF ROCHESTER

Planning Board

Monday, September 14, 2009 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved September 21, 2009)

Members Present

Tim Fontneau, *Vice Chair*

Nel Sylvain, *Secretary*

Tom Abbott

Richard Groat

Rick Healey

Derek Peters

Members Absent

A. Terese Desjardins, *Chair* (Excused)

John David Meader (Excused)

Eugene McCarthy (Excused)

Alternates Present

Gloria Larochelle

Stephen Martineau

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 Mr. Meader.

He stated the Board wishes Ms. Desjardins, Chair, and Mr. Meader; both who have had surgery, a quick recovery and to hurry back.

Approval of minutes for August 17, 2009.

A motion was made by the Mr. Peters and seconded by Ms. Larochelle to approve the minutes of August 1, 2009. Motion carried unanimously.

Applications:

A. Public Service Company of NH, 103 Walnut Street (by T.F. Moran, Inc.). Extension to meet precedent conditions for approved site plan to expand existing. Case # 122-93-12-09

Nick Golon, Project Manager, briefly discussed surety for inspection fees and the revised plans. He stated they have received ATV and wetland permits. He stated they are asking the Board for a 2-year extension.

Board members discussed application fees for the extension. Mr. Behrendt replied \$100.00 fees are only collected after the deadline has gone by.

A motion was made by Mr. Peters and seconded by Mr. Healey to approve this extension to October 6, 2011. Motion carried unanimously.

B. Severino Trucking Co., Inc. c/o Thomas Severino (Route 11 Investments Inc., c/o Mark Stevens, property owner), 92 Farmington Road (by Appledore Engineering, Greg Mikolaities). Application for excavation of material to be used at the Exit 15 Spaulding Turnpike project. Case #216-11-11/13-09 (PH)

Tom Severino, applicant, asked the Board if they had any questions or concerns.

Mr. Behrendt stated Staff has recommended approval with 2 changes to the general conditions as discussed in the recommendations. He discussed changing condition 1 from a 50-foot wetland buffer to 25-feet, and the surety. He read his email to the Board, which added a precedent condition "1t" as a note on the plan.

Mr. Severino explained the traffic control plan.

Board members discussed the traffic control wording in precedent condition "1h", page 3 of 11. The consensus was to change the wording of the last sentence to say "if necessary as determined by the Police Department".

A motion was made by Mr. Sylvain and seconded by Mr. Peters to accept as complete and approve as discussed. Motion carried unanimously.

C. Dennis Sr. & Dennis Jr. Freeman, dba Just Oil, Route 125 & Jonathan Avenue (by Eric C. Mitchell & Associates, Inc.). Site plan for retail oil business and commercial office. Case # 267-8-1, 8-2-A/B2-09 (PH)

Chris Hickey, Environmental Association, briefly discussed the IRLAC (Isinglass River Local Advisory Committee) email that was sent to the Board. He discussed the volume control. He stated DOT has not yet approved this. He stated the architecture would be discussed at tomorrow's TRC meeting.

A motion was made by Mr. Fontneau and seconded by Mr. Healey to accept this application as complete. Motion carried unanimously.

Board members asked Mr. Behrendt to provide the Board with the list of changes that have been made.

Mr. Behrendt stated the plans look good. He briefly discussed comments from the IRLAC.

Mr. Fontneau opened the public hearing. No one came forward.

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

This application was continued to the September 21st meeting.

D. SUR Construction, Inc., 20-24 Farmington Road (by Norway Plains Associates).

Preliminary (design review) site plan for excavation permit to remove existing ledge and overburden. Case # 216-1, 2, 3-B2-09 (PH)

Rick Lundborn, Norway Plains Associates, discussed the plans that were being viewed on the screen that included lots 2 and 3, removing the ledge, the overburden, use of the material for one of the exits on the turnpike, the wetland, the 50-foot buffer, the 25-foot setback from the North Gate property and the sediment basin across the entire face. He stated any sediment would be able to be collected. He also stated drainage would not chance much. He discussed the swale, the ditch along route 11, use of the existing entrance, quantities of material to be excavated, and other items.

Board members asked when the process might start. Mr. Lundborn replied probably not until next season.

Board members discussed their concern with both SUR and Severino's using the highway. Mr. Lundborn replied if everyone obeys the rules of the road there should not be an issue.

Board members discussed a temporary turn around for the trucks, the use of route 11, and other issues and items.

Mr. Behrendt stated they are waiting for a drainage report.

This application was continued to October 15, 2009.

E. John Nelson & Joan Holt, 75 Four Rod Road (by Norway Plains Associates). Preliminary (design review) 2-lot subdivision. Case # 219-19-A-09 (PH)

Rick Lundborn, Norway Plains Associates, stated this parcel is 10 ½ acres with frontage on Four Rod Road and Baxter Road.

Mr. Behrendt stated Baxter Road is a private road.

Mr. Lundborn discussed the plans that were being viewed on the screen and explained what the different colors of green represented. He asked the Board to recommend to the City Council to approve building on a private road.

Board members asked if there were any houses on that road and if they were year round houses. Mr. Lundborn replied yes they are year round houses on that road.

Mr. Lundborn stated they did get a variance for inadequate frontage at the Zoning Board of Adjustment meeting on September 9th.

Mr. Behrendt stated he would find out the condition of the road before the next meeting.

Board members asked to check the road width and the drainage ditch. Mr. Lundborn replied he would do that.

Mr. Fontneau opened the public hearing. No one came forward.

Mr. Behrendt stated the Board could recommend improvements to the road to the City Council. He briefly discussed an email from an abutter, John Demopoulos, 81 Four Rod Road, which stated his only issue was the condition of the road.

Mr. Lundborn stated the road has been re-graded since that email.

Board members discussed making recommendations to the City Council.

This application was continued to September 21st.

F. Highfield Commons Planned Unit Development (PUD), Washington Street/Route 202.

Case #237-3,5,6,8-A-02. Modifications to approved Phase I subdivision and Phase II multifamily projects regarding:

1. Payment of surety
2. Conditions for issuance of building permits and certificates of occupancy for multifamily component/Phase II
3. Consideration of whether to consolidate notices of decision for Phases I and II

Chris Strickler, owner, stated he purchased this development from Jim Mullaney.

Attorney Richard Uchida, discussed the plans that were being viewed on the screen and explained the colored drawing he had passed out to the Board. He discussed construction of Monroe Drive, which would be off Fillmore Blvd., the water line, and the wastewater site. He discussed a restoration bond, which would be reviewed by the City, a standard completion bond, posting a performance bond, and reducing the performance bond from time to time as the project continues. He briefly discussed an email from Mr. Behrendt, and other items.

Board members discussed time limits for the construction bond, and the water issues for the apartments.

Mr. Strickler stated he would be having discussions with the Fire Marshal.

Board members discussed making sure the City Manager is aware of what is going on. Also discussed were the certificate of occupancy, the building permits, curbing, the base coat, and other items.

Attorney Uchida discussed the plans that were being viewed on the screen that included the construction of Fillmore Blvd, and the performance bond for construction.

Mr. Behrendt stated he would get an update on everything including the changes of the Notice of Decisions.

Mr. Strickler discussed the construction phases of A1 and A2, and construction of the water tank.

Mr. Behrendt suggested treating this application as an amendment instead of a modification.

Board members and Mr. Behrendt discussed incorporating updated information and to continue treating this as a modification.

This application was continued to October 5, 2009.

A motion was made by Mr. Sylvain and seconded by Mr. Groat to grant an extension to October 30, 2009. Motion carried unanimously.

Mr. Fontneau called a recess at 8:30, meeting resumed at 8:35.

Proposed Amendments to City of Rochester Sign Ordinance, Section 42.8, Regarding Electronic Message Signs.

Mr. Fontneau stated only Mr. Peters, Ms. Larochele, and Councilor Steve Hervey attended the Sign Ordinance meeting.

Mr. Peters stated the subcommittee was not notified of that meeting.

Items discussed included:

- H3, time & temperature
- F5, exclude the word flashing
- H1, already in the Historic District Ordinance
- H3, eliminating this item altogether
- H7, height of the signs

A motion was made by Mr. Peters and seconded by Mr. Abbott to eliminate item H7. Motion carried. One opposed: Mr. Healey.

- H9, illusion of movement
- H10, scrolling
- H11

Labeling the statement for the last sentence on the last page.

- H2, retain just the 1st sentence and eliminate the rest
- H5, timing/dimming

A motion was made by Mr. Abbott and seconded by Mr. Sylvain to remove C7, add Zone A to H1, H2 remove everything after light conditions, remove item H3 entirely, remove H7 entirely, and to send the balance of the ordinance to the City Council with the recommendations for approval. Motion carried. Two opposed: Mr. Fontneau, and Mr. Peters.

Other Business:

Other business included a brief discussion requiring applicants to clearly put dates and revision codes on all the drawings and documentations, and to require all submissions to be filled in PDF format.

Adjournment:

A motion was made Mr. Sylvain and seconded by Mr. Peters to adjourn at 9:20 p.m. Motion carried unanimously.

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)