

CITY OF ROCHESTER

Planning Board

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

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved December 21, 2009)

Members Present

A. Terese Desjardins, *Chair*

Nel Sylvain, *Secretary*

Tom Abbott

Richard Groat

John David Meader

Derek Peters

Members Absent

Tim Fontneau, *Vice Chair (Excused)*

Rick Healey *(Excused)*

Eugene McCarthy *(Excused)*

Alternates Present

Gloria Larochele

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).

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

Communications from the Chair

Ms. Desjardins appointed Ms. Larochele as voting member for Mr. Fontneau, Mr. Martineau for Mr. McCarthy, and Mr. Varney for Mr. Healey.

Approval of minutes for November 16, 2009.

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

Extension:

Waste Management, 90 Rochester Neck Road (by Sanborn, Head and Associates). Extension to meet precedent conditions for approved 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

Steve Poggie, applicant, stated the reason for the extension is the time period, which would probably be the middle of next year. He stated they are waiting for their 4th State permit.

A motion was made by Mr. Varney and seconded by Mr. Meader to approve this extension to September 26, 2010. Motion carried unanimously.

Continued Applications:

A. David Holbrook, 33 Dry Hill Road (by Norway Plains Associates). 2-lot subdivision. Case # 250-5-A-09. PH

This application was postponed per the applicants' request to December 21, 2009.

B. Susan Bennett - Seven Henrietta Street Revocable Trust, 7 Henrietta Street (by Norway Plains Associates). 2-lot subdivision. Case # 134-33-R1-09. PH

Art Nickless, Norway Plains Associates, stated the Zoning Board of Adjustment did have a rehearing on this project, which was reapproved. He stated one of the concerns is centered around the drainage plan, which would be submitted to the Public Works Director before a building permit would be issued. He stated he has read through the Notice of Decision and is in agreement with all the conditions of approval.

Mr. Behrendt stated Staff has recommended approval as submitted in the recommendations. He stated this is not a development of regional impact.

Board members, Mr. Behrendt, and Mr. Nickless briefly discussed the Maple trees, and the location of the driveway.

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

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

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

C. Holy Rosary Credit Union, 133 Brock Street (by Norway Plains Associates). Site Plan to expand building to 11,025+/- square feet and add parking. Case # 129-1-R2-09 PH

This application was postponed per the applicant's request to January 25, 2010

Amendment & New Application:

A. Raymond C. Green Inc., Channing's Lane/Wingate Estates. Amendment to approved 10-lot subdivision to eliminate sidewalk. Case #206-8-A-04

Mr. Behrendt stated the applicant has requested postponement to January 4, 2010. He stated the applicant has not had a chance to review the recommendations or emails.

Board members asked why couldn't this be heard at the next meeting.

Mr. Behrendt stated he would encourage the applicant to come to the December 21st meeting. If they cannot make the 21st he stated they would come to the January 4, 2010 meeting.

Board members discussed re-notifying abutters, which should be the responsibility of the applicant, and to let the abutters that are here today, speak if they want.

Ms. Desjardins stated there is not much the Board could do without the applicant present.

Ms. Desjardins opened the public hearing.

An abutter only identified as "Gloria" stated they are here just to stay informed as to what is going on.

Ms. Desjardins asked the abutters to call the Planning Department directly and ask for Mr. Behrendt. She stated he would let them know exactly when the next meeting would be held.

Mr. Behrendt stated he would push the applicant to come to the December 21st meeting.

B. Packy's Investment Group, LLC, 60 Farmington Road. (by Berry Surveying & Engineering). Resubdivision of two existing lots to create three new lots and a right-of-way for a potential future City street. Case # 216-8 & 9-13-09 PH

Chris Berry, Berry Surveying & Engineering discussed the plans that were being viewed on the screen that included the surrounding businesses in that area, creating a right-of-way, and to properly aligning the entrance that they hope to be the future loop road or the Granite Ridge project that CLD and other committees have worked on in the past. He stated there was a Dairy Queen that was proposed at one point, which is not being proposed now. He discussed the plans that were being viewed on the screen and stated they are interested in aligning the intersection while he still controls the property and still has interest from his abutter. He stated they have been going back and forth on whether this is a lot line revision, a subdivision, a resubdivision, or what you want to call it. He discussed the plans that were being viewed on the screen that included transferring land accordingly, plans for a subdivision creating a right-of-way, and other items. He stated the purpose of this is "if you build it they will come", he stated they have had some interested parties and discussed some

of the issues the interested parties have. He stated DOT has said they want them to make a safer intersection there. He stated they are trying to schedule a meeting with DOT. He stated CLD has come up with a concept on how the area should be developed. He stated they are looking for the Boards support on the idea and a potential tax increment-financing zone, potential lighting, and control devices.

Mr. Behrendt stated this is an unusual submission. He discussed some of the Staff's recommendations, which included the Granite Ridge project, future right-of-way, access to commercial properties located off Route 11 that are high value for future property development. He discussed whether this is the best alignment for the City, possibility of conveying this to the City, and other items. He stated this project is subject to change prior to approval. He stated it might be appropriate to bring this before the City Council to make sure it makes sense from the Council's prospective, and other committees. He discussed putting a stub on the northerly side for easier future connection.

Mr. Varney asked where does the frontage road come in and out, in regards to this plan.

Mr. Berry discussed the plans that were being viewed on the screen and explained where the frontage road would be.

Mr. Varney stated what the Board is looking for is how these things integrate into the overall plan. He stated the CLD plan was just conceptual in nature, which could change. He stated the Board would like to see how things are going to connect so the person to the north and the person to the south would know about where the connection would be.

Packy Campbell, applicant, discussed the plans that were being viewed on the screen that included the future use, the stub, the 50 foot right-of-way, the future design of the road, and other items.

Mr. Varney stated they are looking for a provision that requires a 50-foot right-of-way at the frontage road so each property owner to the north and south would have available at some point, in some location, a right-of-way for the rest of the frontage road.

Mr. Campbell stated he appreciates what is being said however he does not know if that could be accomplished with this application. He stated they are just trying to take the first step now to solidify the entrance location, the turning radius, and the commitment to the light. He discussed the plans that were being viewed on the screen that included the service roads, and other items. He briefly discussed the needs and desire of property owners, potential users, funding for commercial development, and other items.

Ms. Desjardins stated the Board is asking to see on paper a statement that in the future there would be access for the owners in the north and south sections.

Mr. Campbell stated absolutely, that is a given. He discussed getting the finance zone, deeding the right-of-way to the City, and access to Route 11.

Board members discussed the driveway access, and the new entrance.

Board members, Mr. Behrendt, and Mr. Campbell discussed the 50-foot right-of-way, getting input from CLD or other firms on this project, and other items.

Ms. Desjardins opened the public hearing.

Mr. Campbell discussed the plans that were being viewed on the screen that included possibly needing an area variance because of the 50-foot right-of-way, a variance for the setbacks from wetlands, parking and access.

Ms. Desjardins recapped the discussions for clarification. She stated the possibility of getting 2 variances, language written someplace where there would be access from both north and south. Mr. Campbell replied he would have to check with the other landowner concerning this but he does not know why the other landowner would not say yes to that.

Mr. Campbell discussed the plans that were being viewed on the screen and stated he does not know if he could commit to an exact location or allowing a road from the south which might come up through his building.

Ms. Desjardins stated in today's day and age this Board needs to have all the T's crossed and I's dotted. Having this in writing makes sure these things do happen.

Ms. Desjardins and Mr. Campbell discussed the easement.

Karen Pollard, Economic Development Manager for the City of Rochester, stated she just mentioned to Mr. Berry in regard to connection in the future for an unknown development waiting to occur. She stated the REDC is very sensitive to that, she stated she has done a lot of background on some of these issues. She stated it is possible and was done in the case of Wal-Mart that an easement with flexibility can be written into the approval so that it could be moved closer or farther away from the road but the language allows for a connection in the future. This actually requires the property owners to work together a little bit more than just relying on everyone's future good graces. She stated she told Mr. Berry she would make the same language that was used with Wal-Mart that worked so well, available to them. She stated there would be consistency across these parcels that we hope will be developed across that area.

Mr. Varney stated if Mr. Campbell thinks the Council would accept this property, he believes at this point the Council would not do that. He stated he is only one person but.....

Mr. Campbell asked if it would make sense to have a meeting with the Council. Mr. Varney replied Mr. Campbell could come to a workshop and tell the Council what he would like to do.

Board members and Mr. Campbell briefly discussed bonding.

This application was continued to the January 4th, if more information is needed then this would be continued to the 25th, 2010 meeting.

Other Business:

Other business included:

NH Checker Cab Service, Business Plan, Case # 120-324-B1-09

Ms. Desjardins stated she is not in favor of discussing this. She stated this would be totally nonbinding; it should go to the Special Downtown and put on the January meeting agenda, tentatively if necessary. She stated the Board has no idea what the other boards are going to do.

Board members discussed having the applicant come back for the December 21st meeting, issues with emission, other boards opinions, and other items.

Mr. Behrendt briefly discussed the Historic District Commission requirements.

Mr. Sylvain (also Chair of the Historic District Commission) discussed the purview of the Historic District Commission.

Board members discussed drainage problems in the back of the lot, paint emission issues, variance for Zoning Board of Adjustment, appealing to Zoning Board of Adjustment if the Historic District Commission does not approve, seeing the concept of the design, Zoning Board of Adjustment meeting on December 16th, having a special meeting for the Historic District Commission on December 17, having a joint meeting, and other items.

Co-owners, Tim Goumas and Joe Nunez, NH Checker Cab Service, discussed their limited time frame, the auto repair business, and maintenance of the cabs, cost effectiveness, and other items.

Mr. Varney stated they could operate a cab business without a variance; it is the auto repair business they cannot operate without a variance. He asked the applicant if they could operate their business without having the repair part.

Mr. Goumas stated they could operate without the auto repair part however if the cabs are down it is costing them money. He stated he needs the facility outfitted as soon as possible. He stated he feels pretty confident knowing the background of the facility and what it was designed and built for, that he is quit sure the Zoning Board of Adjustment would be in their favor.

Ms. Desjardins stated she believes the Board is recommending the applicants do just the taxicab portion of it for now until everything else goes through which could take an additional 30 days.

Mr. Goumas stated the cars are pretty new and should not need any repairs within those 30-days. He stated if they could at least get the OK to get the cab portion going they could live with it.

Mr. Sylvain asked Mr. Goumas when the property was acquired.

Mr. Goumas replied they have not actually bought the property yet. They are leasing with the option to buy. They are thinking of buying the property within the next year. However by tomorrow (Tuesday, Dec. 8) the lease is being executed. He stated there is a clause in the agreement if this does not go through with the Zoning Board of Adjustment they walk and go to Dover. He apologized for not coming to the Board sooner and explained their reasons.

Ms. Desjardins told the applicants the Board would be looking for them to come back on December 21st. She stated after they go to the Zoning Board of Adjustment, and the Historic District Commission, to come back on the 21st. At that point she told the applicants that they might only get approval for the taxicab portion of it and it may be another 30-days before they could do the other part of it.

Mr. Nunez asked are we talking about the auto repair part of it and the auto body part as being as one thing that is happening in January.

Mr. Varney stated as far as he is concerned it is just the paint issue. He stated he believes the other part is irrelevant.

Mr. Behrendt stated he would get with the applicant to get their abutters notices out for a public hearing, a regular Site Plan Review on December 21st and all aspects of the proposal will be presented to the Board on the 21st.

Mr. Sylvain stated he would try getting the Historic District Commission to hold a special meeting on the 17th. He asked Mr. Goumas to bring everything that is needed for that meeting.

A motion was made by Mr. Varney and seconded by Mr. Peters to approve the extension for Boudreau & Clement, 120-200-R2-08. Motion carried unanimously.

Other discussion included requiring applicants to submit electronic submissions to cut down on the paper copies. Mr. Behrendt stated it is his goal within the next month to get that going.

Ms. Desjardins asked if minutes were taken at the TRC meetings. Mr. Behrendt replied no. Ms. Desjardins stated she thought it would be helpful to the Board to see a summary of what was discussed so that when a project comes before the Board they could see what happened at the TRC meeting. Mr. Behrendt replied minutes are not required because it is not a public meeting. He stated the best thing if the Board wants to see minutes would be to have a secretary at the meeting however there are a few issues, which might be good to talk about at a retreat.

Mr. Varney asked why couldn't the department heads at those meeting just write down their own comments.

Mr. Behrendt stated there is a sign off sheet that is signed with comments from the TRC members which is given to the three officers. He stated if the Board wants to see the final sign offs the department could scan them. Ms. Desjardins replied they are not always readable. She stated it is something that could be discussed at a retreat but should be looked at very seriously.

Other items discussed

Changing one date on next years calendar from July 5 to July 12 because July 5th is a holiday.

Creating a subcommittee to review the draft Capital Improvement Program (CIP). Mr. Sylvain asked about having the Planning Board review the designs of municipal projects. Mr. Behrendt said the Planning Board could make a specific request of the Council it is desired. It was left that as part of the board's review of the CIP, if there are particular projects it would like to review later, the board will identify those projects as part of the CIP review.

Adjournment:

A motion was made by Mr. Sylvain and seconded by Ms. Larochelle to adjourn at 8:40 p.m. Motion carried unanimously.

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)