

CITY OF ROCHESTER
Planning Board
Monday, February 1, 2010 at 7:00 p.m. (regular meeting)
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved January 22, 2010)

Members Present

A. Terese Desjardins, *Chair* (excused from meeting at 8:30)
Tim Fontneau, *Vice Chair*
Derek Peters, *Secretary*
Tom Abbott
Richard Groat
John David Meader
Nel Sylvain
Ray Varney

Alternates Present

Rick Healey (excused from meeting at 9:10)
Gloria Larochelle
Stephen Martineau (excused from the meeting at 9:05)

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. Larochelle as voting member for the vacant seat.

Ms. Desjardins briefly discussed the retreat of January 27th. She stated three City Council members also attended. She stated the next retreat would be April 10th.

Approval of minutes for January 25, 2010

A motion was made by the Mr. Peters and seconded by Ms. Larochelle to approve the minutes of January 25, 2010. Motion carried unanimously.

Extensions and Modifications:

A. Jeremiah Stuart, 24 Jeremiah Lane (by Berry Surveying & Engineering). Modification of corner of road right of way for Lot Line Adjustment and road layout. Case # 223-21-A-08

Chris Berry, Berry Surveying & Engineering, representing the application on Jeremiah Lane, stated the Public Works Department has accepted this modification. He stated he is still waiting to make sure the applicant is amenable to the modification as well. He stated the applicant has been in the hospital the last few days. He stated he would like this to be postponed to either February 22nd or March 1st; hopefully this would be completed by then.

This application has been continued to February 22 if everything is in line otherwise this would be continued to March 1st.

B. Casaccio RE Holdings, LLC, Rochester Toyota/Dodge, 56 Farmington Road (by Civil Take Off LLC & Berry Surveying). Extension to meet precedent conditions and modification for architectural design and entry sidewalk for approved site plan for addition and renovations to current automobile sales and service facility. Case # 216-6 & 7-B2-08

Chris Berry, Berry Surveying & Engineering stated he is not necessarily prepared to present this tonight. He stated he just happens to be here. He stated he has been working on the application and knows there have been some architectural changes due to the fact that other Toyota dealers sell other cars besides Toyota; this automobile dealer is only known as Rochester Toyota. He discussed changing the portal to a 1-car entrance to the showroom instead of 2-cars, and reducing the front planter. He stated he believes those are the only changes. He stated they have not been able to start construction the way things have been going. That is why the construction company is asking for the extension. He stated he was given a construction date of maybe April.

Mr. Behrendt stated Staff has recommended approval of the extension and modifications as submitted.

Ms. Desjardins stated there is a note in the recommendations to waive the \$100.00 fee for the modification. She stated she would recommend the Board does not approve waiving the fee.

A motion was made by the Mr. Fontneau and seconded by Mr. Groat to approve this extension to July 1, 2010, approve the modification, and to not approve waiving the modification fee.

Board members and Mr. Behrendt briefly discussed getting a set of mylar drawings for the project, and illumination of the portal.

Mr. Berry stated he has recommended to NCM Management, the Construction Company that they do not produce a mylar until the Board approves the modification because mylars are very expensive.

Motion carried unanimously.

Amendment:

Rose Realty, LLC, Chesley Hill Estates, Chesley Hill Road (by Berry Surveying & Engineering). Amendment to approved 2003 33-lot subdivision to change drainage patterns. Case #246-32-R1-02 (PH)

Chris Berry, Berry Surveying & Engineering, representing Bob Diberto, stated he did not realize this was going to be a public hearing. He stated they have met with all the holders of the project. He believes from that meeting all were in agreement with the modification. He discussed comments from CLD that did not say a lot. He discussed concerns of other offsite impacts, and looking into how to revise the plans for those offsite impacts.

Mr. Behrendt stated the Board is not in a position to mediate or impose any solutions concerning the two parties. He stated hopefully the two parties could reach an agreement. He briefly discussed the outstanding issues. He stated Staff recommends continuation to March 1st.

Ms. Desjardins opened the public hearing.

Attorney Jim Schulte, representing the abutter Don Gilbert, stated they are asking to put this off longer than March 1st because of vacations and design issues. He stated they are in hopes that what Berry Surveying & Engineering are proposing will work. He stated they are willing to work out the technical aspects of this. He discussed and explained his client's concerns with the flow of the water.

Don Gilbert, abutter, briefly discussed his concerns with the subdivision approval. He stated the plans should not have been signed in 2002.

Mr. Behrendt stated according to the departments' records the plans were approved, signed, and all State approvals have been received.

Ms. Desjardins stated the Planning Department would look into that subdivision application. She asked Mr. Gilbert to contact the Planning Department by this coming Friday for answers to his concerns. She stated the Board would also be notified of the outcome.

Board members discussed concerns with the length of time for this extension.

Mr. Varney stated he is concerned with the statement that says Mr. Gilbert would withhold judgment until the improvements are completed to see the impact. Mr. Varney stated what Mr. Gilbert is implying is that the drainage would be modified and try it again. He stated this is not the way things are usually done. He stated he understands the first design didn't seem to work but we need consensus that this is going to work. He stated we cannot try something and bring it back and try something and bring it back. He stated he would be concerned about approving this modification under those circumstances.

A motion was made by the Mr. Fontneau and seconded by Mr. Meader to continue this application to April 5, 2010.

Board members, Mr. Behrendt, and Mr. Berry briefly discussed CLD's comments, drainage, and other items.

Motion carried unanimously.

Mr. Berry asked that the plans be referred to as Berry Surveying & Engineering plans and not refer this as "his" plans specifically. He stated David Berry is the professional engineer and sometimes people would give him "Chris" more qualifications than he has earned. He stated he just wanted it to be clear to the Board and to the applicant that it is Berry Surveying & Engineering.

Discussion about prospective Special Downtown application:

The Club Victoire, Inc., 111 North Main Street (by Norway Plains Associates). Proposed addition and open deck at rear of building. Case #121-360-B1/R2-10.

Art Nickless, Norway Plains Associates, representing the Victory Club, stated they haven't spoken about the club since about 2005. He stated this is a special downtown process however he believes it is beneficial to present this to the Board now so everyone would know what is going on. He stated he understands it could be bumped to full board review. He discussed the plans that were being viewed on the screen that included putting a screen porch on the existing foundation. He stated this addition would not increase seating capacity or traffic issues. He stated the primary focus is to build a deck. He stated he believes all of the City's department heads are comfortable with this.

Mr. Behrendt stated this is a good project. He stated it would be good to have some access onto the river. He stated this is not before the Board for review or any action they just want a sense of if the Board is comfortable with this being reviewed as a special downtown. He stated it is the Staff's recommendation to review this as a special downtown application.

Board members asked would there be a bar or entertainment on the deck. Mr. Nickless replied there would not be, just more of an amenity.

Board members and Mr. Nickless discussed the plans that were being viewed on the screen that included the location of the deck, and the closeness of the deck to the river, which would be approximately 5 feet from the river.

Mr. Varney stated he does not see why this needs anything except a building permit.

Mr. Behrendt stated they are adding an enclosed space onto a non-residential building that exist right now which is just a foundation, which requires a site review.

Mr. Varney stated there was a building there before and they're perfectly free to add that same building the on the same footing which is what grandfathering is all about.

Board members and Mr. Behrendt discussed the Conservation Overlay District, the grandfather clause, non-conforming provisions, having a site plan review, the existing conditions, and other items.

Mr. Nickless stated there are not any site review issues here except for the architectural design on the building. He stated when he says “reviewed by staff” what they are really talking about going through the building permit process and satisfying other department heads as well.

It was the sense of the Board that building on this existing foundation should not be in question, the screened in porch should not be an issue, the deck being a different situation, and other items.

Mr. Nickless stated the main focus is getting the porch built; the deck could be saved for another day, which would probably have to have a special review.

Board members, and Mr. Nickless discussed getting the Shoreland Protection Act exemption in place, questioned whether this is grandfathered because of all the years that have passed, meeting the zoning regulations, the special downtown process, getting a clear cut answer as to the grandfather clause, grandfather cases that have gone before the courts, and other items.

Mr. Behrendt stated he would like clarification because he believes it is the sense of the Board that at least for the porch there is no need for a special downtown review and the applicant could go straight to the Codes Department for a building permit. However regarding the deck that is something different.

Board members agreed with Mr. Behrendt description.

New Applications:

A. Huts to Homes, LLC, 18 Maple Street (by Norway Plains Associates). 2-lot subdivision. Case # 121-171-R2-10 (PH)

Art Nickless, Norway Plains Associates, representing Huts to Homes, stated there are no huts on this property or any other buildings on this property. He discussed a building on the property under renovations dating back to the late 80’s, which actually received site plan approval to become a duplex. In the process of building it, it burned down, was removed, and nothing else was built there. He stated the current owner of Huts to Homes, represented by Bob Williams, is sitting in the audience. He stated the applicant intends to build single-family houses instead of a duplex. He discussed the plans that were being viewed on the screen that included the cross-country drain line. He stated the Director of Public Works has asked if the applicant would consider granting an easement within the setback, which is 8 feet. He stated the City may need to get in there at some point to fix that line; this way there would not be any argument with whoever builds on the lot. He stated Mr. Williams has said he does not have a problem with that especially given the fact that there can be no structures built on that sideline setback. He discussed reclaiming the existing driveway and taking out of the conditions of approval that there be underground utilities. He stated every home on Maple Street has overhead utilities.

Mr. Behrendt stated he would eliminate condition 2b in the conditions of approval.

Board members, and Mr. Nickless discussed the plans that were being viewed on the screen that included the location of the driveways, one of the driveways encroaching, and driving over the easement.

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

A motion was made by the Mr. Fontneau and seconded by Mr. Varney to close the public hearing, waive the underground utilities, accept the application as complete, and approve this application as discussed. Motion carried unanimously.

New Applications:

B.City of Rochester, Route 11. Proposed Cocheco Well and water treatment plant on Henderson property. Presentation by Tom Willis, City Engineer, under RSA 674:54 Governmental Land Uses. Case #208-14-I2/A-10 (PH)

Tom Willis, City Engineer, Public Works Department, gave background information of the water system and stated it was dated as far back as the 1980's. He gave a PowerPoint presentation that included the following:

- What was done to meet needs
- Cocheco Well #1
- About the project
- Cocheco sketch Wells Site Plan
- Cocheco Treatment Plant Site Plan
- Sketch of the Treatment Plant Architectural Elevations
- Sketch of the Treatment Plant Floor Plan

He stated Beloin Construction is doing the work. He stated the RSA State law requires this to be presented.

Board members asked how far is the plant from the river. Mr. Willis replied the river is between 200 and 300 feet from the plant.

Board members asked about drainage flow from the building. Mr. Willis briefly discussed the flow.

Mr. Willis discussed the Shoreland Protection group, and other items.

Board members discussed security, exterior lighting, and other items.

Mr. Willis stated he does not believe there is any fence enclosure at this point and time. He stated there is a gate across that lot which they could keep locked. He discussed having a sign saying it is a water treatment facility. He stated if they find a need to add more security measures they can apply for grants from DES to purchase security features.

Board members and Mr. Willis discussed the capacity of the clear well, water usage, and other items.

Mr. Willis stated they hope this could be completed by the end of September 2010.

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

Board members and Mr. Willis discussed the sketches that were being viewed on the screen that included the spillways and the Treatment Plant Site Plan.

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

Ms. Desjardins thanked Mr. Will for his presentation. She stated they are looking forward to seeing more government projects in a timely fashion.

Mr. Willis stated for future reference he is looking forward to working with the Planning Department to identify what types of projects would be appropriate.

Ms. Desjardins stated there might have been a threshold that was established by the City Council. She asked Mr. Behrendt to forward that information on the Mr. Willis.

Mr. Behrendt stated that was looked into and no one is aware of any particular threshold that was established.

Ms. Desjardins asked if one of the City Council could look into that because she is under the understanding there is a threshold established.

Board members discussed the established threshold.

Ms. Desjardins called a recess at 8:30. Mr. Fontneau resumed the meeting at 8:35 pm.

Draft Capital Improvements Program. Presentation by Tom Willis, City Engineer.

Tom Willis, City Engineer, gave a PowerPoint presentation on the Public Works portion of the CIP that included the following:

- The Public Works Department budget, Fiscal Year 2010 (July 1, 2009 – June 30, 2010)
- FY – 2011 Summary
- Why the Department of Public Works is here
- Details for FY-2011
- Public Details for FY-2011 Sewer Works
- Other Planned Projects FY (Out Years), 2012 to 2016
- Needs beyond FY-2016

Board members and Mr. Willis discussed getting bids for hauling, hiring an excavator, use of Public Works trucks, major road projects, relook at getting Brock Street done before the next 3 years, Stillwater Circle bonding on page 75, school paving and striping on page 109, Building Roofing Evaluation and Maintenance on page 29, replacing the sidewalks with concrete vs. asphalt, retaining continuity for replacing sidewalks, Justification for “electric vehicles” page 189, #11, and other items.

Mr. Fontneau thanked Mr. Willis for his presentation.

Board members asked to get a list of what the City Manager has for cuts before discussing something that might have been cut.

Other Business:

Volunteers for the Site and Subdivision Regulations committee are as follows: Ms. Larochelle, Mr. Sylvain, Mr. Meader, and Mr. Groat.

Mr. Sylvain volunteered as an alternate to the Minor Site committee. Mr. Fontneau appointed Mr. Sylvain as alternate to the Minor Site committee.

Mr. Behrendt discussed an amendment to the by-laws concerning absences of Planning Board members. He stated that could only be amended at a regular meeting. He stated if that language is appropriate to everyone Staff has suggested putting it on the March 1st agenda for prospective adoption, unless more discussion is required then it could be heard on February 22nd.

Mr. Behrendt stated he would email the section of the by-laws concerning the agenda to Mr. Varney. Mr. Behrendt stated he would also have language on that for the next meeting.

The TRC would also be up for discussion on February 22nd.

Adjournment:

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

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)