

City of Rochester
Planning Board
Monday, March 15, 2010 at 7:00 p.m.
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(Approved April 3, 2010)

Members Present

A. Terese Desjardins, Chair
Tim Fontneau, Vice Chair
Derek Peters, Secretary
Tom Abbott
Richard Groat
John David Meader
Nel Sylvain
Ray Varney
Rick Healey

Alternates Present

Gloria Larochele

Members Excused

Stephen Martineau

Staff: Michael Behrendt, Chief Planner
Sheryl Eisenberg, City Clerk

(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. City Clerk Eisenberg conducted roll call.

IV. Communications from the Chair

Ms. Desjardins encouraged everyone to fill out the 2010 census questionnaires and mail them back to the government as soon as possible.

Ms. Desjardins invited Ms. Cassie Carlberg, Ms. Erin Toohey and Mr. Josh Gaudet, performers in the Spaulding High School production of "*Once Upon a Mattress*" to come up to the stage and speak about the play." Ms. Toohey gave the dates and times of presentations and invited everyone in the community to attend.

V. Approval of the Minutes

A motion was made by Mr. Healey and seconded by Mr. Sylvain to approve the minutes of March 1, 2010. The motion carried unanimously.

VI. Opening Discussion/Comments

No discussion.

TRC Committee Reports

Mr. Groat offered a report regarding an overview of the Technical Review Committee (TRC). He read the report aloud. (See Attachment A to Planning Board packet, available in Planning Department). He suggested the Board appoint a primary and secondary delegate to the TRC Committee.

A motion was made by Mr. Sylvain and seconded by Mr. Peters to appoint Gloria Larochelle as the primary delegate to the TRC Committee and Richard Groat as the secondary delegate to the TRC Committee. The motion carried unanimously.

Mr. Groat presented the report from the recent TRC Committee meeting. (See Attachment B to Planning Board packet, available in Planning Department). It was decided that discussion regarding the TRC Committee would take place later in the meeting.

VII. Continued Applications

- A. Brian V. and Mary Ellen Riley, 14-18 Snow Street** (by Norway Plains Associates). 2-lot subdivision and lot line adjustment. Case # 122-26- R1-10.
Public Hearing.

Richard Lundborn, Norway Plains Associates, representing the applicants, reminded the Board that the lots involved are Map 122, Lot 26 and 30. He gave a brief overview of the application. He mentioned Lot 30 would probably be sold eventually. He noted the Riley's are not in favor of granting an easement to the City. He cautioned that raising the pond to the level projected by the City would probably require the attainment of drainage rights from all of the abutters. Anything done by the City would affect all the drainage for all the abutters.

Mr. Behrendt recommended approval of the application as stated.

Mr. Healey inquired how this project would affect the wetlands. Mr. Lundborn answered that the project would entail a small amount of fill into the buffer. This should have no direct impact on the wetlands.

Mr. Abbott suggested a grading plan be provided due to its proximity to the buffer.

Mrs. Barbara Winson, abutter, advised this land is very wet. She noted that Stewart Court is on septic, rather than City sewer. She distributed pictures of the property taken earlier in the day. She expressed concern regarding the location of the fill that is planned and its potential to raise the level of the pond.

Mr. Shawn Williams, abutter, stated he also has a concern regarding the placement of fill in this area and the risk of additional flooding to his property. The lots on Snow Street are wet year-round. The map showed the driveway coming off Bouchard Street.

Mr. Behrendt said the driveway would come off Snow Street. No further sub-divisions can be done, as a condition of the approval.

Mr. Lundborn explained the fill would have to be located near the house due to City and State regulations. It should not affect the level of the pond. He said a grading plan could be prepared prior to approval for a building permit.

Mr. Peters asked if consideration had been given to the Spaulding Turnpike project and its impact upon the river.

Mr. Lundborn replied that he was not aware of an impact from the project.

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

A motion was made by Mr. Sylvain and seconded by Mr. Healey to accept as complete and approve, as stated, with a sub-condition plan of a grading to be approved by the City engineer prior to the issuance of a building permit and to keep the utilities in their present state (above ground). The motion carried by majority vote. Mr. Peters dissented.

B. Burke's Tree Service, LLC, 116 Salmon Falls Road. Site plan for wood shed for salt storage (bumped from Minor Site Review). Case # 201-141-A-10 **Public Hearing and Final Action**

Mrs. Burke advised she had spoken to a DES representative (Jack). She explained the information he had requested. He advised her that no permit [from DES] would be required, nor was a site visit necessary.

Mr. Behrendt recommended approval with conditions as stated.

Mr. Varney questioned if a permit would be required as per condition 1. Mrs. Burke replied that DES has advised it would sign-off without requiring a permit.

The Board discussed the requirement to have monitoring wells installed. Mrs. Burke explained DES has said that if wells were to be used, at least two wells would be

necessary for proper measurements. She added that this could cause expense to the City because some of the salt could be coming from Salmon Falls Road.

Mr. Higgins, abutter, advised the Board of two tests done on his well indicating salt levels above what is acceptable according to the EPA. He stated he is opposed to the current location of the shed due to the affect of the salt running down hill and affecting his property.

Mr. Burke stated he had also had State certified tests done. The results were lower than the results received by Mr. Higgins. He briefly spoke regarding the location of the shed and the natural flow of water. He indicated there are finishing touches that could be done to the structure to keep water from getting into the shed.

Mr. Abbott advised that the sign-off from DES should be as specific as possible regarding the structure and the Shoreland Protection Act.

Mr. Sylvain questioned if Mr. Higgins had had his well tested prior to notification of this project. Mr. Higgins admitted he had not.

A motion was made by Mr. Peters and seconded by Mr. Meader to close the public hearing and accept the application as complete.

The Board discussed the requirements for the structure. Ms. Desjardins summarized the Board's recommendations as follows: (1) earthen birms around the three walls, (2) covered on three sides, (3) a tarp on the front opening, and (4) seal the exterior to prevent leakage. The Board stipulated the completion date for these conditions be June 30, 2010. If the conditions are not met the approval would be null and void.

A motion was made by Mr. Peters and seconded by Mr. Healey to eliminate conditions 3 and 4, change the verbiage in condition 1 to state "...obtain a permit/sign-off from NHDES..." The motion passed unanimously.

A motion was made by Mr. Peters and seconded by Mr. Meader to approve the application as currently stated. The motion carried unanimously.

Ms. Desjardins advised Mr. Burke to wait to receive the Notice of Decision (NOD). Mr. Varney instructed a copy of the NOD should be sent to Mr. Higgins.

The Board took a brief recess at 8:15 p.m. The Board reconvened its meeting at 8:28 p.m.

VIII. Update from Rick Lundborn, Chair of the Rochester Economic Development Commission, on the Granite Ridge Project

Mr. Lundborn gave a brief overview of the activities of the REDC, Public Works Committee and others working on the zoning ordinances relative to this project and the plans for the service road around Route 11. He said he had distributed a list of the recommendations, in the format of the City's current ordinance, to the Board during the break. The idea is not to limit what is done in the District. Developers would have to meet the State regulations within the District. He advised that there is the potential to have a project that would not trigger the site specific notice. It would be written in to the ordinance that those projects would still have to meet those regulations. Landscaping would have to be at least 10 ft. The proposed ordinance would provide the Board latitude to allow for innovative uses. The utilities would have to be underground. It proposed to interconnect the parking lots to reduce traffic on the service road and Route 11. There is a recommendation to have an equally attractive façade on both sides of the building. Trash and deliveries would be between the buildings whenever possible.

The Board discussed the width of the right-of-way and the curbing.

Mr. Peters inquired if consideration had been given to the possibility of having vendors in the parking lot. Mr. Lundborn replied that it had not been a consideration. It could be added if desired.

Mr. Sylvain asked if the REDC has spoken to Mr. Campbell regarding his project. Mr. Lundborn answered yes. However, this is more of an issue for DOT. The City is entering into a Memo of Understanding with the DOT. Mr. Campbell would have the opportunity to change his plans in the future regarding his two-lot sub-division.

Mr. Fontneau questioned if the lack of setbacks could present an issue with a building being placed too close to the road. Mr. Lundborn said it was unlikely. Large stores have Code requirements that would prevent that. He added that Mr. Behrendt could solicit additional recommendations for this proposed ordinance from the appropriate department heads.

IX. Discussion about Proposed Zoning Amendment Regarding Outdoor Wood-fired Hydronic Heaters

Mr. Behrendt gave a brief history of the development of the proposed ordinance change. He explained the current proposed change is to restrict the heaters to the Agricultural zone, requiring the structure with the wood burner be set back at least 100 ft. from any lot line. He outlined the possible schedule that would allow the Council to adopt this amendment at its April 6th meeting. The Board would have to make its recommendation at its April 5th meeting.

The Board discussed limiting the burners to the Agricultural zone. The Board felt it would be more appropriate to limit their installation based upon lot size.

Mr. Varney provided the City Council's perspective on the proposed amendment.

Mr. Fontneau suggested the burners could be permitted in other zones by special exception, eliminating the need for a property owner to get a variance. It would be difficult to get a variance.

The Board discussed the schedule of meetings that would bring this proposed ordinance back to Council for adoption. The Board requested it be notified of the Public Hearing for this item.

X. Proposed Amendment to the Subdivision Regulations Providing Criteria for when Sidewalks are Required

Mr. Varney stated the proposal the Board received does not provide sufficient guidelines for developers. Expectations must be set. The Board can change them if necessary.

Mr. Healey noted the subjective word “reasonably” is problematic.

Ms. Desjardins stated the continuity of materials must be maintained when new sections are added or sections are connected.

Mr. Sylvain cautioned that the developers should not be required to do off-site improvements.

Ms. Desjardins read the recommendations that were developed by the Public Works Committee. The Board discussed the proposed recommendations. The consensus of the Board was to have Mr. Behrendt sit with Mr. Groat’s subcommittee when sidewalk policy is discussed. Additionally, any recommendations from Board members should be sent to Mr. Groat and Mrs. Larochelle.

XI. Other Business

Mr. Sylvain requested from the TRC:

- (1) Get the information to the department heads sooner for review
- (2) Put individual’s sign-off comments in the packets from the TRC

The Board discussed how the comments from the TRC members are conveyed to the Board members. Mr. Fontneau suggested the newly appointed Board representatives to the TRC send their notes from the meeting to the Board members.

Mr. Sylvain objected to the idea of the Board representatives taking minutes at the TRC meetings. Mr. Varney commented that if neither of the representatives goes to a meeting, the Board would receive no information from that meeting.

Mr. Varney told Mr. Behrendt the format of the City's web site is not conducive to easily locating and reviewing active projects in the City. The listing should be by street address [of the project]. He suggested that when the applications are received electronically, the application should be posted as it is received.

Adjournment

*A motion was made by Mr. Peters and seconded by Mr. Healey to adjourn at 9:40 p.m.
The motion carried unanimously.*

Respectfully submitted,

Sheryl L. Eisenberg, CMC
City Clerk

(These minutes were transcribed from notes.)