

**CITY OF ROCHESTER
Planning Board**

Monday, June 21, 2010 at 7:00 p.m. (workshop)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(Approved July 12, 2010)

Members Present

Tim Fontneau, *Chair*

Nel Sylvain, *Vice Chair*

Derek Peters, *Secretary*

Tom Abbott

Richard Groat

Rick Healey

John David Meader

Ray Varney

Alternates Present

James Gray

Gloria Larochele

Stephen Martineau

Dave Walker

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, 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 7:04 p.m. The secretary conducted roll call.

Communications from the Chair

There were none.

Public Comment / Discussion of general planning issues

Mr. Fontneau opened the floor for public comment. There was none.

Approval of minutes for May 27, 2010 Retreat

A motion was made by Mr. Varney and seconded by Mr. Sylvain to approve the minutes of May 27, 2010. Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Gray to approve the minutes of June 7, 2010. Motion carried unanimously.

Consent Agenda:

A. John Nelson & Joan Holt, 75 Four Rod Road (by Norway Plains Associates).
Extension to meet precedent conditions for 2- lot subdivision. Case # 219-19-A-09

B. Susan Bennett - Seven Henrietta Street Revocable trust, 7 Henrietta Street (by Norway Plains Associates). Extension to meet precedent conditions for a 2-lot subdivision.
Case # 134-33-R--09.

C. Brian Boudreau & Charles Clement III, Silver Street (by Norway Plains Associates).
Extension to meet precedent conditions for 3-lot subdivision. Case # 120-200-R2-08.

D. David Holbrook, 33 Dry Hill Road (by Norway Plains Associates). Extension to meet precedent conditions for 5-lot subdivision. Case # 250-5-A-09.

A motion was made by Mr. Peters and seconded by Mr. Healy to approve items A, B, and D. Motion carried unanimously.

Discussion on item "C" ensued. Mr. Behrendt discussed the unusual nature of this 3-lot subdivision, which included a heavy cost for infrastructure and a need for the market to improve before investing significantly in utilities.

The board discussed drawing the line on the number of extensions.

A motion was made by Mr. Healy to approve a 6-month extension with notification this is the last one. Motion failed for lack of a second.

Mr. Varney had no issue with the extension provided that there had been no zoning changes that had taken place that would affect the parcel.

A motion was made by Mr. Varney and seconded by Mr. Peters to approve the extension. Motion carried unanimously.

E. Waste Management of New Hampshire, Inc., TREE Health Care Waste Facility. 189 Turnkey Way. Modification to approved project to allow earthwork and grading to begin prior to certification of plans. Case # 267-3-14-08.

Mr. Steve Poggi, P.E., Area Engineering Manager for WMNH explained Waste Management is requesting approval to begin earthwork at the project site under the NH DES Alteration of Terrain, Wetlands, and Army Corp of Engineers permits that have been previous issued for the project. The approvals allow grading activities to be conducted at the site and require the work to be completed in dry conditions. They intend to perform grading activities in accordance with the NH DES permits.

Waste Management anticipates the NH DES Solid Waste Permit will be issued for this project and work will continue for this project. Before any work beyond grading is conducted, WWNH will meet the precedent conditions outlined in the Site Plan approval.

In the event the final permit is not issued by the NH DES or there is a delay in receiving the permit, WWNH will grade and hydroseed the area to promote storm water run-off and minimize the potential for erosion in compliance with the State permits that have been issued for this work.

The State permit for the work expires October 26, 2010, necessitating work to begin as soon as possible.

Mr. Behrendt recommends approval with the three conditions notated on the staff memo.

- a) an appropriate surety be placed with the City to ensure reclamation of the subject area in the event that the project does not move forward; b) that the area be appropriately seeded and stabilized should there be a delay in receiving all the approvals and commencing the remainder of the site work or if the project does not move forward, as stated in the memo from Waste Management; and c) all other appropriate conditions of approval still apply.

Discussion ensued as to the formula for determining the amount of surety necessary and whether surety should be waved on this project.

Mr. Peters wanted to adhere to the rules in place for surety.

Mr. Poggi, would like to see the surety based on meeting precedent conditions. The project involves a couple of months of earthwork, which is projected to begin in August.

Discussion followed as to whether surety was necessary in this case, where the NH DES will be heavily involved in monitoring the work taking place.

A motion was made by Mr. Sylvain and seconded by Mr. Varney to approve the modification without surety. Motion carried 8-1 with Mr. Peters opposed.

Continued Applications:

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

Various amendments to PUD and approved Phase 1 subdivision and Phase II multifamily projects regarding overall design, location of lots, allocation of dwelling units, architectural designs, building setbacks, City water, and other elements. Case # 237-3,5,6,8-A-02

Chris Strickler representing Highfields Common LLC, explained he was here seeking approval for amendments to the PUD site plan. In addition he would like to schedule a time to have a presentation on geo-thermal technology. Mr. Strickler raised the issue that the Fire Department would not accept fire ponds and therefore they will need to bring an 8" line up to the development for fire services.

Mr. Varney spoke regarding his concern that this project lacked a commercial component. In addition Mr. Varney is concerned with the density of wells and would like to see city water run into the project.

Mr. Sylvain questioned whether Secretariat is on wells. Mr. Fontneau explained that Secretariat is but that when the development reaches a certain density they will be required to extend city water to the development.

Mr. Strickler explained that geo-thermal technology requires the use of wells and that they will be spending a considerable amount of money on researching the water situation for their own protection. They are looking at the geo-thermal for Phase I, but there is a long build out anticipated and plans for the remainder of the development may change.

Mr. Varney expressed the need to have a base line established for the protection of the abutters and the abutters wells should be tested for future reference. The project involves the installation of 135 wells on 100acres and that would require a substantial recharge.

Discussion ensued as to whether abutters would have to tie in if the water line is installed.

Mr. Behrendt recommends approval of all amendments with the exception of the water issue.

Mr. Fontneau opened the public hearing.

Mr. Dubois, 8 Hussey Hill Road asked the board how many PUD's had been approved in the city.

Mr. Behrendt explained that four PUD's had been approved and that two have broken ground. Highfield's has 370 units planned with 135 included in the first phase.

Mr. Dubois questioned where the 8" water line would run.

Chris Strickler explained the water line would run up Hussey Hill Road and that it was for fire suppression only.

Gary Hussey of 24 Hussey Hill Road asked how many of the old trees would be disturbed. Mr. Stricker is under the impression that the water line would go up the middle of the road.

The board discussed closing the public hearing with the understanding the water issue is still open and that the public hearing would continue in regards to water.

A motion was made by Mr. Sylvain and seconded by Mr. Peters to close the public hearing on all amendments except the "water". Motion carried unanimously.

A motion was made by Mr. Varney and seconded by Mr. Healy to approve the amendments with the exception of "water". Motion carried unanimously.

New Applications:

Kristen & Edward Everett, Norway Plains Road. Site plan for food concession trailer.
Case # 222-59-1-B2-10.

No one appeared representing the applicant.

Mr. Martineau asked why the board was approving all these trailers like a gypsy town. He is concerned with how it looks with having trailers set up around town.

Mr. Sylvain would like to postpone this item until July 12, 2010 where the applicant is not present and that there has been a miscommunication. Mr. Behrendt will convey to the applicant that someone needs to be here on July 12.

Mr. Behrendt let the board know that if there was a concern with concession trailers that they could address the issue in rezoning by determining which zones they would be allowed in.

A motion was made by Mr. Sylvain and seconded by Mr. Peters to postpone this application until July 12, 2010. The motion carried unanimously.

Election of Planning Board Chair (and other offices which may become open)

A motion was made by Mr. Sylvain and seconded by Mr. Peters to nominate Mr. Fontneau as Chair. Motion carried unanimously.

Mr. Peters nominated Mr. Sylvain as Vice Chair.

A motion was made by Mr. Peters and seconded by Mr. Healy to have one ballot for Mr. Sylvain as Vice Chair. Motion carried unanimously.

Regulatory Amendments:

A. Proposed Zoning Amendment to add a new section 42.35 Small Wind Energy Systems

Mr. Behrendt explained to the board he had put together a draft ordinance at the request of the Council, modeling after state statutes and the City of Concord Ordinance. Due to the fact that the City of Rochester does not have the wind conditions necessary for this type of system it is questionable as to how many we will see. The structures can be from 35' to 100' in height which raises concerns for some form of regulation.

Mr. Fontneau asked for questions from the board and there were none. This item was continued to the July 12, 2010 meeting.

B. Proposed amendments to Site Plan Regulation and Subdivision Regulations regarding fees and definitions

Members of the board discussed the proposed new fee schedule. Mr. Sylvain questioned the \$100 fee for extensions. Mr. Behrendt explained that currently there is no fee if the

application for an extension is filed on time. This amendment will raise the fee to \$100 for an on application and a bit higher if late.

Discussion followed on fees for public hearing notices. Mr. Fontneau wanted to know how much staff time is involved in preparing the abutter notifications and if the fee should possibly be higher for an amendment.

Mr. Peters asked why we did not change the fee for extensions. Mr. Behrendt explained that the fee has been changed to \$100 before the deadline and \$150 after the deadline.

Mr. Gray made the point that fees have not been raised since 2004.

Mr. Varney suggest we schedule a public hearing for July 12, 2010, but send out copies of the proposed fee schedule to our customers for their input. He would also like to see a comparison to the fees charged in Somersworth and Dover, presented in chart form with three columns.

Ms. Laroche suggested we look at these fees annually.

Mr. Varney likes the proposed definitions for major and minor subdivision. A major subdivision includes the creation of a new street and a minor subdivision does not.

This item is continued to a July 12, 2010 when a public hearing will be held.

C. Proposed amendment to Subdivision Regulations to set criteria for when to require sidewalks.

Mr. Behrendt opened the discussion with a presentation of a map depicting the proposed areas for future sidewalks in the city. There were three color coded areas depicted on the map: urban core – where sidewalks should be located, suburban – could go either way, and the rural areas where no sidewalks would be required.

Mr. Behrendt went on to explain that all schools are within the urban core, except for Chamberlain and East Rochester which are just outside the area. The Council would like sidewalks within a one mile radius of any school, this is a large area. Discussion ensued.

Mr. Behrendt explained there are many issues with regard to sidewalks and it is good for the board to have discretion.

Mr. Gray raised the concern that Eastern Avenue and Portland Street currently do not have sidewalks.

Mr. Groat explained that the subcommittee will be recommending pedestrian walk ways. Snow plows can clear these walking ways, which are located adjacent to the roadway.

Mr. Fontneau expressed the desire for the board to have different construction options for sidewalks.

This item was continued to the July 12, 2010 where a public hearing will be held.

Criteria for when City projects should be presented to the Planning Board

Mr. Fontneau believes it is the will of the board that all projects that would go to the board if it were a private developer should come to the board. The board is often in the position where the public believes that the board has approved a project, when in fact they have not had the opportunity to address it.

Mr. Peters is concerned with the number of pump houses that are thrown up.

Mr. Sylvain feels that the board is just another set of eyes.

Discussion ensued.

Mr. Walker explained that the public does have input on the major projects at public hearings before the Council.

A motion was made by Mr. Gray and seconded by Mr. Peters to recommend that if the project is required by a private developer to come to the board then the City should come to the board. Motion passed 9-2

Review of draft Comprehensive Rezoning Ordinance:

A. Article III - Administration

Mr. Abbott added State of New Hampshire to B. 1.

Mr. Behrendt noted a correction in “j”, change 90 days too 120 days to reflect Council changes.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept Article III – Administration as amended.

Motion carried unanimously

B. Article IV – Zoning Board of Adjustment and Building Code Board of Appeals.

A motion was made by Mr. Peters and seconded by Mr. Gray to approve Zoning Board of Adjustment and Building Code Board of Appeals as Amended.

Motion carried unanimously.

C. Article V – Residential Zoning Districts

A motion was made by Mr. Peters and seconded by Mr. Meader to eliminate “B.a.ii” driveway width.

Motion carried 10-1

A motion was made by Mr. Varney and seconded by Ms. Larochelle to remove “are restricted to side setbacks and rear setbacks” from B.b.ii.

Motion carried unanimously

A motion was made by Mr. Peters and seconded by Mr. Gray to accept Article V of the City of Rochester Zoning Ordinance as amended.

Motion carried unanimously

Other Business

There was none.

Adjournment

A motion was made Mr. Peters and seconded by Mr. Healy to adjourn at 10:30 p.m. Motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses, Secretary

(These minutes were transcribed from notes)