

CITY OF ROCHESTER
Planning Board Minutes
Monday, July 12, 2010, 7 p.m.
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(minutes accepted 7/19/2010)

Members Present

Tin Fontneau, Chair
Nel Sylvain, Vice Chair
Derek Peters, Secretary
Tom Abbott
Richard Groat
Rick Healey
Gloria Larochelle
John David Meader

Alternates Present

James Gray
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 7:05 p.m. The secretary conducted the roll call.

Councilor Dave Walker sat for Councilor Ray Varney, ex-officio members

Communications from the Chair

There were none.

Approval of minutes for June 21, 2010

A motion was made by Mr. Peters and seconded by Mr. Martineau to approve the minutes of June 21, 2010. The motion carried unanimously.

Public Hearings:

Proposed amendments to Site Plan Regulations and Subdivision Regulations regarding Application Fees

Mr. Art Nickless of Norway Plains Associates questioned the timing of the proposed fee change. Mr. Nickless explained that the fee increase in affect was gouging the homeowner. Developers are also subject to paying for third party review for large projects and Mr. Nickless is not sure that the fees are commensurate with the level of review that is given.

Mr. Fontneau explained that the review of the fee schedule came out of a retreat the board had and the idea was to adjust the fees to reflect inflation and they would be looking at those fees that appear to be high.

Proposed amendment to Subdivision Regulations to set criteria for when to require Sidewalks

No one from the public spoke.

Mr. Fontneau closed the public hearing.

Continued Applications:

A. Waste Management of New Hampshire, Inc., 62 Turnkey Way. Site Plan for Leachate Treatment Systems Upgrades. Case # 267-3-I4-10

Mr. Steve Poggi, P.E., Area Engineering Manager for WMNH explained Waste Management is before the board for an upgrade to their leachate treatment system, which collects and treats water from their liner system and then discharges it to the City sewer system. Currently the system can handle 160,000 gallons per day, half of it treated and half of it pumped into the City sewer system untreated. The upgrade will allow WMNH of treat 160,000 gallon per day.

Mr. Peters asked if this upgrade would meet the requirement that the City would have to meet if the EPA required the City to upgrade their treatment facility. Mr. Poggi explained that it is being done in anticipation of the increased standards that have yet to be mandated.

Mr. Behrendt recommends approval of the application as submitted. Waste Management is asking for twelve months to meet precedent conditions and Mr. Behrendt does not see that as a problem given the length of time it may take for WMNH to obtain permits.

The public hearing was opened.

Mr. Ron Leclair asked if this meant that metals were going into the river, since the City's system was not capable of treating them. It sounded like permission to pollute.

Mr. Poggi explained that WMNH and the City are meeting standards set for them by NHDES and the project is to increase their capability to treat in anticipation of increased standards.

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

A motion was made by Mr. Walker and seconded by Mr. Peters to approve. The motion carried unanimously.

B. Kristen & Edward Everett, Norway Plains Road (intersection with Milton Road). Site plan for a food concession trailer. Case # 222-59-1-B2-10

Mr. Edward Everett appeared to answer questions from the board.

Mr. Healey asked which road customers would be exiting to. He had concerns if traffic would be exiting to Milton Road. Mr. Everett explained all traffic would be entering and exiting from Norway Plains Road and that landscaping would be put in place to prevent vehicles from exiting onto Route 125.

Mr. Fontneau opened the public hearing. No one addressed the board.

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

Mr. Behrendt explained to the board that Mr. Everett had worked with the TRG and the City to address issues of concern. The sight distances are good and they are not anticipating a large amount of vehicles entering and exiting this location. Mr. Behrendt recommended approval with the understanding the City engineer would visit the site to see how things are working and that any needed adjustments would be made. Mr. Everett is open to this stipulation.

Mr. Sylvain asked where the landscaping was going. Mr. Everett explained they would be in line with the telephone poles. Signs will be placed out of the right of way by the applicant to indicate there is no parking anytime along Route 125 in front of the site. If there is any issue the board can ask the City to install signs.

Mr. Peters wanted to know if the food concession trailer would be open year round and if it would have a dumpster. Mr. Everett explained that they would be open year round. Mr. Everett would be working with Waste Management and trash would be removed daily. If the time came that it would be necessary, he would install a dumpster. It is Mr. Everett's desire to keep the site esthetically pleasing.

Mr. Peters pointed out to the board that they would be approving a waiver to allow for a gravel parking lot if they approved this application.

M. Healey asked what type of material would be used for the parking lot. Mr. Everett explained it would be ¾" stone.

Discussion ensued regarding the equivalent for railroad ties. Mr. Everett explained he actually planned to use 36" rocks as they would serve the same purpose and be more esthetic.

Mr. Abbott clarified that the “CO” needed to be changed to “food license”.

Mr. Fontneau summarized the major concerns, were access and having the site maintained.

A motion was made by Mr. Sylvain and seconded by Mr. Abbott to approve with conditions as stipulated. Motion carried unanimously.

C. Highfield Commons Planned Unit Development (PUD), Washington Street/ Route 202. Amendment to PUD and approved Phase I subdivision to allow for use of private wells rather than city water. Case # 237-3,5,6,8-A-02

Mr. Strickler introduced Michael Towle of Stonehill Environmental, to explain the ground water impact assessment that had been done to look at the feasibility of using wells instead of City water in Phase I of the PUD.

Mr. Towle gave an overview of the topography of the site. He explained that the site is only up gradient of approximately fifteen homes on Hussey Hill road. The lower you are in the watershed the less fluctuation there is. Data was collected on thirty-five existing wells in the area and with an average of fourteen gallons per minute, the yields for the area look promising.

The study was designed to look at whether the site itself could sustain itself with an anticipated usage of 60,000 gallons a day. The recharge calculated to 64,000 gallons per day using conservative numbers. Geo-thermal is mostly recharge. It doesn't look like this project will have an effect on the other properties in the area. The deep wells will create a buffer for the homeowners in the development.

Mr. Abbott questioned the ½ gallon a day being bled off. Mr. Towle explained the discharge is going to foundation drains and back into the dry well. The bleed off will occur during times of extreme heat or cold.

Mr. Abbott's greatest concern is in the summer for cooling.

Mr. Strickler explained they are focusing on Phase I for the geo-thermal usage and they will be able to evaluate where they will go in Phases II and III. There will be 32 lots until 2012 and that will give them a good chance to evaluate how things are going.

Mr. Gray asked if an 8” main was going to be large enough if they chose to use City water for Phases II & III. Mr. Strickler explained the 8” line going up Hussey Hill Road is for fire protection but that if they chose to go with City water it would be adequate to supply water to Phases II and III, along with fire protection.

Mr. Fontneau opened the public hearing.

Mr. Ron Le Clair questioned whether 450 gallons per day per unit is high enough if you take into consideration car washing.

Mr. Mike Dubois explained that with a usage of 60,000 gallons a day and an average recharge of 64,000 gallons per day that they would be cutting it very close.

Mr. John Clement who is licensed and certified for geo-thermal systems had concerns with the calculations and wanted to make sure that they look for the safest application for this land.

Ms. Valerie Lebrun of Hussey Hill Road, explained she is not sure if she understands the reports. She is concerned about the quality of life. What protection do they have if their wells go dry? Will they be able to have City water? She is hoping the board will protect residents.

The board began discussions.

Mr. Peters questioned whether the homes on Hussey Hill would have to hook up to the 8" line proposed to go up Hussey Hill Road. The ordinance requires residents within 200' of a waterline to hitch in. This requirement can be waved by the City Manager.

Mr. Walker is concerned about the wells and the impact on the neighbors.

Mr. Strickler explained they will put taps in for the abutters.

Discussion ensued on the hooks ups to the 8" line.

Mr. Peters felt the recharge would be higher; the numbers are very conservative on the recharge.

Mr. Sylvain would like clarification from the City Manager regarding the hook ups.

Mr. Fontneau stated the applicant is looking for an amendment to the PUD to not bring in a water line for home use and to use wells.

A motion was made by Mr. Sylvain to postpone.

Mr. Fountneau explained they were here for discussion only.

Mr. Martineau would like to have a geo thermal representative here next time.

Mr. Stricker explained there have been no residential projects of this scope in New Hampshire and they are trying to give a fall back plan.

Mr. Fontneau would like to see the geo thermal representative here for the August 2, 2010 meeting. He would also like to have confirmation of the pump station users and who it was built for and the maximum number of users.

The application was continued to August 2, 2010.

D. DGH Builders, Homemakers Health Services, Rochester Hill Road (by Norway

Plains Associates). Preliminary (design review) Site Plan to construct a 40-bed

Assisted Living Facility in keeping with previously approved Homemakers Planned

Unit Development (PUD). Case # 243-39-A-PUD-10

Mr. Peters recused himself from this case.

Mr. Art Nickless of Norway Plains Associates represented the applicant. Mr. Nickless gave a brief overview of the application. The amendment to be addressed later in the meeting would allow the road to remain private, although it would be built to city street specifications. Mr. Nickless was looking for the boards input on the layout of the site. It was their intent to keep the parking close the entrance of the building.

Mr. Behrendt asked if was possible to flip the wings of the building.

Mr. Nickless explained that the building would be difficult to fit to the lot. He went on to explain that the building would have 32 rooms and 40 beds.

There was some discussion over the number of parking places with Mr. Behrendt explaining that the PUD offers flexibility in establishing the needed number of spaces.

Mr. Fontneau opened the public hearing.

No one addressed the board.

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

The application was continued to August 2, 2010.

New Applications:

D. Rye Trust, 68 South Main Street (intersection with Dreyer Way) (by Steve McHenry, Architect). Preliminary site plan (design review) for new three-story residential and commercial building with parking. Case # 120-324-B1-10

John Taggart representing the applicant gave an overview of the application showing eight residential and 1-2 retail spaces on the first floor. The utilities will be in the street and the board received color copies via e-mail of the architectural.

Discussion ensued regarding the building being demolished and being reconstructed six feet from the sidewalk and the location of handicap spaces. Mr. Grey observed that the one handicap space is not located near the building. Mr. Healey felt one of the spaces in front may have to be designated a handicap space. Mr. Abbott explained the handicap space can not be a designated space for the apartment unless there are two such spaces.

Mr. Fontneau opened the public hearing.

No one addressed the board.

Mr. Behrendt explained this was a preliminary application and the formal application should be ready for August 2, 2010. The application was continued to August 2, 2010.

B. Homemakers of Strafford County, 215 Rochester Hill Road (by Norway Plains

Associates). Amendment to approved Planned Unit Development (PUD) to allow for the creation of one or more lots without frontage on a City street (related to site plan application for assisted living facility)

Mr. Peters recused himself from this application.

Mr. Art Nickless, represented the applicant. This application is to create a lot without frontage on a public road, that would be constructed to City standards.

Mr. Fontneau opened a public hearing.

No one addressed the board.

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

A motion was made by Mr. Walker and seconded by Mr. Meader to approve the application. The motion carried unanimously.

C. Metrocast Cablevision of NH, LLC, 21 Jarvis Avenue (by Norway Plains Associates) Preliminary site plan (design review) for proposed parking expansion.

Case # 215-61-I2-10

Mr. Art Nickless explained the applicant would like to develop an area to the back of the property which has already been disturbed.

This application was continued to July 19, 2010.

D. D.S. & B.R. Winson Trust, 7 Stewert Court & Chasse Street (by Norway Plains

Associates). Lot line revision. Case # 122-2-10-R1-10

Mr. Art Nickless explained this revision also includes a section to be conveyed to the

City which would enlarge the lot on Chasse Street. There will be an equal swap of land

between the lot on Chasse Street and the lot on Stewert Court. Part of the area being

added to the lot on Stewert Court includes a flooded area. A soil scientist needs to be

hired to determine if the soil is poorly drained and the applicant will need to obtain a variance.

Mr. Healey would like to seem monumentation for the easement to the cemetery.

A public hearing was opened by Mr. Fontneau.

No one addressed the board.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to close the public hearing.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept and continue the application to August 2, 2010. The motion carried unanimously.

Regulatory Amendments:

Proposed amendments to Site Plan Regulations regarding Application Fees.

The chair noted that letters were received from Ms. Karen Pollard and Mr. Chris Berry.

Discussion ensued on the proposed fee schedule. Members had received a chart comparing the proposed Rochester fees to those in nine other communities. Mr. Behrendt explained where the fees had come from. After discussion, Mr. Behrendt suggested raising the industrial fees \$.01 per increment.

Ms. Larochelle suggested raising the "home occupation fee" to \$50.00 instead of \$75.00.

Mr. Gray wanted to see the fees based on the amount of time placed on applications by staff.

Mr. Peters feels we need to take a better look at where we are using our staff time.

Mr. Walker wanted to know if we have an hourly rate we assign to staff time.

Mr. Behrendt explained that when the fees were developed staff time was roughly considered.

Mr. Sylvain felt that we are in line with other communities but he agrees we should take another look and that there is never a good time to raise fees.

Discussion ensued on tracking of staff time and coming up with a standard and the difficulty with tracking staff time, when staff is required to assist clients on a walk in basis.

Mr. Abbott brought to the boards attention that if “home occupation” goes to \$50.00 than “family day care” must also be \$50.00.

Mr. Groat suggested leaving the tiers the same and increasing the base fee.

A discussion ensued on the reasoning for waving fees in the “special downtown district”.

Mr. Gray asked for a clean copy with suggested changes before voting.

A motion was made by Mr. Abbott and seconded by Mr. Meader to continue discussion to July 19, 2010. The motion carried unanimously.

Proposed amendments to Subdivision Regulations to set criteria for when to require Sidewalks.

Mr. Groat explained that this came from the Regulatory Committee and that Mr., Behrendt had drafted the amendment for them.

Mr. Peters explained that this makes sense and it adds flexibility.

A motion was made by Mr. Peters and seconded by Mr. Groat to adopt the amendment to set criteria for when to require sidewalks. The motion carried unanimously.

Proposed amendment to the Zoning Ordinance to add a new section 42.35 Small Wind Energy Systems

Discussion ensued. This is a recommendation to the Council, currently the City has no regulation.

A motion was made by Mr. Healey and seconded Ms. Larochelle to endorse the amendment. The motion carried 7-2.

Mr. Fontneau recommended the board postpone discussion on the zoning amendments until July 19, 2010 due to the late hour and add two chapters.

A motion was made by Mr. Meader and seconded by Mr. Peters to adjourn at 10:55p.m.

Respectfully submitted,

Marcia J. Gasses, Planning Secretary

