

**City of Rochester
Planning Board**

Monday July 18, 2011 at 7:00 p.m. "Workshop Meeting"

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on August 1, 2011)

Members Present

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Tom Abbott

Rick Healey

Gloria Larochelle

Dave Walker, Councilor

Alternate Members Present

James Gray

Members Absent

Stephen Martineau

David Meader

Derek Peters

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, Planning Secretary

(These are the legal minutes of the meeting and are in the format of an overview 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. Sylvain called the meeting to order at 7:00 p.m. The Planning Secretary conducted the roll call.

Mr. Gray to sit for Mr. Peters

Communications from the Chair

None

Public Comment

None

Discussion of General Planning Issues

None

Project Applications

- A. Rye Trust, 68 South Main Street** (by McHenry Architecture). Amendment to approved site plan for handicap accessibility ramp and railing, change in plantings and ground cover, and change in fence design. Bob McGuire, property owner.
Case # 120-324-B1-10

Bob McGuire gave an overview of the changes to the site to allow for a ADA ramp.

Mr. Behrendt explained that the changes included a handicap ramp, 6 foot chain link fence on two sides and some landscaping.

Mr. Sylvain asked if there were any questions from the board.

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

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

- B. St. Michael's Church, 64 Pine Street.** (by Berry Surveying and Engineering) Request to replace roof and remove porch on house, for a project that is now under site plan review to convert a residence to a church with associated parking and improvements.
Case # 121-139-R2-11

Jeff Weber, Grounds Committee Chairman for Saint Michaels explained that the roof is in poor condition and significant water damage has occurred.

Mr. Weber provided photos of the existing conditions which were shown to the board. They are trying to preserve the investment they made in the property. They were asking for permission to pull a permit to make the repairs.

Mr. Weber identified the collapsing beam on one of the porches as a safety hazard and rotted screens which are rotted and ready to go.

Mr. Behrendt did not see problems with either of these changes interfering with the site plan before the board. He recommends approval.

Mr. Healey asked whether the applicant was rebuilding or reshingling the roof.

Mr. Weber stated that they would do what is necessary.

Mr. Healey asked what type of roof material would be used.

Mr. Weber stated metal.

Mr. Fontneau stated the siding would need to be replaced as part of the repairs.

Mr. Weber stated they would attempt to replace in kind.

Mr. Walker asked if they would be taking off the front porch.

Mr. Weber stated that the work they would like to start is an attempt to stabilize the structure and for security.

Mr. Sylvain asked Mr. Weber to clarify whether they were or were not removing the front porch because if they state they are going to remove it, it becomes part of the site plan and the porch would have to be removed.

Mr. Weber stated "let's put aside the front porch."

A motion was made by Mr. Walker and seconded by Mr. Fontneau approve the request to replace the roof only. The motion carried unanimously.

C. Highfield Commons Planned Unit Development (PUD), Washington Street/Route 202. Modification to approved Phase I subdivision to allow for temporary use of private wells for up to ten houses, rather than City water. Case # 237-3,5,68-A-02

Mr. Sylvain recused himself from this application.

Mr. Fontneau to sit for Chair.

Matt Peterson representing the applicant explained the circumstances leading to the application. The applicant still did not have water to the development and they have three homes sold and folks ready to move in. Keach-Nordstrom Associates prepared the water plan and the applicant was under the understanding the City was okay with it.

Mr. Peterson asked the board to look at the handout he had prepared showing the timeline of events.

1. December 2, 2011 - First Submittal - Denied (Based on winter paving concerns is what we were led to believe.)
2. April 5th 2011 Second Submittal - This was the same package submitted in December that we felt had only been denied because of winter paving concerns.
3. Last week of May 2011 we had a site walk that was requested by Highfield Commons to try and move the permit forward.
4. June 9th 2011 - Had a meeting at City Hall with DPW and Planning Department to discuss project past and moving forward.
5. June 15th 2011 - resubmitted plans per comments and concerns raised at site walk.
6. June 23rd 2011 - received first round of review comments from Peter at DPW.
7. June 28th 2011 - resubmitted revised plans to Peter and ken per June 23rd review letter.

8. June 30th 2011 - resubmitted revised plans per a minor comment from Ken at June 28th meeting at DPW.
9. July 14th 2011 - Received second round of review comments from Peter at DPW.

Mr. Healey asked how long is temporary.

Mr. Peterson stated they should leave it in place until December to cover themselves.

Mr. Fontneau asked what the construction time is to install the waterline.

Chris Strickler stated two to three weeks.

Mr. Walker did not have a problem with the request but he was appalled with the response time from the City. The City had not done this applicant justice.

A motion was made by Mr. Gray and seconded by Mr. Walker to approve the modification.

Mr. Fontneau had a question regarding the conditions of approval. He expressed the possibility of a problem where in the recommended conditions of approval a transfer in ownership could not occur before the municipal water connection occurred.

Mr. Strickler stated that would be problematic.

Mr. Fontneau stated that condition would prevent a closing to occur.

Mr. Walker stated that he felt that condition could be removed.

Mr. Abbott - suggested modifying the condition to prevent transfer beyond the first owner.

Mr. Behrendt suggested that it be written in as an agreement between the developer and the home buyer.

A motion was made by Mr. Walker and seconded by Mr. Healey to amend the original motion to state that all homes must be must be connected to City water by January 1, 2012.

Mr. Behrendt did state to the board that although the Fire Department understands the reasons behind the request by the applicant they would not support a date beyond October 17, 2011.

Mr. Walker stated their concern is noted but that it did not change his position. The delay was not due to the applicant.

The original motion as amended made by Mr. Gray and seconded by Mr. Walker was then voted on. The motion carried unanimously.

Discussion of Surety and Inspection Process

Peter Nourse, City Engineer was present and he stated he had been under the impression that that a subcommittee report was going to be made. He thought it best to listen to what the board had to say.

Mr. Fontneau gave an update of the surety subcommittee. He stated there has been an outline drawn up by Kenn Ortmann with suggested changes to the Site and Subdivision Regulations addressing surety. New language had been proposed under 6.7., 6.7.1 through 6.7.12 were all new paragraphs dealing with surety.

Mr. Fontneau explained that the committee after discussions had changed the proposed change on the release of surety from three or four times per year to ongoing.

Mr. Sylvain asked if there was a time limit on how long it could take for surety to be released.

Mr. Behrendt stated that when a request comes in for a release of surety the typical timeframe is a week to ten days. That Planning checks with DPW to make sure the work has been done and the amount of surety left will be adequate.

Mr. Gray stated that he had submitted extra information to Mr. Ortmann outlining steps that should be taken after the request for surety release comes in and gave an overview.

Mr. Sylvain stated that we need to make sure that people get their money.

Mr. Walker expressed that he would like to see some type of data base maintained. The data base would keep track of it all so that the information is stored and tracked in one place.

Mr. Sylvain stated that there is a need to have Codes, DPW and Planning on the same page.

Mr. Abbott explained that with the new software that had been installed, as Mr. Nourse makes his entries and they are uploaded, Planning will have access to those records.

Mr. Abbott did not know how the business office would be integrated into the system but does not see an issue with providing the software to them. The City purchased a certain number of licenses for the program.

Mr. Walker wanted to know if there was a way to track billable time through log-in and log-out.

Mr. Abbott stated there is a component built in under the remote inspector log-in log-out.

Mr. Sylvain asked what the hourly billable rate was.

Mr. Behrendt stated that the rate is \$75 per hour. Caroline from Planning, Rolland and Shirley from the Business Office and Lisa from DPW are working on this issue.

Mr. Fontneau explained it is to develop a system to assure the City is protected if the project went into default. A new checklist is being developed by DPW to make sure enough surety is in place in the event the developer defaults and the City must have the improvements finished.

A schedule of values will be available that will allow the applicant to fill out the information for determining the amount of surety. The values will be reviewed by DPW and a final amount will be determined with a 10% contingency. The schedule of values will be adjusted semi annually or more often if needed.

Mr. Sylvain asked if Mr. Nourse is the only one doing inspections.

Mr. Nourse stated he is sure he will not be the only one.

Mr. Fontneau explained that once set up there will be a procedure and when surety is requested for release it should almost be a paperwork process.

Mr. Abbott expressed that one of the issues is what situation would trigger the pulling of the surety.

Mr. Fontneau stated that issue had been discussed and it will be important to determine and incorporate into the Notice of Decision the point at which the City would move to pull the surety to complete a project.

Mr. Gray discussed the expiration of surety and the board's ability to review before the renewal takes place.

Mr. Fontneau described the process that would occur if an applicant disagreed with the amount of surety required as determined by DPW. The applicant would then come to the Planning Board for a determination of the amount necessary as DPW is acting as the Planning Board's agent.

Mr. Sylvain asked Mr. Nourse if he would be the person reviewing the table of values.

Mr. Nourse stated that most likely he would be. The NHDOT compiles information on all the construction projects state wide and it is used to determine the cost basis. The updates would occur twice a year but more often if necessary.

Mr. Walker did not feel that twice yearly review would be enough.

Mr. Nourse explained they would use twice as a basis but would review each request and have a discussion and make adjustments as needed when there is a fluctuation in costs.

Mr. Fontneau stated the reviews of the schedule will performed in March and October.

Mr. Sylvain requested that Mr. Nourse update the Planning Board and the schedules if changes in the cost basis occur.

Mr. Gray stated that in reviewing we could use the schedule to be able to make sure we are on solid ground.

Mr. Fontneau stated you could always go to 6.7.10 as an opportunity to review, so that there is always a running balance.

Mr. Sylvain stated that the goal is to make sure all necessary departments know what is going on before any surety is released.

Mr. Fontneau stated the surety committee would meet next on August 2, 2011.

Mr. Sylvain would like Mr. Nourse to attend any of the surety meetings that he can and also invited any board members who could sit in on the meetings.

Mr. Abbott informed the board that with two to three days notice he could have a demonstration of the software system for members. Code Enforcement is currently using the system for permitting and working with the software company to address issues. The company has been flexible and is allowing Jim Grant to create some of the forms.

Inspections

Mr. Nourse explained there is a division which does the inspections.

Mr. Sylvain asked for a clarification that there are two accounts; one for surety and one for inspections.

Mr. Fontneau explained how the inspection account works.

Mr. Behrendt explained the accounts have been set up. There has not been a process to charge off the inspections to the deposits.

Ms. Larochelle stated that they know there are problems and they are working to rectify it and move forward. They will have to reconcile the accounts.

Mr. Fontneau stated as a result of the surety problem there has been a discovery and a solution is being worked on.

Mr. Sylvain stated it needs to get up and running.

Mr. Sylvain next welcomed Peter Nourse aboard and thanked him for attending the meeting. The board will want an update.

Other Business

Mr. Fontneau raised the question of the renumbering of streets and it being charged to the E911 Committee. His concern was raised with the situation on Gear Road that occurred at the last meeting. He asked for an explanation of the difference between the shared driveways the board has been approving and the situation on Gear Road.

Mr. Behrendt explained the difference between a shared driveway and the Gear Road situation is the shared driveways they have been approving are maybe 30 feet long. It is different when the homes are set back quite a way from the road and not visible.

Mr. Abbott in the case on Gear Road there was not enough linear frontage, creating a situation where there was not enough numbers available.

Mr. Sylvain requested that someone from the E911 committee be at the August 15th workshop to explain how the streets are numbered.

Mr. Sylvain reminded board members of the three site walks scheduled for July 21, 2011.

A motion was made by Mr. Walker and seconded by Ms. Larochelle to adjourn at 8:50 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses
Planning Secretary