

**City of Rochester
Planning Board**

Monday September 19, 2011 at 7:00 p.m. "Workshop Meeting"

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on October 3, 2011)

Members Present

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Derek Peters, *Secretary*

Rick Healey

Gloria Larochelle

Stephen Martineau

John Meader

Dave Walker, Councilor

Alternate Members Present

James Gray

Staff: Michael Beherendt, 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.

Communications from the Chair

None

Opening Discussions/Comments

A. Public Comment

None

B. Discussion of General Planning Issues

None

Consent Agenda:

- A. **David Holbrook, 33 Dry Hill Road.** Extension to meet precedent conditions for minor subdivision. Case # 250-5-A-09
- B. **Bacon Felt Company, Inc. 31 Front Street** (by Berry Surveying and Engineering) 2-lot subdivision to place electric house off from the remaining land. No new construction is proposed at this time. Case # 102-20-R2 & I2-11

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

Continued Applications:

Pumpkin Patch Daycare, LLC, 10 North Street. Change of use to operate a daycare center for 46 children in a location previously occupied by a daycare with state approval for 53 children. The prior facility had been closed after 30 years of operation. Case # 121-313-R1-11

Mr. Sylvain recused himself.

Mr. Fontneau to sit as Chair

Mr. Gray to sit for Mr. Sylvain

Mr. Behrendt recommended approval subject to the conditions set forth in the staff recommendations. He had sent an e-mail to board members regarding the trees. Some members, including the applicant had wished to have the trees removed.

Mr. Behrendt recommended that the fence be relocated prior to the issuance of a Certificate of Occupancy. A 2" base coat of asphalt should be applied prior to the Certificate of Occupancy and prior to June 1, 2011 a 1" top coat and striping should be applied.

Mr. Peters had thought the board had discussed allowing the applicant until June 1, 2011 to apply the base coat.

Mr. Fontneau suggested the trees be removed, the fence moved, a base coat of gravel applied and the paving occur prior to June 30, 2012.

Mr. Taylor stated if they could they would pave this fall.

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

Review of Surety

Mr. Fontneau presented the proposal from the Surety Committee.

Mr. Sylvain stated that the Planning Board would need to endorse the committee's recommended proposal.

Mr. Peters did not see anything in the proposal regarding a release schedule. He also questioned whether there would be a 2 % retainer or maintenance fee just in case of an issue.

Mr. Walker questioned what after the punch list could they be holding surety for after approval of the road.

Mr. Peters responded that if there are issues after the basecoat and the street is accepted.

Mr. Martineau asked what Dover requires.

Mr. Peters stated that Dover requires 2%. The retainer is to offset unforeseen costs.

Mr. Fontneau told board members if they have further questions after they get home to let a member of the committee know.

There was discussion regarding having the inspection fee rate on the surety spread sheet.

Mr. Gray expressed that the inspection fee rate should not be on the surety spread sheet. He felt that the fee should be referred to as the current rate.

Mr. Sylvain explained that Peter Nourse would update the surety estimate numbers. The numbers are to be reviewed three times a year or as needed.

Mr. Sylvain would like to have Mr. Ortmann and Mr. Nourse at the October 3rd meeting and look to finalize things then.

Mr. Sylvain questioned why the chart only showed one project that money was collected for in 2007.

Ms. Larochelle clarified that the refunds shown on the chart are for projects which had been completed.

Discussion ensued regarding the City Inspections and escrow amounts.

Mr. Gray reminded the board that it is understood that this area had not been handled correctly in the past but going forward it would be.

Mr. Sylvain wanted to know what was being checked.

Mr. Gray explained that the inspections had been done but that the documentation was not there to assess the charge.

Mr. Martineau questioned now the policy has been established who was going to be doing the monitoring going forward.

Mr. Fontneau stated that Peter Nourse would be monitoring the process.

Ms. Larochelle told the board that if they want a monthly report that can be recommended.

Mr. Sylvain requested an updated sheet from Mr. Nourse. He would like to see Ms. Gasses handle the surety for the board where she works with the Planning Board. He would also have the board sign off on releases.

Mr. Fontneau expressed that a sign off by the board may delay the release of funds.

Mr. Peters explained that the city engineer had to go out and look at what had been done and determine what a reasonable amount was. He felt it might be a good idea to have Mr. Nourse explain how inspections are handled. He asked whether the board could ask for a retreat topic on what they look for during inspections.

Mr. Sylvain would like to see the retreat the second week in November.

Mr. Behrendt asked if the board would consider consolidating the request for staff presence into one meeting.

Mr. Sylvain gave a date of October 3rd.

Mr. Sylvain requested monthly reports and updated spread sheets.

Mr. Fontneau would like to see the board give the new system a shot.

Discussion of draft overhaul of Site Plan Regulations

V. Landscaping

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Mr. Peters questioned the wording of #2 if properties that are zoned industrial are exempt why are we adding a "but" to the statement.

Mr. Behrendt stated it was philosophical to encourage applicants to comply.

Mr. Peters asked why the industrial property is exempt.

Mr. Behrendt explained that due to the location of the Industrial properties there is little public benefit derived from landscaping in these areas and therefore not necessary.

Mr. Sylvain asked the difference between Industrial and Commercial, landscaping was required on the recent project on Allen Street.

Mr. Behrendt explained that under the current regulations landscaping is required in the Industrial Zone.

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Mr. Sylvain stated that when they have a large site that the trees do not become a sight hazard.

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Page 24

Mr. Peters asked why they were requiring plantings every 14 continuous parking spaces. (#6)

Mr. Behrendt stated that this is typically how it is handled and it has a positive environmental impact.

A motion was made by Mr. Walker and seconded by Mr. Healey to eliminate #6 on page 24. The motion carried 7-1.

Mr. Peters questioned what would happen if the applicant just wanted to plant flowers down the center of the median.

Mr. Behrendt explained that #8 should only come into play in large projects.

Mr. Behrendt asked for clarification of #8 and tied to #7 under parking lots.

Mr. Behrendt stated that #6 could be replaced with the statement that no tree or shrub is required for the center of the entrance boulevard.

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Mr. Peters stated it would be difficult to require #7.

Mr. Walker expressed that #7 should be removed and board members agreed.

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Mr. Peters asked that #5 be removed because was redundant.

Ms. Larochelle suggested that the board remove #7.

The board agreed to remove #7

Ms. Larochelle suggested that #9 was a bit over the top.

Discussion ensued

Mr. Sylvain suggested removing #9.

Mr. Fontneau asked if #9 gives the board something to fall back on if the business owner is not maintaining the site.

Mr. Martineau suggested that #9 might give code enforcement something to work with.

Mr. Healey felt they were basically talking about best management practices and that #8 covered those concerns.

The consensus of the board was to keep #8.

VI. Lighting

Mr. Behrendt explained to the board that this section was virtually identical to the existing regulations.

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Page 29

Mr. Peters asked who check for the 25' candles.

Mr. Behrendt explained that codes would check the site if they received a complaint.

Mr. Martineau discussed the light that shines in his backyard and the difficulty getting compliance. He questioned how much was in the budget for enforcement.

Mr. Peters asked what happens when it is a private pole.

Mr. Behrendt explained that the board is only looking at lighting that is part of a site plan. Single family homes are exempt from site plan review.

Mr. Sylvain stated that we do not have the people to do the enforcement but that the board needs to set the regulations as if they do have enforcement. It then falls on the Council.

Mr. Martineau asked if a possible topic in the retreat could be enforcement.

Mr. Sylvain stated he would ask the City Manager to come and discuss his position on enforcement.

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Discussion ensued by board members. It was suggested LED be added.

Mr. Gray suggested adding the use of energy efficient lighting is desirable.

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VII. Miscellaneous Design Standards

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Mr. Peters suggested under E. 1b that as specified by the board be added.

Mr. Sylvain stated they would be doing two Chapters on October 3, Chapters VIII and IX.

Other Business

Mr. Sylvain asked that board members submit to Mr. Peters what information they would like for the retreat topics.

A motion was made by Mr. Walker and seconded by Mr. Healey to adjourn at 8:45 p.m. the motion carried unanimously.

Respectfully Submitted,

Marcia J. Gasses
Planning Secretary