

**City of Rochester
Planning Board**

Monday December 19, 2011 at 7 p.m. Workshop Meeting
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on January 9, 2012)

Members Present

Nel Sylvain, *Chair*
Tim Fontneau, *Vice Chair*
Derek Peters, *Secretary*
Gloria Larochelle
Stephen Martineau
John Meader
Mark Sullivan
Dave Walker, Councilor

Alternate Members Present

James Gray

Members Absent

Rick Healey (excused)

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 vote for Mr. Healey

Communications from the Chair

None

Opening Discussion/Comments

A. Public Comment

None

B. Discussion of general planning issues

None

Approval of the minutes for November 29, 2011 Retreat
Approval of the minutes for December 5, 2011 Regular Meeting

A motion was made by Mr. Walker and seconded by Mr. Peters to approve the minutes of the November 29, 2011 Retreat and the December 5, 2011 Regular Meeting. The motion carried unanimously.

Consent Agenda:

- A. David Howard and Deidra Howard, 14 Deerfield Court (by Norway Plains Associates).** Extension to meet precedent conditions for lot line revision to divide 41 acre residential lot in half and append 10 acres to house lot at 14 Deerfield Court. Case # 222-62 & 67-R2-11
- B. Jarvis Cutting Tools, Inc., 100 Jarvis Avenue (by Norway Plains Associates).** Site plan for expansion of an existing 30,000 square foot manufacturing building by the addition of a 100'X100', 10,000 square foot addition. Case # 215-59-12-11 **Postponement**

Mr. Behrendt recommended granting an extension to March 6, 2012 to the Howards.

Mr. Behrendt recommended granting a postponement to January 23, 2012 to Jarvis Cutting Tools, Inc.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the consent agenda as recommended by Mr. Behrendt. The motion carried unanimously.

Continued Applications:

- A. Fownes Mill Development, Gagne Street (by Norway Plains Associates).** Amendment to approved project to allow for 80 elderly housing units in lieu of the 51 standard units in the mill-style building. Case # 121-32, 32-1 & 37-B1-05

Richard Lundborn of Norway Plains Associates represented Steve Miller. Mr. Lundborn explained that the project had been approved for 51 units and the applicant sought an amendment to allow for 80 elderly units. The applicant had already installed most of the drainage. All the site lighting and hydrants, would remain. The applicant was just reconfiguring the interior.

Mr. Sylvain opened the public hearing.

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

Mr. Behrendt recommended approval of the amendment, subject to the granting of the special exception and variance by the Zoning Board of Adjustment with the following terms:

- This includes an amendment to precedent condition 1d) on the original approval to allow this requested change for the main mill-style building. That original condition did not permit any additional dwelling units.
- The developer shall enter into a written agreement with the City of Rochester in accordance with subsection 42.23 (c) (26) (H), regarding elderly housing.
- Prior to issuance of a building permit for this structure, the elevations for the other three sides of the building shall be approved by the Planning Board to ensure compliance with the intent of the original approval. The proposed elevations may be submitted at any Planning Board Meeting.

There shall be no public hearing and no fee involved. It is understood that the other three sides must be designed consistent with the character of the main façade.

- Pursuant to comments from the Deputy Police Chief, it is recommended, but not required that the consider enhancing the lighting along the footbridge and Riverwalk and adding video surveillance at the access to the footbridge. Any increase in lighting shall be approved by the Planning Board.
- The condominium documents, if the building is still a condominium, will need to be amended and approved by the City prior to issuance of any building permit.

Mr. Peters questioned whether the tenants were going to be dumping their own trash in dumpsters and if there would be sharing with the townhouse units.

Mr. Lundborn stated that he assumed they would be sharing due to the location of the dumpsters at the end of the building. He did not know who would be responsible for the dumping of the trash.

Ms. Larochelle questioned the lighted footbridge. She felt that at least one video surveillance camera might be needed.

Mr. Fontneau asked whether the building of the footbridge was in the original NOD.

Mr. Lundborn stated that there is \$20,000 in surety for the bridge.

Mr. Fontneau would like to see the additional lighting due to the change of use.

Mr. Peters also wanted to see lighting.

Mr. Fontneau questioned the ownership.

Mr. Lundborn was not sure of the ownership.

A motion was made by Mr. Peters and seconded by Mr. Walker to approve as stated with lighting required on the bridge. The motion carried unanimously.

B. Rochesterdom, LLC, 300 North Main Street (by Norway Plains Associates). Site Plan for renovation of former Tri-City Transmission into a 3 tenant commercial building with Dominoes Pizza, frozen yogurt store, and one tenant to be determined. Case # 115-39-B2-11

Mr. Lundborn of Norway Plains Associates represented the applicant. He explained Mr. Jenks was the applicant and Melodie Viel the current owner of the property. He reviewed the existing conditions on the site and described the refacing, shifting of the curb cut on Route 11 and additional curb cut on Ten Rod Road. The sign elevation and landscaping plan had been provided to the board. In addition the meeting with Globe partners had not occurred. A letter had been received from WJP Development, LLC which was placed on file.

Mr. Sylvain opened the public hearing.

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

Mr. Behrendt recommended approval as stated.

Mr. Gray explained how he had ridden down to the site that night and believes right turn in and right turn out is how it would have to be. Vehicles that came from Ten Road would find it easiest to go through the Globe Parking area and turn right.

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

C. Wingate Estates, Channings Lane. Amendment to approved subdivision to remove side walks, guard rail, trees, and benches from approved plan. Case # 206-8-A-04

Peter Rizzo explained to the board that he had removed the culvert and replaced it with two others. His intention had been to pave but Peter Nourse, City Engineer had recommended the culvert go through this year.

Mr. Sylvain questioned the guardrails.

Mr. Rizzo needed the surety amount from Peter Nourse.

Mr. Behrendt discussed the items from the amendment required surety of \$83,500 and an additional \$11,000 for snow removal. This would increase the surety amount by \$11,000.

Discussion ensued regarding the installation of the culvert and surety.

Mr. Rizzo stated he had not understood that the installation had to be inspected.

Mr. Sylvain explained that there has to be documentation. If the installation had not been done correctly it would come up and have.

Mr. Peters questioned the snow removal.

Mr. Gray stated that surety for snow plowing had come up in the committee.

Mr. Sullivan told the board that the invoice provided by Mr. Rizzo is not a contract for plowing.

Mr. Sylvain asked if Mr. Rizzo had plowed during the last storm.

Mr. Rizzo explained that it had just rained in Dover and he did not realize there had been a need to plow.

Mr. Behrendt stated that a good question would be, if developer did not plow and residents were stuck would the City plow.

Mr. Gray expressed that if a contractor can not do what they said they would do, that is why we have surety.

Discussion ensued regarding the surety for snow plowing.

A motion was made by Mr. Walker and seconded by Mr. Peters to remove the requirement of surety for snow plowing. The motion carried.

Mr. Sylvain explained that if the board extended to June, everything would need to be complete or the board would take a vote on how to kick in the surety.

Mr. Sylvain clarified that all work would be done by June 18, 2012 and the applicant needed to come back to the board by July 2, 2012.

Mr. Behrendt reiterated that everything from the approved subdivision and amendments would need to be complete.

Mr. Rizzo asked if he would be able to get permits.

Mr. Sylvain stated that he would be able to received permits once the board knows that the culvert meets the standard.

New Project. Road layout and lot line adjustment for expansion of Granite Sate Business Park, presented by Karen Pollard, Economic Development Manager

Ms. Pollard explained that they are working toward Phase II expansion. Lot # 216 will be leased to Albany Technologies. There are 106 acres for Phase II suitable for 2 large users or one large & multiple small users. All of lot # 4 will be used for bridge roads and drainage ponds. Two small lot line revisions are needed. The city would continue to own the land where the road is placed.

Mr. Behrendt explained that no action from the board is needed that the presentation was for discussion purposes. In January the board would see the two lot line adjustments and road layouts.

Mr. Fontneau asked if the bridge would span the rail road tracks.

Ms. Pollard answered yes.

Mr. Fontneau asked if the bridge spanned the wet lands.

Ms Esterberg, DPW Director, stated yes.

Mr. Peters thanked the City and staff for all their hard work.

Mr. Gray asked what the distance was between the proposed bridge and the one located on Haven Hill Road.

Ms. Esterberg stated that none of the grades exceed the railroad's standard.

Mr. Sylvain stated that they would see this application back o January 9, 2012.

Review of Surety & Inspection Information

Kenn Ortmann, Planning Director explained that the goal was to have as much protection as possible. To the extent possible they would like to protect folks and be sure emergency service would be able to be provided, 6.7.18 would add protection.

The language under inspection fees added "current rate".

Mr. Ortmann asked whether the board would want to incorporate the changes now or wait until the subdivision regulations are updated.

Mr. Walker did not feel that road maintenance should be included in the surety.

Mr. Ortmann explained that with Channings Lane that it be suggested to the owner that if they did not plow there could be some civil issue.

Mr. Peters agreed with Mr. Walker and questioned whether an additional fund could be set up for a year or two.

Mr. Ortmann explained that the standard procedure now is for one season, they could add a reference to it.

Mr. Fontneau stated that this did not suggest a line item be put in for it. It just states that they could use the surety as a last resort. There would be no up front money for plowing.

Mr. Ortmann stated that the Channings Lane is a separate situation.

Mr. Sylvain stated that from now on there would be no line item for snow removal.

Mr. Ortmann stated that Jay Way and Channings Lane were two projects which had come up over the last ten or twelve years.

Mr. Peters explained that he is not opposed as discussed now.

Mr. Walker preferred that the developers know up front that there would be money retained.

Mr. Gray explained that the committee had asked Mr. Nourse to come up with the surety for snow plowing so that they could take care of the residents. If the board wanted to take money out of the surety pot he was fine with that.

Mr. Fontneau explained the committee had tried to look at everything.

Mr. Gray asked that Mr. Behrendt convey to the DPW that the board did not want the plowing included as a line item in the surety.

Mr. Sylvain asked for a reference as far as how the surety is being released.

Mr. Ortmann stated the process for release has always been straight forward.

Mr. Sullivan requested an explanation of the surety release process.

Mr. Ortmann explained the process.

Mr. Sylvain asked how the board follows along.

Mr. Ortmann explained the board is receiving a monthly report through the planning and business offices.

Mr. Gray explained that under 6.7.8 it would be less than 6 months when review took place.

Mr. Sylvain stated the board needs to approve changes.

Mr. Ortmann explained that items could go up or down.

Mr. Sylvain stated that if changes go up or down the board would need to review.

Mr. Gray stated that this would require a change in 6.7.10. The applicant would appeal to the board.

Mr. Peters stated that the board wanted to agree to rates.

Mr. Fontneau expressed that if the board had to vote to approve that would slow the process up.

Mr. Sylvain stated that the board wanted to be made aware of when the line items change.

Mr. Gray suggested a sentence be added to 6.7.8 that a spreadsheet will be provided to the board.

Mr. Ortmann stated that the interaction between the department and the board is outlined in the SOP.

Discussion ensued on SOP's

Mr. Behrendt explained that the department will make copies of the SOP's that the board wanted to see.

It was discussed e-mailing the SOP's to board members in Word format and providing them in disk format for those who wished. They would be review at the January 23, 2012 meeting.

Final draft of proposed new Site Plan Regulations

A motion was made by Mr. Martineau and seconded by Ms. Larochelle to move this item to the January 9, 2012 meeting. The motion carried unanimously.

Other Business

Mr. Martineau requested traffic count for the Granite State Business Park.

Mr. Sylvain stated they could request the counts on January 9th.

Mr. Behrendt explained they would be looking at the road layout. Trip generation becomes applicable for the actual site plan application.

Mr. Peters thanked Mr. Meader for many years of service.

Mr. Sylvain stated that elections would take place on January 9, 2012 and a member would be nominated to the Historic District Commission at that time.

Adjournment

A motion was made by Mr. Walker and seconded by Mr. Peters to adjourn at 9:10 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses, Planning Secretary
(These minutes were transcribed from notes)