**City of Rochester Planning Board**

Monday August 4, 2014

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on August 18, 2014)*

*Members Present*

Nel Sylvain, *Chair*

Tim Fontneau

Robert Jaffin

Mark Sullivan

Dave Walker

Thomas Willis

*Members Absent*

Rick Healey, Excused

Gregory Jeanson, Excused

Matthew Kozinski, Excused

Fred Leonard, Absent

*Alternate Members Present*

Charles Grassie

James Gray

Lionel Lachapelle

Staff: Michelle Mears, Staff Planner

Crystal DeButts, 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 Secretary conducted the roll call.

**III. Seating of Alternates**

Mr. Grassie to vote for Mr. Healey and Mr. Lachapelle to vote for Mr. Kozinski.

**IV. Communications from the Chair**

Mr. Sylvain welcomed Mr. Lachapelle as the new alternate to the Planning Board.

**V. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the July 7, 2014 meeting minutes. The motion carried unanimously.*

**VI. Extension/Continued Applications**

**A. O’Keefe & Martin Partnership, 29 Milton Road**

The applicant is requesting an extension to meet the precedent conditions to the approved site plan due to changing the plans from an auction hall to a retail store.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the extension as requested. The motion carried unanimously.*

**B. David Thayer, 22&24 Farmington Road**

The applicant is requesting an extension to meet the precedent condition to the approved excavation plan in order to find a customer that has a need for the ledge.

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the extension as requested. The motion carried unanimously.*

**C. Glenwood Manor, 23 Glenwood Avenue**

The applicant is requesting an extension to meet the precedent conditions to the approved site plan in order to secure funding to support the project.

*A motion was made by Mr. Fontneau and seconded by Mr. Sullivan to approve the extension as requested. The motion carried unanimously.*

**D. The Townhomes at Highfield Commons, Fillmore Boulevard**

Matthew Peterson of Hillside Design Group explained he visited the site after the July 7th meeting to address some of the concerns discussed by the abutters. Mr. Peterson said he discussed with Severino the punch list of items left in order to get the road accepted and said they will be going to the City Council soon. Mr. Peterson also said they have contracted with Waste Management to start trash collecting on September 1st.

Mr. Sylvain opened the public hearing.

Kevin Lynn of 14 Pierce Drive stated he believes the frustration from the neighborhood is due to misrepresentation from the developer. He went on to say the granite curbing has been smashed in areas due to excavators, trees that were planted 2 years ago have died and left there, and the dumpsters that are in place are overflowing. Mr. Lynn said he is asking that the developer keep the streets clean, have the grass in the common areas mowed and have the trash picked up on a regular basis.

Joe Boudreau of 20 Pierce Drive read the sections regarding lighting, road conditions, and road signs from the Site Plan Regulations. Mr. Boudreau stated there aren’t any street lights or signs in place at this time. He stated Mr. Peterson acknowledged that isn’t right. Mr. Boudreau stated he believes this should be fixed.

Jim Lynch of 6 Pierce Drive stated he purchased his home a year ago and at that time was promised a lot of amenities at that time. Mr. Lynch went on to say their properties are the highest taxed in the City and yet they are living in a construction zone.

Eric Sirles of 10 Pierce Drive stated drainage is a very large issue and fears it will only get worse with the completion of phase 2 as it will change the flow of drainage.

Mr. Sirles also stated his concern of phase 2 being delayed again and the possibility the developer will abandon the townhouse style and go back to the garden style apartments.

He went on to say visibility when exiting Highfield Commons is very dangerous and questions whether the traffic study that was done is accurate when you take into consideration the completion of the development and with the park and ride being fully utilized.

Jordan Williams of 87 Fillmore Boulevard spoke on behalf of his parents regarding the issues they are having with drainage. He stated they purchased their home a year ago and it’s not what they envisioned.

Ed Pottberg of 72 Fillmore Boulevard passed a photo of his driveway and said its located about a foot away from a cliff. He also said both his front and back yards flood and have mudslides when its rains.

Mr. Peterson of Hillside Design said the Planning Board approved the original site plan and the State approved the drainage. He went on to say his company purchased the project with the old regulations that were approved.

Mr. Peterson said he believes this is not the forum for all this, however he and the developer have made notes are they are trying to address them.

Gretchen Young, City Engineer informed the Board the drainage plan was approved by DES and they can’t just change the plan now.

Mr. Sylvain asked who was responsible for the Park and Ride. Ms. Young stated the State is responsible and it’s not open yet.

Mr. Sylvain said the maintenance is unacceptable and Ms. Young to contact the State to get the grass cut.

Mr. Sylvain informed the Board and the abutters there was an informal meeting between him, Chris Strickler, Mr. Campbell, Ms. Mears, and Ms. Young on August 1st. He made it known that the Board can’t make a punch list of things that need to be done because that is between the home owner’s and the developers, however there will be a time frame set in place for certain items to be completed.

Mr. Walker asked when the street lights will be installed. Mr. Strickler informed the Board that street lights were not part of the notice of decision; however they will be installing them. Mr.Strickler went on to explain the financial issues they have had due to the economy, but said he believes the completion of phase 2 will alleviate much of the problem.

Mr. Walker went on to ask when they will be installing the street signs as he believes it is a 911 issue. Mr. Strickler said they will get them put up.

The Board discussed with Mr. Strickler and Mr. Peterson the issues of site maintenance and the need to keep on top of it.

The Board went on to discuss with Mr. Strickler a time frame in which to have certain items completed. They agreed on October 30, 2014 to have the stone pile, job trailer, and container moved from the top of the hill down to the phase 2B site. September 1, 2014 was agreed on to have the street signs installed as well as an update regarding the street lights.

Mr. Sylvain made it clear these items would be tied to the notice of decision for phase 2B and if they are not completed there will not be any Certificates of Occupancy issued.

Ms. Mears informed the Board the applicant was requesting a waiver from the Site Plan Regulation Section 13(A)(1) and Section 13(B)(5).

*A motion was made by Mr. Fontneau and seconded by Mr. Grassie to accept the application as complete. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the waiver requests. The motion carried unanimously.*

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to close the public hearing and approve the application as stated. The motion carried unanimously.*

Mr. Sylvain called a recess at 8:45pm

Mr. Sylvain called the meeting back to order at 8:52pm

**VII. New Applications**

**A. Sharon Bonney, 621 Portland Street**

Christopher Berry of Berry Surveying and Engineering stated he was representing Ms. Bonney. He informed the Board his client is looking to subdivide her lot in half and the new lot will have frontage on Brenda Lane. Mr. Berry said there is an existing shed on the lot and they understand it will have to be moved.

Mr. Sylvain opened the public hearing. No one came forward to speak.

*A motion was made by Mr. Walker and seconded by Mr. Grassie to approve the application as presented. The motion carried unanimously.*

**B. Jay Levesque, Forest Pump & Filter, 277 Milton Road**

**Lot Line Revision**

Dennis Quintal of Civil Construction Management, Inc. stated he was representing Mr. Levesque. He said his clients family owns the lot in which the business is located on and they are looking to construct a building to store trucks. Mr. Quintal went on to say in order to meet the setbacks they also need to do a lot line revision.

Mr. Sylvain opened the public hearing. No one came forward.

*A motion was made by Mr. Willis and seconded by Mr. Walker to approve the application for the lot line revision. The motion carried unanimously.*

**Site Plan**

Mr. Quintal explained to the Board the plan for the proposed building, stating there is already an existing drainage detention basin that is acceptable to Public Works.

Mr. Quintal said they are requesting 2 waivers from the Site Plan Regulations Article III, Section 7(D)(2) and Article III, Section 7(D)(3).

*A motion was made by Mr. Walker and seconded by Mr. Grassie to approve the waiver requests. The motion carried unanimously.*

*A motion was made by Mr. Fontneau and seconded by Mr. Grassie to approve the application as presented. The motion carried unanimously.*

**C. Jeffrey and Sharon Copp, 344 Blackwater Road**

Robert Baskerville of Bedford Design told the Board the owner of The Village at Clark Brook mad an agreement with Mr. and Mrs. Copp to give them enough land in order to fix the encroachments.

Mr. Sylvain opened the public hearing. No one came forward.

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the application as presented. The motion carried unanimously.*

**D. Rides of Rochester, 99 Milton Road**

Mr. Fontneau recused himself from the Board for this project.

Jason Gagnon explained the proposed site plan to the Board stating they want to convert the property into a used car dealership with a one bay garage for cleaning cars. He said they have already demolished the building in the front of the lot and will be using the building at the rear of the lot for the office and garage bay.

Mr. Sylvain opened the public hearing.

Tim Fontneau stated he is an abutter. He said he is in favor of the project as he believes it would be a good use. However, he has a couple concerns. One concern is the existing stockade fence. Mr. Fontneau said the applicant has removed it and is putting up a new fence right on the property line; he stated this is a concern because he will not be able to get his plow truck down the driveway in the winter. The other concern is the existing sign, he states it blocks the line of sight and believes it is a safety issue.

Mr. Fontneau asked the Board to apply the same standards that they have to previous applicants.

Martha Bertsimas of 23 Kodiak Court stated she is concerned with the detail services causing noise, she also is concerned with the fact the applicant has already taken down trees at the rear of the lot. She is concerned because there wasn’t a professional survey done. She also asked the Board that they require some evergreen trees be put in place to muffle the sound.

Councilor Ray Varney stated he also believes this is a great project; however the wording for the sign placement in the notice of decision should be changed from “encouraged” to “required” to work with Planning staff.

Councilor Varney also stated they should delineate for the entrance and exit from the lot as there is a lot of pavement there.

Mr. Sylvain asked if the lot has been surveyed. Mr. Gagnon informed him it had not, but said he does have an old survey plan from Norway Plains Associates and he has spoken with Mr. Nickless.

Mr. Gagnon said according to the plan he has about 3 feet of Mr. Fontneau’s driveway is on their property. Mr. Gagnon also addressed Ms. Bertsimas’ concerns stating there is still a 30 foot buffer at the rear of the lot and they have put up a new stockade fence to help keep the sound down.

The Board discussed with the applicant the need for them to check with Building, Zoning, and Licensing Services about placement of the existing sign as it is believed to be in the City’s Right of Way.

They also discussed the number of vehicles the applicant wants on the lot. Mr. Gagnon is asking for 50-70 vehicles.

Mr. Sylvain asked that the applicants sit down and draw up a sketch to show the number and placement of the vehicles and to make sure there won’t be any blind spots when pulling out onto Milton Road.

**E. Textile Tapes Corporation, 104 Pickering Road**

Art Nickless of Norway Plains Associates stated his clients are requesting an amendment to the approved site plan to decrease the number of parking spaces. He stated the number of employees has not increased and the company is not using all of the existing parking spaces.

Mr. Sylvain opened the public hearing. No one came forward.

*A motion was made by Mr. Grassie and seconded by Mr. Jaffin to approve the waiver request for parking. The motion carried unanimously.*

*A motion was made by Mr. Fontneau and seconded by Mr. Grassie to approve the amendment. The motion carried unanimously.*

**VIII. Review of Draft Sign Ordinance**

Mr. Sylvain asked the Board that they get any comments they have for the Sign Ordinance to Ms. Mears before the August 18th meeting.

**IX. Other Business**

Mr. Willis informed the Board they will have a report from the Stormwater Meeting for their review at the workshop meeting on August 18th.

**X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to adjourn at 10:00 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,

Planning Secretary