**City of Rochester Planning Board**

Monday September 8, 2014

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on September 22, 2014)*

*Members Present*

Nel Sylvain, *Chair*

Rick Healey, *Vice Chair*

Matthew Kozinski, *Secretary*

Tim Fontneau

 Mark Sullivan

Dave Walker (Excused at 10:24pm)

*Members Absent*

Robert Jaffin, Excused

Thomas Willis, Excused

Charles Grassie , Excused

*Alternate Members Present*

James Gray

Lionel Lachapelle

Fred Leonard

Staff: Seth Creighton, 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. Leonard to vote for Mr. Jaffin and Mr. Lachapelle to vote for Mr. Willis.

**IV. Communications from the Chair**

Mr. Sylvain informed the Board that Mr. Jeanson had resigned and that Mr. Grassie is now a full voting member.

Mr. Sylvain nominated Mr. Kozinski for Secretary. Mr. Walker seconded the nomination. The vote was taken unanimously in favor of Mr. Kozinski for Secretary.

Mr. Sylvain asked Gretchen Young, City Engineer to come forward. He informed the Board members that Ms. Young would be leaving the City for a new position. He then presented her with a Certificate of Appreciation for all her hard work.

**V. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve the August 18, 2014 meeting minutes. The motion carried unanimously.*

**VI. Green Infrastructure/Stormwater Regulation Rewrite**

Mr. Creighton said they have been working on updating the Site Plan and Subdivision Regulations to make them match up and work with the rest of Chapter 50. He said they had added two words to the definitions per the Boards request, one being “Contiguous” and the other being “Pollutant”.

Mr. Fontneau asked if Mr. Willis and Mr. Jaffin were involved in the rewrite of the Site Plan and Subdivision Regulations. Mr. Creighton confirmed they were involved.

Mr. Sylvain asked the Board to review the material that was handed out at the meeting and they will discuss sending it to the City Council at the next meeting.

**VII. Surety Update**

Ms. Young went through the performance guarantees, subdivision surety, and certificate of occupancy surety with the Board. She explained the Developers for Norway Plains Road subdivision have been working on installing the curbing and they have been in contact with the Planning Department. Mr. Sylvain asked Ms. Young to write a letter with her approval for the project.

Ms. Young went on to speak about Highfield Commons. She said the City is holding two large bonds for phase 1, Fillmore Boulevard. Mr. Sylvain asked if they’ve posted a bond for phase 2. Ms. Young explained they had, however, it referenced the wrong phase and the Planning staff is working with the developer to correct it. She went on to say until we receive the bond they will not be issued any further certificates of occupancy.

Ms. Young informed the Board Mr. Campbell is working on sureties for Heritage Drive, Sullivan Farm Road, Aloe Pines, and Chapman. Mr. Sylvain asked that Mr. Campbell give the Board an update at the workshop meeting.

Ms. Young stated Bob Diberto’s subdivision on Chesley Hill Road is complete, however it has not been accepted by the City yet. Mr. Sylvain asked Planning staff to contact Mr. Diberto to start the process for acceptance.

The last item Ms. Young spoke about was Taco Bell, she stated once they submit the as-built plans she would recommend releasing the surety.

**VIII. Extension/Continued Applications**

 **A. First City Motors, 16 Milton Road**

Christopher Berry of Berry Surveying and Engineering represented First City Motors; he stated his client is proposing to remove the existing structure in order to expand the parking lot. He went on to say they will have motion lights on the site for safety per TRG request and they will also be installing rain gardens in order to ensure there won’t be cars parked in the right of way.

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

Mr. Creighton informed the Board the applicant is requesting three waivers, for vegetation, exterior lighting, and stormwater. Mr. Creighton said staff fully supports the waiver requests.

There was discussion between the Board and Mr. Berry as to where the stormwater would be draining to.

Mr. Sylvain asked that the term “no cars to be parked in the City Right of Way” be added to the notice of decision.

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

**IX. New Applications**

 **A. Black Marble Realty Trust, 7 Crane Drive**

Art Nickless from Norway Plains Associates stated his clients are proposing to construct a storage building to be used in conjunction with the existing motorcycle sales and service facility.

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

Mr. Healey asked if there would be exterior lighting. Mr. Nickless said no, there will only be interior lighting in that building.

Mr. Creighton stated he was concerned that the building may look too much like a storage building and not go along with the existing Harley Davidson shop. He suggested using horizontal siding instead of the proposed vertical and using different overhead doors. Mr. Nickless responded he wasn’t sure if those things would be able to be done.

Mr. Healey suggested putting something on the side wall of the building to break up the large blank space. Mr. Walker said if the applicant put the red color on the bottom of the building and changed the door color he would be good with the project. Mr. Nickless said that could be done.

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

 **B. Cumberland Farms, 79 Milton Road**

Attorney FX Bruton explained he and Chris Tymula of MHF Design are representing Cumberland Farms. Attorney Bruton stated they plan on purchasing Martin’s Drive-in to expand the Cumberland Farms. He went on to say they intend to demolish everything on both lots and reconstruct the convenience store and gas pumps.

Mr. Tymula went over the site plan saying there are currently four curb cuts that they intend on keeping, they will all decrease in width and one will be a right turn only. He went on to say they will have 19 parking spaces, two bike racks and a seasonal patio with outside seating.

Mr. Tymula said they will be planting dense arborvitae bushes along the property line as a buffer to the abutters. They will also install a sound deadening material to the dumpster to reduce the noise.

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

Mr. Walker asked what type of trees will be planted along Milton Road and how tall they will get. Mr. Tymula said they are honey locust and Japanese Zelkova and they would grow to about 40 to 50 feet high. Mr. Walker suggested using low growing shrubs at the exits so that the trees don’t block views of the cars and so that they don’t grow to hide the business. Mr. Tymula said they have no issues with planting trees, and are also open not planting them if that is what the board requests. Heather Monticup (Cumberland Farms’ traffic consultant) said the trees will not block the views of drivers.

Heather Monticup presented the traffic study by Cumberland Farms. She said they collected traffic counts at all 4 current exits, included the number of accidents and the rate of speed. Ms. Monticup stated the proposed site will generate approximately 19 vehicles per hour during the weekday and 18 vehicles per hour during the weekend day. She went on to say they expect the southern driveway to get the most usage. She suggests that the City fix the intersection at Flat Rock Bridge Road, per the conceptual realignment design she created.

Mr. Sullivan stated he lives in that area and knows very well how congested the site is. He went on to say the site will now be bigger and better and he believes that will draw a lot more traffic than what the traffic study says. Attorney Bruton responded the City will be conducting a comprehensive corridor study of this road and that Cumberland Farms can not wait for this to be done before getting approval. They have agreed to give some land to the City to help facilitate the reconstruction of the intersection of Milton Road and Flat Rock Bridge Road. Mr. Sullivan said he believes there needs to be more discussion before any approval is given, and that the Planning Board should consider exactions and/or offsite improvements. Mr. Walker stated he likes what Cumberland Farms is doing with the site and also happy that Cumberland Farms is giving land to the City in order to fix the intersection. He went on to ask about a requiring a center turn land on Milton Road to help with the increased traffic the new site will create. Mr. Fontneau said Martin’s has had to use jersey barriers to stop people from cutting through their parking lot just to avoid using the Flat Rock Bridge Road intersection and asked if any thought had been given when doing the site plan that people may do the same with Cumberland Farms. Attorney Bruton replied yes, that’s why the entrances have been brought down to 30 feet. Mr. Fontneau then addressed the issue of when cars that are making a left turn into Cumberland Farms other vehicles go around them on the right and have made the ditch so bad there are now posts in place to stop them. He went on to say he believes there should be something done to improve that section of Milton Road.

The Board discussed the problems on Milton Road and the need to improve it. Mr. Sylvain asked the applicant if it would be feasible to widen the southbound lane on Milton Road. The Cumberland Farms team needed time to consult with their traffic consultant regarding the Boards requests for several offsite improvements.

*A motion was made by Mr. Walker and seconded by Mr. Lachapelle to table the application. The motion carried*

Mr. Sylvain called a recess at 8:58pm

Mr. Sylvain called the meeting back to order at 9:08pm

*A motion was made by Mr. Walker and seconded by Mr. Lachapelle to remove the application for table. The motion carried.*

John Marth of Cumberland Farms stated it’s important to note that Cumberland Farms has spent a lot of money improving the stores in the City. He went on to say Cumberland Farms has already done some of the work for the corridor study; they are giving the City land and purchasing Martin’s Drive-in. They don’t believe they should have to add a four hundred foot expansion to Milton Road when other projects have been approved recently and have not had to do anything to improve Milton Road. He also said that Ms. Monticup doesn’t believe widening the shoulder will improve the current situation.

The Board went into a discussion regarding the upcoming corridor study for Milton Road, exactions, and whether or not it would be fair to ask this one applicant to improve a portion of Milton Road. Mr. Leonard stated that by donating land to the City, the applicant is already doing more to help the City then most other developers do; especially since its been more common for the City to give away their own land to a developer. He doesn’t think the developer needs to do any more then what they are proposing right now. Mr. Sullivan said that he disagrees and thinks that the developer is not doing much to help with traffic improvements, and he would like to see Cumberland Farms reconstruct the intersection and pay an exaction which will be used to help pay for Milton Rd improvements.

Mr. Fontneau said he is happy with the land donation because it will make the needed improvements to Flat Rock Bridge Road easier to reach; however, he thinks it is unfair of Mr. Marth to compare a used car dealership and a dollar store to a convenience store with gas pumps.

Councilor Ray Varney addressed the Board to inform them the traffic study for the Milton Road corridor was his initiative. He went on to say to fix the area on Milton Road where Cumberland Farms is located is not a simple task as the area cannot just be paved, it has to be dug out and refilled in order to support the new pavement. Councilor Varney also stated that he encourages the improvements to Flat Rock Bridge Road.

Mr. Creighton said that the proposal will be adding traffic to an already bad intersection, but the traffic is very minimal, only a couple of cars. Staff feels that it is reasonable for the Planning Board to ask Cumberland Farms to contribute its fair share towards the costs of the conceptual realignment, and that the reasonable fair share contribution could be the gifting of land, in an easement or donation of land to the City, which will allow the City to properly reconstruct the road/utilities/drainage outside of the existing ROW. The Site Plan Regulations do allow the Board to make this a requirement. The Board agreed with this.

Mr. Walker expressed his concerns again with having large trees along Milton Road as he believes it will cause a problem with the view exiting the property and asked Mr. Creighton if these trees were added at because of Staff. Mr. Creighton said no, and that the trees are required by the Site Plan Regulations, and if they are not installed, a waiver must be granted. Mr. Creighton stated that it is TRG and the applicant’s opinion that these trees will not block views, and thus should remain. Mr. Walker said he’d like them replaced with shrubs. Mr. Sylvain told the applicant to work with the Planning Department on the types of trees to use.

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

**C. Cumberland Farms, 1 Knight Street**

Chris Tymula of MHF Design explained they are looking to demolish the building located on Lot 181 in order to increase the parking lot and moving the existing dumpster.

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

Mr. Creighton explained this project originally went through the special downtown review process, however it was kicked up to full Planning Board review by one of the members.

*A motion was made by Mr. Fontneau and seconded by Mr. Lachapelle to accept the special downtown review approval. The motion carried unanimously.*

 **D. Michael Harrison, 31A Oak Street**

Michael Harrison explained the proposed lot line revision between Lots 75, 80 and 91. He stated the reason for the adjustment is to give Lots 80 and 91 more room to meet setbacks.

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

There was some discussion between the applicant and the Board as to what exactly what is being adjusted. Mr. Harrison said the lot line for Lot 91 would be moved north 260 feet.

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

 **E. Raaf-Mitchell Anchor Club Real Estate of Rochester NH, LLC, 66 Rochester Hill Road**

Bob Stewell of Tritech Engineering stated this is a preliminary application to construct 40 townhome style rental units. He went on to say they have met with staff at TRG and would like to get the Planning Boards input.

Mr. Creighton said three of the units that are proposed are very close to the property line so he would suggest putting vegetation in to give the abutting properties a buffer. Mr. Creighton went on to say drainage for the site is another concern.

Mr. Sylvain asked how much the rent would be. Mr. Stewell said it would be between $1500 - $1800 per month.

Mr. Sylvain asked how many stories the buildings would be. Mr. Stewell said they would be three story buildings; each unit would be approximately 1600 square feet and have a garage.

Mr. Fontneau expressed his concern of having a three story building only 10 feet away from the property line. The Board and the applicant discussed moving the units closer to the access road. They also discussed where the parking would be and the location of the dumpsters.

Mr. Sylvain asked that the applicant provide architectural designs at the next meeting. Both Mr. Sylvain and Mr. Fontneau expressed they believe this project is too intense for the area.

The applicant will return for a second preliminary review on September 22nd.

**X. Other Business**

There was no other business to be discussed.

**XI. Adjournment**

*A motion was made by Mr. Leonard and seconded by Mr. Gray to adjourn at 10:35 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,

Planning Secretary