**City of Rochester Planning Board**

Monday December 1, 2014

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on December 15, 2014)*

*Members Present*

Rick Healey, *Vice Chair*

Matthew Kozinski, *Secretary*

Robert Jaffin

Mark Sullivan

Dave Walker

Thomas Willis

*Members Absent*

Nel Sylvain, Excused

Fred Leonard, Excused

Tim Fontneau

Charles Grassie

*Alternate Members Present*

James Gray

Lionel Lachapelle

Robert May

Staff: James Campbell, Chief 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. Healey called the meeting to order at 7:00 p.m.

The Secretary conducted the roll call.

**III. Seating of Alternates**

Mr. Lachapelle voted in place of Mr. Fontneau and Mr. May voted in place of Mr. Grassie.

**IV. Communications from the Chair**

There were not communications from the Chair.

**V. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Mr. Willis to approve the November 17, 2014 meeting minutes. The motion carried unanimously.*

**VI. New Applications**

 **A. Rochester Pinewood Real Estate Development, LLC**

Scott Lawler of Norway Plains Associates stated he was there representing the Mr. & Mrs. Brock. He went on to say they are requesting an amendment to the 2006 approval which had been amended in 2007, and 2010 for a 56-lot subdivision. Mr. Lawler said in the original approval from 2006 it was required that an off-site sidewalk be installed on Ten Rod Road prior to the 30th building permit issuance and they are before the Board requesting that the condition be removed.

Mr. Healey opened the public hearing.

Connie Brock of 460 Ten Rod Road said she is trying to understand the logic of needing the sidewalk and asked if a study has ever been done to support the need for one. Mr. Campbell told her no, a study has not been done. Mr. Campbell went on to explain when the development for Daytona Drive was approved they were required to put in a sidewalk on Ten Rod Road so when the 56-lot subdivision was approved which could create increased pedestrian traffic, the same condition was put in place.

Mr. Gray informed Ms. Brock that the Planning Board looks at a plan if someone wants to put in a development there are different things the Board will look at and there are certain things that the Board expects such as they want Rochester to be more walk able.

Mr. Campbell added this is the second time the applicant has approached the Board for this amendment, saying the first time was in 2010 to eliminate the sidewalk. He went on to say the Board made a motion that carried unanimously that phase II would be constructed with sloped curb with a 5’ pedestrian way and the $83,000 would be released from escrow, the sidewalk will be built or escrow put in place by the issuance of the 30th building permit.

Mr. Campbell went on to say Police, Fire, and Public Works want the sidewalk condition kept in place, and the Subdivision Regulations suggest keeping sidewalks. However, he would suggest making it on the issuance of the 31st permit instead on the 30th.

Mr. Sullivan clarified that the City was holding surety but it was released. Mr. Campbell said yes, $83,000 was released in 2010. Mr. Sullivan then asked if there was an explanation as to why the money was released. Mr. Brock came forward stating the money was released so he could pay the taxes on the property.

Mr. Sullivan asked what the applicant intends to do with the second phase of the subdivision. Mr. Lawler said the developer is entertaining transferring the remaining lots to a private abutter who would then not build on it.

Mr. Willis asked given the permits for DES have expired what changes would be envisioned and how many lots would need to be reduced. Mr. Lawler explained in his opinion any redesign of the subdivision would result in the loss of multiple lots plus dealing with the new stream crossing rules.

Mr. Willis asked how big the lots were. Mr. Lawler said they are approximately 16,000 square feet.

Mr. Walker said the developer is before the Board asking to eliminate the sidewalk on Ten Rod Road; however, they have a sidewalk on Ebony Drive and are complaining because they are not getting plowed. Mr. Walker pointed out that there’s nothing to connect the sidewalk on Ebony Drive.

Mr. Willis explained the difficulty of driving a sidewalk plow on a road. Mr. Gray pointed out that the State law requires all sidewalks to be plowed.

Mr. Willis pointed out this development was approved during the building boom and said to the developers credit they put the money up front to get the road done, sidewalk in, curbing completed and got the road accepted so the residents would get City services.

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

*A motion was made by Mr. Walker and seconded by Mr. Sullivan to retain current approval that the sidewalk will be built or escrow put in place by the issuance of the 30th building permit. The motion carried unanimously.*

The Board went on to discuss the returned surety. Mr. Walker said he believes it was a mistake to give the surety back. Mr. Sullivan agreed. Mr. Walker said now there’s a gap in the sidewalk system and the City doesn’t have any leverage to get the sidewalk put in.

**VII. Other Business**

Mr. Sullivan asked if the draft Sign Ordinance was going in front of the Codes and Ordinance Committee. Mr. Campbell said yes along with mobile homes and commercial vehicle parking.

**VIII. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Lachapelle to adjourn at 7:45 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,

Planning Secretary