

City of Rochester Planning Board
Monday, October 2, 2023
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on October 16, 2023)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Alan Dews
Matthew Richardson
Dave Walker
Peter Bruckner
Don Hamann

Members Absent

Michael McQuade, *excused*
Keith Fitts, *excused*

Alternate Members Present

Alexander de Geofroy
James Hayden
Rick Healey

Staff: Shanna B. Saunders, *Director of Planning & Development*

(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. They may be copied for a fee.)

I. Call to Order

Chair, Mark Collopy, called the meeting to order at 6:30 p.m.

II. Roll Call

Planning Department Director, Shanna B. Saunders, conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Rick Healey to vote in place of Keith Fitts.

IV. Communications from the Chair

Mr. Collopy stated that there were no communications from the Chair.

V. Approval of Minutes
A. September 11, 2023

A motion was made by Mr. Walker to approve the September 11, 2023, Planning Board meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.

B. September 18, 2023

A motion was made by Mr. Walker to approve the September 18, 2023, Planning Board meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.

VII. Opening Discussion/Comments

A. Public Comment

There were no comments from the public to discuss.

B. Discussion of general planning issues

There were no general planning issues to discuss.

VII. Continued Applications

**A. [Tuck Realty Corporation/EWST, LLC, 0 Autumn Street](#) (by Jones & Beach Engineers, Inc./Ian MacKinnon) 23-Lot Major Subdivision Case# 104 – 10 – R1 – 22
Public Hearing/ ACCEPTANCE/FINAL DECISION***

Mr. Ian MacKinnon, Jones & Beach Engineers, presented the project and summarized the amendments that resulted from the third-party review for the proposed project. Mr. MacKinnon briefly explained the Conditional Use Permit and requested Waivers. Mr. MacKinnon stated that the two requested Waivers are for pipe velocities and the groundwater recharge requirement with the City of Rochester. Mr. MacKinnon explained why the waivers are being requested. Mr. MacKinnon explained the proposed drainage plans and reviewed findings from the Stormwater review. Mr. MacKinnon explained that a similar waiver was submitted to the NHDES (New Hampshire Department of Environmental Services) for an Alteration of Terrain Permit and was approved and the permit has been received. Mr. MacKinnon stated that the Conservation Commission recommend approval of the Conditional Use Permit.

Mr. Collopy opened the Public Hearing.

Fred Leonard, 10 Sandina Drive, introduced himself and stated that there was a petition signed by residents of the abutting development to the proposed property. This petition was included in the Planning Board members' information packets. Mr. Leonard stated his concerns for the proposed project regarding the connection of the new development to the existing development on Sandina Drive. Mr. Leonard requested that the connection of both developments be pedestrian-traffic only. Mr. Leonard explained the families that currently live in the Sandina Drive cul-de-sac and their concerns for increased traffic. Mr. Leonard stated his concerns for home valuation changes.

Ms. Saunders reviewed the Staff Recommendation for the project and stated that the Third-Party Stormwater review was provided to the Planning Board members for their review. Ms. Saunders stated that Autumn Street has now been reviewed 4 separate times due to design plan changes. Ms. Saunders

explained the Waivers and Conditions of Approval and stated that many of the Conditions of Approval came from the Stormwater Review. Ms. Saunders stated that she emailed the applicant regarding “drip trenches” in order to help with infiltration and stated that these trenches would be added to the plans. Ms. Saunders reviewed the General and Subsequent Conditions of Approval listed on the Staff Recommendation. Ms. Saunders addressed the petition and thanked the abutters for presenting their concerns. Ms. Saunders explained that the City Departments support a road connection for vehicle traffic and explained that new developments are required by regulation to look into connections with surrounding developments to include in their plans. Ms. Saunders stated that the City Departments agreed that a gate could be installed, but prior to the City accepting the road, the gate must be removed for Fire and Police, as well as City plowing and trash pick-up services to go through, as needed.

Mr. Walker asked if Sandina Drive had sidewalks in the development. Mr. McKinnon stated that there are approximately 3-foot-wide sidewalks on the west side of the development, but that he is unsure if they stretch the entire road. Ms. Saunders stated that the sidewalks only partially run up the road.

Mr. Walker asked why the proposed development would have sidewalks to nowhere. Ms. Saunders stated that sidewalks on Sandina Drive could potentially be a public project for the future. Mr. Walker stated that he would rather not have sidewalks go up to the cul-du-sac and stopping.

Mr. Dews asked for clarification on the Third-Party comments regarding the compliance of Chapter 219 Stormwater Regulations that mimic State standards. Mr. Dews stated that the proposed project's review stated that the project does not meet standards and asked if there was an additional waiver for this concern. Mr. McKinnon explained that he reviewed the Stormwater Report and noticed an error in relation to what has been recently accepted by the stormwater center and brought the concern to the Planning Department and the Department of Public Works and explained the drainage and wetlands within the proposed project plans.

Mr. Dews stated his recommendation for having sidewalks all the way down to Autumn Street for instances such as bus stops for children. Mr. McKinnon asked for clarification to where he would propose the sidewalks. Mr. Dews responded stating that the sidewalks would run along the development's access road and continue into Autumn's ROW to meet at the entrance. Mr. McKinnon said that adding the additional pavement and level landing could be done and will be discussed as a plan change. Mr. Dews stated that if sidewalks are not built, that he recommends paving a platform for children that may wait for a bus stop. Mr. McKinnon stated that they would be open to discussing this change with the Department of Public Works.

Mr. Hayden stated that he did not see erosion control details or callouts in the plans for the inlet protections. Mr. McKinnon stated that the last sheet in the plans should include the erosion control plan, but if plans do not show callouts, that the final plans can be edited to include the necessary callouts.

Mr. Hayden stated that he noticed that the plans show less than 18 inches of separation between the drainage and water line. Mr. McKinnon stated that those changes have been commented and discussed with the Department of Public Works and will be verified in the final plan submittal.

Mr. Hayden asked if houses and driveways were included in the drainage analysis. Mr. McKinnon responded that they were included and explained how the analysis was reviewed and what was included. Mr. McKinnon also explained drainage plan changes that will be made in the final plan set.

Mr. Hayden stated that given the seasonal high-water table that he does not recommend drip edges. Ms. Saunders stated that there are drip edges on most developments in town and offer a way to assist in drainage.

Mr. Collopy stated that he understood the concerns of the abutters, but that he did not feel that a connection to Sandina Drive would be used as a thruway for the proposed development's traffic. Mr.

Collopy stated his support for installing sidewalks. Ms. Saunders reviewed the locations of the sidewalks. Mr. Collopy stated that he does support City's decision and reasoning to connect the proposed and current developments.

Ms. Saunders stated that she understands that Autumn Street is on the Department of Public Works' radar for sidewalk installation and that she would mention the sidewalks that are currently in Sandina Drive to the Department of Public Works.

Mr. Dews stated that the details in the plans for pipe bedding are not to standard and requested that the plans be reviewed, and those standards be met. Mr. McKinnon stated that he would review the plans.

Mr. Hamann stated his understanding of the abutters' concerns and stated that he feels that a connecting road may be safer because it gives more room for larger vehicles and trucks that may need to proceed through the neighborhood, rather than turning around.

Mr. de Geofroy stated that he supports a gate being installed to protect the Sandina Drive residents from construction vehicles using their road.

Ms. Saunders reviewed the plan modifications that have been added to the Conditions of Approval.

Mr. Collopy stated that a vote is required for a Conditional Use Permit, two waiver requests, and the application and its plan changes.

A motion was made by Mr. Walker to approve the Conditional Use Permit and seconded by Mr. Hamann. The motion carried unanimously.

A motion was made by Mr. Walker to approve both Waiver Requests and seconded by Mr. Hamann. The motion carried unanimously.

A motion was made by Mr. Walker to accept and approve the application with conditions in the Staff report and as stated during the meeting and seconded by Mr. Hamann. The motion carried unanimously.

B. 42 Front Street, LLC, 42 Front Street (by Norway Plains Assoc./Ashley Rowe) 2-Lot subdivision. Case# 102 – 41 – R2 – 23 **Public Hearing ACCEPTANCE/FINAL DECISION***

Mr. Ashley Rowe, Norway Plains Associates, presented the project and explained the timeframe of the project submission. Mr. Rowe explained the Third-Party Wetland Review that was conducted and stated his summary of the wetlands' review.

Mr. Collopy opened the Public Hearing.

Mr. Bruce Belles, 34 Front Street, an abutter to the project, stated his concerns for drainage for the lot. Mr. Belles explained the neighborhood's layout and how the water typically drains in the area. Mr. Belles explained the drainage assistance that he has on his own property. Mr. Belles explained the pictures he provided of standing water around the lot that is being proposed. Mr. Belles stated his concerns for future drainage issues with the lot development.

Ms. Saunders stated that Planning Board members were provided the letter regarding the wetlands' review and explained that wetlands are delineated with different criteria. Ms. Saunders listed some of the criteria. Ms. Saunders explained that the reviewer stated that the land may have been a wetland

previously, but due to historical filling of the wetlands that it is not a jurisdictional wetland at this time. Ms. Saunders stated that staff met, discussed, and decided that there is historic filling in multiple, multiple locations across the City and therefore we will accept the wetland is non-jurisdictional and that they're recommending that the foundation be a slab foundation and not full foundation. Ms. Saunders stated that a shed on the newly proposed lot is being required to be moved as a Precedent Condition for this project. Mr. Rowe stated that the client will move the shed when given an approval. Ms. Saunders stated that the shed requirement is the only Plan Modification.

Mr. Walker verified the timing of the wetlands review and stated that if the review was performed in June or July during the increased rainfall, the lot would have had increased wetland area and that he does not support the development of a lot with increased drainage issues.

Mr. Rowe stated that a drainage plan will be included in any plan set and explained that the third-party reviewer mentions that the neighborhood has been formatted to increase drainage to the proposed lot. Mr. Rowe stated that the reviewer is highly noted and that he stated that there are no jurisdictional wetlands. Mr. Rowe stated that a drainage plan is being included to alleviate the current drainage issues.

Mr. de Geofroy stated his support of Mr. Walker's comments and stated that he is concerned about the potential negative impacts to abutters as also stated in the third-party reviewer's findings. Mr. de Geofroy asked how the drainage plan would be reviewed to be sure that the drainage concerns are addressed adequately. Ms. Saunders responded that drainage plan changes are recommended in the Plan Modifications and explained the process for drainage plan review within the Planning Department.

Mr. Healey stated that he sees standing water on the lot through Google Street View and that drainage seems to be high in the property. Mr. Healey stated that the lot will require filling and asked if the lot has access to City water and sewer services. Ms. Saunders responded yes. Mr. Rowe stated that he is aware of the required filling that is necessary. Mr. Healey stated his concerns for future purchasers and developers of the proposed lot.

Mr. Hayden stated that he felt drainage could be mitigated through fillings and changes to grading. Mr. Hayden stated that the Planning Board is not responsible for deciding wetlands and that the property would have to return for drainage plans for any future development.

Mr. Walker stated that he is not questioning the results of the review by the Third-Party company and stated his concerns of the drainage to the property. Mr. Walker asked where the water would go in the proposed drainage plans. Mr. Rowe explained the installation of the culvert and that the culvert directs the water down the street and to the river. Mr. Rowe explained the current drainage with the culvert and stated that the drainage does not work as planned but will be upgraded.

Mr. Dews stated that he noticed the headwall and contours in the plans in the back of the property, but asked if there was a reason that the inverts were not included in the plans. Mr. Rowe responded that inverts are not typically included in subdivision maps but can be provided.

Mr. Dews asked what type of pipe is shown in the plans. Mr. Rowe responded that the pipe is concrete.

Mr. May stated that he has safety concerns with future construction. Mr. May asked if there was a part of the Zoning Ordinance that would be violated in creating a marginally wet building site. Ms. Saunders stated that there is nothing in the zoning ordinance on creating a wet building site. Ms. Saunders stated that if the property was a wetland, the next concern would be about how much buildable area is on the lot, but in this circumstance the property is not considered a jurisdictional wetland and thus the property can be considered building area. Mr. May stated his concerns for the future in approving this proposed project.

Mr. Rowe explained that $\frac{3}{4}$ of the lot is high and does not hold water and that the water goes down the sides of the lots and makes its way to the culvert. Mr. Rowe stated that the area of the proposed building has water significantly deeper than at the bottom of the property. Mr. Rowe stated that the area of the lot that has drainage concerns is a small portion of the lot.

Mr. Collopy explained that the Planning Board members are considering if there are other affected by this proposed lot. Mr. Rowe stated that the lot was originally a buildable lot, but the "bowl" has been created by other lots being built up.

Mr. Walker stated his view that if the lot was a buildable lot previously and it was not built on, that there is a reason for not building on the land.

A motion was made by Mr. Dews to accept and approve the application with the conditions as stated and seconded by Mr. Richardson. The motion carried with an 8 to 1 vote. Mr. Walker opposed.

VIII. New Applications

A. Jonathan & Judith Mott, 350 Chestnut Hill Road (by Norway Plains/Randy Tetreault) Lot Line Revision Case# 203 – 7&8 – A – 23 **Public Hearing ACCEPTANCE/FINAL DECISION***

Mr. Glenn Griswold, Norway Plains Associates, present both the 2-Lot subdivision and the Lot-Line Revision applications for 350 Chestnut Hill Road. Mr. Griswold explained the property line that is being changed to increase frontage for the newly subdivided lot. Mr. Griswold stated that the Conservation Commission approved the Conditional Use Permit that is necessary for the driveway to the newly created lot.

Mr. Collopy opened the Public Hearing.

Ms. Patricia Taylor, 368 Cross Road, asked how the proposed driveway would impact her lot and how it would be designed on the newly created lot.

Mr. David Veno, 361 Cross Road, stated that he appreciates the work that the Motts have done to the property. Mr. Veno explained the history of the lot, stating that Milton Appleby put the property in a conservation easement in 2007. Mr. Veno explained that the Conservation Easement calls for the property to be unable to be subdivided.

Ms. Saunders reviewed staff recommendation and listed the plan modifications and waiver requests. Ms. Saunders stated that the waiver requests are the same for the Lot-Line Revision application and for the 2-Lot Subdivision and that staff supports the waiver requests. Ms. Saunder noted that the Staff Recommendation listed the incorrect conditions and modifications. Ms. Saunders stated that staff recommends approval of the Lot – Line Revision application.

Ms. Saunders reviewed the staff recommendation and plan modifications for the 2-Lot subdivision. Ms. Saunders stated that the Conservation Commission reviewed the application for placement of a driveway and reviewed the conservation documents for the parcel and found that the easement does not apply to the entire lot.

Mr. Griswold responded to Ms. Taylor's question about impacts to her property. Mr. Griswold explained the layout of the plans to the parcel and location of the proposed driveway.

Ms. Saunders stated that a Condition of Approval can be added to require legal counsel to review the Conservation Easement documentation for the lot.

Mr. Walker asked for clarification of which lot was being created with the subdivision. Mr. Griswold explained the lot that is being created and how the lot-line revision will allow for the required frontage of the newly created lot.

Mr. Walker asked if the newly proposed lot was within the restriction of the covenants. Mr. Griswold stated that the lot is not part of the conservation easement and explained the property lines.

Ms. Saunders stated the land stretches much farther than what is seen on the map. Mr. Griswold stated that the lot stretches to the Farmington town line.

Mr. Walker asked for verification of the covenants and if they pertain to the lot that is being created. Ms. Saunders stated that per the review of the Conservation Commission, the proposed lot is not perceived to be part of the conservation easement.

Mr. Walker stated that he felt that legal counsel should be consulted before the Planning Board votes on the application.

Mr. Hayden stated that septic systems are to be kept 50 feet from the wetland buffer and recommended a location for a 4K septic system.

Mr. Dews verified the plans that read that 48.6 acres of land will remain in conservation easement. Mr. Griswold responded that was correct. Mr. Dews stated his support in having the conservation easement's documents reviewed by legal counsel.

Mr. Walker asked how long it would take to have the conservation easement's documents reviewed by legal counsel. Ms. Saunders stated that review of the documents by counsel can be added as a condition of approval and the documents can be reviewed within the next 2 weeks.

Mr. Walker asked what happens if the lot is found to be in the conservation easement. Ms. Saunders stated that the applicant would not be able to meet that condition of approval and they cannot move forward and would have to return to the Planning Board with an amendment.

A motion was made by Mr. Walker to accept and approve the Lot-Line Revision with the conditions as stated and added and seconded by Mr. Hamann. The motion carried unanimously.

**B. Jonathan & Judith Mott, 350 Chestnut Hill Road (by Norway Plains/Randy Tetreault)
2-Lot Subdivision Case# 203 – 7&8 – A – 23 **Public Hearing ACCEPTANCE/FINAL
DECISION*****

This application was discussed and reviewed in conjunction with the Lot - line Revision application.

A motion was made by Mr. Walker to accept and approve the subdivision application with the conditions as stated and added and seconded by Mr. Hamann. The motion carried unanimously.

C. CEM 3 Holdings II, LLC (Douglas Morton), 146 Old Dover Road (by Berry Surveying/Joe Berry) 2-Lot Subdivision Case# 140 – 72 – R1 – 23 **Public Hearing**
ACCEPTANCE/FINAL DECISION*

Mr. Joe Berry, Berry Surveying and Engineering, presented the 2-lot subdivision application. Mr. Berry explained that the subdivision is to subdivide the existing house on the lot from the rest of the parcel. Mr. Berry explained the plans and requirements for lot size that are being met, as well as what utilities are available at the property. Mr. Berry explained the concern of a shed being on the property line and stated that the shed has since been demolished.

Mr. Collopy opened the Public Hearing.

Mr. Everett Howard, 16 Quarry Drive, stated his concerns with his yard being flooded since construction on the property. Mr. Howard stated that there is a waterway through his yard with the excavation of 146 Old Dover Road. Mr. Howard asked how to submit pictures for the Planning Board to review. Mr. Collopy stated that pictures can be sent to the Planning Department, and they will add to the application and will be able to be reviewed by engineers.

Ms. Saunders reiterated that this application is for the subdivision of the proposed lot at the front of the lot, where a home is currently located.

Mr. Howard stated that he recommended that members of the Planning Board visit the lot to witness the drainage concerns.

Mr. Berry showed Mr. Howard the proposed lot that is being reviewed at this current meeting and explained that further development will be brought to the Planning Board in the future.

Mr. Dews asked what was happening with Lot 72-1 and stated his concern with destabilization of the lot. Ms. Saunders stated that the owner of the lot is seeding for re-vegetation. Mr. Dews recommended that the lot be visited to make sure the re-vegetation is happening correctly.

Mr. Dews asked for clarification of the location of the driveway that is present. Mr. Berry explained the history of a looped driveway that was present and the current build of the driveway and gravel area. Mr. Dews stated that he recommended that the plans show that the space be loamed and seeded.

Ms. Saunders reviewed the staff recommendation and conditions of approval for the proposed subdivision.

A motion was made by Mr. Walker to accept and approve the application with conditions as stated and seconded by Mr. Hamann. The motion carried unanimously.

D. Tedeschi Contracting, LLC (David Tedeschi), 9 State Street (by Stonewall Surveying/Ray Bisson) 2-Lot Subdivision Case# 131 – 16 – R2 – 23 **Public Hearing**
ACCEPTANCE/FINAL DECISION*

Mr. Raymond Bisson, Stonewall Surveying, presented the 2-lot subdivision application. Mr. Bisson explained the history of the lots and explained changes that have been made to the lot. Mr. Bisson showed plans and explained possible housing layouts. Mr. Bisson stated that the lot already has 2 driveways.

Mr. Collopy opened the Public Hearing. There were no comments from the public.

Ms. Saunders explained the application and reviewed the recommended conditions of approval. Ms. Saunders explained that one of the conditions is to provide drainage plans and that the City of Rochester adopted Chapter 216, the new Stormwater Chapter to meet the EPA MS4 permit requirements. Ms. Saunders explained what is and is not affected by the adoption of the chapter. Ms. Saunders stated that the Planning Staff recommend approval of the 2-lot subdivision.

Mr. Walker asked if there was a home on the lot. Mr. Bisson stated that there was a mobile home, but it has been removed, as well as the 2 garages that were present have been removed.

Mr. Dews asked if there was a reason that water and sewer is not shown in the plans. Mr. Dews also stated that the plans do not explain how the power will be supplied to the lots in the plans. Mr. Bisson explained that the power lines are all overhead.

Mr. Dews asked how the conditions of utilities being underground will be met. Mr. Bisson stated that a power line would have to be placed on the other side of the road to be run underground. Mr. Dews stated that he recommended to add these utilities to the plans. Ms. Saunders stated that utilities can be added to the plan as a condition of approval.

A motion was made to accept and approve the 2-lot subdivision application with the conditions as stated and seconded by Mr. Hamann. The motion carried unanimously.

IX. Other Business

A. Planning Update

Ms. Saunders stated that the Planning Department and the Department of Public Works held a couple different Public Hearings including one for state-funded highway safety project at Old Dover Road and Tebbets Road and the other for state-funded Route 108 complete streets project. Ms. Saunders stated that both Public Hearings were recorded and can be watched from the City's website.

B. Other

Mr. Walker stated his concern for regulations restricting the Planning Board to review properties with drainage issues. Mr. Walker stated that he recommended a change to the regulation to prevent the approval of projects that could cause further drainage issues, Mr. Walker cited the application by 42 Front Street that was mentioned in tonight's meeting. Ms. Saunders stated that complications arise with the fact that the lot was historically filled.

Mr. May stated that the restriction stems from State Law and not the City of Rochester's regulations.

Mr. Dews stated that he felt that, with an upgrade to grading, the drainage concern could be mitigated.

Mr. Walker explained his concern for approving the application with restrictions. Ms. Saunders explained the increase of high-water concerns throughout the City of Rochester.

Mr. Richardson stated that he lived at the property across from 42 Front Street and stated that the lot has not always had drainage issues.

Mr. de Geofroy stated that he felt that if the lot can be changed in grading, then the drainage issues can be fixed and thus making it harder for the Planning Board to deny based on drainage concerns.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn the meeting at 8:18pm. The motion carried unanimously.

Respectfully submitted,

Jaclyn Millard,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development