

**City of Rochester Planning Board**  
Monday June 4, 2012  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on June 18, 2012)

Members Present

Nel Sylvain, *Chair*  
Tim Fontneau, *Vice Chair*  
James Gray  
Rick Healey  
Stephen Martineau  
Dave Walker, Councilor

Members Absent

Gloria Larochelle, Secretary, excused  
Derek Peters, excused  
Mark Sullivan, excused

Alternate Members Present

Gregory Jeanson  
Matthew A. Kozinski

Alternate members Absent

Robert Jaffin, 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)

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Mr. Sylvain called the meeting to order at 7:00 p.m.

The Planning secretary conducted the roll.

Mr. Kozinski to vote for Mr. Peters

Mr. Jeanson to vote for Ms. Larochelle

**Communications from the Chair**

Mr. Sylvain presented Mr. Behrendt, Chief Planner with a certificate for his service to the City and Planning Board from March 11, 1996 to June 8, 2012.

Mr. Sylvain introduced James Campbell who will start with the City on July 2, 2012 as the new Chief Planner.

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**Approval of minutes:**

- A. May 14, 2012 Chapter 42 Rewrite
- B. May 21, 2012 Workshop

*A motion was made by Mr. Walker and seconded by Mr. Gray to approve the May 14, 2012 and May 21, 2012 meeting minutes. The motion carried unanimously.*

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**Continued Applications**

- A. Anderson Lane Subdivision** (by Jones and Beach Engineers) Amendment to approved 47 lot subdivision on proposed amendments/clarifications to an approved 47 lot subdivision on Anderson Lane (off Franklin Street) to: a) remove from the plan a recreation area, basketball Court, and footpath behind and alongside Lots 119-110-16 & 17, at the end of Collins Circle; b) Use existing vegetation to meet the street tree requirement; and c) address surety issues. a) is submitted by Arcu Homes, Inc. and Angela Morgan. b) and c) are submitted by Bill Pierce, developer. **Public hearing**

Brad Jones of Jones & Beach thanked the board members for going on the site walk on April 10<sup>th</sup>. He discussed the recreation area / basketball court elimination as well as the walkway elimination. Mr. Jones explained there were other access points in the area to the open space.

Mr. Sylvain opened the public hearing.

Angie Morgan of 410 Dover Point Road in Dover explained they were building a home in Collins Circle. The access to the recreation area and basketball court was currently by her new home. She was asking for removal of the access, recreation area & basketball court.

Lou Sera of Arcus Homes, who owned the lot, explained there is no maintenance agreement and for that reason alone the board should eliminate the access and area.

Kim & Dan Bascom explained they owned the farm next door. They were trying to get the fence completed across the backside of their property. They just needed the fence completed; existing work so far had been satisfactory.

Mr. Sylvain brought the discussion back to the board and left the public hearing open.

Mr. Sylvain asked how many lots Mr. Pierce owned.

Brad Jones stated none.

Mr. Sylvain asked if he wanted to walk away.

Mr. Jones stated that Mr. Pierce would like to continue to work with the City. He questioned the street trees.

Mr. Sylvain the board was not about to release money until they were satisfied the City and owners would be covered. The board was to work on the issues that night but he did not want the City to get stuck.

Peter Nourse, City engineer explained they had \$182,500 in surety for on site improvements and \$10,000 for off site improvements. He explained there was enough surety for the off site improvements.

Mr. Nourse explained he had received an estimate for completion of the on site improvements as approved by the planning board at a cost of \$317, 475 which included sidewalks, road, sidewalks, sewer repair and all the approved landscaping. It was the total if done from the originally approved drawing. Mr. Nourse explained a problem with one of the sewer lines to a home on Givens Circle that would require the removal and replacement of 300' of sewer line. The first 1100' of Anderson Lane needed to be reclaimed and paved.

Mr. Behrendt stated there was \$25,000 for loam and seed.

Mr. Nourse explained the loaming and seeding was for the public area.

Mr. Sylvain explained there was \$15,000 for the playground and \$27,500 for trees.

Discussion ensued regarding other access points available to the unmaintained open space.

Mr. Sylvain asked for a motion to do away with the access easement on Lot 16, ½ court basketball court and additional 2 access easements and playground.

Brad Jones stated they could record a document at the registry to remove the easements.

Mr. Gray had an issue because they were trying to create parks for folks to utilize for recreation.

Mr. Sylvain explained they had the public come forward on the easements and basketball court.

Mr. Walker asked about the open space.

Mr. Behrendt explained it would just be left in its natural state.

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve the amendment to do away with the access easement on Lot 16, ½ court basketball court and additional 2 access easements and playground. The motion carried.*

*A motion was made by Mr. Walker and seconded by Mr. Fontneau to eliminate the street trees. The motion carried.*

Mr. Jones questioned that the estimate by DPW did not use scheduled values.

Mr. Sylvain asked Mr. Jones to get an estimate and get together with Mr. Nourse and return for the workshop. He would like answers by the June 18<sup>th</sup> meeting.

Mr. Jones stated that they needed to come up with a proper scope of work.

Mr. Fontneau asked whether Mr. Pierce had any interest in the project.

Mr. Jones stated that there was a need to look at the cost. They had been looking at redoing 700' of road, not 1100'.

Mr. Sylvain asked Mr. Nourse if it could be worked out.

Mr. Nourse stated it would depend on what extent there was agreement.

Mr. Sylvain explained he would like to see the granite curb removed.

Mr. Fontneau felt it would be an additional expense for the developer if the improvements had already been built to specs.

Mr. Sylvain expressed that it was a two way street between the developer and the City where they were looking for concessions.

Mr. Walker felt that the granite curb played havoc with the tires on emergency vehicles.

Mr. Fontneau asked that when they put the numbers together they include the fencing.

Mr. Sylvain stated that when they come back June 18<sup>th</sup> they need to finalize and resolve the issues.

Mr. Behrendt explained that Mr. Jones would need to file a document at the registry of deeds to remove the easements with an agreement to reclaim the path.

- B. SUR Construction/Alan Crowell, 233 Chestnut Hill Road** (by Norway Plains Associates). Site plan application to create an additional 5.8. acre gravel area for storage of various construction related materials including concrete barriers, drain structures, water and sewer pipes, manhole structures, etc. 2.6 – acres of jurisdictional wetlands are proposed to be filled, with both on site and off site (on Brock Street) mitigation are proposed to compensate for the proposed impacts. Case # 209-24-A-12 (*The public hearing is closed*)

This application was postponed to June 18, 2012.

- C. Adamian Construction and Development Corporation, Farmington Road** (by Norway Plains Associates) Two lot subdivision to create a 5.44 acre lot from the original 80 acre lot. Lot 208-1 is to be developed for a Tractor Supply Store. Case # 208-1-GRD-12

Art Nickless of Norway Plains Associates explained he was there to answer any questions board members may have.

Mr. Sylvain opened the public hearing.

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

Mr. Walker questioned whether the project would need a traffic light.

Mr. Nickless explained they had met with NHDOT, DPW and planning and it did not necessitate a traffic light at this time.

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

- D. Tractor Supply Company, Farmington Road** (by Norway Plains Associates) Site plan for a

19,097 square foot retail store with 15,000 square feet of outdoor display area and parking.  
Case # 208-1-2-GRD-12

Art Nickless of Norway Plains Associates represented the applicant. He introduced Steve Younger from Tractor Supply who was in charge of building and development. Mr. Nickless explained that tractor Supply sells everything from clothing to feed for animals. The applicant had needed a variance for a reduction in parking due to the large number triggered by the large square footage of the building. The applicant required a large amount of storage space and did not need the number of spaces required by the ordinance.

Mr. Nickless explained that Two Rod Road had been closed subject to gates and bars. The applicant would be upgrading 350' an additional 400' would be improved to subgrade. The first 350' would be brought to Class V status. They would overlay Route 11 and stripe with a designated left turn lane. They would widen for right turns in. He described the sub-surface detention and infiltration system.

There would be 10-12 employees on site at a time. There is a small septic system requirement. The applicant needed to obtain a driveway permit from DOT and an alteration of terrain permit from DES. They have worked with the Meaders on access to their property.

Mr. Behrendt explained that Two Rod Road would remain Class VI so that Tractor Supply Company would maintain the road.

Mr. Sylvain opened the public hearing.

Steve Younger from Tractor Supply introduced himself and explained he was there to answer any questions that the board had.

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

Mr. Fontneau clarified that Tractor Supply would maintain the road but it would be built to City standards so that in the future it would not need to be upgraded.

Mr. Nickless stated they would need a driveway permit signed by the City.

Mr. Walker asked if a traffic survey had been done.

Mr. Nickless explained that once Granite Ridge kicked in further up the road they would need to look at the need for lights.

Mr. Sylvain stated they have not had an issue at the Severeno site.

Mr. Nickless explained that the state would say who trips the need for a traffic light.

*A motion was made by Mr. Gray and seconded by Mr. Healey to approve the application. The motion carried unanimously.*

Mr. Behrendt explained that per the Local Advisory Commission a provision to add a spill water service was recommended.

Mr. Nickless stated it would be incorporated.

The board took a recess at 8:15 p.m.

The board reconvened at 8:25 p.m.

- E. The Villages at Clark Brook Planned Unit Development (PUD) for the Villages at Clark Brook, Old Dover Road** (by Bedford Design Consultants). Amendment to approved PUD for a change in the approved design and mix of uses. The maximum of 232 dwelling units would include 23 single family lots within the separate Little Quarry subdivision, up to 44 new single family lots, 18 duplex units, 3 live work units, and up to 144 multifamily units in four multifamily buildings. Case # 256-66-A/264-23-A-03

Robert Baskerville of Bedford Design Consultants represented the applicant. Mr. Baskerville discussed that during the subcommittee discussion they had talked about bringing water in from Rochester only. The Little Quarry fee per lot was \$1191.84 per lot sold.

Mr. Baskerville explained that as of now they had not designed to the specific numbers. They will stick to the 144 apartments but would like a maximum of 262 units. Their current intention was to have a duplex per lot. They would prefer to stay with the original frontage of 60' for duplex lots with 35' for lots on the cul-de-sac.

The applicant recognized the 50' perimeter setback for the project and wished to come in with 10 or 20 potential home styles to the board. They wanted to look at the 30" above grade requirement which was originally a requirement to accommodate a ramp when the project was proposed to be 55+ age restricted. Extra tree buffering would be incorporated to lot 256-65 to buffer that lot from the new road.

Mr. Sylvain opened the public hearing.

Jeff Hardick of 429 Old Dover Road urged the board to vote against the amendment, stating that it was totally different than the 2003 approval. Mr. Hardick discussed that of the 4 PUD's being developed over the last 7 years, none of them have been built out. He expressed that this was the only PUD with giant apartment buildings. He felt the impact on police; fire and schools would be significant. The lack of public transportation was a concern and the worry of foot traffic along Old Dover Road. It was his hope that the applicant would stick to the architectural standards for the approved project. He also expressed concern that the project may be income capped housing.

Robert Cole of 308 Old Dover Road expressed concern with the road conditions and safety along Old Dover Road.

Dave Balar of 428 Old Dover expressed that he had thought he had moved to an area of single family homes and was concerned with the fiscal constraints the development would place on Police and Fire.

John Norris resident of 404 Old Dover Road for 37 years stated he had no issue with a project going in but had issue with apartments. He expressed that apartments should be located in a denser area and this would be a bad area for kids and a huge negative cash flow for the City.

Ray Varney stated he never agreed with the City planner before but on this issue he did. Mr. Varney felt the amendment was a total change. He expressed concern with the proposed size of the lots, referring to the problems they have had with Heritage and the Norway Plains development. He felt that the applicant should get the project back to what it was supposed to be. Mr. Varney stated that the water needed to be connected to Rochester before certificates of occupancy are issued.

Brian Jacques stated he supports the idea of the board taking another look at the project. He did not believe that this is what was hoped for.

Mr. Sylvain brought the discussion back to the board and left the public hearing open.

Mr. Healey questioned the 30" height requirement.

Mr. Sylvain stated that he would have to check with codes.

Mr. Walker asked how many different types of home designs there were for the PUD Route 202.

Mr. Sylvain stated six.

Mr. Walker stated that the board needed to be consistent.

Mr. Fontneau agreed with Mr. Walker that consistency needed to be carried through. Mr. Fontneau stated he could not find a benefit to the City. He questioned the cost of services to the return. In his opinion the City would be collecting a minimal amount of revenue per unit and the project was a distance from the city core. The public who had spoken Mr. Fontneau understood were not opposed to development but to the plan being presented. The lot size was of concern with a reduction to 60' for duplex lots. He also expressed concern with the units changing from owner occupied to rental units.

Mr. Healey expressed that he had thought the cul-de-sac had been removed,

Mr. Baskerville clarified that the area had been where the fifth large building had been located.

Mr. Healey stated that he was not a fan of the 35' of frontage.

Mr. Walker stated that he did not agree with PUD's by nature. The applicant had bought a preexisting PUD and board was addressing amendments so that it would work for the developer. He asked if there had been multifamily in the original PUD.

Mr. Sylvain stated no.

Mr. Martineau stated that it was similar to a government bailout. He wanted to explore interconnecting the utilities and asked whether it was part of the original PUD. Mr. Martineau also questioned whether a traffic study had been done.

Mr. Behrendt explained that the applicant was not increasing the number of units overall and went over the numbers.

Mr. Kozinski the seven identified phases on the plan and described a phasing to assure half the single family units would be built before completion of the final multifamily building.

Mr. Baskerville explained they had used colors to identify phasing versus numbers in an attempt to be flexible. Each time they stop they will make sure that the City is taken care of for turn around.

Mr. Sylvain explained that the applicant would need to make sure infrastructure was in, in order to make sure that the water could be looped.

Mr. Baskerville went over possible sequences and the need to do more test pits. They would like to keep blasting to a minimum.

Mr. Gray discussed the fact that some of the abutters had purchased their property in the last 2-3 years and that this project had been approved in 2003. There would be a significant tree buffer. The apartment building had been taken out at the entrance because it was visible. There was a benefit to the community bringing the Rochester water down. He explained that industrial and commercial properties balance the tax burden and that apartments are not as big a drain as single family homes.

Mr. Fontneau felt that the applicant had been going back and forth on the number of total units and he had heard conflicting statements on the level of design which had taken place. He then questioned the water connection.

Mr. Sylvain explained that originally there had been low interest loans available to pay for extending the waterline but that currently the available SRF funding places Rochester down at the bottom of the list.

Mr. Gray discussed the extension of the waterline. He did not believe it was reasonable to expect the developer to pay for two water sources.

Mr. Fontneau stated that there is an approval in place and the water connection was part of the approval.

Dick Anagnost explained that the City of Rochester had originally applied for the loan of \$600,000 to extend the waterline from Rochester to the Village at Clark Brook. He stated that there had been 4 apartment buildings in the original PUD but they had been smaller in scale. He explained that this project cuts down impact on the environment. He also stated that this would be a market rate project with the average two bedroom rental in Rochester \$1100 this would be approximately \$1250.

Mr. Martineau asked what the benefit to the City would be to intercity connection of the waterline.

Mr. Behrendt explained that the potential benefit would be if one community lost water access the adjoining community could provide access in an emergency.

Mr. Healey discussed the other PUD's.

Mr. Behrendt explained that Highfields Phase II had been approved with multifamily.

Mr. Baskerville would like 262 units not 232 units for density.

Mr. Behrendt clarified the table.

Mr. Baskerville stated he would agree to 238 and 144 maximum on multifamily and not get into the amount of duplexes and single family.

Mr. Sylvain felt they he could leave the single family home at 44-50.

Mr. Sylvain stated he would like to determine frontage at subdivision phase.

Mr. Sylvain explained that to address the architectural issues the applicant would bring in designs for the boards review and the board would approve 4-6. They could also address on a case by case basis.



Mr. Healey clarified that no OHRV's should be allowed on the paths.

Mr. Martineau questioned the architectural materials.

Mr. Sylvain stated that they would be addressed when the applicant comes back.

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

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve as amended. The motion carried.*

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## **New Applications**

- A. Fairway Auto Sales, 72 old Milton Road.** Preliminary (design review) site plan for new automobile sales and service facility. Property owner/applicant-Blanchette/Hurley Realty, LLC/Michael Hurley. Case # 132-16-B2-12

Art Nickless of Norway Plains Associates represented the applicant. Mr. Nickless explained that a prior approval had required the redesign of Old Milton Road for an adjacent parcel. The applicant was going to request from the Council abandonment of a section of the road and conveyance to become part of the applicant's lot. Mr. Nickless described the area which is zoned business.

The site has sandy soils and the applicant has chosen to use pervious pavement. The proposal met all site requirements. The building would initially be to service the vehicles to be sold. There would be a floor drain and holding tank. The 40' X 60' building would contain a 20' X 20' office. They estimated there would be 40 - 50 vehicles for sale. The number of buildings still needed to be worked out with staff. A 6' X 56' long white vinyl fence would be installed along the property line.

Mr. Sylvain opened the public hearing.

Elizabeth Mailloux of 66 Milton Road stated that her main concern was privacy. They would like a barrier and had hoped to keep the trees but a fence the length of the property would be acceptable. She discussed a lot of water had backed up on their property due to digging that had taken place on the applicants property. She also stated that there were a lot of accidents coming off the exit.

Martin Mailloux explained that the trees were located on the property line.

Mr. Sylvain stated that there would be something put up for their privacy.

Ray Varney questioned when the project was going to start because the top soil had been stripped. He believed a barrier was needed and striping of the parking spots.

Mr. Sylvain brought the discussion back to the board.

Mr. Nickless stated that they would make sure the site was well protected and that they needed to go to Council as soon as they could.

Mr. Fontneau asked the reason for moving the building along with the change of driveway location.

Mr. Nickless stated better access.

Mr. Jeanson asked that the applicant be respectful of the amount of lighting used.

Mr. Behrendt stated that the site appeared to have been bulldozed.

Mr. Nickless stated a contractor had been hired to clear the lot and haul away and he understood that a lot had been removed recently.

Mr. Sylvain continued the application to July 16, 2012.

**B. Pipe Dreams Fabrication / John Branscombe II, 2 Old Dover Road.** Site plan for change of use from storage to metal fabrication and welding shop and associated site improvements.  
Case # 132-16-B2-12

John Branscombe explained that his application was for a change use from storage to a metal fabrication shop. He understood he had a number of issues he would have to address with the building Safety and Fire Department.

Mr. Sylvain opened the public hearing.

No one spoke.

Mr. Sylvain brought the discussion back to the board.

Mr. Healey asked what the hours of operation would be.

Mr. Branscombe stated 9-5 with all work being done inside the building.

Mr. Jeanson asked what types of welding he would be doing.

Mr. Branscombe gave an overview of the work.

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

Mr. Behrendt asked if the application needed to go to the Cocheco River Advisory Board.

The board did not feel it was necessary.

*A motion was made by Mr. Gray and seconded by Mr. Healey to approve the application pending the applicant working with Building Safety and Fire on conditions. The motion carried unanimously.*

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## **Other Business**

Ms. Gasses explained Granite State College intent to move into a building in the Lilac Mall and questioned whether the Board would need to review the site given its location.  
The Board did not feel it would be necessary.

## **Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Gray to adjourn at 10:41 p.m. the motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses  
Planning Secretary