

City of Rochester Planning Board
Monday June 18, 2012
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were accepted on July 2, 2012)

Members Present

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

Members Absent

Gloria Larochelle, Secretary, excused
Derek Peters, excused

Alternate Members Present

Robert Jaffin, excused
Gregory Jeanson, excused

Alternate Members Absent

Matthew Kozinski, excused

Staff: Kenn Ortmann, Director of Planning & Community Development
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)

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

The Planning Secretary conducted the roll.

Mr. Jeanson to vote for Mr. Peters

Mr. Jaffin to vote for Ms. Larochelle

Communications from the Chair

Mr. Sylvain reminded the board that there would be no Chapter 42 meeting. The next regular Planning Board Meeting would be July 2, 2012.

Opening Discussion/Comments (up to 30 minutes)

- A. **Public Comment**
None
- B. **Discussion of general planning issues**
None

Approval of minutes for June 4, 2012

A motion was made by Mr. Walker and seconded by Mr. Healey to approve the June 4, 2012 meeting minutes. The motion carried unanimously.

Continued Applications:

- A. **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, 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

Rick Lundborn of Norway Plains Associates represented SUR and Bald Eagle Holding Company. Mr. Lundborn went over the project which proposed the filling of wetlands created in the past when highway work had taken place. There the proposed creation of a gravel area with swales and a gravel wetland complex. The project proposes to undo what was done. The wetlands and alteration of terrain permit are in progress.

A motion was made by Mr. Fontneau and seconded by Mr. Healey to accept the application as complete deemed not at DRI, and grant the requested waivers from buffers, landscaping and screening requirements. The motion carried.

These waivers are granted upon a finding that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations.

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

New Applications:

- A. **Care Pharmacy/Home health Care - Frank Cassidy, South Main Street & Linden Street** (by Norway Plains Associates). Preliminary site plan to put a pharmacy (with drive-thru) and home healthcare store utilizing and existing building on lots 8 & 9 Case # 125-8 & 9-B2-12

Rick Lundborn representing the applicant explained the owners of Care Pharmacy would like to move back to the building they own from the site that is currently leased. Mr. Lundborn gave a brief overview of the project.

Mr. Sylvain opened the public hearing.

Kathleen Dowst of 15 Linden St. expressed concern that Linden Street would be used as a cut through and it was a narrow street. She believed there would be left turning traffic from Care Pharmacy onto Linden Street.

Mr. Sylvain brought the discussion back to the board.

Mr. Fontneau questioned what the plan was for the house if the driveway was to be used for the pharmacy.

Mr. Lundborn explained that the house would stay and that parking was available to the rear.

Mr. Walker expressed that he thought the tenants may block off Linden Street by parking in front of the house.

Mr. Lundborn explained that the Cassidy's owned the building and the tenants would park where they were told.

Mr. Gray explained that he did not feel using two lots made sense.

Mr. Lundborn expressed that they were more interested in getting feedback from the board on reoccupying the location, reconfiguration of the parking and the drive - thru at that time.

Mr. Walker felt an unintended consequence would be parking on Linden Street.

Mr. Fontneau explained that he had no issue with reoccupying the site but Linden Street was a nice residential street and narrow. He suggested possibly taking down the house and exiting back on to South Main Street.

Mr. Healey asked for the distance to the curb cut.

Mr. Lundborn stated 50'.

Mr. Sylvain asked for the distance from the front corner of the house to Linden Street.

Mr. Lundborn stated 30'-35' to the street edge.

Mr. Sylvain suggested going around the building back to South Main Street.

Mr. Gray asked what the required parking was.

Mr. Ortmann expressed that the parking requirement may be grandfathered.

Mr. Walker asked if the current Care Pharmacy had a drive-thru.

Mr. Lundborn stated no, due to the proximity of the creek.

Mr. Walker asked the size of the delivery vehicles.

Frank Cassidy explained that the delivery vehicles are usually u-haul sized trucks and they could deliver to either the back or the front of the building. He did not foresee the delivery vehicles exiting onto Linden Street.

Mr. Jaffin suggested vehicles entering from Linden Street.

Frank Cassidy explained that he owns about 16' that he has granted an easement to Auto Zone on. Mr. Fontneau asked where the deliveries had been in the past.

Frank Cassidy stated in the front.

Mr. Healey expressed that he did not see an issue with the Auto Zone easement.

Mr. Lundborn stated they would have to negotiate an easement with Auto Zone.

Mr. Ortmann explained that if the applicant were able to negotiate with Auto Zone the pharmacy would be able to exit through that driveway.

Mr. Jeanson explained if the Care Pharmacy had out only on South Main Street then they could eliminate one curb cut on South Main Street.

Mr. Lundborn expressed they had received the guidance they had sought tonight.

B. Chris Connelly & City of Rochester, 11 Brickyard Drive (by Norway Plains Associates) Lot line revision to transfer 10,015 square feet from lot 27 to lot 24. Case # 141-24 & 27-12-12

Rick Lundborn of Norway Plains Associates explained the 10,015 square foot addition to the Connelly lot from the City parcel.

Mr. Sylvain opened the public hearing.

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

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

IX. Chamberlain Investment Properties, Anderson Lane Subdivision (by Jones & Beach Engineers) Discussion on remaining issues regarding surety and project completion. Case # 118-51 & 119-100-A-04

Mr. Sylvain explained he requested this item be placed on the agenda. He explained that if you looked at the surety that there was \$10,000 for off site improvements which Peter Nourse was okay with. The question concerned whether \$182,500 was sufficient for the on site improvements necessary to complete the project.

Mr. Sylvain stated that he would like to give the developer until the workshop on July 16th to resolve issues with Peter. He also explained that when the issues with surety were resolved that the City would still need to acquire the right of way from Mr. Pierce if they wished to fix it. Roadway, curbing, sidewalks and drainage were still items which needed to be addressed.

Mr. Sylvain then gave a deadline of July 16th. He requested Kenn meet with Mr. Wensley regarding the issues and possibly have Mr. Wensley there on July 16.

Mr. Sullivan asked if it meant they would pull the surety after the 16th.

Mr. Sylvain expressed that they would have to wait and see what they have and decide then what to do.

Mr. Sullivan asked if the action would cost the City in legal fees.

Mr. Martineau requested there be a status update on July 2nd.

Mr. Sylvain asked that Mr. Ortmann get a hold of Mr. Jones and Mr. Nourse.

Mr. Ortmann explained that the board could revoke the approval and the issues that could come with that action.

Mr. Sylvain expressed a desire not to proceed in that direction.

Discussion ensued.

Mr. Sylvain expressed that the most important issue was to see if Mr. Pierce would cooperate in resolving the issues.

Mr. Gray stated that the board should reinstate surety for plowing.

X. Review of Surety & Inspections

Mr. Sylvain questioned why there were no inspections shown for Waste Management.

Mr. Ortmann suggested they may not have been needed.

Mr. Ortmann explained that Mr. Nourse coordinates inspections.

Mr. Walker wanted to see a list of all the inspections that are done.

Mr. Ortmann stated he would request a list of all the inspections being done.

XI. Other Business

Mr. Ortmann explained a precedent condition on the approval for Rochester Pediatrics should have been a subsequent condition. The parties were working to come to an agreeable street name and staff felt it should not hold up the plans being certified.

A motion was made by Mr. Walker and seconded by Mr. Martineau to make the naming and numbering of the street a subsequent condition. The motion carried unanimously.

Mr. Sylvain passed along well wishes to Ms. Larochelle for a fast recovery. The board's thoughts were with her.

Mr. Martineau thanked Ms. Gasses for her assistance during the transition to a new planner.

Mr. Sylvain stated that Jim Campbell would be starting as the City Planner on July 2.

Adjournment

A motion was made by Mr. Walker and seconded by Mr. Gray to adjourn at 8:13 p.m. The motion carried unanimously.