

City of Rochester Planning Board
Monday October 4, 2021
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on October 18, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner
A. Terese Dwyer
Tim Fontneau
Robert May
Mark Sullivan
Dave Walker

Members Absent

Lance Whitehill, excused

Alternate Members Present

Keith Fitts
Paul Giuliano
Donald Hamann

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planner I*

(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 recording secretary conducted roll call.

III. Seating of Alternates

No alternates were needed.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the September 20, 2021 meeting minutes. The motion carried unanimously.

VI. Consent Agenda

Mr. Sylvain announced the Board will take public input for the consent agenda items. He asked if anyone wished to speak to either of the items. There was no one from the public present to speak. Mr. Sylvain brought the discussion back to the Board.

A. The Cormier Family Revocable Trust of 2001, 110 & 116 Chamberlain Street

B. David & Lisa Lawrence, 24 & 28 Stonewall Drive

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the consent agenda. The motion carried unanimously.

VII. Continued Applications

A. Farmington Associate Properties, LLC, 68 Farmington Road

A motion was made by Mr. Walker and seconded by Mr. Collopy to accept the withdrawal of the application as requested. The motion carried unanimously.

B. Robert & Mary Small, 163 Whitehall Road

Christopher Berry of Berry Surveying and Engineering told the Board he met with Assistant City Engineer Timothy Goldthwaite on site to review upstream and downstream impacts to the project. He said he has also met with the Conservation Commission who unanimously approved the Conditional Use Permit as well as the Wetland permit for less than 3,000 square feet which has been submitted to NHDES for approval.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Ms. Saunders told the Board the Conservation Commission has reviewed the application and has given it approval.

Ms. Saunders said she recommends the Board approve the subdivision and reviewed the conditions of approval.

Mr. Walker said at the last meeting there was concern regarding drainage flowing down the road. Mr. Berry explained the swale in front of the project site is approximately ten feet wide which continues down the road in front of multiple properties. He said there is no decrease in the swale width until it reaches its destination which is a large pooling wetland.

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

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the subdivision with the conditions set forth. The motion carried unanimously.

C. Rob Graham, 0 Norway Plains Road

Patrick Crimmins of Tighe and Bond presented the modification application. He explained the approved design was a typical townhouse style apartment with a garage on the bottom floor and living space above. Mr. Crimmins said they are proposing a change to a two bedroom garden style unit without a garage. He said each unit will have two parking spaces in front of the unit with fifteen visitor parking spaces on site.

Ms. Saunders explained the modification is an architectural change. She said all the precedent conditions from the original approval have been met. Ms. Saunders went through the general and subsequent conditions for the modification, including Chapter 218 for stormwater, sewer and water ordinance. She said staff recommends approval of the modification.

Mr. Collopy asked if it will be the same number of units from the previous approval. Mr. Crimmins said yes.

Mr. Fontneau asked if these are to be rental units. Mr. Crimmins said yes. Mr. Fontneau asked who would be the management company. Mr. Crimmins said the applicant Robert Graham would be responsible for hiring a management company for the site. Mr. Fontneau expressed his concern because there have been issues with other rental units on the road. Ms. Saunders said she's not sure what the City has under it's codes but said she would review this proposal with both the Legal and Police Departments if the Board would like to continue the application.

Mr. Fontneau said this is a big change from what was originally approved and believes the abutters should have a say as it has the potential to have impacts to the surrounding homes. Ms. Saunders suggested changing the application from a modification to an amendment to allow for abutter notification.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to change the application from a modification to an amendment to allow abutter notification. The motion carried. Mr. Sullivan and Ms. Dwyer opposed.

VIII. New Applications

A. City of Rochester, 0 Eisenhower Drive

Mr. Giuliano and Mr. Fitts recused themselves from this application.

Director of Public Works Peter Nourse presented the plan for a subdivision to allow for a new municipal water tank. He said this application is part of a thirteen million dollar project to bring water to the Route 202A corridor which will service approximately 156 households. Mr. Nourse explained many of the homes have wells which have primary and secondary contaminates. He said the secondary goal is to provide water service to the west side of the city to support future growth.

Mr. Sylvain opened the public hearing.

Paul Daly of 93 Fillmore Boulevard asked if this will be a tank or a tower. He asked how long the installation will take and the number of vehicles it will create daily.

James Hayden of 10 Eisenhower Drive said the subject parcel is currently under compliance review and is scheduled to be before the Board on October 18th. He said it wouldn't be prudent to approve any further subdivision before that time given all the stormwater and construction issues on site. Mr. Hayden said he finds

issue with the waiver request regarding new construction. He urged the Board to wait until after the October 18th hearing before making a decision on this application.

Paul Giuliano of Fillmore Boulevard said the application that was submitted appears to be incomplete because the box regarding existing easements or covenants on the property was checked as N/A, he said there are in fact a declaration of covenant restrictions and easements on file with the Registry of Deeds. Mr. Giuliano said he is also concerned with construction vehicle access.

Shelly Gingras of Fillmore Boulevard asked why the access for construction come from the west side of the development if that is where the water tank will service.

Mike Heineman of 13 Eisenhower Drive said he feels the timing of this application is not appropriate and should be moved to after the compliance hearing on October 18th.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Ms. Dwyer asked if there is a deadline that has to be met to receive the grant money for this project. Mr. Nourse explained the deadline is for the construction company as they will only hold the contract until November 23rd.

Ms. Dwyer asked why the access road has been changed from Bickford Road. Mr. Nourse said it was never approved to come up through Bickford Road because there are wetlands and the terrain is very steep.

Ms. Dwyer asked who is responsible if more damage is done to road in Highfield Commons. Mr. Nourse explained the roads are in poor condition now. He said this project is not going to cause any more damage to the roads.

Mr. Collopy asked if there will be a site plan review since this is a municipal project. Mr. Nourse said he would be happy to present the Board the site plan for the water tank.

Mr. Fontneau asked Mr. Nourse to answer as many of the questions from abutters as possible. Mr. Nourse explained the water tank has been talked about since 2007 for this site. He said it will be approximately 160 feet tall because the top has to be at a certain elevation. Mr. Nourse explained a couple years back they were looking at the top of Highfield Commons but the developer didn't like that idea because of home values so they put it down the back slope of the hill which is why it has to be taller.

Mr. Nourse said the intent is for the City's contractor to build a temporary gravel road which will start at the current termination of Eisenhower Drive and extend 1,300 feet.

Mr. Fontneau asked how long the project will take from start to finish. Mr. Nourse explained it will be a two year project starting in the spring of 2022 and finishing by 2024.

Ms. Saunders explained city projects are exempt from rules and regulations however, staff does take into account the Board's concerns.

A motion was made by Mr. Fontneau and seconded by Ms. Dwyer to continue the application to the October 18, 2021 meeting. The motion failed with a 4-4 vote.

A motion was made by Mr. Walker and seconded by Mr. Collopy to accept the application as complete. The motion carried. Ms. Dwyer opposed.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the subdivision with the conditions stated. The motion carried. Mr. Fontneau and Ms. Dwyer opposed.

B. Billings Family Revocable Trust, 161 Chesley Hill Road

Eric Salovitch of Northam Survey, LLC presented the plan for a two lot subdivision. He explained the lot is located at the top of Chesley Hill Road adjacent to the water tower and is 4.2 acres with 415 feet of frontage along Chesley Hill Road. Mr. Salovitch said the applicant is subdividing one lot for their daughter to build a home which will be serviced by city water and an on-site septic system.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Ms. Saunders told the Board the applicant has one waiver request of the Subdivision Regulation for topography and soils which Staff supports and recommends the application be accepted as complete.

A motion was made by Mr. Collopy and seconded by Mr. Walker to accept the application as complete. The motion carried unanimously.

Ms. Saunders went on to review the conditions of approval which are all standard conditions.

Mr. May asked where the existing driveway is located. Mr. Salovitch explained the area shown on the plan.

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

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the subdivision with the conditions stated. The motion carried unanimously.

C. Egwanulti Farms, LLC, 996 Salmon Falls Road

Ryan Fowler of Horizons Engineering explained the subdivision to create a homestead lot to allow an heir to purchase with the remaining property to remain a woods lot which will remain with the trust. Mr. Fowler said the subdivided lot is located on a class six road.

Mr. Sylvain opened the public hearing.

Robert Badeau of 981 Salmon Falls Road asked if the land will be further subdivided or if it will just remain a homestead parcel and if the remaining 38 acres will remain agricultural.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Fowler said the plan right now is to maintain the farm as is currently being operated.

Ms. Saunders said this is a simple two lot subdivision and reviewed the conditions of approval. She said any future development would have to meet the NFP1 requirements which means fire flow calculations would be needed. Ms. Saunders explained the applicant would need to seek approval from the City Council for any building permits on the subdivided lot because it is on a class six road.

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

Mr. Badeau said Salmon Falls Road is going through a building boom right now and another 30-lot subdivision is not needed. He said there is a lot of traffic on Salmon Falls Road, there's no fire hydrants or city water.

Ms. Saunders explained the lot is zoned agriculture which does allow for residential development. She said the only way to protect that parcel is for someone to purchase it and protect it or purchase the development rights for it.

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

IX. Other Business

A. Planning Update

Ms. Saunders announced the Planning Department has hired a new full time Administrative Assistant, Ashley Greene who will be taking over Planning Board responsibilities. Ms. Saunders also announced the department has also hired a new Planner I, Ryan O'Connor.

B. Other

Mr. Collopy discussed issues he has been having with the Post Office getting his packets for the meetings to him on time. He said he is willing to pick them up from the Planning Department and urged others to do the same.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Fontneau to adjourn at 8:11 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planner I

and

Shanna B. Saunders,
Director of Planning & Development