

City of Rochester Planning Board
Monday October 18, 2021
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on November 1, 2021)

Members Present

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

Members Absent

Tim Fontneau, excused

Alternate Members Present

Keith Fitts
Paul Giuliano
Donald Hamann
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planner I*
Ashley Greene, *Administrative Assistant II*

(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.)

I. Call to Order

Nel Sylvain called the meeting to order at 7:00 pm.

II. Roll Call

The recording secretary, Crystal Galloway, conducted the roll call attendance. All members were present, except Tim Fontneau, who was excused.

III. Seating of alternates

Mr. Sylvain asked that Lance Whitehill vote in place of Tim Fontneau.

IV. Communications from the Chair

There were no communications from the Chair.

V. Opening Discussion/Comments (up to 30 minutes)

A. Public comment

Mr. Sylvain opened the floor to public comment and stated that this was the time for input for the abutters of Highfield Commons regarding infrastructure and draining.

James Hayden, of 10 Eisenhower Drive, presented with a handout to the board in relation to the construction, erosion, and sediment control measures of Eisenhower Drive. Mr. Hayden pointed out the lack of construction entrances and access points for stockpiles. Mr. Hayden also notes that there are approximately two acres of unstabilized areas. Mr. Hayden states that there are deficiencies between the approved plans and what has been built as of October 17, 2021, including the lack of a paved hammerhead turnaround at the end of the road, which instead is a dirt circle. Mr. Hayden also stated that the swale has not been constructed correctly, therefore resulting in runoff collecting at the bottom of the street.

Joe Pauline, currently of 71 Monroe Drive #7, and a future homeowner of 18 Eisenhower Drive, presented to the board and asked that Certificate of Occupancies (COs) be issued to those who have been waiting for their homes for over two years.

B. Discussion of general planning issues

There were no issues to be discussed.

VI. Approval of minutes for October 4, 2021

Dave Walker motioned to approve the October 4, 2021, minutes. Mark Collopy seconded. Motion was carried by a unanimous voice vote.

VII. Consent Agenda:

A. Golden Oaks Development, LLC, Freedom Drive - *EXTENSION*

Dave Walker motioned to approve a 6-month extension to Golden Oaks Development, LLC, Freedom Drive. Mark Collopy seconded. Motion was carried by a unanimous voice vote.

VIII. Compliance hearing:

A. SDJ Development of Rochester, LLC, Fillmore Boulevard/Eisenhower Drive

Shanna Saunders, Planning Director, presented a PowerPoint presentation for the Board to show the progress that has occurred since April 2021. Ms. Saunders showed a construction site that was unstabilized with fill piles, yards, fill washing through home sites and getting into the drainage systems, and fill piles dangerously close to houses that were under construction. Due to those violations, the Planning Board issued a letter to Chris Strickler, the developer of SDJ Development. The letter stated that all storm water ponds, forebay's spillways, swales, catch bays, and piping including along the infrastructure along the Access Road and on Hussey Hill be completed. Ms. Saunders stated that street signs, stop bars, and streetlights have been installed. Ms. Saunders stated that after the letter was issued, a third-party engineer was hired by DPW. Ms. Saunders stated that in August the investors got involved and their engineer, Keach-Nordstrom Associates, Inc, presented a letter dated August 9, 2021, that stated they would work with the developer to complete and maintain the site. Ms. Saunders discussed the work that was completed, including reconstructing the ponds so that they work properly. Ms. Saunders stated that Asbuilts were received on October 14, 2021. The Asbuilts were not fully reviewed due to late submittal. Ms. Saunders stated in conclusion that all stockpiles have been removed from lot #16, #17, #18, #22, and #24. Ms. Saunders stated that the City does not feel that the Emergency Access Road meets design requirements due to the pitch of the road, and the adjacent swale. Stormwater infrastructure appears to meet approved plans. Ms. Saunders stated that per Department of Public Works there are still design items that need to be met. Ms. Saunders stated the City Staff Recommendation is to release lots 6(#16), 7(#18), 8(#22), and 9(#24) with COs and a Conditional CO for 63(#17) as long as the swale behind it is relocated off the lot and the Asbuilt is updated to reflect this change.

Dave Walker asked if all the items from the August 9, 2021, letter from Keach-Nordstrom Assoc, Inc. been fixed? Ms. Saunders stated the stockpiles have all been pushed back one hundred (100) feet from all the COs that staff is recommending being released. Ms. Saunders states staff does not feel that the Emergency Access Road has been fixed. Hussey Hill Infiltration Basin (Pond #2), Upper Wet Pond (Pond #1), 30" Diameter Stormwater Outlet at Headwall HW #1 have all been fixed. Asbuilts have been received but the swale must be fixed and the Asbuilts resubmitted.

Mark Sullivan asked if anyone has talked to Mr. Hayden and about his testimony. Ms. Saunders stated that letter presented is new to her tonight but the information presented is not new information, almost all of the letter has been picked up in Maintenance reports before, but it is maintenance related information and not specific to CO's being issued.

Robert May asked Mr. Hayden how old the photographs were in his presentation. Mr. Hayden stated that the photographs were taken over the last three to four days.

Terry Dwyer asked Ms. Saunders the date of the photographs in her presentation. Ms. Saunders stated that the photos she presented were dated along with the timeline in her presentation. Ms. Saunders stated that the photos taken of the swale, were taken this afternoon, October 18, 2021. Ms. Dwyer stated that she is concerned about maintaining the roads with all the dirt and vehicles that are continuing to travel the road to continue the site work.

Mr. Sylvain called Matt Peterson, Keach-Nordstrom Associates Engineer, to speak regarding Highfield Commons. Mr. Peterson stated that he was not aware of the Emergency Access Road not being up to design standards. Mr. Peterson stated that he will be redoing the Asbuilt regarding the swale behind 63(#17). Mr. Sylvain stated that he agreed with Mr. Hayden's presentation. Mr. Sylvain stated that he visits the site once a week. Mr. Sylvain requests that the developer get a street sweeper and sweep once a week. Mr. Sylvain stated that the catch basins did not have baskets in them. Mr. Peterson stated that the baskets were removed from the catch basins because the road is now paved, the baskets are only for when road is gravel. Mr. Peterson agreed that sediment should not be all over the road and he would have a detailed

conversation with the investors. Ms. Saunders stated that catch basin protection does need to be put back in due to the road being covered in sediment. Ms. Saunders stated that she will follow up with Steve Keach about that. Mr. Sylvain questioned why the piles are still all over the site. Mr. Peterson stated that the developer has an erosion control specialist that comes to the site every week. Mr. Peterson stated that he is unable to answer the questions, he will have to get the information from Cindy and Stonyridge.

Ms. Saunders stated that as of April the board decided to not issue any COs until all of the criteria had been met, which was the stockpiles, the stormwater infrastructures and the asbuilts. The recommendation from staff is to issue four COs, the four on the left side of the street, and the conditional CO on the right side of the street with the update of the asbuilt and the movement of that swale, to get the swale off private property. Ms. Saunders stated there are two options, motion to vote, or no motion with direction to the developer.

Mr. Walker stated that he cannot in good conscious vote for COs without the list being completed.

Robert May stated that he is inclined to follow staff recommendations. Mr. May stated that it is important to figure out how to make this not happen again.

Mr. Sylvain stated that it is important to communicate with the Board and City Personnel if work falls behind.

Mark Collopy asked if Tim Goldthwaite, Assistant City Engineer, could speak on behalf of the Access Road and what needs to be done. Mr. Goldthwaite stated that the Access Road was not built according to plan, and it has incorrect cross pitch, and the swale is irregular and nonuniform in elevation.

Mr. Sylvain asked Mr. Goldthwaite is the specs as far as material on the Access Road are being met? Mr. Goldthwaite stated that specs are being met, but he is not sure the specs are causing the road to function as intended. He recommends a wrap material.

Mr. Walker stated that he believes the developer needs to comply with the Planning Board before anymore COs are given.

Mr. May motioned to grant 4 COs and 1 Conditional CO as recommended by Staff. The motion was not seconded.

Ms. Saunders stated that the direction she will give the developer moving forward is to fix all outstanding erosion control and stabilization issues before any COs will be issued by the Board.

Mr. Sylvain requested that Courtney Donaldson (an investor) be at the next Planning Board Meeting.

Donald Hamann stated his concerns for the first frost and how the site is not ready for winter. Ms. Saunders stated that Keach-Nordstrom Associates, the engineer, has given a list to the Planning Department of what needs to be done to get the site ready.

Mr. Sylvain called for a recess at 8:04 pm.

Mr. Sylvain called the meeting back to order at 8:10 pm

IX. Release of Surety:

A. EIP Communications I, LLC, 133 Blackwater Road in the amount of \$8,759.75 plus interest, Map 257 Lot 24

Ms. Saunders stated that this is a cell phone tower site off Blackwater Rd. Asbuilts have been received and have been signed off by Tim Goldthwaite and herself.

Mr. Walker asked if proper signatures had been received. Ms. Saunders stated they were in the packet presented for the Board.

Mr. Walker motioned to release the surety for EIP Communications I, LLC, 133 Blackwater Road in the amount of \$8,759.72 plus interest and Mr. Collopy seconded the motion. The motion carried by a unanimous voice vote.

B. Village at Clark Brook, Asteria Lane in the amount of \$1,273,324.60, Map 256A Lot 66

Ms. Saunders stated this was a phase of the project for two 30-unit apartment buildings. Asbuilts were received back in January/February. Dana Webber and myself signed off on the surety. Ms. Saunders stated the roadway will remain private and not taken on by the City.

Mr. Walker motioned to release the surety for Village at Clark Brook, Asteria Lane in the amount of \$1,273,324.60 and Mr. Collopy seconded the motion. The motion carried by a unanimous voice vote.

X. Review of September 2021 surety and inspections

Ms. Saunders stated Fillmore/Monroe Drive items were followed up on. Bonds were paid but waiting on the certificate of the bonds. Letters were sent to bonds from December.

Ms. Saunders stated that two letters have been sent to BD & B Pitch Ford Holdings, Lucas Lane, with no response back, in reference to outstanding bonds. Ms. Saunders stated that staff will attempt to be in touch with them, and if they don't respond they risk revoking their subdivision. Ms. Saunders stated they would be invited to the November 1 meeting, and if they did not show the process to revoke the subdivision would begin.

Ms. Saunders stated Aloe Pines on Ten Rod Road is another outstanding bond. Have been discussing with Department of Public Works and will bring more info to the next meeting.

XI. Other Business

A. Planning Update

Ms. Saunders stated the Annual Retreat is being planned for November 15, 2021, on the Regular Workshop date at 6:30 pm, located in the Annex Building upstairs. Department heads that work with land use will be invited to give a presentation and to discuss what is needed between each department.

Ms. Saunders discussed updates on Strafford Square.

Ms. Saunders introduced Ashley Greene as the new full time Administrative Assistant II and Ryan O'Connor as a new Planner I.

B. Other

Mr. Sylvain stated we need to take a vote to send Paul Giuliano to the City Council to make him a voting member on the Planning Board.

Mr. Walker motioned to move Paul Giuliano up to a voting member and the motion was seconded by Terry Dwyer. The motion carried by a unanimous voice vote.

XII. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn the meeting at 8:27 p.m. The motion carried by a unanimous voice vote.

Respectfully submitted,

Ashley Greene,
Administrative Assistant II

and

Shanna B. Saunders.
Director of Planning & Development