

City of Rochester Planning Board
Monday April 3, 2017
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on April 17, 2017)

Members Present

Nel Sylvain, *Chair*
Dave Walker, *Vice Chair*
Matthew Kozinski, *Secretary*
Tim Fontneau
Rick Healey
Mark Sullivan
Tom Willis
Robert May

Members Absent

Robert Jaffin, excused

Alternate Members Present

James Gray
Jeremy Hutchinson

Staff: James Campbell, *Director of Planning & Development*
Michelle Mears, *Staff Planner*

(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 7:00p.m.

The Staff Planner conducted the roll call.

III. Seating of Alternates

Mr. Hutchinson to vote for Mr. Jaffin.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of minutes for March 20, 2017

A motion was made by Mr. Walker and seconded by Mr. Hutchinson to approve the March 20, 2017 meeting minutes. The motion carried unanimously.

VI. Continued/Postponed Applications:

[Real Estate Advisors Inc., 24 Jeremiah Lane](#) (by Berry Surveying & Engineering) 53-Lot subdivision for single and duplex housing. Case # 223 – 21 – A – 16 **Public Hearing 24**

Mr. Berry from Berry Surveying and Engineering gave an update on 24 Jeremiah Lane project. The project is being continued until the June 5th Planning Board meeting. Over the last 6 months the applicant has been working with abutting neighbor for second means of egress. Mr. Berry is working on finalizing hard engineering starting TRG process single families and duplexes and submitting to the Planning and Development Department. The applicant continues to work in the Right-of-Way issue through Jeremiah Lane. The new plan sheet includes an oversized culvert design it will be an open box structure recommended by Conservation Commission. There is currently a well on the site. The open space will be clustered around Brenda Lane. There will be a number of rain gardens installed for impervious service flows. The traffic engineer reviewing analysis for full looping road trip calculation will be reconfigured for the Planning Board. The existing farmhouse will remain on a new lot. Mr. Berry will be submitting plan sets this week. The applicant is working with the abutters who have requested additional information. Conservation Commission has approved the current conceptual project. Mr. Berry wanted to clarify that the wetlands map from the Natural Resources Master Plan of city soil overlay is not an onsite analysis of the wetlands and site specific soils. The tax map shows a “pond” area which is not a vernal pool a function and values report on file in the city.

Mr. Sylvain opened the Public Hearing.

Mr. Benton an abutter to the project passed out a handout for the Planning Board members. Mr. Benton has been in contact with NH DES. Mr. Benton said currently the NH DES has denied the Franklin wetlands permit. Mr. Benton has a number of concerns with this project. The first item is a spring that has a reservoir of water for irrigation 6 feet deep 2.5 ft of water in August. The current ROW on lot 37 is within the lot line not outside. Another concern is the city owned hammer head is in a quarter of the ROW abutters George Stewarts property. The current Jeremiah Lane will not be used and there is a concern of motorized vehicles such as ATVS going on the ROW. In proposed lots 21-18 and 15 the ROW goes through the middle of those lots. The concern that Mr. Benton has is who owns the land of the ROW assumes it is the person that owns the land. The easement of the ROW was deeded for the Huppes to go to the 20 acre plot of land. The ROW states there will be a trail on the proposed set of plans that was submitted. Mr. Benton is also concerned about the 20 acres that have been clear cut prematurely. Mr. Benton also stated that there is a wetland in the left side of the parcel has a brook that runs to the lower right of the property.

Mr. Dillow an abutter to the project had many of the same concerns as Mr. Benton. Mr. Dillow is also concerned about the standing water within the proposed lots.

Mr. Martin at 35 Brenda Lane last February paraphrased Master Plan Natural Resources chapter importance to protect open fields, wetlands, and vernal pools. Mr. Martin stated that agriculture

present challenges to delineation of wetlands absence of indicators. There is guidance on how to deal with wetlands that lack hydrology indicators. Mr. Martin contacted NH DES thinks the wetlands on the site need to be considered as one system the large wetland. Mr. Martin stated that there are 130 test pits and none are in the wetlands identified on the plan to show water table and saturated soils. Mr. Martin has concerns for the Gove Environmental wetlands report that was done in the winter months and stated there is no vernal pool. Mr. Martin stated that NH DES requires that vernal pool would need to be protected by a 50ft buffer. The delineations of fragmented do not meet standards of Army Corps of Engineers and recommends new delineation be completed with test pits and completed by a different wetlands firm.

James Benton 579 Portland abutter to the property believes there is a vernal pool on property. Mr. Benton has concerns about the ROW and it being stated as a trail and recorded book 3985 page 392. He is waiting on new set of plans and it will be submitted this week and will go to TRG April 27th.

Mr. Gray would like clarifications on the Erikson property and driveway on Portland Street.

Mr. Fontneau asked Mr. Berry to clarify book and page 1196 page 398 and ROW.

Mr. Willis had questions about when the wetlands were delineated. Mr. Berry stated they were completed in fall 2015.

Mr. Willis questioned if the water and sewer will go into an existing city system without a pump station. Mr. Berry stated that there are no pump station along the way. Water is tying into the high pressure line to Evenlyn Drive.

Mr. Sylvain asked Berry Surveying and Engineering if there could be test pit in wetlands and Planning Board will need to know water table for lots. Mr. Berry stated that the reason there is so many test pits was because there was a concern with the ledge.

Mr. Fontneau is concerned about the discrepancies of vernal pool. Can we get clarification on this pond? Mr. Berry stated that in fall of 2015 Gove went out and delineated wetlands for the site and early this year for the vernal pool. Mr. Berry stated that the applicant could hire Stony Ridge Environmental about the vernal pools if needed. Mr. Berry clarified that the wetlands permit has been withdraw application. The applicant will need to resubmit new set of plans and they will file a standard dredge and fill permit to NH DES.

Mr. Campbell stated that the board should make a motion to have a second opinion on vernal pools.

A motion was made by Mr. Walker and seconded by Mr. Willis to have the applicant hire another wetland scientist to examine the vernal pools. The motion carried unanimously.

Mr. Sylvain stated his concern about the ROW issues. The abutters question is about the road near Franklin and motorized vehicles are allowed to use that trail. Also can residents of the subdivision can use ROW?

Mr. Walker stated the need for a legal definition of trail. There is a need for a legal opinion on this matter from the city.

Mr. Fontneau asked if the lots 10 and 11 will have shared access? There is a proposed easement?

Mr. Walker asked why would residents need access to ROW? Mr. Berry stated that there is a trail system in the back of the parcel.

Mr. Healey stated that trails are defined by use. The ROW can't be gated or blocked off. Building on a trail there needs to be permission. This is a trail on a ROW.

Mr. May questioned whether the new owners of the ROW on each lot be required to keep this open? Mr. Berry stated that residents will be subject to a Home Owners Association (HOA). This will not be open to the public just the residents of subdivision.

Mr. Willis questioned the purpose of the HOA? Mr. Berry stated the need for the HOA was for the Low Impact Design, drainage, management of open space, and management of wetland buffers.

Mr. Willis stated that the Planning Board will need documents for the HOA and bylaws.

Mr. Benton the abutter of the project questioned the deeded ROW and the trail. He stated the on 1-6-17 NH DES denied the permit. He stated that the applicant must reapply to the wetlands bureau at NH DES. The applicant did not withdraw the application. The ROW will be owned by multiple owners will be hard to manage.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the site plan application to the June 5th, 2017 Planning Board meeting. The motion carried unanimously.

[Harold & Dorothy Caler & Real Estate Advisors Inc., 151 Franklin Street & 24 Jeremiah Lane](#) (by Berry Surveying & Engineering) Lot line revision. Case # 111&223 – 83&21 – R1 – 16 **Public Hearing**

A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the Lot Line application to the June 5th, 2017 Planning Board meeting. The motion carried unanimously.

[Cramer Family Trust & Patricia Woodward Trust, 156 Old Dover Road & Laura Lane](#) (by Trittech Engineering Corp.) Lot line revision. Case# 140&253 – 73,23&24 – R1 – 16 **Public Hearing**

The application was *withdrawn*.

[Makris R.E. Development, LLC, Chesley Hill Road & Donald Street](#) (by Beals Associates) 51-Lot subdivision. Case# 137 – 9&10 – R1 – 17 **Public Hearing**

Chesley Hill 51 lot subdivision will be continued to May 1st Planning Board meeting and abutters will be notified by mail. The Planning Board is requesting a site walk for the project.

[Makris R.E. Development, LLC, Chesley Hill Road & Donald Street](#) (by Beals Associates) Lot line revision. Case# 137 – 9&10 – R1 – 17 **Public Hearing**

Chesley Hill lot line revision will be continued to May 1st abutters will be notified by mail.

[WCS Development, LLC, 56 Whitehouse Road](#) (by Trittech Engineering Corp.) Amendment to an approved subdivision to allow overhead utilities. Case# 256 – 10 – A – 16 **Public Hearing AMENDMENT**

The application was continued to the April workshop meeting.

VII. New Applications

[Sister Mary Agnes, 19 Grant Street](#) Conditional use permit to allow a school. Case# 125 – 125 – R2 – 17 **Public Hearing FINAL ACTION***

Sister Mary Agnes presented the conditional use to allow a school at St Charles request for change of use from being a children's home to becoming a school. Under Chapter 42 the table of uses this is a conditional use permit. There are no waivers for the applications. Sister Mary Angas stated that there will need to be final approval from Building Zoning and Licensing Services and Fire Department. The Fire Department needed to check with codes because it is a change of use there was a walk thru on Friday.

[Mr. Sylvain](#) opened the Public Hearing- there was no one in attendance.

[Mr. Fontneau](#) had a question about residents at the property. Sister Mary Agnes stated that there are currently no residents on the property and that NH Catholic Charities owns the property. The goal is for Saint Charles to apply to become certified special education program.

A motion was made by [Mr. Walker](#) and seconded by [Mr. Fontneau](#) to accept the Conditional Use permit as a complete application. The motion carried unanimously.

[Mr. Willis](#) questioned the current proposal which serves 12 students currently. Sister Mary Angas stated that there are standards for special education classroom. The goal is to have 3 classrooms with a maximum of 36 students each would have its own teacher and paraprofessional.

[Mr. Willis](#) asked if this would this be open to other districts? Sister Mary Angas stated yes it will be more challenge or special needs. This will be serving public schools and surrounding communities.

[Mr. Willis](#) asked about transportation parking issues when there are 36 students. Will there be enough room to grow? Sister Mary Angas stated that this was mentioned at the TRG and yes there is public parking available to Saint Charles school.

A motion was made by [Mr. Walker](#) and seconded by [Mr. Sullivan](#) to approve the Conditional Use permit for Saint Charles School. The motion carried unanimously.

[Leperle Family Trust, Michael Garland & Ellen McDonald, 44 & 52 Haven Hill Road](#) (by Norway Plains Associates) Lot line revision. Case# 255 – 24&24-1 – A – 17 **Public Hearing FINAL ACTION***

Mr. Lawler from Norway Plains is representing the Laperle Family Trust for the proposed lot line revision. This is to provide additional space for the major subdivision.

Mr. Sylvain opened the Public Hearing- there was no one in attendance.

Mr. Campbell stated that this application is complete and should be contingent upon approval of the subdivision.

A motion was made by Mr. Walker and seconded by Mr. Healey to accept this as a complete application. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Healey to approve the lot line revision contingent upon subdivision approval. The motion carried unanimously

LaPerle Family Trust, 52 Haven Hill Road (by Norway Plains Associates) 10-Lot subdivision.
Case# 255 – 24-1 – A – 17 **Public Hearing FINAL ACTION***

Mr. Lawler from Norway Plains is representing the Laperle Family Trust for the proposed 11 lot subdivision. Mr. Lawler stated that the proposed 11 lot subdivision storm water management is roadside ditches directed into a treatment swale. There is a waiver from increase in storm water from site Chapter 50. This will be discharged into a large wetlands and was reviewed with Assistant City Engineer. The Conservation Commission meeting was postponed due to the snow storm.

A motion was made by Mr. Walker and seconded by Mr. Healey to accept this as a complete application. The motion carried unanimously.

Mr. Sylvain opened the Public Hearing.

The abutter Andrew at 11 Salmon Falls road questions the intensity of the development. He stated that there is flooding impacts at Haven Hill. The abutter has concerns about the volume of water that will come off the site.

Mr. Campbell stated that there are several items for discussion for tonight waiver, Conservation Commission site walk, and the Conservation Commission had no recommendations because they were unable to hold the meeting because of the snow storm. The waiver request was from the Chapter 50. The proposed subdivision is in a FEMA flood zone. There are several lots that have high water table and NH DES will require mounding of septic system.

Mr. Sullivan questioned if 11 lots too much for this project. There has been no FEMA flood zone designation 100 year A Zone for any previous Planning Board projects.

Mr. Willis asked if there has there been discussion about this becoming a community water system? Ten lots or more needs to be community water system. There needs to be a determination weather the existing lot is ten lots or nine? Mr. Lawler has not had a conversation with NH DES about a community water system.

Mr. Fontneau asked about the septic system will start at ground level or above? What type of basements will this be a slab? He stated that full basement will not be recommended with

seasonal high water tables. Is there numbers that show us the buildable upland lot area? Mr. Lawler stated that the average size is 61,000 or 9,000 sf. Chapter 42 requires that a 3,000 sf buildable area.

Mr. Walker stated that this project screams problems and the number of lots should be reduced.

Mr. Sylvain will four lots with seasonal high water have a foundation drainage. The four lots need to be on a slab in the back parcel. He is concerned about water issues for home buyers.

Mr. Walker has concerns with the waiver request. This area gets flooded a lot.

Mr. Fontneau wants the Conservation Commission recommendations on this site and the impacts wetlands.

Mr. Campbell stated that there is a minor increase in volume in storm water 10 and 25 year events. DPW supports this project.

Mr. Lawler acknowledged that the increase over the 10 acre watershed it will be increased by a quarter inch.

Mr. Willis has concerns about the structures that are located along the Haven Hill Road and flooding impacts.

Mr. Lawler agreed to do the modeling for the culverts.

A motion was made by Mr. Fontneau and seconded by Mr. Hutchinson to continue this application to the first week of May Planning Board and asked if the Planning Board could be notified of the Conservation Commission site walk The motion carried unanimously.

Dr. David Pak, 248 North Main Street (by Norway Plains Associates) Site plan to construct 2,868 sq. ft. dental/medical office building. Case# 115 – 19 – R1 – 17 **Public Hearing FINAL ACTION***

Mr. Lawler from Norway Plains presented the application for site plan for a 2,868 sf dental and medical office building. This is a proposal for medical dental office building located at North Main street and Cushing blvd. The applicant obtained variance in 2015 for the medial office use in the residential 2 zone. The parcel has been vacant 20 years. There will be 18 parking spaces. The drive access will be on Cushing BLVD. There are 4 additional parking spaces than required. The storm water management will be sheet flow from parking lot. The applicant is asking for a waiver for storm water runoff because of the increase in storm water runoff. The will be a 6 ft high cedar plank fence as required to provide buffer to the residential abutters of the property. The site will also include a lot of landscaping.

A motion was made by Mr. Walker and seconded by Mr. Kozinski to accept this as a complete application. The motion carried unanimously.

Mr. Sylvain opened the Public Hearing.

Ms. Mears stated that an abutter had concerns about the height of the lights and will they be LED or not? Will the lights be intrusive on her property? The abutter is also concerned with dust/sand from construction coming onto her property.

Mr. Lawler stated the lights will be 15 feet from the ground and they will be LED. The footcandles will be 0 at the property line. We will convey the dust/sand concerns at the Pre-Construction meeting and required close monitoring of the construction dust. Silt fence will be installed along the perimeter of the site work to prevent migration of silts during construction.

Mr. Walker asked if the lights are dark sky compliant lights. Mr. Lawler stated that the lights are dark sky compliant.

A motion was made by Mr. Sullivan and seconded by Mr. Fontneau to allow for a waiver request to Chapter 50 for increased runoff. The motion carried unanimously.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve this site plan application. The motion carried unanimously.

VIII. Other Business

Sandie Averill of 97 Maple Street asked about the status of the new Entertainment Overlay District. Mr. Campbell stated the committee is waiting on the chair. The next step would be to go to City Council once language is complete. The City Council would need 2/3 majority for approval for EOD. Mr. Willis suggested that abutters study the table of uses for the new zone. It will be helpful for residents to consider uses that will work for that zone.

IX. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Willis to adjourn at 9:37 p.m. The motion carried unanimously.

Respectfully submitted,

Michelle Mears
Staff Planner