

**City of Rochester Planning Board**  
Monday February 5, 2018  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on February 26 , 2018)*

Members Present

Nel Sylvain, *Chair*  
Dave Walker, *Vice Chair*  
Matthew Kozinski, *Secretary*  
A. Terese Dwyer  
Robert May  
Kyle Starkweather  
Mark Sullivan

Members Absent

Tim Fontneau, excused

Alternate Members Present

Joyce Bruckner  
Mark Collopy  
James Gray

Staff: James B. Campbell, *Director of Planning & Development*  
Seth Creighton, *Chief 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.)

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

The Chief Planner conducted the roll call.

**III. Seating of Alternates**

Ms. Bruckner voted in place of Mr. Fontneau.

**IV. Communications from the Chair**

There were no communications from the Chair.

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**V. Approval of Minutes**

*A motion was made by Ms. Dwyer and seconded by Mr. Waler to approve the January 8, 2018 and the January 22, 2018 retreat meeting minutes. The motion carried unanimously.*

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## **VI. Extensions/Continued Applications:**

### **A. Harold & Dorothy Caler & Real Estate Advisors, 151 Franklin St. & 24 Jeremiah Ln.**

*A motion was made Ms. Dwyer and seconded by Mr. Walker to approve the request for an extension to August 7, 2018. The motion carried unanimously*

### **B. Lois Erikson & Real Estate Advisors, 603 Portland St. & 24 Jeremiah Ln.**

*A motion was made by Mr. Kozinski and seconded by Mr. Walker to approve the request for an extension to August 7, 2018. The motion carried unanimously.*

### **C. Real Estate Advisors Inc., 24 Jeremiah Lane**

Christopher Berry of Berry Surveying and Engineering gave an overview of the history for the project for the new members on the Board.

Mr. Berry said they submitted a final plan set to the Planning Department in November to review and have sat down to go over Staff's comments in order to move forward.

He went on to say they have submitted and received a wetlands permit for the site and added they are waiting on final comments for the alteration of terrain permit. Mr. Berry went on to say they will file a notice of intent with the EPA at the time construction ensues.

Mr. Berry said they need the Board approval on the conditional use permit in order for the subdivision to take place as well as a conditional use permit for wetland and buffer impacts on the project site.

Mr. Sylvain opened the public hearing.

Attorney FX Bruton said he was there on behalf of holders of the right-of-way. He said the issue is the Huppy easement goes thru the middle of the project and they would like to be an associate member of the HOA so they can be advised when the association meets and are able to participate in the meeting and would have enforcement rights. Mr. Bruton said the Huppy's would also like the signage for the ROW to be 2 square feet in order to maintain the ROW and would like to make sure they use a post that's durable such as a granite post. He said they are also asking that the same bushes that are proposed to be planted along the wetland buffer also be planted along the ROW to keep it defined.

Michael Cuomo, Soil and Wetland Scientist said he's been hired by Attorney James Schulte to review the project. He said he preformed an office review of the plan set and the environmental reports. Mr. Cuomo said the density calculation on sheet 9 is an error. He said there is a 50 buffer that is required on the vernal pool and was not shown on the plan set. He went on to speak about the proposed rain gardens; saying in some cases the bottoms of the rain gardens intercept the seasonal high water table according to the map that was provided and would prevent those rain gardens from functioning properly during the wettest times of the year.

Finally, Mr. Cuomo said the site specific soil map that was provided contains a number of unlabeled soil map units, misspellings in the soil legend, and requires a soil map to be a complete map that has to be signed, dated and stamped by the Soil Scientist that's responsible for the work and said that has not been done.

James Benton of 579 Portland Street asked if all of the Board members have had time to review all of the latest plan set before making any decisions on the project. He asked if the waivers that have been previously approved are still applicable since the plans have changed or do they still apply. Mr. Benton asked if the existing farm that is on the property will be connected to city water and sewer and will be part of the project.

Paul Martin of 24 Brenda Lane pointed out two wetlands on the plan and said he believed at one time they were one but because the two crossings that are present there now have been deemed to have been fragmented into three pieces and are no longer considered one. He spoke about two test pits that he says are close to the seasonal high water table, wetlands and buffers. Mr. Martin went on to say the nearest wetland is 180 feet from his house and said he has a wet basement that goes on year after year from the high water table.

Troy Dillow of 597 Portland Street asked that the project not be approved until it has been diligently been looked at. He said Mr. Martin is correct in saying that the wetland flows continuously and flows through his property.

Al Benton of 585 Portland Street asked that the Board accept a micro combo soil scientist report that was mentioned earlier in the meeting and made a formal request that their soil scientist be allowed to walk the site. Mr. Benton went on to explain the existing water conditions they have in the area; and said they're going to have a water problem. He spoke about the proposed trail that will abut the Huppy's property and said he doesn't want to have to pick up trash that may be left and asked that there be some type of barrier put in place.

Mr. Benton asked what the position of the Board will be not knowing what the outcome of the alteration of terrain permit is.

Michael Cuomo addressed the Board again to ask that they ask the applicant for permission allowing him to enter the property to examine the soil.

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

Mr. Campbell said the Board has a lot to consider but a good starting point would be an off-site or on-site sidewalk; discussion on active and substantial development as well as substantial completion for vesting purposes.

The Board first discussed the sidewalks. Mr. Campbell said the Assistant City Engineer Mr. Friend-Gray believes a sidewalk can be placed on Franklin Street; he said looking at the numbers the City would either request that the applicant install the sidewalk or give a voluntary contribution. Mr. Berry said the off-site sidewalk parlays into a waiver that the Board granted; saying he thinks there's a misconception that there won't be any internal sidewalks which he said isn't the case, they will have at grade walks.

Mr. Gray asked what zones the proposed sidewalk would be in. Mr. Campbell said it is in the suburban area so the Board can require the applicant to have sidewalks. He went on to say it is within a mile of a school and the Board should keep that in mind as a factor. Mr. Creighton said staff is going off of discussions at previous meetings where off-site sidewalks were discussed at length but the Board hadn't made a final decision yet. Mr. Campbell reminded, the only decision made was to waive the requirement to build sidewalks within the development where the applicant agreed to widen the shoulders of the road for people to walk.

The Board and Mr. Berry went on to discuss the cost of constructing off-site sidewalks. Mr. May said he is in favor of the widened shoulders within the development and also in favor of an exaction for off-site sidewalks along Franklin Street. Mr. Sullivan said it needs to be clarified whether the Board will require an exaction or if it will be a voluntary contribution and asked for a show of hands. There was a brief discussion. Mr. Berry said it will be an exaction as the applicant is not willing to give a voluntary contribution.

It was the consensus of the Board that staff work with the applicant to move ahead with exaction's.

The Board went on to discuss drainage and wetlands with the applicant. Mr. Berry said he wasn't sure what to say as they had hired a third party wetland scientist and also have the wetlands permit from the State.

Mr. May asked if the third party review had determined the drainage plan to be appropriate and adequate. Mr. Campbell said they came back with some suggestions for changes and the changes have been made.

Mr. Berry said he believes it is highly inappropriate for abutters to hire their own consultants to enter the applicants land to do a critique; adding they will not agree to allow them on the property.

Mr. Berry said the applicant will agree to the two by two square foot sign marking the ROW but they're not going to line the easement with plantings as requested by the abutter.

The Board went on to discuss the phasing plan for the project. Mr. Campbell said that will determine active and substantial development. Mr. Berry said the applicant would like to install the water line that comes down Evelyn Drive 1,200 feet and achieve development rights on the units. He said phase II would be the intersection redevelopment over the first wetland crossing; saying that was the voluntary municipal improvement they chose to do.

Mr. Sylvain asked if there will be someone to check for erosion control. Mr. Berry said yes as it requires a federal permit.

*A motion was made by Mr. Walker and seconded by Mr. May to approve both conditional use permits. The motion carried unanimously.*

*A motion was made by Mr. May and seconded by Mr. Walker to continue the application to the March 5, 2018 meeting. The motion carried unanimously.*

Mr. Sylvain called a recess at 8:29pm

Mr. Sylvain called the meeting back to order at 8:40pm

#### **D. Quantum Real Estate Group, LLC, 156 Old Dover Road**

Attorney FX Bruton presented the plans for the proposed 17-lot subdivision. He said they did a site walk with the Board in December before the snow fell and were able to see all the features of the parcel. Mr. Bruton said the parcel is in the residential-1 zone which requires a minimum of 10,000 square foot lot size and said the proposed lots are significantly larger than that. He added that the applicant is taking a more conservative approach than what would be permitted. Mr. Bruton said they are seeking a conditional use permit to allow a driveway that is not on the frontage road.

Bob Stowell of Tritech Engineering explained the layout of the subdivision plan and showed where the wetlands and stream crossing are located. He said they are in the suburban area where sidewalks are not warranted unless they meet certain criteria such as being within a mile of a school, density, street design and proximity to services.

Mr. Campbell said staff recommends the Board find the application as complete and opening the public hearing.

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

Mr. Sylvain opened the public hearing.

Todd and Michelle Bourasso of 12 Laura Drive said there were a lot of discrepancies that came up with the lot line revision the applicant was proposing in 2016 and said they were grateful the city was able to

research and look into things further. Mrs. Bourasso said it's concerning to her that Trittech Engineering and Quantum Development are owned by the same person and asked if there should be a third party person to review the plans.

Mr. Bourasso asked that tree cutting be kept to a minimum to avoid excess water to abutting properties. They also requested that another site walk be conducted in order to see the entire site as well as the water that runs off from the site.

Henry and Taryn Decken of 162 Old Dover Road thanked the Board for listening to their concerns over the last 15 months. Mr. Decken said there are a lot of discrepancies within the text, maps and revisions. Mrs. Decken said their driveway is not shown on the plans and said it's only about 60 feet away. She said they already have contractors parking in their driveway because they don't want to park along Old Dover Road. Mrs. Decken said she feels there are still questions whether or not the stream that runs through the property is a perennial stream because there are areas where the stream is wet all the time. Mr. Decken said the issue with the abutters is the water. He said they are not trying to stop the applicant from developing they just want it to be done the correct way. Lastly they asked that another site walk be held.

Alex Klevitch of 11 Laura Drive said he agrees with the Deckens and the Bourasso's about the water. He said the stream everyone is talking about runs through his backyard and since he moved in last April the stream is always running, even during the cold spell in December it didn't freeze. Mr. Clevatch asked that a second site walk be held.

Cliff Newton of 168 Old Dover Road asked if a drainage report had been submitted. Mr. Creighton said there is a drainage report however, staff is waiting for a revised report to be submitted. Mr. Newton said he is concerned with erosion and sediment control and how they would be enforced. He said another concern is letter from the New Hampshire Heritage Bureau regarding the types of species that may be present where the area is woodlands that hasn't been disturbed in a couple hundred years. Mr. Newton went on to say the property is full of revienes, brooks and slopes and doesn't believe it allows for the density the developer is trying to put in. He asked that the Board take their time looking at this application because it is a very special piece of property.

Chris Coffey of 156 Old Dover Road said the testimony from the abutters is not something to take lightly as he is in the construction field and knows the implications of this type of development such as running heavy machinery and excavation. He said he is concerned with two very old trees that may be impacted due to the need for his driveway to be relocated.

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

Mr. Sylvain asked there will be trees left on each of the proposed lots. Mr. Stowell said yes, absolutely; adding it is a very nice property and the trees are an asset.

Mr. Sylvain said they will be setting up another site walk, he asked that the trees that will be taken down be marked. Mr. Stowell said they don't know at this point which trees will be taken down because there aren't any houses designed, they are just creating the house lots. Mr. Sylvain responded by saying typically when a developer comes before the Board with a proposed subdivision they have an architectural rendering of the type of homes that will be constructed. Ms. Bruckner said the Board could ask for a certain coverage of trees so it would be incorporated into the deed to the buyer.

Ms. Dwyer asked if it would be possible to get a mock up of what a proposed house would look like.

Mr. Stowell said they will come prepared for the next meeting to talk about what is proposed for house styles.

Mr. Campbell asked that the applicant show an aerial photo with the proposed building envelope for each lot so the Board could get a sense of how many trees would be taken down and how many would stay.

Mr. Collopy asked where the water flow will go from the site in regards to Old Dover Road. Mr. Stowell said the drainage calculation shows a 115 acre watershed down to the culvert shown on the plan and changes by 100 feet in elevation from Lowell Street to the site. Mr. Stowell went on to explain the drainage plan.

There was a brief discussion regarding erosion control and who is responsible. Mr. Creighton said it is ultimately the property owner's responsibility.

*A motion was made by Mr. May and seconded by Mr. Walker to continue the application to the March 5, 2018 meeting. The motion carried unanimously.*

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## **VII. Other Business**

### **A. Discussion on Economic Development Strategic Plan**

Mr. Campbell informed the Board that the Economic Department and Committee has updated the strategic plan. He said it has been introduced to the Council but the Planning Board is the Board that adopts Master Plans. Mr. Campbell said he wanted to hold a public hearing at the workshop meeting on the 26<sup>th</sup>.

### **B. Other**

Mr. May informed the Board the Water Restriction Committee has met once and will be meeting again soon but said the Board should think about adding water conservation to the site plan and subdivision regulations.

Mr. Campbell informed the Board that the changed from Residential-2 to Neighborhood Mixed Use will going before the Council on Tuesday as well as density requirements and two new petitions that the Council will be seeing for the first time; one for expansion of the downtown commercial district and the second is to allow mobile home parks.

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## **VIII. Adjournment**

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

Respectfully submitted,

Crystal Galloway,  
Planning Secretary