

**City of Rochester Planning Board**  
Monday November 20, 2017  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on December 04, 2017)*

Members Present

Nel Sylvain, *Chair*  
Dave Walker, *Vice Chair*  
Tim Fontneau  
Robert May  
Mark Sullivan  
Tom Willis

Members Absent

Matthew Kozinski, *excused*  
Jeremy Hutchinson, *absent*

Alternate Members Present

Joyce Bruckner – arrived at 7:09pm  
Terry Dwyer  
James Gray  
Kyle Starkweather

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 7:03 p.m.

The Chief Planner conducted the roll call.

**III. Seating of Alternates**

Mr. Starkweather voted in place of one of the vacant regular member's position, Ms. Dwyer voted in place of the second vacant regular member's position, and Ms. Bruckner voted in place of Mr. Kozinski.

**IV. Communications from the Chair**

There were no communications from the Chair.

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**V. Opening Discussion/Comments**

Mr. Campbell informed the Board and the audience that after speaking with the Legal Department it was decided that residents will be allowed to use props at the meetings however they must be approved by the Planning Department ahead of time.

Gregg DeNobile of Chesley Hill Road said he received a registered letter from Gove Environmental and asked what the notice was for and about. Mr. Creighton explained it is a State application and they would be the one to contact with questions.

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#### **IV. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the November 6, 2017 meeting minutes. The motion carried unanimously.*

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#### **VII. Continued Applications:**

##### **A. Casaccio Re Holdings, LLC – 48&58 Farmington Road**

Christopher Berry of Berry Surveying & Engineering said he spoke with the applicant at length after the previous meeting regarding connectivity with the neighboring parcel and they would be accepting of a condition of approval for a memorandum of understanding for future connectivity.

Mr. Berry went on to say they have been working with Planning Staff to button up the conditions of approval in order to move forward.

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

Mr. Campbell said a question was raised by an abutter at the last meeting on whether the applicant needed an AOT permit. He said the Assistant City Engineer has said the plan meets all the requirements of the NH Stormwater design manual and an AOT Permit is not required.

Mr. Campbell said another point that was brought up was whether or not the applicant needs to show a 60' ROW for a future service on their plan. He said it is up to the Board whether or not they want to see the ROW on the Site Plan or if they want to have a Memorandum of Understanding.

Mr. Fontneau said he wanted to clarify that his interest in the ROW at the last meeting was solely in the interest of the City and not the abutting land owner. He said he felt that the Board was being played in regards to the extra 2 and 4 acre talk and he wants it known that he wants no part in that.

Mr. Willis said coming up with an Memorandum Of Understanding ( MOU) is a good compromise but would like to see a date certain in the notice of approval of when the MOU is drafted, approved and signed by both parties so it doesn't get forgotten or delayed. He suggested that the MOU is signed by both parties before any Certificate of Occupancy's are issued.

Mr. Berry said the applicant would like the MOU as a subsequent conditions not a precedent condition.

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

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the application with the change of condition #3 being moved to subsequent conditions with a tie to Certificate of Occupancy. The motion carried unanimously.*

##### **B. Paul & Sue Normand – 52 Pondview Lane**

Mr. Campbell explained the status of Pondview Lane is being reviewed by City technical and legal staff and recommends continuing the application to the December 4<sup>th</sup> meeting.

*A motion was made by Mr. Walker and seconded by Mr. May to continue the application to the December 4, 2017 meeting. The motion carried unanimously.*

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## **VII. Discussion of the Surety review process**

Mr. Campbell said at the Boards request he's put together a document with the Subdivision and Site Plan Regulations that speak to surety and performance guarantee standards, also what the department uses for conditions of approval.

The Board had a discussion whether there is any surety that is lacking on projects. Ms. Dwyer asked if something can be added to the notice of decision that every October the roads are checked and make sure things are up to par until the road is accepted by the City.

The Board went into discussion regarding whether or not the language is too vague when it comes to plowing before the road is accepted. Ms. Dwyer suggested putting together a committee to tighten up the language.

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## **VIII. Review of October 2017 Surety and Inspections**

Mr. Campbell said almost all surety has been updated and letters have been sent out for two surety's that will be expiring at the end of the year.

Mr. Campbell said at the Boards request he looked into the surety issue for a fire valve at 93 Charles Street. He said that if the water needed to be shut off to the building for nonpayment of water bills, the City would make the residents vacate because there would be no fire protection or potable water, and that the owner would be responsible for finding housing for the residents.

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## **IX. Other Business**

Mr. Gray said as far as he knows there is only one member of the Board that has not put in an application to become a full member. He said that Councilor elect Walker will be leaving the Board as a regular member in January.

There was discussion as to why Ms. Dwyer and Mr. Starkweather have not been moved up to regular members.

Both Mr. Sylvain and Mr. Walker said there are two people that are waiting for to take alternate positions once Ms. Dwyer and Mr. Starkweather are moved up. Mr. Sylvain asked Councilor Gray to look into this to make sure it moved forward.

Mr. Campbell said the Board talked about not having a workshop meeting in December and he wanted to verify that was still the case.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to suspend the December 18, 2017 workshop meeting. The motion carried unanimously.*

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## **X. Adjournment**

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to adjourn at 8:09 p.m. The motion carried unanimously.*

Respectfully submitted,

Seth Creighton,  
*Chief Planner*