

City of Rochester Planning Board
Monday March 5, 2018
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on March 19, 2018)

Members Present

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

Members Absent

Matthew Kozinski, excused
Kyle Starkweather, excused

Alternate Members Present

Joyce Bruckner
Mark Collopy
James Gray

Staff: James B. Campbell, *Director of Planning & Development*
Crystal Galloway, *Planning Secretary*

(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. Walker called the meeting to order at 7:00 p.m.

The Planning Secretary conducted the roll call.

III. Seating of Alternates

Mr. Collopy voted in place of Mr. Starkweather and Ms. Bruckner voted in place of Mr. Kozinski.

IV. Communications from the Chair

Mr. Sylvain announced they would be conducting a ballot vote to determine which of the alternate members would fill the regular member position that was open. By a 6 to 2 vote Mr. Collopy was nominated.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the February 26, 2018 meeting minutes. The motion carried unanimously.

VI. New Applications:

A. Robert Higgins Revocable Living Trust, 385 & 357 Washington Street

Joel Runnals of Norway Plains Associates explained the plan for the lot line revision. He said there is an existing well next to the barn which will be located on the next parcel that services the business so there will have to be an easement.

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

Mr. Campbell said staff recommends accepting the application as complete. He explained the applicant was requesting a partial waiver from Subdivision Regulation 4.3; which is a requirement to include a topographic plan and said staff supports.

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 accept the application as complete and approve the lot line revision. The motion carried unanimously.

B. Great Woods Subdivision Homeowners Assoc. & Debbie Thompson, 23 Laredo Lane

Mr. Runnals presented the plan for a proposed lot line revision. He explained that the back pins for the applicants lot had not been set when she installed a swimming pool and surrounding patio and as result encroached onto the developments open space.

Mr. Sylvain opened the public hearing.

Taryn Decken of 162 Old Dover Road said she finds it unbelievable that someone didn't realize they have built on someone else's property. She said it's a slippery slope and the City needs to be careful to not allow it.

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

Mr. Campbell said staff recommended accepting the application as complete and approving the lot line revision.

Mr. Fontneau asked if there is a setback to keep lawns and loam out of the wetland. Mr. Creighton said yes, there is a 25 foot setback to not encroach on the wetlands.

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

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the lot line revision. The motion carried unanimously.

VII. Continued Applications:

A. Real Estate Advisors, Inc., 24 Jeremiah Lane

Christopher Berry of Berry Surveying & Engineering said at the last meeting in February a number of topics were discussed and they have worked with City Staff regarding sidewalks, phasing, active and substantial development, and active and substantial completion.

Mr. Berry said Planning Staff is recommending that the roadway be narrowed from 28 feet to 24 feet and in turn the applicant will voluntarily contribute \$115,000 toward off-site sidewalks along Franklin Street.

He went on to explain the phasing for the development and said phase I will be completed in the first two years at which time that will trigger active and substantial development. Mr. Berry said active and substantial completion would occur with the upgrades to the Franklin Street/Portland Street intersection.

Mr. Berry said there were a couple of requests from the abutters that were brought up through their Attorney that the applicant would agree to. He said signage and plantings along the ROW will be installed. Mr. Berry explained however that as simple easement holders, the Huppy's would not normally be notified of further development but the applicant would agree to notify them. He went on to say at this time the applicant is not interested in allowing the easement holders be part of the homeowners association as they had requested.

Mr. Sylvain opened the public hearing.

Paul Martin of 24 Brenda Lane had comments to make regarding the table on page 10 of the plan set. He said the minimum lot size for this project is supposed to be 6,000 sq.ft. and according to the table there are some lots that don't meet the requirement. Mr. Martin said also the minimum lot frontage for the four-plexes is 150 feet and an adjacent duplex lot is 60 feet. He said there is only one road on the plan and according to the Ordinance all new lots shall have frontage on newly created roads. He asked that someone explain how two lots are permitted when they don't have frontage on the newly created road. Mr. Berry showed on the plan where the two lots in question get their frontage.

Mr. Martin went on to compare the proposed subdivision to a mobile home park and voice his concerns again regarding the wetland.

Lastly, Mr. Martin said there will be no parking on either side of the proposed road and questioned where people will park for gatherings at the homes within the development. Mr. Fontneau said if the road plan is changing there won't be a need for no parking on the road. Mr. Creighton explained the plans do note that no parking signs will be placed however, it was only discussed and only supported if there were to be at grade on site walks or widened shoulders but what staff and the applicant are now proposing is a standard width road with regular shoulders so therefore would allow on street parking.

FX Bruton representing Evelyn and Leo Huppy asked that the ROW be staked before any construction begins and would like it graveled along the area where the new lots are created so it's easier to maintain. He went on to ask that any debris that's in the ROW now be removed.

James Benton of 579 Portland Street said it was his understanding that the road was going to be wide enough to have a sidewalk on each side of it and now it sounds like there won't be any sidewalks at all. Mr. Campbell informed Mr. Benton that the Board granted a sidewalk waiver a while back. Mr. Benton asked if the developer would be required to pay for a sidewalk from this development down Franklin Street. Mr. Campbell said they have discussed it and that's what the voluntary contribution would pay for.

Al Benton of 585 Portland Street suggested that the Board look at the proposed sidewalk for Franklin Street again because he said it will end at the intersection of Portland and Franklin Street and Evelyn Drive.

Mr. Benton asked when the lots within phase I will be able to be developed. Mr. Sylvain, Mr. Gray and Mr. Berry explained the process.

Mr. Benton asked if the lots would be subdivided at the time the road is constructed. Mr. Fontneau explained the lot would be subdivided once the plan is recorded at the registry of deeds. Mr. Sullivan further explained the process of how the lots are assessed and taxed, but added they would need the Assessor's input for further detail.

Mr. Benton went on to talk about his family's ROW. He said he doesn't feel they should have to help maintain the ROW in the future because they have owned it since 1985. Mr. Benton added there will be six different house lots that will have the ROW and there should be an attachment to the deed to those lots. Lastly, Mr. Benton asked that the Soil Scientist be allowed on the property in order to make independent observations and report to the Planning Board.

Ms. Dwyer clarified that there have been two Soil Scientists that have review the property and they would not put their credentials on the line to get a project approved.

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

Mr. Campbell said the Board will to make a decision regarding the off-site sidewalks, substantial development, and substantial completion.

Mr. Sylvain clarified that the Public Works would be the one to determine what side of the street the sidewalk is put on.

Ms. Dwyer asked for clarification regarding Evelyn Drive. She stated there will no longer be a walking lane or no parking signs. Mr. Berry said that is correct.

Mr. Creighton cautioned the Board not to make some items a condition of approval. He said there have been some agreements between the developer and the easement holder; these are a civil matter and the Board should not make them a matter of enforcement.

Mr. Fontneau asked if the \$115,000 contribution would be sufficient to construct a sidewalk. Mr. Campbell said yes, it would be more than enough.

The Board briefly discussed sidewalks and the waiver that was previously granted for the project.

A motion was made by Mr. Sullivan and seconded by Ms. Dwyer to approve the subdivision with the condition of AOT approval and the contribution of \$115,000 from the developer. The motion carried. Mr. Walker and Mr. May opposed.

Mr. Sylvain called a recess at 8:38pm

Mr. Sylvain called the meeting back to order at 8:46pm

B. Quantum Real Estate Group, LLC, 156 Old Dover Road

FX Bruton said they have been working with City Staff and are looking for approval of the 17-Lot subdivision. He said they haven't heard any negative comments from the Board regarding the conditional use permit and asked that it be approved as well.

Mr. Bruton said they went before the Conservation Commission and they didn't have any issues or concerns with the project.

He went on to show an aerial photo and explained the restriction they have through the existing ordinance. Mr. Bruton also showed a style of home that could be constructed and fit within the building envelope of the lots.

Mr. Sylvain opened the public hearing.

Emily & Alex Klevitch of 11 Laura Drive said they participated in the December site walk and said they weren't able to walk up to the back of the parcel. They asked that another site walk be conducted and asked that the abutters be allowed to have input.

Hank & Taryn Decken of 162 Old Dover Road said they believe the proposed lots are too small and narrow because of the drainage easements, steep slopes, etc.

Ms. Decken said she is concerned with clear cutting and doesn't want to have it end up looking like Milo Lane where there are no trees and all houses. Mr. Decken said they purchased extra land in order to protect the woods and wildlife that are there, not to develop.

Ms. Decken said she doesn't feel the conditional use permit to access lot 73 should be granted because she feels there shouldn't be a lot 73. They went on to say they question the test pits that were done as well as the drainage.

Mr. Decken is concerned with what the impact this development will have on both of their businesses.

Michelle & Todd Bourasso of 12 Laura Drive said at the February 5th meeting the condition of Laura Drive was discussed where the applicant said it's a disaster and it has caused a lot of damage. Ms. Bourasso reminded the Board the applicant wanted to build two homes at the end of Laura Drive.

Ms. Bourasso said she feels very strongly that there needs to be a second drainage study done because the engineer that has done all the studies is also the developer.

She said larger and fewer lots are preferable, it would mean less impact to the land, trees and slope.

Cliff Newton of 168 Old Dover Road said the project needs to be scrutinized more before it's approved because it has changed so much. He said the property is fragile because of the steep slopes and type of soils. Mr. Newton spoke about the dangers of Old Dover Road and referred to a motor vehicle accident that occurred a few nights prior.

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

Mr. Campbell said the Board had discussed having another site walk at the last meeting however, no decision was made.

The Board discussed slopes and drainage. Mr. Friend-Gray said the steepness of the slopes, what comes off the slopes, etc. are all taken into consideration. Mr. Sylvain said he is concerned there will be wash outs.

Mr. Walker asked if the Conservation Commission endorsed the plan. Mr. Creighton said yes they did.

The Board briefly discussed holding a second site walk, and scheduled one for March 31st at 9:00am.

Mr. May and Mr. Sylvain asked if staff is okay with the drainage design or if they think it needs to be looked at again. Mr. Campbell, Mr. Creighton, and Mr. Friend-Gray all said the drainage design is acceptable.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the application to the April 2, 2018 meeting. The motion carried unanimously.

VIII. Other Business

A. Request for surety reduction for The Village at Clark Brook

Mr. Friend-Gray said the surety is set to expire and the developer would like to reduce the amount of surety from \$452,140.26 to \$277,692.56 plus the cost to stake out all of the corner pins before they re-issue a new bond. He said everything has been built correctly and the site is in very good shape.

A motion was made by Ms. Dwyer and seconded by Mr. Collopy to approve the surety reduction to \$277,692.56 plus the cost of the boundary markers. The motion carried unanimously.

B. Other

The Board discussed the surety issues that were brought up at the February 26th meeting. Mr. Campbell said the language should be changed from certificate of occupancy to building permits because there could be possible issues in the future where the fault falls on the contractor and not on the developer. There was a brief discussion.

A motion was made by Mr. Fontneau and seconded by Mr. Sullivan to amend surety increase request to change the withholding of certificate of occupancy's to building permits. The motion carried. Mr. Walker and Mr. Collopy opposed.

IX. Adjournment

A motion was made by Ms. Dwyer and seconded by Mr. Walker to adjourn at 10:05 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary