

**City of Rochester Planning Board**  
Monday February 4, 2013  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on February 25, 2013)*

Members Present

Nel Sylvain, *Chair*  
Tim Fontneau, Vice Chair  
Derek Peters, Secretary  
James Gray  
Rick Healey  
Gregory Jeanson  
Matthew Kozinski  
Mark Sullivan  
Dave Walker

Members Absent

Alternate Members Present

Robert Jaffin

Staff: James Campbell, Chief of Planning  
Crystal DeButts, 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.)

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Mr. Sylvain called the meeting to order at 7:04 p.m.

The Planning Secretary conducted the roll call.

**III. Seating of Alternates**

Mr. Jaffin to vote for Vacant seat

**IV. Communications from the Chair**

**A. City Council / Planning Board joint meeting**

Mr. Sylvain announced there will be a joint meeting between the City Council and the Planning Board on Monday February 11, 2013 located at the Frisbie Hospital Conference Center at 7pm to discuss chapter 42 rezoning.

**B. Annual Meeting**

Mr. Campbell stated there are three positions available; Chair, Vice Chair, and Secretary.

Mr. Sylvain opened the nominations.

Mr. Walker nominated Mr. Sylvain for Chair, seconded by Mr. Peters.

*A motion was made by Mr. Walker and seconded by Mr. Peters to cease nominations. The motion carried unanimously.*

The vote was taken unanimously in favor of Mr. Sylvain as Chair.

Mr. Kozinski nominated Mr. Peters for Vice Chair, seconded by Mr. Walker.

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to cease nominations. The motion carried unanimously.*

The vote was taken unanimously in favor of Mr. Peters as Vice Chair.

Mr. Peters nominated Mr. Jeanson for Secretary, seconded by Mr. Walker.

*A motion was made by Mr. Walker and seconded by Mr. Peters to cease nominations. The motion carried unanimously.*

The vote was taken unanimously in favor of Mr. Jeanson as Secretary.

The officers are as follows:

Nel Sylvain, Chair

Derek Peters, Vice Chair

Gregory Jeanson, Secretary

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## **V. Approval of minutes**

**A. January 7, 2013** – Regular Meeting

**B. January 14, 2013** – Chapter 42

*A motion was made by Mr. Walker and seconded by Mr. Peters to approve the January 7, 2013 and January 14, 2013 meeting minutes. The motion carried unanimously.*

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## **VI. Extension / Continued Applications**

### **A. Cumberland Farms**

Mr. FX Bruton requested a two month extension, stating they still need a drainage agreement with Public Works.

*A motion was made by Mr. Peters and seconded by Mr. Healey to approve the two month extension. The motion carried unanimously.*

### **B. Jon & Christine Clough**

Mr. Randy Orvis from Geometres Bule Hills, LLC explained to the board he had addressed the questions and concerns they had from the January 7<sup>th</sup> meeting.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Sylvain questioned the distance of the two driveways from one another on Lots 1-1 and 1-2.

Mr. Orvis stated they are approximately 30 feet.

Mr. Sylvain made a suggestion about the placement of the two driveways.

*A motion was made by Mr. Peters and seconded by Mr. Walker to close the public hearing. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve. The motion carried unanimously.*

### **C. The Village at Clark Brook**

Mr. Bob Baskerville explained the changes that have been made to address the concerns of the Planning Department and Public Works.

He stated he had met with NH DOT to figure out their road would meet up with Old Dover Road.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Sylvain questioned the cul-de-sac, he wanted to know if there is going to be any curbing, as it would be a problem with fire trucks and snow plows.

Mr. Baskerville stated there wouldn't be any curbing; he believes it will just be grass in the center of the cul-de-sac.

Mr. Peters questions if there will be a maintenance agreement for plowing the sidewalks and taking care of the drainage.

Mr. Sylvain stated that would be in the notice of decision.

Mr. Baskerville stated he spoke with Ms. Young from Public Works regarding two waivers, one from section 5.7.1 for a narrower right of way and the second from section 5.4.19 regarding the drainage system.

Mr. Sylvain asked Mr. Campbell if the City had any input.

Mr. Campbell stated they have been very responsive to all the questions and concerns the Planning Department, Public Works, and the Planning Board have had.

Mr. Gray asked when the developer plans to start the water lines.

Mr. Baskerville stated NH DOT plans on paving Old Dover Road this summer, so they are planning on getting the water line in by early April.

*A motion was made by Mr. Walker and seconded by Mr. Peters to approve the waivers. The motion carried unanimously.*

*A motion was made by Mr. Peters and seconded by Mr. Walker to close the public hearing. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve. The motion carried unanimously.*

### **C. Fairway Auto Sales**

Mr. Art Nickless explained the new proposed plan has the landscaping and shows the fence location to buffer the abutting house.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Fontneau questioned the existing pavement, and if they intended to replace it.

Mr. Nickless stated they will be tearing up what is left of the existing pavement and replacing it with gravel.

Mr. Fontneau then asked how the parking spaces would be marked.

Mr. Nickless replied they would have to use signs.

Mr. Fontneau expressed concern regarding the fence and the fact that it would not be going down to the tree line.

Mr. Sylvain asked Mr. Nickless approximately how much more fencing would it take to extend to the tree line.

Mr. Nickless stated probably not more than forty feet.

Mr. Walker questioned what the plans for a sign would be and its location.

Mr. Nickless stated the only plan for a sign would be located on the building.

Mr. Sullivan asked if they have received all the sign offs from the departments.

Mr. Campbell stated he and Ms. Young from Public Works had a meeting and sent Mr. Nickless their concerns.

Mr. Peters questioned the type of landscaping they are planning.

Mr. Nickless stated it will be all low profile.

*A motion was made by Mr. Walker and seconded by Mr. Peters to close the public hearing. The motion carried.*

*A motion was made by Mr. Jaffin and seconded by Mr. Gray to approve. The motion carried.*

Mr. Sylvain called a recess at 7:53pm

Mr. Sylvain called the meeting back to order at 8:00pm

## **VII. New Applications**

### **A. McG Commercial Plaza**

Mr. Fenton Groen explained they have purchased the lots on the corner of Washington Street and Brock Street and stated they would like to build an attractive retail/office building. He stated the building would fit in well with the Staples across the street.

Mr. Nickless explained the preliminary plans, stating this project is on two lots, one of which had been previously approved for a dental office. He stated they have applied for variances, one to have fewer parking spaces than required, and the other is for the wetland buffer.

Mr. Sylvain asked if the City had anything to add.

Mr. Campbell stated not at this time.

Mr. Walker stated he believes the proposed Brock Street entrance is too close to the intersection and is concerned there will be an accident there.

Mr. Peters asked if they had thought about having just one entrance on Washington Street, or if they considered making the Brock Street entrance a right turn only.

Mr. Nickless stated his client is concerned that in the future the State may extend the island on Washington Street and block the Washington Street entrance.

Mr. Walker expressed his concern regarding the number of cars that would be entering and exiting the Brock Street entrance.

Mr. Sullivan stated when the board made its decision on the Nyberge project based on the limited number of days per week the office would be open.

Mr. Sullivan questioned the number of days this office complex would be operating.

Mr. Nickless stated at least six days per week.

Mr. Sylvain asked if it would hurt the project if they were to eliminate the Brock Street entrance.

Mr. Groen replied yes, he thinks it would hurt them as not everyone will want to have to cross traffic on Washington Street.

Mr. Sylvain asked Mr. Groen if he would consider marking the entrance to Brock Street right turn only.

Mr. Groen stated that he felt strongly about wanting full access with the entrance to Brock Street.

Mr. Gray pointed out that the gas station next door only has one entrance and they have to cross onto Washington Street.

Mr. Groen stated he had spent a lot of time at the site to see how the traffic is, and stated the lights do work well to allow traffic to cross onto Washington Street.

Mr. Peters suggested they look at traffic stacking on Brock Street at the light.

Mr. Sylvain asked Mr. Nickless when he would be ready to come back before the board.

Mr. Nickless stated he would get with Mr. Groen and would like to come back for the workshop meeting on February 25<sup>th</sup>.

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## **VIII. Review of Chapter 42 Rezoning – Public Input**

Mr. Greg DeNoble stated he was trying to get a feel of what the meeting between the City Council and the Planning Board would be about.

Mr. Sylvain stated it was going to be a briefing.

Mr. Charles Gibson of Rochester Hill Road stated he was at a Planning Board meeting in May of 2011 and stated a motion had been made to keep certain lots as Residential-1. He stated he doesn't see development as attractive on Rochester Hill as it would be further in town, and he would like to see it stay Residential-1.

Mr. Sylvain informed Mr. Gibson that the City Council had voted down the proposal in December 2011.

Mr. Walker checked the proposed map and stated that the area Mr. Gibson is concerned with is proposed to stay Residential-1.

Mr. Sylvain told Mr. Gibson to keep checking the website or to call the Planning Department for updates.

Mr. Frank Chearamitaro of Rochester Hill Road asked if there would be a limit to how many units in multi family housing in a Residential-2 zone.

Mr. Sylvain stated the board had discussed that at their last meeting and for the Residential-2 zone the limit would be 4 units.

Attorney Malcolm McNeill, Jr. representing three different parties, the first being VMD Companies regarding a 126 acre parcel on Chesley Hill Road. Attorney McNeill stated at previous meetings they had requested that parcel be zoned Residential-2 so they would be able to build multi family housing. They are now asking to have it zoned Agricultural to be able to build duplexes on 51 lots and leave a large piece of the parcel open space and conservation area.

Mr. Walker asked if they had a full set of plans for the development.

Attorney McNeill responded no, it is a large expense and they figured they would see what was going on with the rezoning.

Mr. Sylvain asked how close the development would come to the nearest existing home.

A representative from VMD Companies responded it would be approximately 300 feet. He went on to say at this point they are looking for feed back from the board so they are able to move forward. He stated they are trying to bring higher end rental property to the area.

Attorney McNeill stated he believes multi family residences would be less of an impact on the neighborhood, but duplexes would be a fall back.

Mr. Sylvain said he was concerned with what the developer means by "multi family housing".

Attorney McNeill stated they don't mean workforce housing, their target would be professionals employed in the area, such as the new SAFRAN.

Mr. Walker asked what Attorney McNeill would classify multi family housing as.

Attorney McNeill stated its not a townhouse or row house, its a multi family.

Mr. Sylvain asked to get a sense from the board.

Mr. Peters stated the board still has some language issues to work out.

Attorney McNeill spoke on behalf of Rochester hill Trust in regards to a parcel of land by the General Wolf sign. He stated his client is confused on what they would be able to build. He stated the developer would like to build multi family housing there, which would be larger than 5 units.

Attorney McNeill went on to say he believes when you are out of the urban area, you should be able to build larger than 5 unit multi family residences, and asked the board to create a "true multi family" zone.

Next Attorney McNeill spoke on behalf of Country Brook Estates. He stated the development has been there for 25 years and now there is a proposed zoning change to Agricultural which means they only duplexes would be allowed so his client would be unable to expand. He believes the board should restore the zoning to multi family.

Mr. Sylvain asked about wells and septic systems for units of 5 or more. He asked if it would be in the Planning Boards bounds to require the development to hook up to city water and sewer.

Attorney McNeill stated yes, the Planning Board would have that authority.

Mr. Sullivan questioned how the board came up a maximum of 4 units for multi family housing.

Mr. Fontneau stated 4 units is considered to be residential and 5 or more units is considered to be commercial.

Mr. Peters stated the board still has some language and definitions to address.

Mr. Sylvain stated it is very important that when the Planning Board passes the proposed changes onto the City Council it is as clean and positive as possible.

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## **IX. Other Business**

Mr. Sylvain asked Mr. Jaffin is he had any notes from his first TRG meeting.

Mr. Jaffin explained two of the projects that were discussed had been before the board at that nights meeting. He stated he believed the Betts Road project needs to be looked at again by the board.

Mr. Sylvain asked if there was any other business to be discussed.

Mr. Campbell stated the Barrington Planning Board was having a meeting regarding the excavation project and that Mr. Ortmann would be there to represent Rochester.

Mr. Sylvain stated the concern for the Rochester abutters is how close the project will be to them.

Mr. Sylvain stated we have a representative at these meetings to listen so Rochester residence can get an update.

Mr. Campbell told the board he had a letter of intent for a second hand consignment shop on Farmington Road and the applicant would like to use 10 of the parking spaces for boats, RV's, etc.

Mr. Campbell asked the board if they would like the applicant to come before the board or just do a minor site review.

The board agreed they would like it to come before them.

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## **X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Healey to adjourn at 9:56 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,  
Planning Secretary