

City of Rochester Planning Board
Monday July 15, 2013
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on August 5, 2013)

Members Present

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

Member Absent

Derek Peters, excused

Alternate Members Present

Robert Jaffin

Staff: James Campbell, Chief Planner
Caroline Lewis, Zoning 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. Sylvain called the meeting to order at 7:00 p.m.

The Zoning Secretary conducted the roll call.

Seating of Alternates

Mr. Jaffin to vote for Mr. Peters

Communications from the Chair

Mr. Sylvain announced there would be no joint meeting with the City Council tomorrow evening. The members will be notified when a meeting date is scheduled.

Mr. Sylvain noted that Jim Campbell had taken on more responsibility as head of the Planning Department and he presented him with a gift from the Board. Mr. Campbell was presented a gift of a bow tie, which he put on and wore for a few minutes.

Rochester Aquifer Ordinance Discussion

Ms. Gretchen Young, Engineer, Public Works Department addressed the Board. Ms. Young had maps showing the existing Aquifer Protection Zone in Rochester. She explained how the original area was delineated in 1982, and is what the City of Rochester is using for their Aquifer Protection Zone at this time. She had plans by Emery & Garrett Groundwater, Inc, that showed the source water protection area delineated 2003-2007 and a plan that showed potential groundwater development zones plan identified in 2000. She also had a plan that showed the city wide groundwater transitivity based on USGS water resources investigation report 90-4161. Ms. Young informed the Board there is a source water grant that would be applied for to help with future planning and modification of the current aquifer protection zone. She introduced Kyle Pimental, Regional Planner, Strafford Regional Planning Commission.

Mr. Pimental explained how this grant would help with different resources to update the current ordinance. He stated his agency would apply for the grant and explained how the grant could be used. The Board members and Mr. Pimental discussed the current aquifer protection zone, restrictions on property in such a zone, involvement of the EPA and DES, and other issues.

Ms. Young advised the Board members she was going to do presentation to the Conservation Commission at their next meeting and would go to the City Council after that. If the Board is in favor of applying for this grant, a letter of support from the Planning Board to Strafford Regional Planning Commission would be appreciated.

Surety Update

Ms. Gretchen Young, Engineer, Public Works Department, came forward again. She went through the list of projects on the two spreadsheets that were supplied to the Board members. Ms. Young noted some of the projects have been completed and the surety refunded; they will be removed from the spreadsheet. She will work with the Planning Department staff to contact Mr. William Goldstein about his project. The Planning Department staff is working on the projects that have surety for as built.

Opening Discussion/Comments

A. Public Comment / Public Input for Chapter 42

B. Discussion of general planning issues

Ms. Kristina Wentworth, Array of Flowers, So Main Street, addressed the Board. She had the following concerns about the proposed zoning:

Use Table C – Restaurant/Restaurant with drive thru, sometimes there is an E or C, if possible for a bank could they have a drive thru.

Table B – Bank in mixed neighborhood has a C would like to have P use.

Couldn't understand some of the articles.

Table B – Office Medical with a C, there are lots of medical offices in the area, would like to see P use.

Retail service C – if no definition in the article, don't understand it.

After article 19, not listed on web site, would like to know where the updates are going to be. Ms. Wentworth thanked the Board for their time.

Mr. Louis Archambault, Chesley Hill Road, came forward. He stated when citizens are living in or adjacent to an agricultural zone they want to feel like they are in an agricultural zone.

Mr. Robert Gates, 78 Dry Hill Road, addressed the Board. He referenced the last map that was shown at the beginning of the meeting by Ms. Young of Public Works. He is opposed to the City getting involved with the Strafford Regional Planning Commission and diminishing people's property rights. He asked the Board to not involve the City in this venture. Mr. Gates also asked about "spot zoning". He stated there is no definition in the City Ordinance, no Board has come up with a definition, and he suggested someone come up with a definition that can be referenced in the future.

Mr. Fontneau stated spot zoning is a legal term not a planning term.

Mr. Steve Beaudoin, 24 Hemlock Street, came forward. He offered statistics about low rent apartments in the City of Rochester, the population growth, and rental rates. He asked the Board to think long and hard about how much subsidized housing is coming to the City. He gave the Chief Planner a copy of his information.

Mr. Roger Hawk, President/Owner, Hawk Planning Resources LLC, Concord, NH addressed the Board. He stated the comp rezoning was a challenge and he was working on a report to present to the Board in regard to the property on Rte 202 and Labrador Drive. Mr. Hawk stated he has just started looking into this and most of the other neighborhood mix use areas are in more dense neighborhoods. He is puzzled that 17 or 18 house lots and a PUD are considered neighborhood when they don't have a real concentration of homes. Mr. Hawk noted with Rochester Crossing now built and the bigger interchange at the turnpike, this should influence how future uses should progress. Mr. Hawk stated he just wanted to introduce himself and he will be sending in his full report.

Gregg DeNobile, Chesley Hill Road, came forward. He informed the Board he has been reading thru the new zoning on the web, but hasn't gotten through everything yet. He questioned the tables needing to be grouped together on the web and asked when the final, "final" review would be done.

Mr. Sylvain stated there will be one more joint meeting with the City Council before the Planning Board does a final review.

Mr. DeNobile asked about the term "executive use" and asked why that wasn't mentioned. He also asked about the Master Plan document, and the goals the Master Plan is trying to accomplish. Mr. DeNobile had a several page document with items he wanted to go over. Mr. Sylvain suggested he contact the Planning Department and make an appointment to speak with the Chief Planner, Jim Campbell. Mr. Campbell stated he will set aside time to meet with Mr. DeNobile.

Doris Gates, 78 Dry Hill Road, addressed the Board. She mentioned the School Board has a policy when changing documents of recording all the proposed changes in red and also dating the changes and amendments. The Board discussed having done this and then posting clean copies on the web to make it easier for anyone to read. Mr. Campbell stated the marked up copies are available in a history file on the web, but the document would become way to long to just continue showing all the changes that have been made on the most recent document.

Approval of minutes

A. July 1, 2013 – Regular Meeting

A motion was made by Mr. Walker and seconded by Mr. Healey to approve the July 1, 2013 minutes. The motion carried unanimously.

Continued Applications

A. GTM Properties, Milton Road (by Berry Surveying and Engineering) Site Plan to construct an 8,000 sq ft Family Dollar. Case # 210 – 48&50 – B2 – 13.

This case is postponed to August 5, 2013.

B. Sensible Self Storage, LLC, 201 Highland Street (by Norway Plains Associates) Site plan application for a two phased project consisting of six(6) storage buildings in the first phase and five(5) storage buildings in the second phase. Case # 106-3-A-13.

Mr. Rick Lundborn, Norway Plains Associates, addressed the Board. He stated Mark Murphy and Scott Spindler, owners of Sensible Self Storage were present to answer any questions. Mr. Lundborn explained the phases for this project and the vegetation screen. They do not intend to have a dumpster on site. Mr. Lundborn and the Board members discussed the location of a possible office, water & sewer line locations, hours of operation, cameras, pass key controlled access, the gate, auctions, noise and light and other issues. The owners and the Board members discussed limiting access for non customers and having some sort of kiosk

Mr. Healey made a motion to close the public hearing and approve this project. Mr. Walker seconded the motion. The motion passed unanimously.

C. 17 Glenwood Avenue, LLC, 17 Glenwood Avenue (by Norway Plains Associates) Site Plan to construct 24 elderly housing units. Case # 117 – 3 – R2 – 13

Mr. Rick Lundborn, Norway Plains Associates, returned to the podium. He stated the layout is the same as before and they will be back at the August 5th meeting.

Mr. Walker asked if there was any way to exit toward the Post Office. He said getting out to Wakefield Street from Glenwood Avenue is just terrible.

Mr. Lundborn and the Board members discussed moving a utility pole, when and why the access to Allen Street was closed, talking about this at the next TRG meeting, and other issues.

Review of Chapter 42

Mr. Campbell stated he will be posting all of the tables, and will make all necessary changes. He will meet with Mr. DeNobile. The Board members would like hard copies in advance of the next meeting. There will be public input again at the next meeting.

Mr. Campbell will look at the Master Plan and see how it relates to the Zoning Ordinance. Mr. Fontneau noted the Ordinance should be based on the Master Plan not the other way around. Mr. Healey reminded the members that Master Plans are guides, not rules. The members discussed the action plan piece of the Master Plans, the land use Master Plans, the vague areas of the Master Plans, and completing the Ordinance before looking at the land use Master Plans, and other issues. Mr. Sylvain stated the Board really needs to look at the Signage Ordinance to prevent so many ZBA and HDC cases. There was discussion about sign square footage, number of signs, more flexibility in the ordinance, working on just specific problems in the sign ordinance, and bringing up signage at the joint meeting with the City Council.

The consensus of the Board is to work on the signage piece after Chapter 42 gets approved. The Board asked Mr. Campbell to gather information on what type of sign issues have been going to the ZBA and HDC for variances and approvals.

Other Business

The Board discussed having a minimum charge for City inspections. This was discussed at a previous meeting, however, no vote was taken and invoices are still being submitted for one quarter and half hour inspections.

Mr. Jeanson made a motion to charge a minimum one hour charge (currently this charge is \$75.00) for all inspections. Mr. Walker seconded the motion. The members discussed travel to and from the site, "drive-by" inspections, having inspections done by appointment only, and other issues. Mr. Gray made a motion to charge a minimum fee of half the hourly fee (currently that would be \$37.50). There was no second, and the motion failed. *The first motion passed with 8 for and one (Mr. Gray) opposed.*

Mr. Sullivan had questions about the presentation by Ms. Young on the aquifer protection zone. The members discussed moving this overlay out of Chapter 42 and putting it in Chapter 50, under Public Works. They discussed not giving DES or the EPA any more control, existing buffers along the Cocheco River, needing some kind of water protection, needing more information, having the zone under Public Works, and other issues. The consensus of the Board is not to offer support from the Planning Board.

Adjournment

A motion was made by Mr. Jeanson and seconded by Mr. Healey to adjourn at 9:00 pm. The motion carried unanimously.

Respectfully submitted,

Caroline Lewis,
Zoning Secretary