

City of Rochester Planning Board
Monday March 4, 2013
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on March 18, 2013)

Members Present

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

Members Absent

Mark Sullivan, excused

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.)

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

The Planning Secretary conducted the roll call.

III. Seating of Alternates

None

IV. Communications from the Chair

A. City Council / Planning Board joint meeting

Mr. Sylvain thanked the board for attending the meeting with the City Council on February 26th.

B. Discussion of value changes for properties

Mr. Sylvain introduced Tom Mullen, Assessor for the City of Rochester.

Mr. Peters asked about the Neighborhood Mixed Use zone, and if the residents that live in the zone will need to file any special paperwork on a yearly basis.

Mr. Mullen stated that when there is a change in zoning he will analyze the property and the change to determine the best use and if he feels the taxpayer should file a form 7511 he will contact them.

Mr. Fontneau asked if the property owner does need to file a 7511, would they have to do it every year.

Mr. Mullen responded yes, however the Assessors office will automatically send them the form.

Mr. Walker asked if a properties assessment would change if the zone were to change from Residential-1 to Agricultural, for example.

Mr. Mullen stated no, there wouldn't be a change.

Mr. Walker clarified that the value of a home will not decrease with a zoning change.

Mr. Mullen again stated no.

V. Approval of minutes

A. February 25, 2013 – Workshop Meeting

A motion was made by Mr. Walker and seconded by Mr. Jeanson to approve the February 25, 2013 meeting minutes. The motion carried unanimously.

VI. New Applications

A. Abiquia, LLC, 88 Hancock Street

A representative was not present for the meeting.

A motion was made by Mr. Sylvain and seconded by Mr. Peters for the application to be tabled. The motion carried unanimously.

B. The Rubber Group

Art Nickless from Norway Plains explained the company is currently in Somersworth, they have purchased land on Nadeau Drive and would like to put an addition on the back of the building.

Mr. Sylvain opened the public hearing.

Mike Kirouac of 74 Pickering Road came forward stating he had questions, one being what they company will be doing on the site. He stated he knows they are a manufacturing plant, but is concerned with exhaust being emitted into the air. He also questioned what the expansion was going to be used for.

Mr. Nickless stated the expansion will be used for storage and office / manufacturing space. He also stated the company produces rubber products, but doesn't believe the exhaust would be any worse than the other manufacturing plants in that area.

Mr. Campbell stated the project has gone to the TRG twice and explained to the board the conditions that would be put in the notice of decision.

The board asked Mr. Kirouac if the answer given were satisfactory.

Mr. Kirouac stated he still had concerns about fumes.

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

C. Golick's Dairy Bar, 17 Sawyer Avenue

Mr. Nickless stated the project originally went before the board in April 2012, however due to issues with parking it was held up. He stated parking is no longer an issue.

Mr. Nickless stated he believes the site would be a good use due to its location to the Commons and the pedestrian traffic. He also stated they will be putting directional signs up to keep traffic off from Sawyer Avenue.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Peters questions if there will be any changes with the parking lot.

Mr. Nickless stated no, there will not be any changes.

Mr. Gray asked if there would be public restrooms.

Mr. Nickless stated there would not be public restrooms.

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

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

Mr. Sylvain recessed at 7:40pm

Mr. Sylvain called the meeting back to order at 7:45pm

VII. Review of Chapter 42 – Public Input

William Elwell of North Main Street handed out copies of tax maps with a few highlighted parcels. He stated lot 1 which is Burger King and lot 3 are currently proposed Residential-1, he questioned why it wasn't proposed Highway Commercial. Lot 2 is a warehouse that is proposed Neighborhood Mixed Use, he believes that should also be Highway Commercial. He suggested lot 4 which consists of 3 homes and a vacant lot be zoned Highway Commercial as well because they are surrounded by commercial lots.

Mr. Fontneau asked Mr. Elwell if he had spoken to the other property owners.

Mr. Elwell stated he had not spoken to them.

Mr. Walker and Mr. Sylvain both stated it had been an oversight and the board will look that area again.

Mr. Sylvain stated the board had proposed from Cushing Boulevard to the highway would be Highway Commercial.

Tom Davis of Champlin Ridge Road asked why roosters would not be allowed in any zone in the city.

Mr. Walker stated it was not stated right in the proposed text, it was intended to say in the Residential-1 or Residential-2 zones.

Greg DeNobile of Chesley Hill Road stated a lot of the questions he had for Mr. Campbell had been brought up to the board, however he really didn't get any answers. He asked when the board would be discussing them. He stated he believes the board needs to provide property owners what their rights are before any changes are made. He asked what the benefits are going to be for home and business owners.

Mr. DeNobile questioned the time period of having two zoning ordinances in place as mentioned at the joint meeting on February 26th.

Mr. Sylvain explained the process to Mr. DeNobile.

Mr. Peters told Mr. DeNobile that each question he sends to Mr. Campbell will come before the board and will be part of public comment.

Attorney Malcolm McNeill stated he was there again representing Rochester Hill Trust, Malibu Two, and VMD Properties.

Attorney McNeill asked what "ect" means in the definition for dwelling. He offered the board a suggestion on how the definition should read.

Attorney McNeill stated the area of Country Brook should be zoned Residential-2, not Agricultural as it is all multi family housing.

He stated the Chesley Hill property is still an appropriate multi family option. And as for the Rochester Hill property, he stated his client is ready to build on the land that has been sitting there for 30 years to provide desirable housing for employees of SAFRAN, ect.

Mr. Sylvain stated he has been receiving calls from residents and they are concerned when they hear multi family housing.

Attorney McNeill stated the companies he represents have no intension of putting in workforce housing.

Mr. Sylvain stated the board can still determine what the multi family housing looks like.

Mr. Fontneau suggested taking a look at the city to find an appropriate place for multi family homes.

Frank Chearamitaro of Rochester Hill Road stated he was here on behalf of his neighbor who wasn't able to attend the meeting. Mr. Chearamitaro read a letter prepared by Michael Davis of Rochester Hill Road which stated Mr. Davis has concerns for his quality of life if the zone is changed from Residential-1 to Residential-2. In the letter Mr. Davis asked the board to reconsider their decision to change the zoning.

Mr. Chearamitaro asked the board to consider the calculations for density regarding how many units would be allowed on a lot, and to not just look at the gross area.

Tom Kaczyaski of Whitehall Road asked what workforce housing is. He wanted to know if that meant low cost or section 8 housing.

Mr. Sylvain explained the three building grades of housing; stating workforce housing would be mid level.

Mr. Kaczyaski stated people should have the right to do what they want with their property, zoning is just a way of controlling residents.

VIII. Review of joint meeting – Chapter 42

Mr. Peters stated 66% of land is proposed Agricultural, he suggested the board look at the map again and perhaps expand the Residential-2 zone.

Mr. Jeanson suggested the board reconsider looking at a Residential-3 zone for low density multi family housing.

Mr. Walker stated he believes as long as the stipulation of needing city water and sewer, developer will not put multi family homes in the outskirts of the city.

Discussion ensues regarding what changes need to be made.

Mr. Campbell reviewed the changes he has made to the text of chapter 42 with the board.

Discussion ensues regarding the square footage for Office Commercial.

A motion was made by Mr. Walker and seconded by Mr. Peters to change the square footage in the Office Commercial zone from less than 1,500 to less than 2,500. The motion carried unanimously.

Mr. Campbell stated under Neighborhood Mixed Use the term "personal services" is not defined.

Mr. Walker stated the board needs to define "personal services" and add it to the tables.

A motion was made by Mr. Gray and seconded by Mr. Walker to change and add the term "including, but not limited to" to the definition and table of uses. The motion carried unanimously.

Mr. Campbell questioned the term "social redevelopment".

Mr. Walker told Mr. Campbell to remove the term from the text.

Discussion ensued regarding non automotive travel.

Mr. Peters brought up a point about density.

A motion was made by Mr. Gray and seconded by Mr. Walker to change the Country Brook Estates area to Residential-2. The motion carried.

Mr. Fontneau stated density would take care of the number of units that would be permitted.

Mr. Campbell questioned whether the board wanted to remove rowhouses from the table of uses.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to remove rowhouses from the table of uses. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Healey to allow multi family as a permitted use in the Residential-2 zone. The motion carried.

Mr. Walker asked if multi family housing is allowed in the Agricultural zone.

The board agreed to keep it as a conditional use and to add the city water and sewer stipulation.

The board agreed to keep multi family housing a conditional use in the Downtown Commercial zone.

A motion was made by Mr. Walker and seconded by Mr. Healey to change multi family housing from conditional use to permitted use in the Highway Commercial zone. The motion carried unanimously.

Discussion ensues regarding senior housing currently being a conditional use in the Residential-2 zone and whether it should be permitted by right.

A motion was made by Mr. Walker and seconded by Mr. Peters to change senior housing from a conditional use to a permitted use. The motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Healey to change Bed and Breakfast to a permitted use with the exception to the Hospital zone. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Peters to change research and development from a special exception to a permitted use. The motion carried unanimously.

The board discussed the proposed zoning map.

Mr. Campbell stated the resident at 9 Academy Street is requesting his entire lot be zoned Downtown Commercial.

Discussion ensues regarding the request.

Mr. Sylvain asked Mr. Campbell to speak with Attorney Wensley regarding 9 Academy Street.

Mr. Campbell stated it was brought to his attention that two parcels on Rochester Hill Road were suppose to stay Residential-1 and the board had changed them to Office Commercial.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to change the two lots from Office Commercial to Residential-1. The motion carried unanimously.

Discussion ensued regarding changing the 126 acre parcel on Chesley Hill Road from Residential-1 to Residential-2 or Agricultural.

A motion was made by Mr. Walker and seconded by Mr. Peters to change Map 137 Lot 4 of Chesley Hill Road to Residential-2. The motion was defeated by a 4 to 4 vote.

Mr. Fontneau stated he doesn't believe Chesley Hill Road would be a good place for a Residential-2 zone.

Mr. Sylvain stated the Planning Board is able to make changes to any proposed projects.

Mr. Peters suggested having different setbacks and density, one for compact zones and one for non compact zones.

Mr. Walker stated the board doesn't need to create a new zone, there are safeguards in place for multi family housing.

Mr. Sylvain stated the board wants to do what's right for residents, however they can't stop growth in the city.

Mr. Healey stated the land is going to dictate what is built. He stated he is not in favor of changing a lot that was purchased as Residential-1 and now wants it changed.

Mr. Healey suggested speaking with the residents on Chesley Hill Road.

IX. Other Business

None

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Healey to adjourn at 10:20 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal DeButts,
Planning Secretary