

City of Rochester Planning Board
Monday April 18, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on May 16, 2022)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
A. Terese Dwyer
Keith Fitts
Paul Giuliano
Don Hamann
Mark Sullivan
Dave Walker

Members Absent

James Hayden, *excused*
Peter Bruckner, *absent*
Ashley Desrochers, *absent*

Alternate Members Present

Matthew Richardson
Michael McQuade

Staff: Ashley Greene, *Administrative Assistant II*
Shanna B. Saunders, *Director of Planning & Development*

(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.)

I. Call to Order

Mr. Collopy called the meeting to order at 6:30pm.

II. Roll Call

The recording secretary, Ashley Greene, called roll call.

III. Seating of Alternates

Mr. Collopy requested Matthew Richardson to vote for Peter Bruckner.

IV. Communications from the Chair

There were no communications from the Chair.

V. Opening Discussion/Comments (up to 30 minutes)**A. Public comment**

No public comment for general Planning issues.

B. Discussion of general planning issues

No discussion of general planning issues.

VI. Manufactured Housing Park Presentation – Packy Campbell

Business owner and developer Packy Campbell said he wishes to have the Planning Board recommend an amendment to the Mobile Home Ordinance Chapter 135 to the City Council. He said the language he is suggesting gets rid of a prohibition against all mobile home parks in the city. Mr. Campbell said when the ordinance was adopted there hadn't been any new mobile home parks within the city in ten years.

Mr. Campbell said there are currently three mobile homes for sale in Rochester, the average price for them is \$215,000 in a park. He said there are five existing houses for sale in Rochester. He said when he started in real estate there were 250 houses on average for sale in Rochester.

Mr. Campbell said he asks the Board to change the ordinance in order to help developers because it is the right thing to do and it is desperately needed in the community.

Mr. Sullivan said he is not prepared to vote on anything because the Board is just getting the information, but he said he will continue to listen. Ms. Saunders clarified the difference between a mobile home subdivision and a mobile home park is density.

Mr. Collopy said Mr. Campbell is here at the workshop meeting to discuss the mobile home park issue and and get a dialog started with a land use board.

Mr. Sullivan said it would be helpful for the Board to have all the information on mobile home subdivisions, mobile home parks, and an opinion from the City Attorney speaking to the allegations the city is acting illegally, and have one presentation so the Board can figure out what the next best step is.

Mr. McQuade said being new to the Board he is unfamiliar with the ordinance change in 2014 and asked why the change was originally made. Mr. Walker said it was the density factor that precipitated the change.

Ms. Dwyer said she would like to have a packet put together so the Board has time to read through it and bring back to the workshop meeting in June for further discussion.

Mr. Giuliano asked for the City Attorney to weigh in on the testimony from Mr. Campbell before a lot of effort is put in by Planning Staff.

VII. Pollution Tracking: PTAP and 202A water Tank Update – Peter Nourse

Director of Public Works Peter Nourse said the EPA general permit for nitrogen was released in November of 2020 which was issued to twelve communities including Rochester. He said it's a point source permit which means it regulates the level of nitrogen in the effluent in the wastewater treatment facilities. Mr. Nourse said it's widely accepted that two thirds of the nitrogen entering Great Bay comes from nonpoint sources and a large component of that is stormwater runoff.

Mr. Nourse said permittee's collaborate in the reduction of nitrogen through efforts through pollution monitoring, tracking, and reduction planning. Mr. Nourse said part three initiatives are lead by Municipal Alliance Management (MAM) which consists of representatives of the majority of the permitted communities as well as a stakeholder component.

Mr. Nourse explained Part B of the joint adaptive management plan is guiding documents has endorsed a

tracking system called PTAPP which is pollution tracking accounting program. He further explained the use of the system for private development is a point of discussion for tonight's meeting. He said the system is online tools and was developed by UNH Stormwater Center and is administered by NHDES.

Mr. Nourse said funding is paid by MAM which Rochester has paid its component for its share to keep it going. He said several member communities require its use for private development and in some cases it's spelled out in their ordinance. In addition to the Great Bay general permit voluntary effort there is a settlement agreement between Conservation Law Foundation and the cities of Portsmouth, Dover, and Rochester. Part of the agreement is that all three cities will adopt and maintain a pollution tracking and reduction system. Mr. Nourse explained the city needs to start using PTAPP because it is very important that it is accounted for in Chapter 218 and the MS 4 Permit.

Renee Bourdeau is a Water Resources Engineer with Geosyntec Consultants and has been working with the City of Rochester for the past ten years assisting with the Stormwater MS4 permit, total nitrogen general permit, and other water and stormwater issues. Ms. Bourdeau explained the amendments that are proposed for chapter 218. Section 11 will require all applicants disturbing more than 20,000 square feet will have to submit a sedimentation and erosion control plan to the Planning Department as required by Public Works. Changes to the Site Plan Regulations Section 4(D) in regard to as-built plans, the applicant must certify pollutant accounting information is consistent with the original calculations. Changes to the Planning Board notice of decision would include specifying the reporting tool to be used, referencing PTAPP; as-built section will reference the post construction pollutant accounting required to ensure calculations align with initial submission; and certification of the calculations will be required as a general and subsequent condition.

Mr. Walker asked for an example of what information a developer would enter into the system. Ms. Bourdeau explained the developer would enter the parcel information along with soil and land use information for the site and structural BMP's.

Mr. Sullivan asked if this is mandatory for the developer. Ms. Bourdeau said it is mandatory under the settlement agreement. Mr. Sullivan asked if Public Works is recommending making this a condition on the notice of decision to the developers. Ms. Bourdeau said yes.

Mr. Collopy said he would like the Board to receive a report whether it be annually or monthly, so they know if action needs to be taken.

A motion was made by Mr. Hamann and seconded by Mr. Fitts to recommend the amendment to Chapter 218 to the City Council. The motion carried unanimously.

Mr. Nourse gave an update on the Route 202 water extension project. He said the project will make water available to approximately 165 households who have private wells with contaminants such as MBTE. Rick Davy of Wright-Pierce explained where the water tank will be located and explained how it will be constructed.

Mr. Giuliano asked how long construction of the tank will take. Mr. Nourse said construction is scheduled to start this month and completed by November.

Ms. Dwyer asked if there will be safeguards in place for construction of the tank within a neighborhood. Mr. Nourse said the truckers that will be working the site know to go slow and they will have flaggers. He said they will also have an access gate at the end of Eisenhower Drive. Mr. Nourse said they have sent out letters to all the residents of Fillmore Boulevard, Eisenhower Drive, and Hussey Hill Road to advise them of the construction schedule.

VIII. Surety Release Request for Prep Partners Group, LLC, Warehouse and Distribution Facility in the amount of \$8,043.88

A motion was made by Mr. Giuliano and seconded by Ms. Dwyer to approve the surety release in the amount of \$8,043.88. The motion carried unanimously.

IX. Review of inspections and surety for February and March 2022

Ms. Saunders told the Board there are still several sureties still in default, she said she reached out again to all of them and has heard back. Ms. Saunders said Staff is working on drawdowns from Lydall, Pella Windows, The Village at Clark Brook, and Waste Management. She said bond extensions will be coming in for The Ridge phase II and Highfield Commons.

X. Proposed Zoning Ordinance Change – Electric Vehicle Charging Station

Ms. Saunders reminded the Board of the project on Route 11 for an electric charging station, she said at the time staff had a bit of a quandary because the use didn't fall under a fueling station because it didn't have any of the hazmat issues, but it also wouldn't fall under a parking lot either because there would be traffic coming in and out every few minutes in order to refuel. Ms. Saunders explained the applicant had to go before the Zoning Board of Adjustment first for the use. She said it put the applicant at a disadvantage than any other fueling station because they had to go before two land use boards rather than just one. Ms. Saunders said staff came up with a use that captures EV charging stations and proposes to allow them in zones that fueling stations are permitted in such as downtown commercial, office commercial, granite ridge development, highway commercial, general industrial, recycling industrial. She said the other thing Staff realized is people are going to start adding charging stations to their homes so they should be looked at as accessories to the residential use.

Mr. Walker asked why staff is only proposing levels one and two and not a level three charge. Ms. Saunders explained staff's thought was technology isn't there yet.

Mr. Fitts said looking at the proposed ordinance level three charging wouldn't be something someone would have in their home but suggested adding language that specifies one, two, and three to the last paragraph of the proposed ordinance.

Mr. Sullivan asked what a homeowner does now if they have an electric vehicle. Ms. Saunders explained they pull an electrical permit through the Building Licensing Department.

A motion was made by Mr. Fitts and seconded by Ms. Dwyer to recommend the ordinance with the updated language to specify level one, two, and three level charging to commercial stations only to the last paragraph be forwarded to the City Council for review. The motion carried unanimously.

XI. Proposed Zoning Ordinance Change – Wireless Communication Facility Update

Ms. Saunders explained this change is to update Chapter 275 Section 22.3 which speaks to uses allowed by Special Exception. She said currently if an owner wants to add an antenna or any infrastructure to the existing pad they must go to the Zoning Board for a Special Exception. Ms. Saunders explained applications come in every month or so and staff is trying to find a less taxing way for the applicant to get the projects completed. She said this would only be for replacing infrastructure, not increasing the footprint. Mr. Walker asked why a provision is there for removing the requirement for a removal bond. Ms. Saunders explained state statute prohibits municipalities from requiring a removal bond.

A motion was made by Ms. Dwyer and seconded by Mr. Fitts to recommend the ordinance change be forwarded to the City Council for review. The motion carried unanimously.

XII. Other Business

A. Planning Update

Ms. Saunders announced Ryan O'Connor has been promoted to Senior Planner. She said he will be taking on a more active role in the Planning process.

B. Other

Mr. Sullivan said the Board should look at an ordinance for pedestal solar arrays because right now they are not called out in either the ordinance or site plan regulations.

XIII. Adjournment

A motion was made by Ms. Dwyer and seconded by Mr. Walker to adjourn the meeting at 8:32pm. The motion carried unanimously.

Respectfully Submitted,

Crystal Galloway,
Planner I

and

Shanna B. Saunders,
Director of Planning & Development