

City of Rochester Planning Board
Monday, April 3, 2023
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on April 17, 2023)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Peter Bruckner
Matthew Richardson
Dave Walker
Michael McQuade
Don Hamann
Mark Sullivan
Keith Fitts
James Hayden

Members Absent

Michael McQuade, *excused*

Alternate Members Present

Rick Healey
Alexander de Geofroy

Staff: Shanna B. Saunders, *Director of Planning & Development*
Ryan O'Connor, *Senior Planner*

(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

Chair, Mark Collopy called the meeting to order at 6:30 p.m.

II. Roll Call

Senior Planner, Ryan O'Connor conducted roll call.

III. Seating of Alternates

Seating of alternates was unnecessary.

IV. Communications from the Chair

Mr. Collopy stated that there are no communications to be passed from the Chair.

V. Approval of Minutes for

A. March 20, 2023

A motion was made by Mr. Walker to approve March 20, 2023 meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.

VI. Opening Discussion/Comments

A. Public Comment

There were no comments from the public to discuss.

B. Discussion of general planning issues

There were no general planning issues to discuss.

VII. Extension Applications

A. [Ko-Go, LLC, Farmington Road](#) (by Norway Plains/ Scott Lawler) Site Plan to construct electric vehicle charging facility. Case# 208 – 16 – GRD – 22 **Extension to 9/7/2023**

A motion was made by Mr. Walker to approve the extension request to September 7, 2023 and seconded by Mr. Hamann. The motion carried unanimously.

B. [SSG, LLC, 29 Wadleigh Road](#) (by Groen Construction/ Fenton Groen) Site plan to construct 52-unit apartment. Case# 137 – 35-1 – HC – 21 **Extension to 4/4/2024**

A motion was made by Mr. Walker to approve the extension request to April 4, 2023 and seconded by Mr. Hamann. The motion carried unanimously.

VIII. New Applications

A. [Tedeschi Contracting, LLC, 9 Lawn Avenue](#) (by Stonewall Surveying/Raymond Bisson) Minor 2-lot subdivision. Case# 131 – 21 – R2 – 23 **Public Hearing ACCEPTANCE/FINAL DECISION***

Raymond Bisson with Stonewall Surveying gave an overview of the project. Mr. Bisson stated that the plan is to divide the lot into 2 and that the lot is on public water and sewer.

Mr. O'Connor reviewed the conditions in the staff report and stated that the Planning Department recommends that the application be accepted as complete.

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

A motion was made by Mr. Walker to approve with conditions as stated and seconded by Mr. Hamann.

Mr. May asked for clarification on the lot being merged and then having the lot subdivided. Mr. O'Connor stated that the City involuntarily combined 3 lots in the past and if they were simply unmerged they would not create buildable lots. the proposed subdivision is to make 2 buildable lots out of the property.

The motion carried unanimously.

B. Timothy & Deborah Congram and Frederick Leslie, 46 Crown Point Road & 3 Strafford Road (by Norway Plains Assoc./ Joel Runnals) Lot line Revision. Case# 235 – 44&45 – A – 23 **Public Hearing ACCEPTANCE/FINAL DECISION***

Joel Runnals with Norway Plains Associates gave an overview of the project. Mr. Runnals stated that Mr. and Mrs. Congram are planning to develop their lot, which they already have a foundation, septic design, and driveway permit from DOT. Mr. Runnals stated that lot 45 has already been developed and no construction changes will be made to the lot. Mr. Runnals stated that the revision is for an equal exchange of land between both owners.

Mr. Hayden asked if there was a fence on the lot line. Mr. Runnals stated that the barrier is used for keeping chickens corralled and will be changed as needed.

Mr. O'Connor stated that revision will allow for the proposed driveway on 46 Crown Point Road to be further from the intersection and further from the wetland. Mr. O'Connor reviewed the conditions in the staff report and stated that the Planning Department recommends the application to be considered complete and approved by the Planning Board.

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

A motion was made by Mr. Walker to approve with conditions as stated and seconded by Mr. Hamann. The motion carried unanimously.

C. A&L Investments, 347 Old Dover Road (by Norway Plains/ Randy Tetreault) Preliminary Conceptual 4-Lot Subdivision. Case# 256-67-A-23

Joel Runnals with Norway Plains Associates gave an overview of the project. Mr. Runnals stated that the project is to subdivide the parcel into 4 lots.

Mr. Bruckner stated that he felt the subdivision seemed reasonable but was concerned that the parcel image on GIS seems different than the plan image presented. Mr. Runnals explained that the GIS image was a tax map and not a boundary survey. The plan image presented shows the lot line as found in the boundary survey. Mr. Bruckner asked if this image would be updated in GIS. Mr. O'Connor answered that yes, the part of the formal submittal of this project is to work with the Department of Public Works and their surveyors to verify the boundary lines.

Mr. Bruckner stated that there is a 40-foot slope on the property from south to north and asked if there was a concern for drainage. Mr. Runnals stated that they would be going through the City's permitting process including Alteration of Terrain (AOT). Mr. Runnals stated that when building permits are acquired that the developer will have to include information on drainage.

Mr. O'Connor stated that this is a preliminary review of the subdivision. Mr. O'Connor read the subdivision regulations stating that the Planning Board can prohibit the creation of a lot where the average depth is 3 times the average width. Mr. O'Connor stated that the average depth for this lot's proposed subdivided lots is 7 times the average width. Mr. O'Connor stated that the Planning Department supports the waiver to primarily to maintain the low density given the possible impacts to the stream buffer with large development. Mr. O'Connor stated that the City will ask that the developers work with the Department of Public Works on the lot boundaries with a formal application.

Mr. Walker asked if a waiver was necessary for this subdivision. Mr. O'Connor responded saying that the Planning Board can prohibit a subdivision with the proposed measurements of the subdivided lots per the subdivision regulation.

Mr. Walker stated that he did not feel a waiver was necessary and asked if a waiver was required. Ms. Saunders stated yes, the waiver is required and that the waiver will make it clear in the records for the future, that the City supported this subdivision in the event of title searches.

Mr. Hayden asked if the wetlands require the 50-foot buffer if less than 3,000sqft. Mr. O'Connor stated that it is if the property is less than a half-acre and there will still be a 50-foot buffer on the stream running through the property.

Mr. Runnals stated that wetlands issues will be addressed in future submissions.

Mr. Collopy stated that he supported an idea of a shared driveway to prevent traffic issues.

No action was required as this was a conceptual application only.

IX. Final Plan Approval

- A. [68 Hemingway, LLC; 68 Hemingway Drive](#) (By Holden Engineering & Surveying INC) Condominium Conversion (Major Subdivision). [Conditionally approved February 6, 2023.](#) Case # 258-63-R2-22 **Public Hearing FINAL DECISION***

Mr. O'Connor stated that the applicant has met all precedent conditions for condominium conversion. Mr. O'Connor stated that developer has addressed all concerned with assessing and current use mapping. Mr. O'Connor stated that the Planning Department recommends granting final approval.

A motion was made by Mr. Walker to approve final plans and seconded by Mr. Hamann. The motion carried unanimously.

X. Draft Charitable Gaming Ordinance

Ms. Saunders presented updated Draft Charitable Gaming Ordinance. Ms. Saunders listed the recommended changes by the Board in the last meeting. Ms. Saunders stated that language was added regarding the applicant petitioning the City to take over art; the applicant must petition the City within 5 Years of development. Ms. Saunders explained that this is to prevent the City from taking over murals that have not been maintained at all.

Ms. Saunders stated that language was received by Mr. Bruckner regarding the architectural standards. Ms. Saunders stated that the intent does not change but the wording suggestion was

appreciated from Mr. Bruckner. Ms. Saunders read wording suggestions and recommended change be made.

Mr. Walker asked if the City could have recommended colors. Ms. Saunders stated that there are no listed color requirements in the Ordinance.

Ms. Saunders stated that Planning Department is looking for recommendation to move current Draft Charitable Gaming Ordinance on to City Council for approval.

Mr. de Geofroy asked for grammatical correction within the 2nd Paragraph.

Mr. de Geofroy stated his concern with the wording of defining murals. Mr. de Geofroy stated that he felt confusion could be found when public art consists of sculptures and other types of arts and recommended clarification. Ms. Saunders agreed.

Mr. Fitts thanked the Planning Department for included electric vehicle (EV) chargers and suggested an increase from a minimum of 2 EV to 4 EV chargers.

Mr. Walker stated that he felt that the wording should be kept at 2% of parking capacity or a minimum of 2 EV chargers.

Mr. Sullivan stated that he felt the wording of 2% as the requirement could lead to a large amount of extra EV chargers that are unutilized. Mr. Sullivan stated that a maximum of EV chargers should be included in the ordinance.

Mr. Sullivan asked if the requirement of EV chargers would be required in other ordinances as well and not just Charitable Gaming. Mr. Fitts stated that he supports a requirement of EV chargers being included in other ordinances.

Mr. Collopy stated that he supported that idea of having a maximum number of EV chargers. Mr. Collopy stated that he felt that people who buy Electric Vehicles should be aware of current local charging infrastructure ability and that the Planning Board should not make developers responsible for changing current infrastructure.

Mr. Fitts suggested that there be a waiver request made for EV chargers for applicants to use.

Mr. de Geofroy stated that he supported the suggestion of 2% of parking capacity, or minimum 4 EV chargers.

Mr. Sullivan stated his concern for increasing the requirement to read 2% of parking capacity, or 4 EV chargers.

A motion was made by Mr. Fitts to change the change the requirement of EV chargers to 2% of parking capacity, or minimum of 4 EV chargers and seconded by Mr. Bruckner. The motion carried 5 to 4.

Mr. Sullivan asked if a special waiver would be required for the EV charger's requirement. Ms. Saunders stated that there is only a standard waiver form to be filled out by applicants.

A motion was made by Mr. Bruckner to recommend Draft Charitable Gaming Ordinance including updated wording from Mr. Bruckner and changes to EV requirements to City Council and seconded by Mr. Hamann. The motion carried with all in favor except Mr. Walker.

XI. Other Business

A. Planning Update

Mr. Collopy stated that after 11 years of service, Mr. Mark Sullivan is stepping down from the Planning Board.

Mr. Sullivan stated that Mr. Alan Dews will be replacing him. Mr. Sullivan stated that Mr. Dews joins the Planning Board from the Department of Public Works and is well versed in the City's requirements.

B. Other

Ms. Saunders stated that the Capital Improvements Plan (CIP) is still being reviewed. Ms. Saunders stated that the City Manager has been included in decision making of the CIP weighting system. Ms. Saunders stated that the CIP weighting system will not be finished in time to be used in this year's CIP. Ms. Saunders asked if there were any questions from the Board regarding recommendations of the CIP.

Ms. Saunders stated the Orton Family Foundation approached the Planning Department about providing their services for the City of Rochester. Ms. Saunders explained that the Orton Family Foundation services include working with the community in finding their mission and vision and what aspects drive their core values and decision making. Ms. Saunders stated that the Orton Family Foundation has worked in many areas and are interested in Rochester. Ms. Saunders stated that the Community Development Committee supports the idea of the Orton Family Foundation coming to Rochester and providing their services. Ms. Saunders stated the Community Development Committee's next meeting will host an in-depth information session and that the meeting is on the same date as the Planning Board Workshop Meeting on April 17, 2023. Ms. Saunders asked if the Planning Board would like her to set up to have the Foundation provide an information session to the Planning Board members at the Workshop Meeting.

Mr. Richardson asked what the cost was for this service. Ms. Saunders stated that there is a match and that the match can be in-kind. Ms. Saunders stated that all training sessions that volunteers, boards, committees, and staff attend can be used as match. Ms. Saunders stated that fees can range between \$3,000 and \$5,000 in cash and rest would be in match.

Mr. de Geofroy asked if the City of Rochester has reached out to other cities that have utilized the Foundation's services to hear their feedback. Ms. Saunders stated that the City could and that she would reach out.

Ms. Saunders asked the Board if they would prefer to have the Foundation come give a presentation and answer questions to gain insight to their practices before reaching out to other cities. Mr. de Geofroy stated that he would like to hear from the Foundation, as well as other cities.

Mr. Sullivan asked what the difference was between the Orton Family Foundation and the Sunshine Initiative that the City of Rochester has worked with in the past and what was being done with the Sunshine Initiative. Mr. Walker responded stating that the Sunshine Initiative is currently working with River Walk committee.

Ms. Saunders stated that she has had no conversation with the Sunshine Initiative and stated that she could reach out to them if needed.

Mr. Collopy stated that he felt the additional information would be beneficial and Ms. Saunders stated that she would get their representative booked for the Planning Board Workshop Meeting on April 17, 2023 and that she would reach out to other cities that have used their services for their feedback.

Mr. Walker stated that he had additional ideas for the CIP committee. Mr. Walker stated that he recommends mandatory items be removed from the CIP due to the fact that weight cannot be considered. Mr. Walker stated that he felt that the mix of bonded items and cash items should be split into two categories, and the items should be weighed separately so that the City Council can make decisions on the leftover balance.

Mr. de Geofroy stated that there are few things truly considered mandatory and that mandatory could mean accepting the consequences and risk of not completing an item that is considered mandatory. Mr. de Geofroy stated that there should be a strict definition of mandatory that should be followed throughout departments.

Mr. Walker stated that the ultimate decision is up to the City Council and that the CIP committee would have separated, ranked list for the Council members to decide on after budgeting plans are made.

XII. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn the meeting at 7:16pm. The motion carried unanimously.

Respectfully submitted,

Jaclyn Millard,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development