

**City of Rochester City Hall
Planning Board**

Monday January 3, 2011 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(Approved on January 24, 2011)

Members Present

Tim Fontneau, *Chair*
Nel Sylvain, *Vice Chair*
Tom Abbott
Rick Healey
Gloria Larochelle
David Meader
Dave Walker

Alternate Members Present

Bob Badeau
James Gray

Members Absent

Stephen Martineau, *excused*
Derek Peters, *excused*

Staff: Michael Behrendt, Chief Planner
Marcia J. Gasses, Planning Secretary

(These minutes are the legal record of the meeting and are in the format of an overview of the meeting. It is neither represented nor intended to be a true transcription of the meeting. A recording of the meeting will be on file in the City Clerks office for reference purposes. It may be copied for a fee.)

Mr. Fontneau called the meeting to order at 7:00 p.m. The planning secretary conducted the roll call.

Mr. Badeau to vote for Mr. Peters

Mr Gray to vote for Mr. Martineau

Communications from the Chair

Mr. Fontneau wished everyone a Happy New Year.

Approval of the Minutes

A motion was made by Mr. Gray and seconded by Mr. Walker to approve the minutes of December 20, 2010. The motion carried unanimously.

Consent Agenda

- A. Rochester Housing Authority, Brock Street on vacant lot next to Autozone store.** (by Civil Works, Inc.) 12 unit elderly housing facility. Case # 131-62-2-R2-10 (The public hearing was closed). **Postponement**
- B. William & Natalie Vickery Revocable Trusts, 51 Evans Road.** (by Norway Plains Associates). 2-lot subdivision. Case # 232-10-2-A-10
- C. John Nelson & Joan Holt, 75 Four Rod Road.** (by Norway Plains Associates). Extension to meet precedent conditions for 2-lot subdivision. Case # 219-19-A-09

Mr. Fontneau stated the new extension date for the Nelson - Holt application would be 6-20-11.

A public hearing was held for the William & Natalie Vickery Revocable Trust application. No one addressed the board.

A motion was made by Mr. Gray and seconded by Ms. Larochelle to close the public hearing and approve the Consent Agenda. The motion carried unanimously.

New Applications

- A. Next Wave Homes Estates, LLC, 269 Old Dover Road** (by Norway Plains Associates). 2 lot subdivision. Case # 256-70-A-10

Richard Lundborn of Norway Plains Associates representing the applicant explained that the applicant wished to divide off a piece of the parcel which is used for maintenance.

Mr. Lundborn went on to explain that the maintenance facility was initially approved as an accessory use. As part of this application the maintenance facility will now need to be classified as a "contractor storage yard".

Mr. Sylvain questioned where the salt and sand is stored on the parcel.

Mr. Lundborn stated it would be in bunkers behind the building.

Mr. Behrendt stated that as part of the application the subdivided parcel would need to be approved as a "contractor storage yard". He recommends approval with a note added under condition #1, "Make sure the required 25 foot side set back is met for the out building on the

new lot; adjust as necessary.” There is no state site approval necessary as the site is greater than five acres.

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

The public hearing was opened.

No one spoke.

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

Mr. Fontneau clarified that the board would be approving two items; the subdivision and the contractor storage yard.

Mr. Sylvain asked for the buffering requirements from mobile homes.

Mr. Behrendt stated a twenty (20) foot buffer strip shall be maintained along all public streets and along all mobile home park boundaries which abut a residential area. The minimum distance between any mobile home and mobile home park boundary line shall be fifty (50) feet.

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

LAARS Heating Company, 20 Industrial Way. (by Norway Plains Associates) Site plan to construct an 80' x 80' addition onto the existing building to house a new training room, offices, break room and additional parking. Case # 230-19-12-10

Mr. Lundborn of Norway Plains Associates representing the applicant explained that a few years ago they were before the board for a multiphase project. After building the warehouse the economy changed and tonight they are here for a smaller interim addition.

Mr. Lundborn gave an overview of the project, including storm water management and parking. They are still in the process of completing the grading design and matching it with the prior plan.

Mr. Sylvain asked if there were any concerns from the Fire Department.

Mr. Behrendt stated there were no concerns from the Fire Department regarding circulation.

Mr. Behrendt explained to the board that the application is not ready for acceptance. There is still engineering to be completed. The public hearing should be held and continued to the next meeting.

William Root, General Manager of LAARS Heating Company explained that the company wished to create a welcoming center for their customers along with an expansion of office space, a cafeteria, and training room. LAARS would like to occupy the new space by fall of 2011, with a groundbreaking to occur by March 1.

Mr. Fontneau expressed that LAARS is a great company with a great product and he welcomed their expansion in Rochester.

The public hearing was recessed and the application continued to January 24, 2011

Review of draft Comprehensive Rezoning Ordinance

Tables of Uses

Mr. Behrendt gave an overview of the districts.

Mr. Fontneau explained he would read down through each table of uses and asked members to bring forward concerns they may have.

Mr. Sylvain suggested that the board add a page that would include a legend.

Mr. Behrendt pointed out the different zones on the large Zoning Map.

Mr. Sylvain asked when the board was looking to send the documents to Council.

Mr. Behrendt explained the board has the tables to review, the map, and then a final clean up after the revisions are made. He suggested the board may want to hold a public hearing before sending the documents to Council.

Mr. Walker felt that at the Council level you may have issues with the map.

Ms. Larochelle expressed that it does not hurt to get public input.

Mr. Fontneau suggest the board may want to set up a public hearing prior to the workshop in February, it would give an idea to the Council of potential issues citizens may have.

Table XVIII-A Residential Uses

Mr. Fontneau stated that boarding houses are not allowed in any residential area.

Mr. Behrendt stated they are considered commercial.

Mr. Badeau asked where halfway houses fall in the table.

Mr. Behrendt explained they are a Community Residence - II and are allowed by Special Exception. Special Exceptions tend to be sensitive in nature and require review by the Zoning Board of Adjustment.

Mr. Abbott asked Mr. Behrendt if they had come up with definitions regarding Conservation Subdivisions regarding what is used to determine areas.

Mr. Sylvain asked why there is no residential allowed in the Industrial Zones and should it be allowed by Special Exception.

Mr. Fontneau stated that they did not want to use up potential industrial property for residential use.

Mr. Fontneau asked for a description of a row house.

Mr. Behrendt explained that a row house faces a city street, where a townhouse is part of a development that faces on a private drive.

Ms. Larochelle asked for the definition of a flag lot.

Mr. Behrendt explained that it is a lot shaped like a flag, with narrow frontage on the street (i.e. the flag pole) and the buildable area in the rear (i.e. the flag). These types of lots are used under certain circumstances when the configuration of a subdivision would be better served than by a more traditional layout.

Mr. Behrendt stated that Manufactured Home Unit should read Manufactured Housing Unit. In addition, Manufactured Housing needs to be allowed on 51% of residentially zoned land.

Mr. Behrendt suggested the board may want to add a paragraph clarifying Planned Unit Development (PUD), where they are no longer allowed.

Mr. Healey suggested leaving in the present PUD ordinance and include a notation that a PUD is not allowed after a specific date.

Mr. Abbott questioned how long the approved Planned Unit Development Master Plans can sit without anything being built.

Mr. Sylvan suggested that a note be added to the definitions section.

Mr. Behrendt suggested that Article 27 would be a place to put a paragraph regarding Planned Unit Development (PUD).

Mr. Behrendt defined Zero Lot Line Development as a development where every house is shifted to one side giving a usable side yard on one side.

Table XVIII-B

A motion was made by Mr. Gray to make Agricultural Building, Reuse of Existing in the RR Zone require a Conditional Use Permit instead of a Special Exception. The motion failed for lack of a second.

A discussion ensued regarding why vehicle service was not allowed where used cars are sold.

Mr. Behrendt stated that the desire was not to have auto repair along high value Route 11.

Discussion ensued and the consensus was to add a Conditional Use to Vehicle Service in the HC2 Zone.

Table XVIII-C

A motion was made by Mr. Fontneau and seconded by Mr. Meader to add conditional use in the R2 Zone under café.

The motion was amended by Mr. Sylvain and seconded by Mr. Walker to eliminate Conditional Use for Café from the R1 Zone.

Mr. Fontneau withdrew his motion.

A motion was made by Mr. Sylvain and seconded by Mr. Badeau to remove Conditional Use in the R1 Zone for Bed & Breakfast. The motion failed 4-5

A motion was made by Mr. Gray and seconded by Ms. Larochelle to add Conditional Use to all Residential Zones. The motion failed 4-5.

Table XVIII-D

No changes.

Table XVIII-E

There was a discussion regarding Kennels. The consensus was to add Special Exception to Kennel (private) in the RR Zone.

A motion was made by Mr. Walker and seconded by Mr. Healey to add Special Exception to Kennel (commercial) in the HC2 Zone. The motion carried unanimously.

Other Business

The board is looking for an update on the lawsuit.

Mr. Behrendt stated the comments from CLD have been forwarded to Rochester Housing and Civil Works Engineering.

Mr. Walker stated the Spinale's sign had been taken down.

Ms. Larochelle would like the board to receive updates on Goodfellas.

Adjournment

A motion was made by Mr. Walker and seconded by Mr. Abbott to adjourn at 9:20 p.m. The motion carried unanimously.

Respectfully Submitted,

Marcia J. Gasses
Planning Secretary

(These minutes were transcribed from notes)