

City of Rochester Planning Board
Monday August 22, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on September 12, 2022)

Members Present

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

Members Absent

Peter Bruckner, *excused*
Paul Giuliano, *excused*
James Hayden, *excused*

Alternate Members Present

Alexander de Geofroy
Michael McQuade
Matthew Richardson

Staff: Shanna B. Saunders, *Director of Planning & Development*
Ryan O'Connor, *Senior Planner*
Ashley Greene, *Administrative Assistant II*

(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

Mark Collopy called the meeting to order at 7:00 p.m.

II. Roll Call

The recording secretary, Ashley Greene, conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Matthew Richardson to vote for Paul Giuliano and Michael McQuade to vote for Peter Bruckner.

IV. Communications from the Chair

Mr. Collopy let anyone who wanted to speak on any items on the agenda tonight that they would be limited to 5 minutes and would need to sign in on the sheet provided to be added to the record.

V. Opening Discussion/Comments (up to 30 minutes)

A. Public comment

Cliff Newton, Rochester resident, expressed his concern with the items on the agenda and it not being a public hearing and if any actions would be taken on the agenda items.

Mike Kirouac, 152 Pickering Road, said that he is a direct abutter of the Brickyard Property that is in question tonight. Mr. Kirouac expressed his concern with the process of this Brickyard property not being transparent. Mr. Kirouac discussed the City Council minutes regarding this property that are still sealed. Mr. Kirouac discussed his concern with the low-income housing units that are being put in. Mr. Kirouac expressed his concerns with the soils and the test wells, and the potential traffic and the property values.

James Chambers, 132 Pickering Road, said that he is a direct abutter of the Brickyard Property. Mr. Chambers explained that his property is zoned as General Industrial, along with his neighbor's. Mr. Chambers expressed his concern with the Gonic community not being big enough to handle 180 units in that area. Mr. Chambers is concerned about devaluing property values.

Susan Rice, 159 Ten Rod Road, expressed her concern about rezoning this parcel. Ms. Rice discussed spot zoning and that the rezoning request violates the spirit and intent of the ordinance. Ms. Rice discussed land being rezoned elsewhere if this request is approved. Ms. Rice discussed the Mayor wanting to bring in more manufacturing to Rochester. Ms. Rice discussed the abutters to this parcel and how rezoning this parcel would impact them. Ms. Rice expressed her concern for what kind of development could go into this parcel if this is approved.

Tom Kaczynski, 110 Whitehall Road, discussed what occurred with a Zoning Amendment in August 2011. Mr. Kaczynski expressed his concern with the increase in apartments in Rochester and the constant changes within the City. Mr. Kaczynski discussed the possible need for commercial land later down the road. Mr. Kaczynski expressed his concern with spot zoning and to stick with the plan that was created 8 years ago.

Gregory Hoey, resident of Gonic, discussed all the factories and the Waste Management facilities that have been developed in Gonic. Mr. Hoey expressed his concern with low income, subsidized housing and the property values. Mr. Hoey discussed the theft that is occurring and how much more theft could potentially occur if this is approved.

Tom Abbott, resident of Gonic on Railroad Ave, expressed his concern of spot zoning. Mr. Abbott discussed keeping multi-family developments where they are already allowed. Mr. Abbott asked about the transfer of land in a non-public meeting and why it was not listed as a public meeting.

Joshua Gagnon, 3 Harry Street, expressed his concern with high density housing in a place that does not have the resources close by. Mr. Gagnon explained that there is no Coast Bus Stop, no grocery store, no pharmacy, etc., within close walking distance.

Scott Trafton, 4 Levi Street, said he is a 33 year resident. Mr. Trafton expressed his concern with the contamination on the brickyard. Mr. Trafton expressed his concern with traffic, car accidents, tax payer burdens, increased children in the area and the burden on the schools. Mr. Trafton explained that there is no crossing guard on Railroad Ave and there hasn't been one for two years. Mr. Trafton discussed the shortage of first responders and how the Police Department is already overwhelmed.

James Vitagliano, 6 Brickyard Drive, expressed his concerns with the goals for the residential area and the businesses that can't keep staff. Mr. Vitagliano discussed factory work and a great way for people to learn skills. Mr. Vitagliano expressed his concern with low income housing and what Rochester could become if more businesses are attracted to the City.

Beth Vitagliano, 6 Brickyard Drive, expressed her concern on additional burden for the schools if this parcel is developed into apartments. Ms. Vitagliano also expressed her concern with traffic.

Chris Connolly, 11 Brickyard Drive, expressed his concern with safety in the area. Mr. Connolly said that he does not understand the need for the change. Mr. Connolly discussed doing a solar farm on the parcel.

Lauren Harrigan, 65 Church Street, said that she is against the zoning change. Ms. Harrigan discussed how safe the area is currently and expressed her concern for low income housing. Ms. Harrigan expressed her concern with property values and the traffic the change in zoning could bring in.

Gary Pomerleau, 2 Old Tebbetts Road, discussed his concern with things constantly being thrown into Gonic and the traffic that a new development could bring in. Mr. Pomerleau explained that Gonic is quiet and shouldn't be changed. Mr. Pomerleau expressed his concern with the soils on the land.

Michael Gibbs, 86 Rochester Hill Road, said that he is a former Gonic resident. Mr. Gibbs is concerned about the property values and explained that a large residential building would not be beneficial to Rochester.

Jeff Newton, expressed his concern with the need of a real public hearing and that no action should be taken tonight on the zoning change request. Mr. Newton brought up the Master Plan and if this change follows that Master Plan.

Steven Lambatte, 50 Pickering Road, expressed his concern with the environmental issues and the contaminated soils. Mr. Lambatte discussed the possible traffic issues and the burden on first responders. Mr. Lambatte expressed his concern with schools and where the children would attend school.

Sarita Shelty, 4 Levi Street, explained that low income housing is not needed. Ms. Shelty explained that Rochester needs to help the families that are already located in this City.

Clarence Moses, 75 Railroad Ave, discussed keeping the parcel zoned as is. Mr. Moses expressed his concern with crime if a residential building is brought in.

B. Discussion of general planning issues

No general planning issues to be discussed.

VII. Change in Zoning Request – Pickering Road

Mr. Walker made a motion to amend the agenda to hear Change in Zoning Request – Pickering Road first. Mr. Fitts seconded the motion. The motion carried by a unanimous voice vote.

Ms. Dwyer expressed her disappointment and not knowing what was going on with the property.

Mr. Scala explained that 150 Pickering Road is a City owned property that was taken by tax deed over 20 years ago. Mr. Scala discussed the large, main sewer line that runs down the middle of the parcel and it was determined that there is contamination on the parcel. The City has been working with the EPA and NH DES to get the parcel to a point where it can be redeveloped using the Brownfield program. Mr. Scala discussed that having the parcel zoned General Industrial gives limited options to develop the parcel. Mr. Scala explained that the goal is to always expand the tax base to keep the taxes low. Mr. Scala discussed that commercial uses that were considered, but there is currently a shortage of 1-2 bedroom housing. Mr. Scala addressed bringing in businesses but not having any housing for the employees at these businesses. Mr. Scala said that his submission is for rezoning and not for a project. NH DES has approved the parcel to be developed. Mr. Scala explained that Residential 2 seemed to be a better fit to rezone this parcel too. Mr. Scala explained he is looking for a recommendation from the Board to bring it to Council for approval.

Ms. Dwyer asked why the land was being surveyed and the Planning Board is just becoming aware of it. Ms. Dwyer said that she is concerned about the housing shortage, but it is not just occurring here in Rochester, it is nationally. Ms. Dwyer expressed her need to more information before she can make an informed decision. Mr. Scala explained that the group interested in the parcel wanted to survey the land in order to see if what they were proposing would work on that lot due to the wetlands. Ms. Dwyer asked who the group was that initiated the survey. Mr. Scala said it was Catholic Charities.

Mr. Walker expressed his concern with the zoning request and that it appears to be coming to the Board late to request the change. Mr. Scala explained that Catholic Charities came to him interested in Rochester due to the proximity to their other services in Dover. Mr. Scala explained their initiative they have through the state, including age restrictions, work force, and attainable housing. Mr. Scala explained what occurred and what lead them to go to the Conservation

Commission to see if the parcel would be feasible. Mr. Walker expressed his concern with R2 going in this area.

Mr. May clarified what is being presented to the Planning Board tonight. Mr. May explained that this is a Zoning Change Request from economic development that would then need to be recommended from the Planning Board to go to City Council and Council would vote to hold a public hearing. Ms. Saunders explained that when the zoning is approved and a project comes before the Planning Board, the abutters would be notified under that state statute and get to speak regarding the specific project. Mr. May expressed his love for Gonic, and said that he supports residential development in the Gonic area. Mr. May expressed his concern with spot zoning. Ms. Saunders discussed the density ring that was approved by the Planning Board in the past for this area and said that staff does recommend this change for zoning.

Ms. Dwyer asked why it must be rezoned as R2 and not R1. Ms. Dwyer explained that single family homes that are affordable could be put into that area.

Mr. Walker discussed the recommendation that will go to City Council, and that the Planning Board is responsible for giving an educated recommendation. Mr. Walker explained that he can not give the recommendation to change the zoning to R2.

Mr. Collopy expressed his concern with if the zone was already R2 and there was a plan before them there would be many red flags due to traffic, sidewalks, etc. Mr. Collopy discussed his understanding with housing needed within the City but can't support this change in zoning.

Mr. Sullivan explained to Mr. Scala that this project is not worth the effort, time, and community push back. Mr. Sullivan recommended withdrawing the request.

Mr. McQuade discussed the challenge of attempting to develop a parcel of land. Mr. McQuade explained that he has ten years of experience with the Rochester Police Department, and he understands what comes with low-income housing. Mr. McQuade expressed his concerns with not having enough information to make an informed decision. Mr. McQuade suggested relooking at this parcel and suggesting a different type of zoning for this parcel.

Mr. Scala discussed looking for an industrial entity to develop the parcel. Mr. Scala retracted his zoning change request.

Mr. Fitts asked if a really good plan came forward and the zoning wasn't correct is there a process that can be followed? Ms. Saunders explained that the applicant would need to request rezoning or obtain a variance from the Zoning Board.

Mr. Walker asked Mr. Scala if this rezoning request will be going to Council. Mr. Scala explained that he would not bring the change in zoning request to Council without the Planning Board's recommendation.

Mr. Collopy called a recess at 8:31 p.m.

Mr. Collopy called the meeting back to order at 8:40 p.m.

VI. Change in Zoning Request – Expansion of Downtown Commercial

Mr. Scala discussed the expansion of Downtown Commercial which would allow for increased density and more mixed use buildings. Mr. Scala explained the Wyandotte and Saint Elizabeth Seton parcels that would be included in the Downtown Expansion. Mr. Scala explained that he is requesting recommendation to go to Council.

Mr. Sullivan said that this change in zoning makes sense, and he fully supports it.

Mr. Collopy asked what Saint Elizabeth Seton is currently zoned as. Mr. Scala said that it is currently R2, along with the rest of the parcels indicated for rezoning.

Mr. Walker expressed his support for Saint Elizabeth Seton being rezoned but asked the reasoning for the stretch of River Street being rezoned. Mr. Scala explained that the dams and the basin are a unique area that has not been fully utilized. Mr. Scala discussed possibly having the riverwalk extend and it be accessible for kayakers. Mr. Walker asked about high rise buildings that could be put in on River Street. Mr. Scala said that there are already three story multi-units on River Street.

Mr. Hamann explained that years ago along River Street were all commercial buildings, but have since been torn down. Mr. Hamann expressed his support for extending the Downtown Commercial Zone.

Ms. Dwyer made a motion to recommend the Expansion of the Downtown Commercial Zone as presented. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

VIII. Petition for Zoning Ordinance Amendment – Recreation, Indoor

Ms. Saunders explained the petition for amendment to Indoor Recreation be allowed in the Industrial Districts by right rather than by a Variance.

Lisa Stanley, petitioner for the amendment, explained that a tenant in her building on 54 Allen Street is looking to expand within the building. Ms. Stanley discussed the other indoor recreation businesses that are located in industrial districts that had to go through the variance process with the Zoning Board.

Mr. Collopy expressed his support for keeping people in Rochester by allowing Indoor Recreation within the Industrial district.

Mr. Sullivan asked about the difference between RI and GI. Ms. Saunders explained that RI is Recycling Industrial and GI is General Industrial and this amendment is for the General Industrial.

Mr. Collopy asked for clarification on the Amendment process. Ms. Saunders explained that the Planning Staff would write the amendment and bring it back to the Board to make and changes for recommend it to Council.

Mr. Walker asked why outdoor recreation would not be allowed. Ms. Saunders discussed the concern of industrial trucking and kids playing outdoors.

Mr. Hamann asked why we are only limiting it to General Industrial and not including Recycling Industrial. Ms. Saunders explained that it is currently allowed by Conditional Use.

IX. Solar Panel Ordinance Discussion

Mr. O'Connor discussed the electrical permit data to determine how many solar panels may have been installed since 2016. Mr. O'Connor explained that there have been a significant increase in permits this year with a total of 54 already issued for solar panels. Mr. O'Connor discussed the changes made to the solar ordinance since the last meeting, with the biggest changes allow for balance between the character and the community with the solar panels. If a solar panel was being installed in the front yard it would need to half of the max height for the zoning district the property is located in.

Mr. Walker asked about a tracker being mounted in the front yard in a Residential-1 Zone. Mr. O'Connor explained that a tracker could be mounted in the front yard with a limit of 500 square feet and half the height allowed in that zone.

Mr. Collopy asked for a definition of a front yard in order to determine where a tracker could be placed. Ms. Saunders said that this would be the opportunity to determine the definition of a front yard, as it is not defined in the City Ordinance.

Mr. de Geofroy expressed his concern about what people may or may not consider attractive and that the energy profile of the country is changing. Mr. de Geofroy explained that this is a positive and proactive way to deal with the energy crisis.

Mr. Walker discussed the Master Plan and the scenic street scape and the neighborhoods. Mr. Walker expressed his concern for a solar panel being placed in the front yard of a residential zone.

Mr. McQuade asked if there have been any complaints about solar panels or if there are current restrictions for solar panels in the residential zone. Mr. McQuade asked what has brought about the need for the solar ordinance. Ms. Saunders explained that the reasoning for the ordinance is due to the increase in permits and the increase in larger size installations and there are currently no regulations addressing the larger size installations.

Mr. Collopy expressed the concern for regulating what goes in someone's front yard and how to determine what a front yard is. Mr. Collopy explained his support for private property rights.

Mr. Fitts discussed how difficult it may be to find the right lot size and setbacks that will work all of the time. Mr. Fitts explained that solar panels don't make noise, and it is beneficial to the land owner.

Mr. Hamann expressed his concern for controlling people's property rights. Mr. Hamann explained that there are other things that people have all over their properties that the City does not control.

Ms. Dwyer expressed her concern with the size of the tracker that would go in someone's yard.

Mr. de Geofroy asked about the 500 square foot limit and how it is chosen and the impact that it has on the effectiveness of the solar panels. Mr. O'Connor explained that the 500 square feet was a common number used in other ordinances and the solar land coverage seemed to be a sustainable way to start since the technology is constantly changing.

Ms. Dwyer discussed the different types of solar panels, including ones that open during the day and close at nighttime.

Ms. Saunders discussed the permits that go through the Planning Office, and that the solar panel permits would continue to go through the Planning Office in order to determine if the solar panel fits the regulations.

Mr. Collopy opened the public hearing.

Packy Campbell, Rochester resident and a current solar installer. Mr. Campbell discussed the solar ordinance and as it stands now and where solar trackers could be placed. Mr. Campbell explained his concern with solar land coverage due to the state law going by kilowatts rather than solar land coverage. Mr. Campbell discussed his support for lot setbacks and height for each zone. Mr. Campbell explained that each tracker has a pedestal that are made to be a dual use, in order to park your car under, or place things underneath it. Mr. Campbell the square footage limit that would not function well for businesses and would not help offset their electrical bill. Mr. Campbell explained how the kilowatts work and how it limits what can be installed on a property. Mr. Campbell addressed the solar land coverage with his property at 17 Sterling Drive and how that would prevent him from having as many trackers as he currently has.

Mr. O'Connor explained the solar land coverage and how it would be used in residential zones and the kilowatt coverage would be used in the commercial areas. Mr. O'Connor explained how a Special Exception or a Conditional Use Permit in order to get a megawatt of coverage. Mr. O'Connor explained that the Special Exception would allow for staff to review and determine if it fits the lot and the character of the community.

Mr. Walker asked what happens about provisions for removal of the solar trackers and if they get abandoned. Mr. O'Connor explained that abandonment section of the solar ordinance and how it is the property owners responsibility to remove the structure.

Mr. Walker explained that he would still like to see a minimum lot size for the trackers in the residential zones.

Mr. May asked to get rid of the front yard, back yard distinction and just have one size for the zone with a special exception.

Ms. Dwyer asked for clarification on the abandonment and if it is just for residential land or commercial property. Ms. Dwyer also asked how well the ordinance aligns with the state laws for solar panels.

Mr. de Geofroy revisit the solar land coverage versus the kilowatt coverage to determine if it is the best option for this ordinance.

Mr. Sullivan asked how the 500 square foot measurement came about. Mr. O'Connor explained that is the average use in the residential zone for ground mounted systems. Mr. O'Connor explained that tracker would be half the size of what is seen on commercial properties like Staples.

Mr. Sullivan asked if there were any other solar installers that staff was working with to help with the ordinance. Ms. Saunders explained that Mr. Campbell just received a draft of the ordinance a couple days ago and we have been looking at other ordinances to get guidance.

X. Manufactured/Affordable Housing Discussion

A motion was made by Ms. Dwyer to move the Manufactured/Affordable Housing Discussion to the September Workshop meeting. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

XI. Review of inspections and surety for July 2022

Ms. Saunders went over the inspections in July.

Mr. Sullivan asked if the increase in inspections is due to the Construction Inspector that was hired by the Department of Public Works. Ms. Saunders explained, yes, as well as that fact that it is also due to the amount of construction that is occurring within the City of Rochester.

Ms. Saunders went over the surety that is expired but the projects are also completed. Ms. Saunders explained that staff is waiting on the appropriate paperwork from the applicant to get the surety released. Ms. Saunders went over the surety with Eisenhower Drive and Fillmore Blvd and the effort that staff is making to get the bonds renewed. Ms. Saunders discussed a letter being sent to the developer for England Road and we are waiting to hear back from them.

Ms. Dwyer asked to have a letter sent to Norway Plains Road townhouses. Ms. Saunders explained staff is working on a drawdown with the developer because the infrastructure is complete. Ms. Dwyer asked if that could be noted on the spreadsheet.

XII. Other Business

A. Planning Update

Mr. Collopy discussed the Land Use Chair meeting that occurred before the Planning Board Meeting. Mr. Collopy explained that meetings will continue to be at 6:30 p.m.

B. Other

No other business.

XI. Adjournment

Mr. Walker made a motion to adjourn the meeting at 9:39 p.m. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

Respectfully submitted,

Ashley Greene,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development