

**City of Rochester Planning Board**  
Monday November 7, 2022  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on November 21, 2022)*

*Members Present*

Mark Collopy, *Chair*  
Robert May, *Vice Chair*  
Peter Bruckner  
Keith Fitts  
Don Hamann  
Mark Sullivan  
Dave Walker

*Members Absent*

Alexander de Geofroy, *excused*  
Michael McQuade, *absent*

*Alternate Members Present*

James Hayden  
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.)

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**I. Call to Order**

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

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**II. Roll Call**

The recording secretary, Ashley Greene, conducted roll call.

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**III. Seating of Alternates**

Mr. Collopy asked alternate members James Hayden and Matthew Richardson to vote in place of the two vacant seats.

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#### IV. Communications from the Chair

Mr. Collopy announced that Paul Giuliano has resigned from the Planning Board as he is moving out of the City of Rochester. Mr. Collopy explained that there are two vacant seats as a regular board member and the seats likely won't be filled until December or January.

Mr. Walker asked if the point of order should be followed and send a letter of recommendation to Council for who the board would like to fill those positions. Ms. Saunders explained that it has not been asked of her by the Council. Mr. Walker explained that typically the board will ask the Chairman to write a letter of recommendation to the Council. Mr. Collopy asked if there was no one opposed to discuss this at the end of the meeting under other business. No one was opposed.

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#### V. Approval of minutes for October 3, 2022

Dave Walker made a motion to approve the minutes from October 3, 2022. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

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#### VI. Opening Discussion/Comments (up to 30 minutes)

##### A. Public comment

There was no public comment.

##### B. Discussion of general planning issues

There were no general planning issues to discuss.

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#### VII. Continued Applications

##### A. [Myhre Family Revocable Trust, 15 Piper Lane](#) (by Norway Plains) 4-lot Major Subdivision. Case # 250 – 28 – A – 22 **CONTINUED TO 12/5/2022**

Shanna Saunders explained that the applicant requested a continuance to the December 5, 2022 meeting.

*Mr. Hamann made a motion to approve the continuance to December 5, 2022. Mr. Walker seconded the motion.*

Mr. Walker asked if this was the first request for continuance? Ms. Saunders said it was the first request.

Bob May asked if the public hearing will still be open at the next meeting. Ms. Saunders explained that the public hearing will remain open.

*The motion carried by a unanimous voice vote.*

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## **VIII. New Applications**

### **A. Norman Vetter, 19 & 25 Sheepboro Road (by Norway Plains) Lot Line Revision Case# 234 – 32&33 – A – 22 Public Hearing *ACCEPTANCE/FINAL ACTION*\***

Joel Runnals, Norway Plains Associates, presented the lot line revision on behalf of the applicant. Mr. Runnals explained the two parcels of the land and which lot lines that will be revised. Mr. Runnals explained that lot 33 is currently 74.72 acres and will become 75.49 acres after the lot line revision. Mr. Runnals explained the lot is currently developed with a single-family home, a barn which has a two bedroom apartment in it, two leach fields, and a well. Mr. Runnals explained that lot 32 is also developed with a 3-bedroom single-family home, a well, septic system, and a driveway and is currently 2.02 acres and will become 1.25 acres. Mr. Runnals explained the applicant bought Lot 32 in order to give themselves more privacy with the driveway. Mr. Runnals discussed the waiver requests for topography and wetland delineation for lot 33.

Mr. Collopy opened the public hearing. There was no one from the public present to speak, Mr. Collopy brought it back to the board.

Ms. Saunders discussed the staff recommendations, including providing a current use map for lot 33, wetlands on the smaller lot need to be marked with the conservation overlay tags, and the surveyor needs to submit a signed letter stating the new lot corner monuments have been set.

*Mr. Walker made a motion to accept the application as complete. Peter Bruckner seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the wetland delineation and topography waiver request. Mr. Bruckner seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the application with the application as stated by staff. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

### **B. RBV Realty, LLC, 46 Stillings Court (by Berry Surveying) 2-lot subdivision Case# 117 – 19-1 – NMU – 22 Public Hearing *ACCEPTANCE/FINAL ACTION*\***

Christopher Berry, Berry Surveying & Engineering, presented the subdivision on behalf of the applicant. Mr. Berry explained that this parcel is located behind the business called Sticker Station on Summer Street, and was subdivided off of that parcel about ten years ago. Mr. Berry explained that this parcel has frontage on Stillings Court and is in the Neighborhood Mixed Use Zone which permits subdivision of lots that are 6,000 sf in size. The applicant is proposing to subdivide the

parcel in half and connect utilities from Summer Street to the project site and provide a shared driveway access. The proposed structures will face Stillings Court and the parking will be in the rear.

Mr. Collopy opened the public hearing.

Ms. Saunders read a letter from an abutter that was submitted via email:

“Good afternoon Ashley,  
I wanted to reach out and provide my support of RBV Realty, LLC' s plans for a subdivision of 46 stillings Ct into two lots. I own an abutting property at 49 Stillings Ct. and I feel the development of this lot is beneficial to our neighborhood and the City of Rochester as it adds much needed housing units. Please do not hesitate to reach out with any questions regarding this matter or my input.  
Thank you!  
Kelley Patterson, REALTOR® “

Mr. Collopy closed the public hearing.

Ms. Saunders discussed the staff recommendations, including known utilities and easements be shown on the revised plan, and if/when the lot is developed a stormwater permit, backflow prevention device permit, and a signed letter from a surveyor stating the corner monuments have been placed will be required.

*Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the application with the conditions stated. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**C. Glenn David's Integrity Auto, Inc., 415 No Main Street** (by Berry Surveying) Lot Line Revision to allow additional space for egress to the proposed site plan amendment.  
Case# 114 – 4&3 – HC – 22 **Public Hearing ACCEPTANCE/FINAL ACTION\***

Christopher Berry, Berry Surveying & Engineering, presented the lot line revision on behalf of the applicant. Mr. Berry explained that the lot line revision is one step to bringing the site into compliance with both zoning and building codes that are required for the stair structure that has been built on site. Mr. Berry explained that the lot line between the two lots would be moved to add an additional 4,000 sf to the Integrity Automotive site. This allows for the set backs to be met and the structure that has been built will get a second means of egress.

Mr. Collopy opened the public hearing. There was no one from the public to speak. Mr. Collopy brought it back to the board.

Ms. Saunders discussed the staff recommendations and explained that there are no unique conditions of approval for this application, all conditions are standard.

*Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the lot line revision with the standards conditions. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**D. Glenn David's Integrity Auto, Inc., 415 No Main Street** (by Berry Surveying)  
Amendment to an approved Site Plan to allow second and third floor with egress and a dwelling unit within the building Case# 114 – 4&5 – HC – 22 **Public Hearing**  
**ACCEPTANCE/FINAL ACTION\***

Christopher Berry, Berry Surveying & Engineering, presented the site plan amendment on behalf of the applicant. Mr. Berry explained that the structure that was built does not conform to the original approval that was presented before the Planning Board years ago. Mr. Berry explained that the amendment presented tonight includes adding one residential unit. Mr. Berry explained that parking has been amended to account the residential unit and the façade of the structure is two stories taller than what was originally presented. Mr. Berry explained that the secondary egress is shown on the amended plans.

Mr. Collopy opened the public hearing. There was no one from the public to speak. Mr. Collopy brought it back to the board.

Ms. Saunders discussed the staff recommendations, and the site plan amendment is being requested after the fact. Mr. Saunders explained that this amendment is in response to action that the City had to take on the site. Ms. Saunders discussed the original site plan conditions that still need to be met and that all the original conditions from the October 2019 approval still stand. Ms. Saunders discussed a new construction cost estimate is needed to ensure that there is enough surety on file. Water and sewer connection permits need to be applied for and need to follow the new fee schedule that has been adopted.

*Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the amendment application with the conditions stated. Mr. Hamann seconded the motion.*

Mr. May expressed his concern with an after the fact application and the construction that occurred before any approval was given. Mr. May asked what state steps are being addressed to prevent this from happening. Ms. Saunders explained that the City has been working with the property owner for close to a year when the construction became evident that it was not following the approved plan. Ms. Saunders discussed the multiple meetings and conversations that occurred in order to get the application to the Planning Board. Mr. May asked if the Board can be assured that they are not setting a precedent to other developers. Ms. Saunders explained that all steps are being taken to prevent this from happening.

Mr. Collopy asked how we can guarantee that surety will be provided to the City. Ms. Saunders explained that any precedent conditions need to be completed before a building permit will be

given to the applicant. Ms. Saunders explained that if the applicant does start work without meeting the conditions then a cease and desist will be given.

*The motion carried by a unanimous voice vote.*

**E. CEM3 Holdings II, LLC, 146 Old Dover Road** (by Berry Surveying) 2-lot subdivision  
Case# 140 – 72 – R1 – 22 **CONTINUED TO 12/5/2022**

There was a letter from the applicant asking for a continuance of this item.

*Mr. Walker made a motion to approve the continuance to December 5, 2022. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**F. GHN Solar 17, LLC, Packy Campbell, 60 Shaw Drive** (by Norway Plains) Site plan to construct 50 solar trackers and a proposed blueberry farm  
Case# 240 – 49 – A – 22 **Public Hearing ACCEPTANCE/FINAL ACTION\***

Director Shanna Saunders let the Board know that she had a family conflict on this agenda item and recused herself from the item. Ryan O'Connor took over as staff liaison for this item.

Scott Lawler, Norway Plains Associates, presented the site plan application on behalf of the applicant. Mr. Lawler explained the parcel is 27.6-acre parcel that is located in the Agricultural zone with parts of it in the Conservation Overlay district and, in the Aviation Overlay district. Mr. Lawler explained that the parcel has frontage on Shaw Drive, which is a Class VI, City right of way.

The lower portion of the parcel was logged in the spring and there is a 135-foot Eversource easement on the property. Mr. Lawler explained that the Department of Public Works installed a municipal water line along Shaw Drive about 2 years ago and it was installed along the length of Shaw Drive and under the railroad tracks to service the Granite State Business Park.

Mr. Lawler discussed the proposed plan, an agrovoltaic facility that consists of a 1-megawatt consumer generated facility with cultivated blueberry bushes underneath the trackers. There are 60 trackers proposed, 65 feet apart and 75 feet between the rows, to make sure each tracker is not being shaded by the tracker adjacent to it. Mr. Lawler explained that each tracker is approximately 41.5 x 27.5 feet wide by tall and are mounted on pedestals that stick out of the ground. When the tracker is installed, the bottom of the tracker is about 10 feet off the ground, the maximum height when the tracker is on a 56-degree angle it is approximately 33 feet off the ground. Mr. Lawler explained that as part of the proposal the applicant will be upgrading Shaw Drive to a 20-foot-wide gravel roadway to allow emergency access for the first 1,000 feet of Shaw Drive and the last 325 feet will be reduced to 12 feet wide which will be passable for a utility vehicle. There is also proposed overhead wires from the utility systems on the south side of the railroad tracks to the existing utility poles on Shaw Drive up to the turn off and where the roadway widens to 20 feet and the wires will go under ground and remain under ground to service the parcel.

Mr. Lawler explained there will be a small shed on site to house the electrical components and hand tools needed for the blueberry bushes. Mr. Lawler explained there will be no connection to the municipal water or sewer system. The intent of the blueberries will not be retail or pick your own, it is more for the applicant and staff of the applicant. The only earth disturbance on the property will be the installation of the utility conduits and at each tracker the 10x10 square to install

the counter base and then back fill. Mr. Lawler explained that there is no increased stormwater because the water filters through trackers to help germinate the blueberries. Mr. Lawler explained there will be a NHDES impact permit due to the proposed upgrade of Shaw Drive. A Conditional Use Permit application is required, and the applicant will still need to meet with the Conservation Commission. Mr. Lawler explained that the applicant is looking for a conditional approval tonight from Planning Board. Mr. Lawler explained that the applicant will need to go to City Council for approval of the building permits on a Class VI road. The project has received approval from the Pease Air Aviation and the FAA for the installation of solar panels. Mr. Lawler said that on September 14, 2022, the applicant received a variance for the proposed project.

Mr. Collopy opened the public hearing. There was no one from the public present to speak, Mr. Collopy brought it back to the Board.

Ryan O'Connor discussed the staff recommendations. Mr. O'Connor gave a brief history of the project. Mr. O'Connor explained that there are several aspects of the project that still need to be reviewed by the Conservation Commission. Mr. O'Connor explained that the City's wetland buffer will be impacted. Mr. O'Connor explained that the Conditional Use Permit has been submitted but the Conservation Commission has not had a chance to meet or do a site walk. Mr. O'Connor explained that items such as culvert design, erosion control, buffer impact restoration around the wetlands should be reviewed before an approval is given. Mr. O'Connor explained that wetland and wetland buffer impacts have already occurred on site, illegally from the logging and the Conservation Commission has already requested a mitigation plan be submitted. Mr. O'Connor explained that a draft copy of the wetland delineation was submitted, but staff does not have final stamped plans and would encourage a Site Walk before taking any final approvals. Mr. O'Connor explained that staff recommends not accepting the application as complete and continuing until the Conservation Commission can review and a Site Walk can take place.

James Hayden asked for clarification from the Zoning Board approval for the number of solar trackers to the application now. Mr. O'Connor explained that the original application was for 60 trackers and the number may have changed but it is still consistent with 1 megawatt. Mr. Hayden asked if the applicant will be in violation of the Zoning Board approval if the numbers of trackers do not match.

Packy Campbell explained that the Zoning Board approval was for 60 trackers and that was what was presented during the rehearing, but in April it was for 50 trackers. Mr. Campbell explained the state law for 1 megawatt and how that relates to his proposal and how they came up with having 60 trackers on the site. Mr. Campbell said that during the Zoning Board presentation he did disclose to the Board that the layout was different than the original proposal. Mr. Campbell explained that the layout was updated to be outside of the 50-foot buffer, and the conditional use permit is for the roadway wetland buffer that will be disturbed. Mr. Campbell explained that once the wetlands are filled the 50-foot buffer goes away because of where the new buffer would be. Mr. Campbell discussed going to the Conservation Commission and getting the state wetland permit no matter what and requested the board accept the application as complete with a conditional approval.

Mr. O'Connor explained the Conservation Overlay Ordinance the application should be referred to the Conservation Commission for comments before making any final decisions. Mr. Collopy asked if Conditional Use Permit has been submitted? Mr. O'Connor explained that a permit application has been submitted but the Conservation Commission has not reviewed the application.

Mr. Collopy asked for a motion to accept the application as complete. No motion was made.

Mr. Campbell asked if he could proceed with a conceptual application and get feedback from the Board. Mr. Campbell requested a reason for not accepting the application as complete. Mr. Campbell expressed his concern with postponing the application for another month. Mr. Campbell discussed the cost associated with postponing the project.

Mr. Walker discussed that the applicant has checked off every box and has received the variance. Mr. Walker expressed that the application appears complete to him. Mr. Walker asked for clarification as to why the Board has to wait until the Conservation Commission meeting on November 30, 2022. Mr. O'Connor explained that the Commission will likely meet beforehand to do a site walk and that with any other application we would hold them to the same standard and have the applicant get a Conditional Use Permit before going to the Planning Board. Mr. Walker expressed his concern with the applicant having to wait that long.

*Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion failed by a 3-6 vote.*

Mr. May said that he thinks a request for comments from the Board is reasonable. Mr. May discussed wanting more information for the roadway improvements. Mr. Lawler explained that it is a condition set forth by the Fire Department to get a fire apparatus down the roadway and to turn around.

*Mark Sullivan made a motion to reconsider the discussion of accepting the application as complete. Mr. Hamann seconded the motion.*

Mr. Bruckner suggested making a conditional motion based off Conservation Commission comments.

Mr. Sullivan asked if there it is only internal site review process and has nothing to do with state law? Mr. O'Connor explained that is separate and we are only discussed the local city buffer.

Mr. Collopy explained that if the application is accepted as complete the time frame for the application starts, even though the applicant still has to meet with City Council and Conservation Commission.

Mr. Sullivan asked for clarification on the timing. Mr. Campbell explained that if the Board gives a conditional approval, he will be able to begin work before the ground freezes. Mr. Campbell discussed the building permit approval from City Council and that he will be obtaining that.

Mr. Hayden expressed his concern with the application that may have been approved by the Zoning Board and the application that is being presented to the Planning Board. He thinks the two are different.

Mr. Sullivan asked if when an application is accepted as complete the Board is saying they have enough information to make a decision. Mr. Sullivan asked if it is linked to a RSA. Mr. O'Connor confirmed. Mr. Sullivan asked if the plans would change drastically after going to the Conservation Commission. Mr. O'Connor explained that depending on what the Commission required the applicant may have to come back to the Planning Board or it would be added to the Notice of



Decision. Mr. Campbell expressed his understanding for how the process works and that there are no Conservation Commission comments made on the project yet.

*Mr. Sullivan made a motion to rescind the previous motion to accept the application as complete. Mr. Hamann seconded the motion. The motion passed by a 2-7 roll call vote.*

Mr. May requested to hear from the staff. Mr. O'Connor explained that to get a building permit on a Class VI road approval from City Council it does not have to just be residential and that will be addressed in the Notice of Decision. Mr. O'Connor explained that projects with a Conditional Use Permit the applicant goes to Conservation Commission first per the ordinance and each project must go through the same process.

Mr. Fitts reiterated the need to follow the process and to not set the precedent that applicants don't have to follow the process.

Matthew Richardson asked if there are any doubts about the applicant receiving the wetlands permits. Mr. O'Connor expressed that these are all things that can be worked through, but it needs to be addressed with the Conservation Commission first and with a Site Walk.

Mr. May asked if the application is accepted as complete today how many days does the applicant have to get the application approved? Mr. O'Connor said 90 days.

*Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion carried. Mr. Collopy opposed.*

Mr. O'Connor went over suggested conditions of approval, including going to the Conservation Commission and addressing all comments and concerns, submitting a draft notice of the limits and responsibilities of a Class VI road, an excavation permit is required, address the current use concerns with assessing, addressing underground electric on the plan, and submitting a wetlands delineation that is stamped by the wetlands scientist.

Mr. Collopy opened the public hearing. There was no one from the public present to speak, Mr. Collopy brought it back to the board.

Mr. Fitts asked if the construction timeline has been changed and if the applicant could start tonight. Mr. O'Connor explained that all precedent conditions must be met before construction can begin and the applicant still has to go to City Council for the Class VI road building permits.

*Mr. Walker made a motion to approve the Conditional Use Permit with any conditions set forth by the Conservation Commission. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the application with the conditions stated. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

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## **IX. Other Business**

## **A. Planning Update**

Mr. O'Connor discussed the letters that were sent to all active construction sites with winter stabilization information.

Mr. Collopy discussed the property on Milton Road that is currently in the Courts to get cleaned up.

## **B. Other**

Mr. Collopy discussed the recommendations for Planning Board members. Mr. Collopy said that there are two regular member seats available. Mr. Collopy explained that Mr. Richardson and Mr. Hayden have put in their statement of interests for the regular planning board seats.

*Mr. Walker made a motion to recommend Mr. Hayden and Mr. Richardson to the City Council for Regular Planning Board members. Mr. Bruckner seconded the motion. The motion carried by a unanimous voice vote.*

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## **X. Adjournment**

*Mr. Walker made a motion to adjourn the meeting at 7:54 p.m. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

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Respectfully submitted,

Ashley Greene,  
*Administrative Assistant II*

and

Shanna B. Saunders,  
*Director of Planning & Development*