

City of Rochester Planning Board
Monday February 27, 2012
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on March 19, 2012)

Members Present

Tim Fontneau, *Vice Chair*
Gloria Laroche, Secretary
James Gray
Rick Healey
Stephen Martineau
Derek Peters
Mark Sullivan
Dave Walker, Councilor

Members Absent

Nel Sylvain, excused

Alternate Members Present

Gregory Jeanson
Matthew A. Kozinski

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

(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)

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

Gregory Jeanson to sit for Nel Sylvain.

Communications from the Chair

None

Public Comment

No one spoke.

Discussion of General Planning Issues

No one spoke.

Public hearing for proposed rewrite of City of Rochester Zoning Ordinance - Chapter 42

Robert Gates - Dry Hill Road displayed a binder containing information on Comprehensive Rezoning which had been collected between July of 2005 and the end of January 2006. It contained information the Gates felt should have been considered as part of the review at that time. They had submitted a smaller binder in January of 2006 of items they wanted considered and questioned what had happened to that binder. He would like to have seen the minutes from those meetings and would now like to see things scrapped. He stated that Comprehensive Rezoning as it exists should be scrapped and the process started over.

Malcom McNeill - of Dover represented John Madden who owned Country Brook Estates. He distributed handouts to the board. Mr. McNeill explained that he had suggested R2 zoning to Mr. Behrendt for Mr. Madden's property but he had thought R2 was more appropriate in town. He believed that more permissive density should be allowed in the R3 zone and was seeking a 6000-7500 square feet per unit requirement which was an indicator of the true market. Mr. McNeill asked that this be considered for lots with municipal water and sewer and not the 15,000 square feet that is being suggested.

Cliff Newton - Distributed a document which was an example of a law change with mark-up showing what had been changed. He expressed that Comprehensive Rezoning needed to be a document to defend when it goes to Council. If done correctly the document would be much easier to defend. He felt some parts were not economically viable and questioned how you could defend a 150 page document. If the board chose to do it the same way they may get to the Council and end up with the same result.

Tom Kaczynski - expressed the PUD amendment last week may have shown that the village concept was not viable. Chapter 42 was voted down and the correct process would be to start over. He discussed the fact that his families property was in Agricultural and if it would be changed to R3 he would only be able to develop 20% of it.

Mr. Kaczynski felt the plan had been pushed by the Planning Department and was confusing. He expressed that if it couldn't be explained then it should not be approved. Records had been chose not to be kept, striking people as closed government. He felt there was no excuse for this to have happened. There were a handful of people who had discussed property rights and the discussion should have been open.

Fred Leonard - Stated that New Urbanism was an enormous mental leap and we had different physical and market realities. He felt that there was a small group of people spending other people's money. New Urbanism would not work because we did not have the tools, no transportation. He expressed that he understood the need for certain regulations but the exceptions for agriculture were nonsense. Churches are now conditional and the reuse of agriculture buildings would have to come before the board. He advised the board not to send to the Council a rehash of what has already been done.

Mr. Fontneau closed the public hearing for the evening.

Approval of the minutes for February 6, 2012

A motion was made by Mr. Walker and seconded by Mr. Peters to approve the February 6, 2012 regular meeting minutes. The motion carried unanimously.

Continued application: Colby Footwear, Inc. , Don Silberstein, 15-25 Oak Street (by Norway Plains Associates). Site plan for a 76,550 square foot two-story addition to an existing 30, 372 square foot warehouse building. Case # 138-79 & 80 - B1-R2-12

Art Nickless of Norway Plains Associates explained that they were due to come back next week but were seeking some guidance from the board. They had originally showed the loading dock coming off Oak Street but realized after that it was from a cost perspective an ineffective way. Trucks had accessed the site by Patriots Way in the past. Most truck traffic coming by Patriots Way was seasonal in nature not to include FedEx and UPS, those were done via the front. He wanted to broach the subject so that they could have a more in depth discussion next week.

Mr. Fontneau asked if all the major deliveries would come from Patriots Way.

Mr. Peters expressed that if there were six trucks a day he would have liked to know the times of day. He explained trucks were still leaving on Route 125,

Mr. Nickless explained a new dock would be built and the attachment of the new building would only be where the existing building is a straight line.

Mr. Sullivan asked about Patriots Way.

Mr. Nickless explained that it was a residential street with the homes probably built for shoe workers.

Mr. Sullivan expressed that it was not ideal to have truck traffic through a residential area but if it was minimal.

Mr. Nickless stated it was currently being used.

Mr. Kozinski asked if once the new dock was built would the old dock be removed. He had watch trucks drive over the curb today when he was in the area.

Mr. Fontneau clarified that Mr. Nickless was here to hear any major concerns but he would hesitate to continue the discussion without hearing from abutters who were anticipating the case being before the board on March 5.

Mr. Behrendt explained that the direct abutters were notified.

Mr. Fontneau expressed that a good neighbor should notify all people on the street.

Mr. Walker felt it was appropriate that everyone on Patriots Way be notified.

Mr. Peters agreed.

Mr. Behrendt stated they would prepare the notice tomorrow.

Mr. Martineau questioned whether they were setting a precedent.

Mr. Fontneau expressed that this was a unique case.

New Application: Golick's Dairy Bar/Alan Golick and Lisa Thompson, 4 Gonic Road. Change of use for an ice cream bar and office space in the former location of Rochester Stove Shop. Case # 132-45-B2-12

Mr. Behrendt explained that the applicant had requested their application be postponed until the March 19, 2012 meeting. More research was needed on the cross walk.

Mr. Fontneau stated it would be inappropriate to discuss the application until March 19th.

Review of draft Capital Improvements Program

Mr. Fontneau explained they were looking for further input and suggestions.

Mr. Sullivan stated he would like to see the Master Plan moved to 2013 from 2014, which was an amount of \$10,000.

Mr. Peters explained that that would change the 2013-2017 schedules.

Mr. Sullivan clarified this money would be coming from dedicated revenue.

Mr. Behrendt stated that the department thought it would be appropriate to tackle the Master Plan after the Chapter 42 rewrite.

Mr. Peters asked what would happen if Chapter 42 took another 10 years.

Mr. Sullivan stated that they need to know sooner.

Mr. Fontneau was not sure if the Transportation Chapter should be moved up or they should wait until after projects are complete. The six year plan will all be bumped up one year.

Ms. Larochelle explained she could summarize the changes if people gave them to her. She stated that the Council handles the budget and maybe they should focus on safety issues.

Mr. Walker explained that the timeframe was to meet the City Manager's deadline but the board could continue to look at the CIP and go to the public hearing. He suggested keeping the item on the agenda continuing to make recommendation to be forwarded at the public hearings.

Mr. Sullivan thought that the tennis courts were part of the schools.

Mr. Walker clarified that they are under Buildings and Grounds.

Review of final draft of proposed amendments to the Site Plan Regulations - reformatting and rewrite of development standards (Article III)

Mr. Behrendt explained that he was looking for final endorsement and a final hearing for next week.

Mr. Walker asked if all the updates the board had requested had been completed.

Mr. Behrendt stated yes.

Discussion ensued on when to have the City Attorney start his review. The consensus was to wait until after the public hearing.

Mr. Peters asked if there was a list of the changes.

Mr. Behrendt explained that Article 3 was completely new except for architecture and lighting. He would put together a summary of the proposed and existing regulations.

Review of Surety and Inspection Information

Mr. Peters stated that it was his understanding that requests for release had to come back to the board with the recommendation for release from the City Engineer.

Mr. Fontneau stated that the idea was to keep the board informed.

Mr. Gray suggested that a notice be e-mailed to board of a request for surety release.

Mr. Fontneau explained that it was his thought that with the checks and balances the board created it eliminated the need to come back to the board.

Mr. Behrendt stated that this would need to be clarified.

Mr. Fontneau suggested adding this to the SOP to occur prior to the release.

Mr. Peters stated that the reason the funds are being released must be known.

Mr. Gray stated that the Planning Department makes the calculation.

Mr. Peters stated that every item has a cost.

Mr. Sullivan brought to the board attention that Little Quarry had expired.

Mr. Fontneau expressed that the new owners should be providing surety.

Discussion on Chapter 42 rewrite

Mr. Fontneau he had discussed with the chair his intent to discuss the commercial and industrial zoning.

A motion was made by Mr. Walker to change Neighborhood Commercial to Neighborhood Mixed Use.

Mr. Walker expressed that they needed to mix with the existing uses they already have.

Mr. Fontneau asked for an example.

Mr. Ortmann gave the example of the area out North Main Street. He went on to say that currently the City has the I3 zone which is sort of a mixed use zone.

Mr. Fontneau expressed that they are currently creating 7 commercial zones where there are now 3.

Mr. Peters expressed that the only difference between HCl and HCII is HCII is more restrictive. The only difference was how the lot is used.

Mr. Ortmann explained that there were similarities between HCl and HCII, with more uses allowed under HCl. He went on to discuss that there was a philosophical component and explained if you painted with a broader brush it would produce more flexibility.

Mr. Fontneau stated that HCII was much more restrictive.

Mr. Walker asked if it needed to be.

Discussion ensued.

Mr. Martineau stated that junk yards and saw mills are allowed in HCl.

Mr. Ortmann pointed HCl and HCII areas on the zoning map.

Mr. Walker expressed that if you could reduce with a special exception or condition use, why not just have I zone. He did support the HC3 for Granite Ridge.

Mr. Fontneau asked for a consensus on whether the board wished to combine HCl and HC2 zones.

A motion was made by Mr. Walker and seconded by Mr. Martineau to combine the proposed HCl and HC2 Zones. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Peters to change the proposed Neighborhood Commercial to Neighborhood Mixed Use. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Martineau to combine OCI and OC2.

Mr. Fontneau read the description of OCI and OC2.

Mr. Walker asked that OCI's on Wakefield Street be changed to Neighborhood Mixed Use.

Mr. Fontneau asked if there was a consensus to have an Office Commercial Zone and A Neighborhood Mixed Use Zone. There was a consensus.

Mr. Fontneau clarified that Downtown Commercial would stay and there would now be 5 commercial zones down from 7.

Mr. Fontneau asked for comment regarding the specialty zones; Hospital, Airport Special.

Mr. Walker did not see a problem.

Mr. Peters clarified that a hospital building located outside the Hospital Zone should stay the same as the area it is located in.

Mr. Peters clarified that they were doing away with Rural Residential and calling it Agricultural.

Mr. Fontneau stated at the last meeting there was a consensus to keep Residential 3 for now.

Mr. Ortmann discussed the Gonic Mill, pointing out it had outlived its functional use. He explained that this was a unique property and zoning directed at this property could be appropriate. The ZBA had worked hard with the owners of the Gonic Mill for the benefit of the City.

Mr. Fontneau suggested looking at the current zones they have created to see if they could find a fit.

Mr. Sullivan asked whether the Zoning Board was going to be part of the process of reviewing the zoning.

Mr. Walker explained they have been trying to take the nonconforming and make them conforming.

Mr. Gray discussed how he was attempting to compile a list of all parcels and their current zoning and the proposed zoning for each lot.

Mr. Fontneau explained the next step would be to discuss the uses in each district and then figure where they would be used.

Other Business

Mr. Behrendt asked the board for their input on an application for Rochester Crossing. The original approved site plan was for 8 buildings and 300,000 square feet. There is a proposed restaurant for an area that was originally dedicated to be 5200 square feet and the proposed restaurant will need an additional 7500 square feet than first proposed. He asked the board if they felt this should be treated as an amendment, minor site, or site review.

Discussion ensued.

Mr. Walker stated it was an amendment based on they are just expanding the size from what was approved.

Mr. Peters stated that there was enough parking and the building had not even been built.

Mr. Gray did not feel this would be setting a precedent.

Mr. Fontneau agreed this was an amendment because it is part of a larger plan of which this part had not yet been constructed.

Mr. Fontneau clarified that they were just talking process.

Mr. Martineau felt it should be made clear they were not using the prior document in light of Petition 32, regarding the zoning rewrite.

Adjournment

A motion was made by Mr. Walker and seconded by Mr. Peters to adjourn at 9:30 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses
Planning Secretary