

City of Rochester Planning Board
Monday February 4, 2019
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on February 25, 2019)

Members Present

Nel Sylvain, *Chair*
Matthew Kozinski, *Secretary*
Mark Collopy
A. Terese Dwyer – arrived at 7:01pm; left at 8:30pm
Tim Fontneau
Donald Hamann
Robert May
Mark Sullivan

Members Absent

Dave Walker, excused

Alternate Members Present

Joyce Bruckner
James Gray

Staff: James B. Campbell, *Director of Planning & Development*
Crystal Galloway, *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. Sylvain called the meeting to order at 7:00 p.m.

The Planning Secretary conducted the roll call.

III. Seating of Alternates

Mr. Gray voted in place of Mr. Walker and Ms. Bruckner voted in place of Ms. Dwyer.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Collopy and seconded by Mr. Hamann to approve the January 7, 2019 and the January 28, 2019 meeting minutes. The motion carried unanimously.

VI. Consent Agenda

A. 174 Milton Road, LLC, 174 Milton Road (Extension)

B. Great Woods Subdivision Homeowner Assoc. & Kenneth & Tasha Wilson, 3 Laredo Lane (LLR)

C. New Haul Properties, LLC, 14 Pink Street (LLR)

Mr. Campbell informed the Board there had been a request to remove item C from the consent agenda.

Board members reviewed the consent agenda and had no issues.

A motion was made by Mr. Fontneau and seconded by Mr. Hamann to approve items A and B on the Consent Agenda. The motion carried unanimously.

C. New Haul Properties, LLC, 14 Pink Street

Joel Runnals of Norway Plains Associates explained the plan for a lot line revision and said it will allow the existing mobile home park to have a larger buffer.

Mr. Sylvain asked if there was anyone from the public who wished to speak.

Heath Gauthier of 4 Pink Street said the lot line revision is not something he is interested in as an abutter and sees no need for it to be done. Mr. Gauthier said he is concerned there will be an increase in traffic because he doesn't know what the applicant has planned.

Aimee Page of 15 Pink Street told the Board she had just bought her home and is concerned that any new development will decrease her property value. She said she is also worried about an increase in traffic and people speeding.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell reminded the Board the application is for a lot line revision. He said the applicant is requesting waivers which staff support, staff recommends the Board find the application complete and would recommend approval.

Mr. Fontneau asked if there was a house that had existed on the vacant lot. Mr. Runnals said yes, and explained when the time comes they will have to get subdivision approval from NHDES as well.

Mr. Fontneau asked if the Board approves the lot line revision what would be left on Pink Street. Mr. Campbell said there will be one existing lot which the applicant will be before the Board at a later meeting for a 2-lot subdivision. Mr. Campbell reminded the Board mobile home park expansions are not permitted under the Zoning Ordinance.

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

A motion was made by Mr. Collopy and seconded by Mr. May to approve the three waiver requests. The motion carried unanimously.

A motion was made by Mr. Collopy and seconded by Mr. Kozinski to approve the lot line revision. The motion carried unanimously.

VII. Continued Applications

A. Packy's Investment Properties, LLC, 46 Farmington Road

Attorney James Shannon presented the request for an amendment to an approved site plan. He said the original approval was for several various businesses. Mr. Shannon said the amendment is to allow the truck sale dealership to be able to do state inspections instead of the owner having to send people to the business next door.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell explained the applicant is seeking two waivers, one from the parking rules and the second from surveyed property lines both of which staff support. He said if the waivers are granted staff suggests the Board approve the application.

Mr. Hamann expressed his frustration with the layout of the site. He said he was at the on-site storage facility and the driveway was blocked with vehicles so you can't get through. Mr. Shannon said he would make sure the tenant is aware of the traffic flow and not block the drive aisles.

Mr. May asked if you are allowed to be a state inspection station and not allow walk in clients. Mr. Shannon said he really doesn't know the answer to that question. Mr. May said he would be disinclined to grant the waiver request for parking not knowing the answer.

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

A motion was made by Mr. Fontneau and seconded by Mr. Hamann to grant the two waiver requests. The motion carried. Mr. May opposed.

A motion was made by Mr. Fontneau and seconded by Mr. Collopy to approve the site plan amendment with the condition that the parking lot and drive aisle are striped.

VIII. New Applications

Ms. Dwyer requested herself.

A. Hope on Haven Hill, 38 Charles Street

Mr. Runnals presented the plan for a change of use to allow a recovery house. He said there are only a few external changes to the property such as additional fencing.

Hope on Haven Hill Executive Director Sharon Drake explained this will be a recovery house for women that graduate from Hope on Haven Hill on Rochester Hill Road. She explained this will be a level two or three recovery which means the residents will be supervised.

Mr. Runnal explained to the Board the changes to be made to the exterior of the property such as installing boundary pins, the stockade fence will be extended down to the garage and the fence on the opposite side of the property will be extended down to the sidewalk on Charles Street.

Terry Dwyer of Glen Street asked how they will handle parking and how will it be monitored because that section of Charles Street is very congested.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Runnals told the Board the residents at the center are not allowed to have a vehicle, they are required to use public transportation.

Mr. Campbell said staff suggests the Board find the application complete and recommends approval.

Mr. Fontneau asked if there is any plans for security. Ms. Drake said there will be staff there 24 hours a day, and no men will be allowed on the property.

Mr. May asked if they are required to obtain any licenses or permits from any state agencies. Ms. Drake said right not they do not, but added the state of New Hampshire is looking at recovery houses.

Mr. Sylvain asked if the residents will be able to have visitors. Ms. Drake said no, any visits are set up and held at their office located on Rochester Hill Road.

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

A motion was made by Mr. Collopy and seconded by Mr. May to approve the site plan application. The motion carried unanimously.

B. Fielding's Oil Company, 72 Old Milton Road

Scott Lawler of Norway Plains Associates presented the plans to allow for an office for 2 to 3 employees and parking of 5 commercial fuel trucks. He said the Zoning Board granted a Special Exception in November with the condition that there be no more than 5 trucks parked and that a stockade fence be installed to buffer the single family home. Mr. Lawler added the hours of operation will be 6:00am to 6:00pm Monday thru Saturday.

Mr. Sylvain opened the public hearing.

Clyde Holland of 70 Old Milton Road (C & G Auto) said when the 2012 site plan was approved the drainage was supposed to be fixed and it wasn't. He said he is concerned with the proximity of the wetlands and where the trucks will be parked. Mr. Holland mentioned the ongoing court case between himself and the current owner of the property.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said staff recommends the application be accepted as complete and approved.

There was discussion regarding claimed legal matters and mitigation if there were to be a fuel spill.

Bill Fielding of Fielding's Oil said no one has ever required anything special for parking their fuel trucks. He explained the truck are inspected daily and there are practices in place for any issues that come up.

Realtor Bill Cormier told the Board he has been handling the property for a year, the owner had a lawsuit with the abutter but it has been resolved.

Mr. Sylvain ask about the catch basin that the abutter claims was supposed to be fixed by the property owner. Mr. Lawler said the catch basin is in the city's right-of-way and he was never aware it was supposed to be fixed. He said he reviewed the 2013 file, the notice of decision was signed off and the applicant was given a Certificate of Occupancy.

Mr. Collopy expressed concern for the traffic and traffic pattern along Milton Road. Mr. Lawler said he reviewed the corridor study that was conducted a few years ago and said it was suggested in the study that the properties driveway be aligned with the off ramp from the turnpike which he doesn't agree with.

Mr. Sullivan asked what mitigation is in place for oil spills. Mr. Fielding explained they have practices in place for any issues that come up.

The Board discussed continuing the application in order to look into the legal claims and possible wetland impacts.

A motion was made by Mr. Gray and seconded by Mr. Collopy to continue the application to the February 25, 2019 meeting. The motion carried. Ms. Dwyer opposed.

Mr. Sylvain called a recess at 8:25pm

Mr. Sylvain called the meeting back to order at 8:33pm

C. Northgate Investment Properties, LLC, 36 Farmington Road

Corey Colwell of TF Moran explained the 3-lot subdivision. He said the applicant is proposing the front lot to would be vacant and would come available for future development, the second lot would contain the existing apartment complex, the third lot would also come available for future development. He said there is also a potential right-of-way from Farmington Road and would connect the Granite Ridge Development. Mr. Colwell said they are requesting three waivers which are all connected with the design of the new road and/or new construction on the new lots. He added there is no proposed construction at this time.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell told the Board staff supports the waiver requests and would recommend accepting the application as complete and approving.

Mr. May asked if there were any issues in the future with other development how difficult would it be to reverse the subdivision. Mr. Campbell said he didn't think the subdivision would need to be undone but he would have to talk to the City Attorney.

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

A motion was made by Mr. Collopy and seconded by Mr. Hamann to approve the three (3) waiver requests. The motion carried unanimously.

A motion made by Mr. Collopy and seconded by Mr. Hamann to approve the subdivision application. The motion carried unanimously.

D. Waterstone Rochester, LLC, 92 Farmington Road

Mr. Sylvain recused himself and asked Mr. Kozinski to take the Chair.

Gregg Mikolaities of Tighe & Bond presented the subdivision application. He said it's just a formality for the transfer of land for Marketplace Boulevard which is to become a city road.

Mr. Kozinski opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell told the Board staff suggests the application be accepted as complete and approval.

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

A motion was made by Mr. Collopy and seconded by Mr. May to approve the subdivision application. The motion carried unanimously.

E. Allen & Major Associates, Inc., 306 North Main Street

Mr. Campbell told the Board the applicant has requested a continuance to the March meeting.

A motion was made by Mr. Gray and seconded by Mr. Fontneau to continue the application to the March 5, 2019 meeting. The motion carried unanimously.

F. CBDA Development, LLC, Athenian Drive

Katie Weiss of Bedford Design Consultants presented and explained the site plan for the continuation of The Village at Clark Brook. She explained the layout of where the proposed buildings will be going. Ms. Weiss explained where the septic's are currently located and where the proposed septic's will be located and said they will be changing which includes pumping up to the top of the property to smaller septic tanks. She explained townhouse units will have two car garages plus additional parking; she explained the utilities and where they will be located. Ms. Weiss explained there will be two thirty unit apartment buildings which they were approved for. She said each unit will have twelve one bedroom apartments, nine two bedroom apartments, and nine three bedroom units. Ms. Weiss went on to explain the change to the proposed parking to cut down on the amount of fill and tree cutting.

She explained the drainage system and showed architectural examples for the buildings. Lastly, Ms. Weiss explained the amenities such as walking trails, a gazebo, recreation area, and a dog park.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell said staff suggests the Board accept the application as complete and continue to the February workshop meeting in order to finalize some issues.

A motion was made by Mr. Gray and seconded by Mr. Collopy to accept the application as complete and continue the application to the March 5, 2019 meeting. The motion carried unanimously.

IX. Surety Releases

A. Brock Properties, LLC, Map 115 Lots 32, 33, and 36

Mr. Campbell told the Board staff is recommending 100 percent of the surety be returned.

A motion was made by Mr. Kozinski and seconded by Mr. Hamann to release \$7,042.79 plus interest. The motion carried unanimously.

B. Emerald Knight Properties, LLC, Map 115 Lot 19

Mr. Campbell said staff recommends 100 percent of the surety be release.

A motion was made by Mr. May and seconded by Mr. Kozinski to release \$19,172.00 plus interest. The motion carries unanimously.

X. Other Business

Mr. Sylvain informed the Board there is an open officer's position because under the new RSA Mr. Walker cannot be the Vice Chair because he is an ex-officio.

Mr. Sylvain nominated Mr. May for the Vice Chair position; Mr. Hamann seconded the nomination.

A motion was made by Mr. Collopy and seconded by Mr. Hamann to close nominations. A unanimous vote was taken for Mr. May to be the Vice Chair.

XI. Adjournment

A motion was made by Mr. Hamann and seconded by Mr. Collopy to adjourn at 9:12 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary