

City of Rochester Planning Board
Monday August 5, 2019
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on August 19, 2019)

Members Present

Nel Sylvain, *Chair*
Robert May, *Vice Chair*
Mark Collopy
Tim Fontneau
Donald Hamann
Mark Sullivan
Dave Walker

Members Absent

Matthew Kozinski, excused
A. Terese Dwyer, excused
Daniel Rines, excused

Alternate Members Present

Joyce Bruckner – arrived at 7:06pm
James Gray

Staff: Seth Creighton, *Chief Planner*
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

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. Walker and seconded by Mr. Hamann to approve the July 8, 2019 meeting minutes. The motion carried unanimously.

VI. Special Downtown Review for 22 South Main Street, Map 120 Lot 363

Mr. Creighton explained the applicant's proposal to rehabilitate the currently vacant building to include commercial space in the basement level and first floor and residential units on the second floor.

Mr. Walker said he asked that the project be brought to the Board for discussion because he hadn't seen any plans for the renovations.

A motion was made by Mr. Fontneau and seconded by Mr. May to revert the review back to the Special Downtown Review Committee. The motion carried unanimously.

VII. Continued Applications

A. Real Estate Advisors, Inc., 24 Jeremiah Lane

Christopher Berry of Berry Surveying & Engineering explained the amendment application was minimally discussed at the last meeting with little direction given. He said nothing has been changed on the plan to date. Mr. Berry said the issues that were brought up by the abutters at the last meeting are private matters that should be handled between the developer and the abutters.

Mr. Berry went on to say they would like to further discuss the amendment and get some direction from the Board so they can conclude the project.

Mr. Sylvain opened the public hearing.

James Benton of 579 Portland Street said he had questions regarding the TRG report from June 25th, saying the City's Master Plan and Conservation Overlay recommends conserving fields and he is curious why staff would recommend approving this project. Mr. Creighton explained those are guidelines and cannot be applied directly to every project. He went on to say staff believes the project fits with the intent of the ordinance for the Conservation Overlay and believes single family homes are a better fit than the duplex's that were proposed in the field.

Mr. Benton asked if the Conservation Commission has reviewed the plans. Mr. Creighton said they don't have any jurisdiction to review it.

Mr. Benton went on to say that at the meeting back in February 2017 the Board said open fields are a priority, and added that taking away the field will take away any type of recreation area for the development.

Mr. Benton asked what the City Attorney's thoughts were on the civil agreement between the abutters and the developer. Mr. Sylvain read an email from Attorney O'Rourke which said that the City was never part of the settlement agreement and from the City's view, the abutters simply withdrew their appeal of the decision. The Planning Board has full authority to act upon the developer's amendment application.

Attorney James Schulte, representing the abutters said the primary purpose of the agricultural zone is to maintain the farm land.

Mr. Schulte said Mr. Berry is wrong in saying the agreement is not a concern for the Planning Board, saying the developer set protective covenants and the civil settlement reinforced those. He asked that the Board stand behind the original approval.

Al Benton of 585 Portland Street said he thinks everyone needs to stop and think of where the project is going and where it's come from. He said it should remain as it was when it was approved in March of 2018.

Paul Martin of Brenda Lane expressed his displeasure at the events of the last meeting. He went on to give the definitions of the word "favor". Mr. Martin said the city will have to spend money in the future in order for this developer to save money now. He said he said he predicts the Board will vote in favor of the amendment because he thinks the Board has a predisposition to save this developer money.

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

Mr. Creighton reiterated the written statement from the City Attorney regarding civil agreement between the developer and the abutters. He went on to say that staff believes the plan is ready for approval with some minor changes.

Mr. Walker said the back portion of the development is unusable do to the clear cutting that was done and the stumps left that the developer has no intention of taking out. He said the development needs the field that they are now proposing adding houses to because that is the only remaining open space. Mr. Berry said they are still proposing a trail system in the back of the development which will be stumped.

Mr. Fontneau said the city has lost so many fields in the past 20 years since he's been on the Board. He said overall it is a benefit to the City to leave the field alone.

Mr. Sullivan asked what the developer's reason is for the amendment. Mr. Berry said the cost of construction has risen since the project was originally approved.

There was discussion open space and the private agreement between the developer and the abutters.

Mr. Creighton asked that the Board give the applicant a clear directive on what they are looking for.

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

Mr. Sylvain said he has issues with the 5 proposed house lots in the field and the back of the development not being stumped. He said he wants to see a nice recreation area for the development.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to eliminate the front five lots for a non-binding direction to the developer. The motion carried unanimously.

There was discussion regarding a recreation area in the back of the development.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the application to the September 9, 2019 regular meeting. The motion carried unanimously.

Mr. Sylvain called a recess at 8:13pm

Mr. Sylvain called the meeting back to order at 8:22pm

VIII. New Applications

A. Kenneth & Ingrid Pheonix, 8 Norway Plains Road

Joel Runnals of Norway Plains Associates explained the 3-lot subdivision which is located in the residential-2 zone. He said the two new lots will be serviced by city water and sewer and the utilities will be underground. Mr. Runnals explained that the applicant wants to build a house on the larger of the three lots and leave the other as land for sale.

He said they have gone before the Conservation Commission and received approval for the Conditional Use Permit.

Mr. Sylvain opened the public hearing.

Katie Poulin of 2 Deerfield Court asked the Board to delay approving the subdivision because she would like to speak with the applicant about purchasing some of the land in order to increase her back yard and stop any more water from coming onto her property due to new development.

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

Mr. Creighton said staff doesn't have any issues with the proposal and would recommend the Board accept the application as complete and approving.

There was discussion of driveway placement, amount of frontage to the existing house lot, and the distance from the proposed third lot to the abutting property.

A motion was made by Mr. Walker and seconded by Mr. Hamann to continue the application to the August 19, 2019 workshop meeting. The motion carried unanimously.

B. Waste Management of NH, 214 Rochester Neck Road

Lisa Damiano of Sanborn, Head and Associates presented the plan to expand the container storage area. She said currently Waste Management stores containers at various locations and the expansion will allow for a single storage location. Ms. Damiano went on to say they have also submitted a conditional use permit application because of some wetlands that will be impacted. She said the project has gone before the Conservation Commission, the Department of Environmental Services, the US Army Corp of Engineers, and the US EPA.

Ms. Damiano said they have met with TRG and went on to note the revisions made to the plan. She went on to explain they also have a lot combination application in as well as an application for a Special Exception from the Zoning Board of Adjustments to allow for a contractor storage yard.

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

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

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the Conditional Use Permit. The motion carried unanimously.

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

C. 400 North Main Street, LLC, 400 North Main Street

Mr. Sylvain told the Board that the applicant requested a continuance to the September meeting.

A motion was made by Mr. Walker and seconded by Mr. Hamann to continue the application to the September 9, 2019 regular meeting. The motion carried unanimously.

D. Glenn David's Integrity Auto, Inc., 415 North Main Street

Christopher Berry of Berry Surveying & Engineering presented the site plan to expand the site for vehicle sales and service. He explained the proposal is to expand off the back of the existing building and expand the

parking lot. Mr. Berry said they are proposing to cut the pavement back from the front right-of-way and add some plantings.

He went on to explain the proposed stormwater management and shore land protection.

Mr. Sylvain opened the public hearing.

Richard Poulin of 10 Quarry Drive said the plan is unacceptable because it is within 250 feet of the shore line protection. He said his major concern is the drainage pond and feels it is too close to his property line and if it is allowed there needs to be some type of barrier.

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

Mr. Creighton said staff is still working with the applicant on plan revision but said staff recommends the Board accept the application as complete. He went on to discuss a possible requirement for a sidewalk.

Mr. Walker asked if staff has looked at the drainage pond. Mr. Creighton said he had. Mr. Berry explained how the pond will work and told the Board they are proposing to add landscaping as well.

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

There was discussion of what type of materials for the site will be used.

A motion was made by Mr. Walker and seconded by Mr. Hamann to continue the application to the August 19, 2019 workshop meeting. The motion carried unanimously.

E. Donald & Bonnie Toy, 418 Old Dover Road

Christopher Berry of Berry Surveying & Engineering presented the plan to allow a 14-unit expansion to the existing mobile home park. He explained the proposed layout of the site as well as soil conditions and location of wetlands on site.

Mr. Sylvain opened the public hearing.

Anthony Lazzaro of 81 Whitehouse Road asked how far away the development will be from his lot line. Mr. Berry said he would be in touch with him to discuss the plans.

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

Mr. Creighton explained that TRG reviewed the application and revisions had to be made to the plan. He went on to say that mobile home parks have their own ordinance which staff is not familiar with. He said the overall design will meet the intent of the area and will have to include street trees, screening for the abutters, there needs to be a common area, and there needs to be shading between each lot.

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

A motion was made by Mr. Walker and seconded by Mr. Hamann to continue the application to the August 19, 2019 workshop meeting. The motion carried unanimously.

IX. Other Business

There was no other business to discuss.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn at 9:35 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary