

City of Rochester Planning Board
Monday September 9, 2019
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on September 16, 2019)

Members Present

Nel Sylvain, *Chair*
Matthew Kozinski, *Secretary*
Mark Collopy
A. Terese Dwyer
Tim Fontneau
Donald Hamann
Mark Sullivan
Dave Walker

Members Absent

Robert May, excused
Joyce Bruckner, absent

Alternate Members Present

James Gray – arrived at 8:06pm
Daniel Rines

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. Rines voted in place of Mr. May.

IV. Communications from the Chair

There were no communications from the Chair.

V. Amendment to Chapter 275 of the Zoning Ordinance regarding the Downtown Commercial District

Mr. Campbell asked there be a motion to reconsider.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to reconsider. The motion carried unanimously.

Mr. Campbell explained there was a lot of confusion at the last meeting and further explained what is already in the Ordinance and what the proposed changes are.

Mayor McCarley encourage the Board to reconsider because the City has been working hard to get the revitalization going downtown. She said the City learned from the consultants last year that some tweaks need to be made to zoning to make it happen.

Ms. Dwyer said she would like to see North Main and South Main Streets taken off the list of streets to allow the 30 foot option because they are the main pathways into the downtown area.

Mr. Walker asked how many members of the Special Downtown Committee there are. Mr. Campbell said members are the Director of Planning, Director of Building, Zoning & Licensing, the Fire Chief, the Police Chief, Economic Development, the Assistant City Engineer, and Mr. Fontneau who represents the Planning Board. Mr. Walker said he would rather have the applicant go before the Board instead on administration. Mr. Sullivan asked if it could be set up like it is now for Special Downtown reviews where the Board gets notified. Mr. Walker said the administration can be manipulated and wants the applicant to come before the Board.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to change the level of review from Special Downtown review to Conditional Use Permit for the 30 foot option.

There was discussion on the motion.

Mr. Fontneau clarified that it would only be the 20 foot piece that had to come to the Board, otherwise residential uses are allowed 50 feet back on the named streets.

Mr. Collopy said at the last meeting the areas of Winter Street and Portland Street along Columbus Avenue were discussed and thinks they should be included because the development possibilities are pretty grand.

The motion carried 5 to 4 roll call vote.

A motion was made by Ms. Dwyer and seconded by Mr. Walker to remove North Main Street, south of the bridge and South Main Street from the list of streets allowing 30 feet. The motion failed by a 6 to 3 roll call vote.

A motion was made by Mr. Collopy and seconded by Mr. Walker to include Columbus Avenue from Summer Street to South Main Street.

Mr. Sullivan clarified Columbus Avenue would be included on the list to allow 50 feet but would need a Conditional Use Permit for 30 feet.

The motion carried by an 8 to 1 roll call vote.

A motion was made by Mr. Fontneau and seconded by Mr. Collopy to recommend the zoning change as amended to the City Council. The motion carried by a unanimous roll call vote.

VI. Approval of Minutes

A motion was made by Ms. Dwyer and seconded by Mr. Walker to approve the August 19, 2019 meeting minutes. The motion carried unanimously.

VII. New Applications

A. Pavan Reddy, 74 South Main Street

Mr. Campbell explained the property is in the Special Downtown district however a Conditional Use Permit is required for the proposed addition to the existing building because of the build to 5 feet rule.

The applicant Pavan Reddy said the building has been a dental for the past 60 years and they intend to keep it that way. He explained the addition is to provide more room for their patients.

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 didn't have any issues and recommends approval.

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

B. Nantucket Beadboard, 109 Chestnut Hill Road

Scott Lawler of Norway Plains Associates presented the proposal for two 10,000 square foot buildings which are to be constructed in two phases. He explained the building was shifted from the original plan to meet the zoning ordinance which requires a 100 foot buffer from residential properties. Mr. Lawler explained the first building to be constructed will be used as the shipping facility. He said the second phase of the building will be used as a second production facility.

Mr. Lawler went on to explain the drainage plan and said they will be submitting an alteration of terrain permit. He explained they have eliminated rear doors and lighting that face the residential neighborhood. He said they have also increased the vegetated buffer between the site and the residential neighborhood. Mr. Lawler said they will have a 2 foot high berm with a 6 foot cedar stockade fence.

Mr. Lawler said the applicant is requesting a waiver for parking.

Mr. Campbell said the Board granted the conditional use for the wetland buffer and the waiver for chapter 50. He staff is recommending the parking waiver be approved because the existing operation doesn't demand the additional parking that they have.

Mr. Sylvain opened the public hearing.

Tom Hopper of 49 Millers Farm Drive spoke on behalf of several home owners of Norway Plains Village. He said the homes were sold to them under false pretense, being told that the land behind them was common space and told there wouldn't be any development.

Mr. Hopper said the biggest issue is water, saying they have had property damage due to water. He said they are also concerned with home values dropping and tax values increasing.

Quinn Hope of 83 Millers Farm Drive said she has an issue with the trees that have already been cut down and wants to make sure the 70 foot buffer will be kept. She asked if the doors to the facility will be open in the summer months. She also asked if it is possible to get a higher fence installed.

Patricia Hocter of 101 Chestnut Hill Road said sometimes during the summer there is an odor and she is unable to sit outside. She said she would like to see the water issue resolved.

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

Mr. Sullivan asked if the proposed buildings could be moved across the lot. Mr. Lawler showed the Board a concept plan with an additional building constructed along the westerly property line. He said this would be several years down the road.

Mr. Lawler told the Board this parcel has been an industrial business for the last 30 years.

Mr. Fontneau said there are probably some existing ground water issues in the abutting neighborhood that is not related to this applicant. He asked Mr. Lawler to explain how the proposed drainage system will work. Mr. Lawler how the drainage system will work and where it will drain to. He said none of the water will drain into the Millers Farm development.

Ms. Dwyer asked who owns the basins and swales, and who is responsible for them. Mr. Lawler said the applicant will own and be responsible for them and their maintenance.

Ms. Dwyer asked what the hours for construction will be. Mr. Lawler said the hours would be 7:00am to 6:00pm Monday thru Friday and 8:00am to 6:00pm on Saturdays.

A motion was made by Ms. Dwyer and seconded by Mr. Fontneau that construction hours be set to 7:00am to 5:00pm Monday thru Friday and 8:00am to 1:00pm on Saturdays. The motion carried. Mr. Sullivan, Mr. Walker, and Mr. Rines opposed.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the parking waiver. The motion carried unanimously.

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

Mr. Sylvain called a recess at 8:25pm

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

C. Thomas & Diane Aubert, 828 Portland Street

The applicant has requested a continuance to the September workshop meeting.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to continue the application to the September 16, 2019 workshop meeting. The motion carried unanimously.

VIII. Continued Applications

A. 400 North Main Street, LLC, 400 North Main Street

Mr. Kozinski recused himself.

Chris Rice of TF Moran presented the plans to construct a Buick/GMC dealership on the currently vacant parcel. He said it will be a two story building of approximately 21,000 square feet footprint. Mr. Rice explained they will be eliminating one of the curb cuts to allow for only one entrance and exit from the site. He said they are allowing for an entrance drive to access the abutting lot which will be developed at a later date.

Mr. Rice explained the drainage plan, traffic study, and landscaping plan. He said they are requesting waivers for parking, tree plantings, and parking lot landscape islands.

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 recommends accepting the application as complete. He said staff supports the three waiver requests and recommends approving the application.

Mr. Walker asked where the snow storage area will be. Mr. Rice showed the Board where the two locations will be.

There was a brief discussion regarding the sidewalk they will be installing along North Main Street and the future development of the abutting property.

Mr. Collopy asked if there will be any signage facing the highway. Michael Witcher of Witcher Builders said as of right now they are only proposing a pylon sign on North Main Street.

Mr. Collopy expressed his concerns about only having one exit lane from the site. He asked if they have thought about a second exit lane for right turns.

Mr. Gray said he thought it would be favorable for the developer to give an exaction for a future traffic signal at that location.

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. Fontneau and seconded by Mr. Walker to grant the three waiver requests. The motion carried unanimously.

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

B. Glenn Davids Integrity Auto, Inc., 415 North Main Street

The applicant requested a continuance to the workshop meeting.

A motion was made by Mr. Walker and seconded by Mr. Hamann to continue the application to the September 16, 2019 workshop meeting. The motion carried unanimously.

C. Donald & Bonnie Toy, 418 Old Dover Road

The applicant requested a continuance to the workshop meeting.

A motion was made by Mr. Walker and seconded by Mr. Hamann to continue the application to the September 16, 2019 workshop meeting. The motion carried unanimously.

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

The applicant requested a continuance to the October regular meeting.

A motion was made by Mr. Walker and seconded by Mr. Collopy to continue the application to the October 7, 2019 regular 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 9:07 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary