

**City of Rochester Planning Board**  
Monday June 15, 2020  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on July 6, 2020)

**Members Present**

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Terry Dwyer  
Tim Fontneau  
Robert May  
Mark Sullivan  
David Walker

**Members Absent**

Daniel Rines, excused

**Alternate Members Present**

Peter Bruckner  
Donald Hamann

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 7:02 p.m. and made the following statement:

Good Evening, as Chairperson of the Planning Board I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

**a.) Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. This is currently set to allow the public to "listen-in" only, there will be no public comment taken during the meeting.

**Phone number: 857-444-0744**  
**Conference Code: 843095**

**b.) Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [crystal.galloway@rochesternh.net](mailto:crystal.galloway@rochesternh.net) or call 603-335-1338.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present with the exception of Mr. Rines who was excused. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

### **III. Seating of Alternates**

Mr. Bruckner voted in place of Mr. Rines

---

### **IV. Communications from the Chair**

There were no communications from the Chair.

---

### **V. Opening Discussion/Comments**

#### **A. Public Comment**

There was no one present on the line from the public to speak nor did anyone submit any written correspondence ahead of the meeting.

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

There were no issues to be discussed.

---

### **VI. Approval of minutes**

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the June 1, 2020 meeting minutes. The motion carried unanimously by a roll call vote.*

---

### **VII. Continued Applications**

#### **A. Lydall, Inc., 134 Chestnut Hill Road**

Scott Lawler of Norway Plains Associates stated he has been working with both the applicant and City Staff to revise the site plan as well as NH DES to reduce the expansion down to 46,800 square feet in one phase. Mr. Lawler went on to explain one of the conditions DES has put forth is stormwater will not be able to infiltrate back into the ground. He said they have designed a gravel wetlands which will be lined and treated before being discharged into the Cocheco River.

Mr. Lawler said they are seeking two waivers, one for reduction of the parking requirement and one for the rate of stormwater discharge

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton said the site is complicated by existing conditions. He said the City has to be cautious that the proposal wouldn't intensify the movement of the contaminants nor the likelihood of it entering the city's drinking water or sewer system.

Mr. Creighton said there are very specific conditions of approval relating to this project which all deal in some manner with public health or liability for the City.

Director of Public Works Peter Nourse told the Board PFAS is a high concern of environmental regulators and the City's water system has tested positive for the presence of PFAS in its influent and effluent. He said as a result the City was approached by DES and was charged to find and eliminate the source of PFAS in the sewer collection system and to require industrial users to test and treat for it. Mr. Nourse went on to say it is highly suspected the contaminate is from Lydall.

Mr. Sylvain asked if the City has anything in writing from DES stating what they want done. Mr. Creighton said they had four action items in a letter sent last week. He said Lydall addressed three of the items, the fourth was regarding soil litigation plan.

Mr. Sylvain said he wants to make sure everything is done correctly so the State doesn't come back on Lydall or the City.

Mr. Sullivan asked who is doing the monitoring and how is it being accomplished. Mr. Nourse said Lydall has a ground water permit they need to apply for. He said the City is requesting a PFAS monitoring program as a condition of approval.

John Peacock, a Lydall representative said they have been working with DES on ground water remediation and effluent discharge limits. Mr. Sylvain asked how often they plan on testing. Mr. Peacock said he couldn't comment at the time because it will be something they will need to discuss with the City. Mr. Sylvain said the Board would like to know what the schedule will be and to make sure the City gets a copy of the report.

Mike Wimsatt of NHDES Waste Management Division said there is a lot of ongoing work being done at this facility. He went on to explain what might happen to address the contamination.

Mr. Fontneau said PFAS is the new contaminate that the City needs to take seriously or there could be larger issues years from now if proper steps aren't taken.

Mr. Sylvain asked if it is possible to have something in writing for how long cleanup of the site may take. Mr. Wimsatt said this is a complex site with complex contamination and could take many years to clean up.

Andrew Uhl of Lydall said they have been working close with NHDES, Department of Public Works and the City. He said they remain committed to resolving the issue.

There was some discussion regarding the notice of decision.

Mr. May asked if the backflow preventer device is a precedent condition. He said he would like to see it done sooner rather than later. Mr. Creighton explained it was a general and subsequent condition so it wouldn't have to be done right away. Assistant City Engineer Dana Webber explained Public Works is comfortable with the backflow preventer being a six month window because they found some immediate action items that were found during the cross connection survey.

There was further discussion regarding the notice of decision. Mr. Lawler said one of the conditions they would like the Board to reconsider has to do with rainwater harvesting. Mr. Creighton explained why this is an important condition.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to accept the application as complete and close the public hearing. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Collopy and seconded by Ms. Dwyer to grant the parking waiver request based on staff recommendations as amended. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Sullivan and seconded by Mr. Walker to grant the waiver request for stormwater management without staff recommendation for rainwater harvesting. The motion carried by a 6 to 2 roll call vote.*

*A motion was made by Mr. Sullivan and seconded by Mr. Walker to remove precedent condition 3.a.5 of the notice of decision. After further discussion with the Board, Mr. Sullivan withdrew the motion.*

*A motion was made by Mr. Sullivan and seconded by Mr. Fontneau to remove precedent condition 3.a.5 but add it to the general and subsequent conditions of the notice of decision. The motion carried by a 5 to 3 roll call vote.*

There was discussion regarding the general and subsequent conditions of the notice of decision.

*A motion was made by Mr. Collopy and seconded by Mr. Fontneau to approve the general and subsequent conditions of the notice of decision with a change to section 4 that will read, Lydall shall preform the following corrective actions within six months of the Planning Boards notice of decision. The motion failed by a 4 to 4 roll call vote.*

*A motion was made by Mr. Fontneau and seconded by Mr. May to approve the general and subsequent conditions of the notice of decision as written. The motion carried 6 to 1 by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the site plan. The motion carried unanimously by a roll call vote.*

To view the full discussion for this project click here <https://rochesternh.viebit.com/player.php?hash=Dmqh6Sfj5b4y>

---

## **VIII. Review of May 2020 Surety and Inspections**

Mr. Creighton reviewed the list of inspections completed for the month of May and went over surety. He explained there are two sureties that have expired, one for Waste Management and one for the Village at Clark Brook. He said Waste Management has submitted the as-built for the project and staff has asked the developer for the Village at Clark Brook for a continuation certificate.

---

## **IX. Other Business**

Mr. Sylvain asked Planning Staff to start working on an SOP for the Assessing Department and the Planning Department regarding working together when project are ready.

---

## **X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. May to adjourn at 7:25 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Secretary*