

City of Rochester Planning Board
Monday December 7, 2020
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on January 4, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner

Tim Fontneau
Daniel Rines
Robert May
Mark Sullivan
Dave Walker

Members Absent

A. Terese Dwyer, excused

Alternate Members Present

Paul Giuliano
Donald Hamann
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planning Administrative Assistant II*

(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. 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.

Public Input: the Planning Board will be allowing the public to enter Council Chambers and speak in person during the Public Hearing portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Seating in Council Chambers will not be available for the public during meetings.

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 Ms. Dwyer 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. Giuliano voted in place of Ms. Dwyer.

IV. Communications from the Chair

Mr. Sylvain introduced Mayor McCarley and City Manager Blaine Cox.

Mayor McCarley said she understands how much the Board has on their plate and has started adding a report to the City Council because she felt it is important for the Council to keep up with what the Planning Board is trying to do. She appreciates the work. And thanked the Planning Board.

Mayor McCarley said one issue she wants to keep at the forefront, after looking at statistics from around the state, is that there is very little housing with a very low vacancy rate.

City Manager Blaine Cox said staff takes technical support of the Planning Board very seriously. Mr. Cox said he wants to focus on follow up on Master Plan, including the Downtown and Transportation Master Plans. Some upcoming issues coming up are traffic and parking downtown, there is a question about allowing residential units in the granite ridge TIF district. He also stated staff will be looking at and tightening up the surety process. He's looking forward to a Retreat when the pandemic passes in order to enhance communication between the Council and the PB.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. May to approve the November 16, 2020 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Consent Agenda

A. Golden Oaks Development, LLC, Freedom Drive – Extension

C. Waste Management of NH & William & Eileen Parsell Rev Trust, 0 Pickering Road – Lot Line Revision

D. J & L Terra Holdings, Inc., Meadow Court – Waiver of Impact Fees

F. Tropic Star Development, LLC, 717 Columbus Avenue – Extension

Ms. Saunders suggested removing items B and E off the consent agenda to allow for discussion.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the consent agenda with the exception of items B and E. The motion carried unanimously by a roll call vote.

B. Farmington Associates, LLC, 60 Farmington Road – Extension

Ms. Saunders explained the project was originally approved in February 2016 and has had many plan changes since then. She said this will be the sixth extension for the project and the Board should take into consideration have the existing conditions on the property changed, are natural resources the same, have things been cut. Have conditions surrounding the property changed, has other development around the property happened, has traffic changed. Lastly, have City or State regulations and rules changed.

Gregg Mikolaities of August Consulting said 2020 has been a difficult year. He said the last time they were before the Board they were purposing a bowling alley, movie theater and a number of restaurants. Mr. Mikolaities told the Board the tenant sign ups has not gone as they had originally anticipated and so they are seeking another extension.

Mr. Mikolaities went on to explain a lot of work has been done on site, they received a wetlands permit, alteration of terrain permit, and an excavation permit.

Mr. Sullivan asked if there are recommendations from staff. Ms. Saunders said understands there is a history and the Board had previously warned the applicant at the fifth extension that another one would be difficult to get. She said also understands this is a big important project and the applicant has been moving along slowly but it's up to the Board to decide and staff will work with either decision.

Mr. Fontneau said the Board should take into consideration the commercial climate in 2020 and how commercial and retail business has changed.

A motion was made by Mr. Walker and seconded by Mr. Collopy to grant the extension to December 22, 2021 as requested. The motion carried unanimously by a roll call vote.

E. Norman Beaulieu, 9 Nature Lane – Waiver of Impact Fees

Ms. Saunders explained this is an existing vacant lot in an existing neighborhood with most of the houses dating from the 1950's. She said there is no vesting or planning reason to waive the impact fee for this lot. Ms. Saunders explained the applicant pointed out some personal financial considerations in his application.

Mr. Fontneau said he disagrees with granting a waiver for a 32-lot subdivision but not a single lot.

Mr. Sullivan asked what the difference is between the waiver that was granted earlier and this waiver request. Ms. Saunders said the subdivision was approved prior to Impact Fees being adopted. She said waivers are approved if subdivisions have met precedent conditions and is currently in construction and defined as active and substantial development. She went on to say a State RSA protects those developments from changes in rules or laws. This property has lost its vesting and is now subject to current rules and regulations.

Mr. Walker asked what the impact fee will be. Ms. Saunders said the amount would be \$4,507.60.

There was a brief discussion whether or not partial fees would be able to waived.

A motion was made by Mr. Sullivan and seconded by Mr. Walker to table the application to allow time for legal counsel to review. The motion carried unanimously by a roll call vote.

VII. Continued Applications

A. Waterstone of Rochester, 127 Marketplace Blvd.

Ms. Saunders explained the applicant submitted one proposal, the Board made some suggestions for revisions. She said the applicant came up with a new design that went through TRG review and they are much more in favor of the current proposal than they were of the original proposal as it met the safety concerns the group had.

Patrick Crimmins of Tighe and Bond explained the changes to modify the existing parking area, resulting in the elimination of 7 parking spaces, and the relocation of 7 parking spaces to allow for a drive-thru queue for 9 vehicles. He said a portion of the landscaped median in the parking area is also proposed to be relocated.

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. Bruckner said he believes the inner radius of 10 feet on the northwest side could be easily 15 feet for vehicular motion.

A motion was made by Mr. Collopy and seconded by Mr. Walker to close the public hearing and approve the application with the conditions set forth. The motion carried unanimously by a roll call vote.

VIII. New Applications

A. 328 Cambridge, LLC, 237 Pickering Road

Jeff Merritt with Granite Engineering presented the plan for a 2-lot subdivision. Mr. Merritt said the parcel is approximately 54 acres with 1500 feet of frontage on Pickering Road and is located in the general industrial zone.

Mr. Merritt explained they are proposing to subdivide off 8 acres from the parcel which will include the existing self-storage facility. He said the remainder of the parcel will be 46 acres in land area with no proposed development at this time.

Mr. Merritt said they are requesting a waiver from a full wetland delineation. He said they have done enough delineations on the property to show the Board the land is developable.

Ms. Saunders said staff supports the waiver request and recommends the Board find the application complete.

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

Ms. Saunders said staff recommends approval with conditions.

A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing and approval of the subdivision with conditions set forth. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the waiver request. The motion carried unanimously by a roll call vote.

B. Homeless Center for Strafford County, 202 Washington Street

Christopher Berry of Berry Surveying and Engineering explained they had presented a preliminary application a couple months ago and are now back with a fully engineered plan.

Mr. Berry said the applicant is proposing a 2500 square foot print, there will be two stories with a full basement as well for storage. He explained the proposal is for 40 beds among 10 rooms for families.

Mr. Berry went on to explain families that come to the shelter are at a point where they need a little help for additional resources the shelter can provide before they get back out on their own.

Mr. Berry said they are requesting a waiver for parking because there are not a lot of vehicles that come to and from the site. He said the shelter will be purchasing a small van to transport the residents to and from their daily needs.

Mr. Berry said they are proposing porous pavement so the stormwater from the roof can be directly piped into the material and the stormwater that falls on the parking lot will be passed through the pavement into a stormwater reservoir for infiltration.

Ms. Saunders told the applicant a waiver for parking is not required. She said 15 spaces are required and the applicant was able to provide that amount. Ms. Saunders said staff recommends the Board accept the application as complete.

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

Ms. Saunders went through the conditions for approval.

Mr. Sylvain opened the public hearing.

Ms. Saunders read the following email into record:

Lou Archambault
224 Chesley Hill RD.
Rochester NH 03839
(603) 781-7974

For Rochester Planning Board Agenda

Homeless Shelter on Washington St. / aka: RT 202

Land has been "Donated" to the City of Rochester NH

* Donated, under conditions of a Tax Write-Off.

The Taxpayer picks up the City's LOST Revenue

I'm not opposed to anything above, if used or developed rationally.

* this Homeless Shelter Project at THIS "site" is problematic.

- coming from Barrington (on 202) is a sign, it reads "Speed Reduction Ahead"

Has this Board considered:

-- the current RT. 202 Speed Limit?

-- The problem of making a Right Hand Turn with oncoming large Trucks / cars

-- Making a left hand turn, the oncoming traffic coming from Rochester is still Accelerating, compounded again, by the Height of the Roadway out of

Rochester.

* Location

- No Sidewalks - (are Fashionable Esplanades proposed?)
- No Crosswalks
- no acceptable street lighting
- how will Handicapped Accessible issues be addressed?
- will this facility be monitored on a 24/7 basis, by Qualified Staff?
- will Mass Transit (a Bus) tie up the roadway - patiently waiting, will be a challenge
- where are the Homeless expected to go from there?

The Support "Amenities" System Funding a project, would go through the roof.

In regards to Open & Clear Transparency = is this "Project" funded thru Government Grants?

I would think, with ALL of the Vacant Abandoned Properties available in town, (eg. Ben Franklin) would be a more rational and feasible alternative.

Please consider the ease of access for these members of the community, there would be much more accessibility and travel to meet their needs.

In the Real Estate World it's "Location - Location - Location"

Is being out in "Nowhere" a "Place?" (in Oklahoma there is)

I cannot support Funding through Taxpayer "Donations" - anytime - past, present or future, that couldn't afford to Maintain and Sustain such a Project.

Thank you
Lou Archambault

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

Mr. Collopy said he is concerned with the speed limit. He asked if the City is able to send a letter or assist NHDOT because he sees a benefit to the city as it continues to grow. Mr. Collopy also stated concern with flooding due to storms in the past.

Mr. Giuliano expressed his concern about pedestrian traffic along Washington Street. He said the conditions are dangerous because of sight lines, traffic, and speed.

Mr. Giuliano asked if the applicant had given any thought to changing the name of the facility.

Mr. Fontneau suggested the Board waive the impact fees for the facility.

Mr. May said he thinks it's a mistake for the Board not to require sidewalks as there are numerous safety concerns. Nel said the issue is DOT and whether or not they will fund a sidewalk in that area because it is not a City road.

Mr. Bruckner asked how long the families will stay at the homeless center. He asked if there will be an area for kids to play.

Mr. Berry explained there is a fenced in play area on site. He told the Board the van has been ordered for the center and will be delivered later in the week.

Tracy Hardekopf, Executive Director for the Homeless Center for Strafford County said she appreciates all the thoughtful comments from the Board. She said being currently located within Waste Management they don't allow their residents to walk off the property due to all the trucks along Rochester Neck Road. Ms. Hardekopf said they are considering a name change for the facility and as of now the top name is "Home for Now".

A motion was made by Mr. Fontneau and seconded by Mr. Bruckner to waive impact fees. The motion carried 8 to 1 by a roll call vote. Mr. Sullivan opposed.

A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing and approve the site plan with the conditions stated. The motion carried unanimously by a roll call vote.

C. Waste Management of NH, 155 Turnkey Way

Ann Reichert of Waste Management explained to the plan to construct the Rochester Materials Recovery Facility. Ms. Reichert explained with current expansion of the landfill there is proposed excavation at the current Recovery Facility so they are proposing to relocate the facility to allow for the excavation. She said Waste Management is looking to have the facility relocated by the summer of 2022 and they are currently in the permitting process with NHDES.

Ms. Reichert went on to explain the layout of the proposed building and the elevations. Further, she explained landscaping and vegetation for the site.

Ms. Reichert explained the three waivers they are requesting. The first is a setback waiver for the small building addition that is within the 100 foot setback. The second waiver request is for parking to allow for 23 parking spaces instead of the 33 required. The third waiver is for underground utilities.

Ms. Saunders said staff recommends the Board accept the application as complete.

A motion was made by Mr. Walker and seconded by Mr. Giuliano to accept the application as complete. The motion carried unanimously by a roll call vote.

Ms. Saunders told the Board staff supports the waiver requests and recommends approval.

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

A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing and approve the three waiver requests. The motion carried unanimously by a roll call vote.

Ms. Saunders reviewed the conditions of approval with the applicant and Board members. She said the applicant is requesting a waiver from impact fees because this building is replacing an existing one. Ms. Saunders stated the new building is 5000 square feet larger than the existing one and recommends the applicant pay the impact fees for that square footage.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the site plan with the conditions set forth with the exception to Impact Fees. The motion carried unanimously by a roll call vote.

IX. Other Business

A. Recommendation to release surety for Coyote Creek in the amount of \$63,875.93 (plus interest), Map 216 Lot 2 & 3

Ms. Saunders told the Board the developer submitted as-builts and staff has review and signed off on them. She said she recommends the Board release the surety as requested.

A motion was made by Mr. Collopy and seconded by Mr. Walker to release the surety in the amount of \$63,875.93 plus interest. The motion carried unanimously by a roll call vote.

B. Election of Officers

Ms. Saunders opened the nominations.

Mr. Walker nominated Mr. Sylvain for Chair, seconded by Mr. Giuliano.

A motion was made by Mr. Bruckner and seconded by Mr. Walker to cease nominations. The motion carried unanimously by a roll call vote.

A roll call vote was taken unanimously in favor of Mr. Sylvain as Chair.

Mr. Sylvain nominated Mr. Collopy for Vice Chair, seconded by Mr. Walker.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to cease nominations. The motion carried unanimously by a roll call vote.

A roll call vote was taken unanimously in favor of Mr. Collopy for Vice Chair.

C. Other

Mr. Sullivan suggested the Board look at the Ordinance in regards to Impact Fees to see if any modifications are needed to send to the City Council.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 9:12 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development