

City of Rochester Planning Board

Monday July 19, 2021

City Hall Council Chambers

31 Wakefield Street, Rochester, NH

(These minutes were approved on August 2, 2021)

Members Present

Nel Sylvain, *Chair*

Peter Bruckner

Terry Dwyer

Tim Fontneau

Robert May

Daniel Rines

Mark Sullivan

David Walker

Members Absent

Mark Collopy, excused

Paul Giuliano, excused

Lance Whitehill, excused

Alternate Members Present

Keith Fitts

Donald Hamann

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.

The Secretary conducted roll call.

III. Seating of Alternates

Mr. Fitts voted in place of Mr. Collopy.

IV. Communications from the Chair

There were no communications from the Chair.

V. Opening Discussion/Comments

A. Public Comment

Tom Willis of 35 Shakespeare Road spoke about the letter the Board had received from Berry Surveying & Engineering. He said he strongly advises the Board to take the letter under advisement because it is a fair

proposal. Mr. Willis said the subdivision was approved in 2003 as a City street to be owned by the City of Rochester. He said the City has been receiving taxes from the first occupants since 2006 but the residents only get about 80 percent of services.

Ray Barnett of 14 Crimson Lane said he is opposed to any residential units at the Ridge. He said it was sold as a commercial/entertainment development.

Mr. Barnett asked how many kids will be generated from the units. He said TIF money shouldn't be used to pay for roads, water, sewer, or new schools. Mr. Barnett said it's time for the developers to do their fair share so the tax payers can get a break.

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 Ms. Dwyer to approve the July 12, 2021 meeting minutes. The motion carried unanimously.

VII. Discussion on surety for Chesley Farm Estates

Christopher Berry of Berry Surveying and Engineering told the Board they have finalized a list approved by the Department of Public Works to get the road completed.

Mr. Berry said the developer would like to complete the work on their own accord; once the work is complete and has been approved by the Planning Department and Public Works they will ask for the surety to be released back to the applicant before a proposal to accept the road as a city street is submitted to the Planning Board and City Council.

Mr. Berry reviewed the punch list with the Board. Ms. Saunders said this has been the work of two departments and the developer. She said the punch list goes along with the quote from SUR and the City fully supports it. Ms. Saunders told the Board if there are items not completed to City standards the work will be stopped and completed by the City using the surety funds.

Ms. Dwyer said she would like to see the project completed and accepted.

Mr. May asked if this is the final list, because he wants to make sure no one will get blindsided. Ms. Saunders assured him this is the final list.

Mr. Sullivan asked why this item was before the Board as it should be an issue between the developer and Public Works. Mr. Berry said because of the time the project has taken the developer wants to be as transparent as possible.

No action was needed by the Board on this item.

VIII. Granite Ridge Development District – Residential Zoning change discussion

Economic Development Director Michael Scala addressed the highlighted items taken from the previous meeting. He said Section I (d) addresses the issue of constructing residential and no commercial. Mr. Scala explained the way Dover handled the issue was to allow construction of 50% of the approved residential then

they would have to construct 25% of the commercial units before being allowed to construct any further residential units.

Mr. Scala went over setbacks saying the original setbacks proposed were 500 feet from Farmington Road for any residential building, however said there was some discussion about allowing 300 feet.

Mr. Walker said 500 feet is adequate to keep housing as far back from Farmington Road as possible. He said 350 feet is too close to the loop road which he doesn't want residential traffic on.

Mr. Fontneau said all the lots are not the same and suggested allowing 500 feet by right with 350 feet by conditional use permit.

Mr. Hamann said he believes 350 feet along Marketplace Boulevard is fine as long as it has commercial units on the lower level.

Mr. Sylvain asked if there was something the Board could put in place exclude any residential units in phase one of the Ridge. Ms. Saunders explained you cannot rezone a district and exclude one lot.

Mr. Scala moved on to section 4 (b) for standalone buildings saying 55% of buildings gross footprint on the lot must be used for commercial space and 45% could be used for residential units which would be used for larger lots.

Mr. Fontneau asked if there is a height restriction. Mr. Scala said currently is 55 feet. Mr. Fontneau said he is concerned with the 50 foot vegetated buffer zone, saying he's had calls from property owners on Ten Rod Road that abut the parcels and are concerned about a six story building being constructed 50 from the property line and residents on the upper floors being able to look down into their yards. Mr. Fontneau said they are looking for a larger vegetated buffer zone of 150 feet and/or a height restriction within a certain distance of the lot line. Mr. Bruckner said some cities have dealt with the issue by using an angle in the area.

Ms. Dwyer pointed out Section 13 states buildings should be no more than 5 stories, which she believes is a lot. Mr. Scala said in his opinion the Ridge is a good place to build taller buildings because it is open space. Ms. Dwyer said it would depend on which area they are looking to build, if there are residential homes within 50 feet that needs to be taken into consideration. Mr. Bruckner said taller buildings typically belong in the center of the city.

Mr. Scala moved on to Section 5(a) utilities. He said the Public Works Director Peter Nourse asked for language to be added concerning future development and requiring a system assurance evaluation. Mr. Sylvain said language needs to be added requiring all utilities to be underground.

Mr. Scala spoke about amenities requirements. He said currently it's a 20,000 square foot requirement of open space per 100 units. He said he would like to see it be a percentage of the lot size because some of the lots are much larger than others. Mr. Scala said he added language about adding a clubhouse as part of those calculations.

Section 14(x) speaks about solar. Mr. Scala said he added language requiring applicants to have a solar ready building. Mr. Sullivan asked for clarification of a solar ready building, adding he doesn't like the ground solar arrays.

Mr. Scala told the Board he has been in discussions with Weston & Sampson who provides urban planning services. He said the firm can have something put together by the end of August which would be a review of the draft ordinance and they would advise the City on a number of different things in the TIF zone, including housing, traffic, and other pertinent information on Route 11.

Mr. Fontneau asked to get an example of a large lot and a small lot developed under this ordinance from Weston & Sampson so the Board can get an idea of what could potentially be allowed.

Ms. Saunders asked the Board for clarification to make sure staff is going in the right direction with the ordinance. Mr. Walker said he doesn't want to see percentages for open space.

IX. Discussion on building height requirements in the Downtown Commercial zone

Ms. Saunders gave an overview from the last meeting. She said there was discussion about a stepped building and a 10 foot roof-setback. Ms. Saunders said she is recommending a 15 foot roof-setback which was a recommendation from the Historic District Commission. This allows space for a usable deck. The thought process was that 10 feet was too narrow.

Ms. Saunders said if someone is proposing a single story building it should match the single story height that is already there.

Mr. Bruckner gave a presentation on different height elevations between 55 feet to 100 feet and how it would look from different points of downtown.

Mr. Bruckner went on to show what could be done with the Ben Franklin lot while still keeping with the feel of downtown.

Ms. Saunders asked the Board if they are comfortable with 75 feet or would they prefer to go up to 100 feet for the second/rear part of the building.

Mr. Walker suggested allowing 75 feet by right with anything above that requiring a conditional use permit because it depends on the lot.

Mr. Walker asked why the setback was changed from 10 feet to 15 feet. Ms. Saunders said her thought was if it was going to be a useable deck space, 10 feet is very narrow.

Mr. Fitts said he doesn't care for the setback and if a developer came forward with a building design that has styling it would look better.

Ms. Dwyer said Rochester still has to define who it is as a community. She said if building heights are 55 feet, 75 feet, or 100 feet would it change who the heartbeat of this community is. Ms. Dwyer said she is fine with 55 feet and anything above that requiring a conditional use permit.

Mr. Fontneau said he is comfortable with the suggested 55 feet, 15 foot setback, 75 feet.

Mr. Hamann said it's difficult to get a sense from the presentation of what the buildings would actually look like because there aren't any windows, doors, or architecture. He said the Board would make sure the exterior of a proposed building will match what is already there.

Molly Meulenbroek, Chair of the Historic District Commission said a unique part of Rochester is the variation in building height. She said as you look at our current downtown you have one, two, three, and four story buildings. Ms. Meulenbroek said she hopes any future development takes all that into account and recognizes with the variety of building heights you maintain the unique character. She went on to say the Historic District Commission would look carefully at the design of the building and materials being used to ensure it will fit in with the character of the district.

Mr. May said this is a way to facilitate renovations and redevelopment downtown to get more residential use so we can get more commercial use downtown and have a more vibrant community.

A motion was made by Mr. Fontneau and seconded by Mr. May recommend to approve 55 feet, a 15 foot setback, and up to 75 feet for building height in the downtown commercial zone. The motion carried unanimously.

X. Mural Applications

Matt Wyatt, Chair of the Arts & Culture Commission told the Board they were recently awarded a grant from the New Hampshire State Council on the Arts to create a downtown art walk. He said they plan to install eight

vinyl murals created by professional artists plus ten murals that were created by students from the art department at Spaulding High School.

Mr. Wyatt said the murals are unique because of the vinyl material and the installation process. He explained the first vinyl mural was installed at the Ridge between 110 Grill and Mooyah Burger. Mr. Wyatt explained the vinyl is like a large sticker that can be affixed to any surface including brick.

Mr. Wyatt said the ultimate goal of the Commission is create an art walk to get people out and walking downtown.

Mr. Fitts asked who would be responsible for maintenance. Ms. Saunders said it would be the responsibility of the Art & Culture Commission.

A motion was made by Mr. Bruckner and seconded by Mr. Fontneau to approve the murals as presented. The motion carried unanimously.

XI. Review of June 2021 surety and inspections

Ms. Saunders explained she is continuing to work with the Village at Clark Brook. She said the letter of credit numbers didn't match what is on record.

Mr. Walker said the surety for Lydall has expired as of June 30th and there is another one coming up in August. Ms. Saunders said those will be taken care of.

Mr. Sylvain questioned the number of inspections completed. Staff explained only one of the two engineer's submitted invoices.

Mr. Sullivan asked if the Board could discuss sureties that have been on the books for 15 years at a future meeting.

XII. Other Business

A. Update from Planning Staff

Ms. Saunders told the Board the Parking Study will be presented at the City Council on the 20th.

B. Other

There was no other business to discuss.

XIII. Adjournment

A motion was made by Ms. Dwyer and seconded by Mr. Walker to adjourn at 9:17 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development