

City of Rochester Planning Board
Monday December 6, 2021
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on January 3, 2022)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner
Paul Giuliano
Robert May
Mark Sullivan – left at 8:30 p.m.
Dave Walker

Members Absent

A.Terese Dwyer, *excused*

Alternate Members Present

Keith Fitts
Donald Hamann

Staff: Crystal Galloway, *Planner I*
Ryan O'Connor, *Planner I*

(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.)

I. Call to Order

Nel Sylvain called the meeting to order at 7:00 p.m.

II. Roll Call

The recording secretary, Crystal Galloway, conducted roll call.

III. Seating of Alternates

Mr. Sylvain asked Paul Giuliano to vote in place of Terry Dwyer.

IV. Communications from the Chair

Mr. Sylvain presented a plaque to Tim Fontneau for his many years on the Planning Board, from 1998-2021.

David Walker, Deputy Mayor, presented a plaque to Mr. Sylvain for his many years as Chair of the Planning Board, from 2008-2021.

Mr. Sylvain presented the mallet to Mark Collopy, now Chair of the Planning Board, to take over the meeting.

V. Approval of minutes for November 15

Mr. Walker made a motion to amend and approve the minutes from November 15, 2021. Mr. Sylvain seconded the motion. The motion carried by a unanimous voice vote.

VI. Opening Discussion/Comments (up to 30 minutes)

A. Public comment

Mr. Collopy opened the floor for any public comment. None seen, brought back to the board.

B. Discussion of general planning issues

None at this time.

VII. Consent Agenda:

A. Real Estate Advisors, Inc., 24 Jeremiah Lane (by Berry Surveying & Engineering) Request for an extension to meet precedent conditions for an approved 54 lot subdivision. Case# 223 – 21 – A – 19 **EXTENSION**

Mr. Sylvain asked how long the extension is for. Crystal Galloway stated that they are requesting an extension to 4/28/2024. Mr. Sylvain asked what the standard usually is for an extension, Ms. Galloway stated we usually extend for a year. Mr. Walker asked what the reasoning is for their extension. Ms. Galloway stated the reason for the request is due to cost of materials and COVID. Paul Giuliano asked if any work has been done on this project yet. Mr. Collopy stated that he does not believe any work has been done besides some clearing of trees.

Mr. Sylvain made a motion to remove 24 Jeremiah Lane from the consent agenda to have a discussion. Peter Bruckner seconded the motion.

Mr. Sylvain asked if there was anybody to speak regarding Jeremiah Lane. Mr. Collopy opened the floor to anyone that may be there representing Jeremiah Lane. No one came forward.

Mr. Sylvain made a motion to approve a one-year extension to 12/8/2022. Mr. Walker seconded the motion.

Mr. Bruckner stated that another way to handle the extension request would be to remove it from the consent agenda and invite the developer to a meeting to explain why they need the extra extension.

Mr. Collopy asked if the developer was in the audience for Jeremiah Lane.

The developer apologized for not hearing the call earlier. The developer of Jeremiah Lane stated that he thought he was able to ask for two years, he stated that he agrees with the one year extension.

The motion carried by a unanimous voice vote.

VIII. Continued Applications:

A. G&P Boston Properties, 45 & 55 North Main Street (by Fuss & O'Neill) Lot Line Revision and Site Plan to construct a 6-story residential building with first floor commercial space and parking garage. Case# 121 – 372,373,400 – DC – 21 **Public Hearing. ACCEPTANCE/FINAL ACTION***

Rick Lundborn, Project Manager with Fuss & O'Neill, representing G&P Boston Properties. Mr. Lundborn stated that the project requires a lot line revision and acquisition of some land from the City of Rochester. The Hoffman building which is Lot 372 and Lot 400 (a two-tract lot), and Lot 373 which is the old Slim's Restaurant, all three of these lots have been acquired by G&P Properties. The plan is to raze the buildings which has been prior discussed with the Historic District Commission. After the site control is installed, the mixed-use six story commercial building with 45 dwelling units, 36 that will be 2 bedroom units and 9 units that will be one bedroom or studios, will be built with fifteen parking spaces underneath with a garage door off of the Union Street Parking Lot. Storm water coming off of the building will be collected and brought into a water quality unit and coordinated with the City during their redesign of Union Street Parking lot on the location it should go. Mr. Lundborn went over the architectural design completed by Market Square Architect.

Mr. Collopy opened the floor for any public input. None seen, brought it back to the board.

Mr. Walker made a motion to accept the application as complete. Mr. Sylvain seconded the motion. The motion carried by a unanimous voice vote.

Ms. Galloway stated that the Planning Department wanted to thank the applicant for working so hard with the Planning Staff and the Historic District Commission (HDC) for the time they spent on the architectural renderings. HDC did approve the demolition and rebuild for the architecture. The applicant is requesting one waiver from the site plan regulations, Section 10 for parking, and the Planning Staff is in support of the waiver. Based on the application the Planning staff recommends approval of the project.

Mr. Walker asked if the Barker Court ownership got rectified, I know there was question on who owned it. Mr. Lundborn stated that it was rectified, and the land deal went through. Mike Scala, Director of Economic Development, stated that Barker Court was added to the deed and transferred to the new owners.

Mr. Collopy asked if there was anything local that is similar to the design that we'd be able to recognize. Mr. Lundborn stated that the art deco features, and the façade construction methods are newish but common in that it is panel construction. Mr. Lundborn stated that it will represent well the art deco of the Hoffman building. Mr. Collopy asked if there will be any other mechanicals on the rooftop and if they will be screened? Mr. Lundborn stated that there will be other mechanicals, but they will be toward the back and middle of the building and not visible. Mr. Sylvain asked for screening. Mr. Collopy asked if the parking garage was going to be ventilated or open air. Mr. Lundborn stated that it will be ventilated because it is closed in on two sides.

Robert May asked the difference in height between the new build and old Hoffman building. Mr. Lundborn stated he wasn't sure of the exact difference, but the total height of the new building is 75 ft and the height of the Hoffman building is about a story and a half.

Mr. Walker made a motion to accept the parking waiver. Mr. Sylvain seconded the motion. The motion carried by a unanimous voice vote.

Mr. Walker made a motion to approve the Lot Line Revision and approval of the site plan, with the conditions cited in the Planning Staff's report. Mr. Sylvain seconded the motion. The motion carried by a unanimous voice vote.

B. Public Service Co of NH, 74 Old Dover Road (by TF Moran) Site Plan to install one (1) 2,600 +/- sf prefabricated fleet storage enclosure within the existing paved storage yard. Case# 136 – 20 – R1 – 21 **Public Hearing. ACCEPTANCE/FINAL ACTION***

Nick Golon, TF Moran Engineer, and Gregory Brent Kilgore, Eversource Manager of Facilities, presented the project to the board. Mr. Golon stated that this use did require a variance that went before the Zoning Board of Adjustment, and the ZBA approved it unanimously. Mr. Golon stated that the need for this storage yard is to hold four emergency line-vehicles. Mr. Golon stated that the enclosure would prevent the vehicles from being covered in snow and ice and becoming unusable. The fleet storage enclosure would increase the emergency response time for Eversource. Mr. Golon discussed the abutter concerns that were brought up at the ZBA meeting; additional screening to try and better serve the residential neighbors, a better time for dumpster pick up, all utility vehicles to remain parked within Eversource's facility, and limiting the additional vehicles being added to the fleet to the four that will be under this enclosure. Mr. Golon showed a brief video of what the area would look like with the fleet storage and with enhanced screening.

Mr. Collopy opened it to the public to speak on the project.

Linda Yeradi of 42 Meadow Lane, spoke in regard to what she deals with as a neighbor to the Eversource facility. Ms. Yeradi stated that the video shown by Mr. Golon was not accurate with what the facility currently looked like. Ms. Yeradi stated that it is an R1 zone, and they keep stating that they have been there for over 40 years but the operation that they run is not the same as it once was. Ms. Yeradi discussed the conditions that were put in place by the Zoning Board and asked how it can be insured that these are followed. Ms. Yeradi urged the board to listen to their concerns and really think about what the site looks like versus what they are portraying.

Jeff Loring of 50 Meadow Lane, spoke regarding this project. Mr. Loring stated that he built his house on Meadow Lane 21 years ago after careful consideration. Mr. Loring stated the issues began about eleven (11) years ago when the company began to expand, get a lot noisier, and get more activity. Mr. Loring stated he provided pictures from 2001 just after they built the two enclosures, this was a variance that was granted by the ZBA. All equipment was stored inside the two enclosures which is why there was not push back then because they were cleaning up the site. Mr. Loring stated that he also provided pictures from a drone that he deployed from his property, within that picture there are the racks that were once stored in the enclosures that have equipment on them. Also taken with the drone were thirteen (13) Eversource vehicles that they start up everyday and leave idling for upwards of two (2) hours. Mr. Loring asked if anyone has visited the property and listened to the noises that come out of the property? Mr. Loring asked what effect the new building will have on the noises? Mr. Loring asked who is going to monitor the conditions set forth by the ZBA? Mr. Loring stated that he recently watched a prior meeting about how the Planning Board went through great lengths to make sure a property kept up to standard and was not an eye sore. Mr. Loring begged the board to consider the same for the Eversource property.

Steven Chasse of 56 Meadow Lane, spoke regarding this project. Mr. Chasse stated that he has lived there for 12 years and also spent a week staking out the area and Eversource to make sure they were good

neighbors. Mr. Chasse stated that in the last two years they have increased to 24 hours a day 7 days a week. Mr. Chasse stated that he has the NH rules of idling limitations, and according to the rules they are idling their vehicles for longer than the allotted 15 minutes. Mr. Chasse stated that they no longer have any place to store their telephone poles, they are lined along the fence. Mr. Chasse stated that he has recorded dates and times of any loud noises that have come from the property after hours. Mr. Chasse stated that he believes that Eversource needs to be in an industrial park.

Steve Beaudoin, Ward 2 City Councilor Seat A, spoke regarding this project on behalf of his constituents. Mr. Beaudoin stated that he lives on Hemlock, around the corner from the property and he drives by the facility multiple times a week. Mr. Beaudoin stated that this past weekend there were eight utility bucket trucks parked along the road and not within their fenced in area. Mr. Beaudoin discussed how PSNH used to operate before they moved to the location they are at now on Old Dover Rd. Mr. Beaudoin stated that Rochester is expected to grow tremendously with all the apartments that are currently being built, which will result in Eversource needing to grow as well. Mr. Beaudoin stated that the building they are proposing to build is going to tower over the houses that exist on Weeping Willow Drive. Mr. Beaudoin asked that the Planning Board reconsider this project.

Mr. Collopy asked if anyone else from the public wished to speak on this matter, none seen, brought it back to the board.

Ms. Galloway stated that staff recommendation is to accept the application as complete.

Mr. May stated that he does not feel that he has enough information to accept the application as complete or to make an informed decision.

Mr. Walker asked Mr. Giuliano if the Planning Board has received any different information than the Zoning Board received. Mr. Giuliano stated that the application here tonight is for the enclosure and the parking of four trucks. The opposition at the ZBA level and here tonight is about the operation in general. Mr. Giuliano stated that he feels for the neighborhood and that it is unlikely that this facility will be able to meet the needs of Rochester in the future, but they are asking for an enclosure and the parking of four trucks on their property in this specific application, but the key piece of this is to enclose the vehicles and it is not being shown to the Planning Board tonight.

Mr. Sylvain made a motion to accept the application as complete so we can work with the applicants to provide more info. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

Mr. Collopy opened the floor back up to the applicant.

Mr. Golon stated that the photos shown in the prior presentation contain the proposed conditions with 220 linear feet or more of fence and 12-16 tree plantings. Mr. Golon discussed the current screening along the property lines and the plans to add to the current screening including nearly-mature growth trees being planted at 6-8 feet apart. Mr. Golon stated that the facility is strategically placed to access all points of Rochester in a timely manner. Mr. Golon stated that the applicant is currently asking to put up an enclosure to house four vehicles that currently have the right to be located at the facility and the intent with the enclosure is to shield the vehicles from the winter elements so that the vehicles can be readily used. Mr. Golon stated that if a bucket truck freezes over, they are inoperable and they can not be de-iced in the middle of the winter. If the vehicles get sited at this facility without an enclosure, they may not even be able to be used in the winter. Mr. Golon stated that vehicle idling is very much within Eversource's reach to address and adhere to.

Mr. Collopy stated that it is important to mention that we are focusing on the actual application and not the peripheral things.

Mr. Walker stated that we see his renderings and animations from Meadow Lane, but no renderings or animations from Weeping Willow Lane. Mr. Walker stated that an enclosure is being placed right on the boundary line of Weeping Willow, he doesn't feel that the enclosure should be on the edge of the property and where they can see it towering over them and the current fence. Mr. Walker stated that he believe the enclosure should be closer to the middle of the property. Mr. Walker requested a larger fence, sound barrier, and evergreen trees.

Mr. Sylvain addressed Mr. Loring's question about visiting the site. Mr. Sylvain stated that he did visit the site that morning and watched. Mr. Sylvain stated that he observed lineman and contractors standing around along Meadow Lane drinking their coffee and chatting, which is very disrespectful to the neighborhood. Mr. Sylvain requested that a different fence be put in, and a sound barrier.

Mr. Collopy asked if the vehicles they are referring to in the application are already within the facility. Mr. Kilgore stated that they are in their fleet but not always located at the Rochester facility but bounce around between facilities. Mr. Kilgore stated that Eversource is meeting the need of Rochester and other cities by adding more line trucks. Mr. Kilgore stated the trucks that are being added to Rochester are trouble shooters that are the trucks that go out and restore the power when it goes out. Mr. Kilgore stated that if the power is not on after so many days Eversource can face heavy fines. Mr. Kilgore stated that they have evaluated the other facilities in Portsmouth and Epping, but there is currently no space for the proposed project. Mr. Kilgore stated the structure is temporary in order to house the trucks for the upcoming winter.

Mr. Collopy stated that the concern that we are having is the behavior and who is going to be the compliance officer to follow the conditions put in place?

Mr. Sylvain stated that Epping and Portsmouth were mentioned, and they are not comparable to Rochester. Portsmouth is around other businesses and Epping is on 125, neither of them are in a residential area. Mr. Sylvain asked what is temporary about the building that is going to house the trucks? Mr. Kilgore stated that it depends on how we can address and create our plans to house the trucks. Currently the plan is to get a structure up to house the trucks. Mr. Sylvain asked if the structure is temporary why can't it be moved towards the center of the site? Mr. Kilgore stated that the reason the structure is being placed at the location on the site plan is due to safety issues. The racks at the center of the site are placed there for the forklifts to be able to safely remove things off of the racks. If the racks are placed on the edge of the site there are many more safety hazards that come into play that Eversource cannot chance.

Mr. Walker stated that he still believes that the structure still needs to be moved away from the property line and towards the center. Mr. Kilgore stated that the design is laid out to take into consideration the minimum distance of the swing of the trucks. Mr. Walker stated that Eversource may be trying to stuff ten pounds of stuff into a five-pound bag, and it may be time to find a new site. Mr. Kilgore stated that they have not expanded into more of their property in the 40 years they have been there. Mr. Walker stated that in the beginning they were just a place where people could go to pay their bills, and it has since turned into a storage yard. Mr. Walker stated he does not like the fact that the structure will be 30 feet and towering over Weeping Willow Lane. Mr. Golon stated that the trees on Weeping Willow Lane are upwards of 60 feet high and are Evergreens.

Peter Bruckner stated that looking at the placement of the structure, the way it is oriented is going to maximize its view to the neighbors. If it is rotated by 90 degrees the roof would be coming down to the ground, and if the color of the roof was green and curving away from the abutting properties the impact would be felt differently to those abutters. Mr. Bruckner stated that he believes that this is a situation that could use a site visit.

Mr. Collopy asked if there was a proposed color of the hut? Mr. Golon stated the color would be what was shown in the packet which is white.

Mr. Kilgore stated they considered rotating the structure 90 degrees, but it would result in needing to extend the fence line further into the abutters.

Mr. May stated that he is willing to do a site visit. Mr. May stated that he believes Eversource's days are limited at that location, and it is important to consider that and find a different location within the City.

Mr. Sylvain made a motion to table the proposed project until a site walk can be done. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

Mr. Collopy stated the Eversource site walk would be held on December 18th at 10:00 a.m. and is open to the public, but no public comment will be allowed.

Mr. Collopy called a recess at 8:51 p.m.

Mr. Collopy called the meeting back to order at 8:57 p.m.

IX. New Applications:

A. CEM 3 Holdings, LLC, 7A Laura Drive (by Berry Surveying & Engineering) 2 Lot Subdivision. Case# 235 – 27 – R1 – 21 Public Hearing. **ACCEPTANCE/FINAL ACTION***

Joe Berry with Berry Surveying & Engineering presented the proposed project. The existing lot is a 1.86-acre lot with 200 feet of frontage. Mr. Berry stated that the owners are looking to subdivide the property into two separate lots. The proposed lot would be 0.71 acres and the existing lot would keep 1.15 acres, both with 100 feet of frontage. A full boundary topographic and wetland survey was done in Spring of 2021. On the existing lot there is a house that is half demolished that will be removed once the subdivision is approved. A Conditional Use Permit (CUP) is needed for the new driveway that is coming off an existing driveway cut because of the 1200 square feet of disturbance with the new driveway. This went before the Conservation Commission and was approved. To access the new building and existing lot the existing driveway will have to extend to get to the new building, with 260 feet of impact which is also addressed with the CUP. Looming and seeding will be done to the existing driveway. NHDS will be applied for once the subdivision is approved.

Mr. Collopy opened the floor to the public to speak on this project. None seen and brought it back to the board.

Ryan O'Connor, Planner I, stated that staff recommendation is to approve the project with the standard conditions. Conservation Commission also recommends approval for the proposed CUP with the condition that existing culverts be replaced and the load bearing capacity be increased as necessary, any disturbed wetlands are restored with proper seed mix, and any invasive species encountered be handle appropriately.

Mr. Walker made a motion to accept the application as complete. Mr. Bruckner seconded the motion. The motion carried by a unanimous voice vote.

Mr. Walker made a motion to approve the Conditional Use Permit. Mr. May seconded the motion. The motion carried by a unanimous voice vote.

Mr. Walker made a motion to approve the subdivision. Mr. Sylvain seconded the motion. The motion carried by a unanimous voice vote.

B. Hope on Haven Hill, Inc, 38 Charles Street (by Norway Plains Associates, Inc) Site plan to remove existing church and build a new 3,700 sf office building.
Case# 125 – 214 – R2 – 21 **Public Hearing. ACCEPTANCE/FINAL HEARING***

Scott Lawler from Norway Plains Associates, Inc., presented the proposed project. Mr. Lawler stated that this parcel is 0.74 acres and was purchased by Hope on Haven Hill in 2018 and was the former location of the St. Mary's Church and rectory. In 2018 a variance was granted by the Zoning Board to allow for an eight-bed residential recovery house. The parcel is served by City Water and Sewer and natural gas. The existing church was reevaluated to whether it could be repurchased, but at this point it is deemed that it will not serve the needs of Hope on Haven Hill, therefore part of the site plan is to remove the Church from the site. Mr. Lawler stated that a second variance was granted by the Zoning Board to allow a for office building be constructed on the site. Mr. Lawler stated that they are proposing a two-story office building with associated parking. It is approximately 3650 square foot footprint of the building, with 12 parking spaces and two of which are ADA accessible. This will be Hope on Haven Hills main office with four full time employees and four rotating employees that come and go throughout the day. The operation of hours are Monday – Friday 8am-5pm. Mr. Lawler stated that the new building will be serviced with new water and sewer, and we are currently working with the Department of Public Works to accomplish that. The storm water will be collected in the parking lot and directed to the rear of the building. Mr. Lawler stated that a storm tech infiltration system has been designed and will be installed in the rear of the site in the grass area that meets Chapter 218 for stormwater management. Mr. Lawler stated they are proposing two new pole lights for each parking area. Mr. Lawler stated that the applicant is requesting a parking waiver to allow for the reduction of parking spaces, as Hope on Haven Hill plans on utilizing city parking lots that are located within 660 feet and there is on street parking available. Mr. Lawler stated that the patients are transported to and from the facility by a shuttle bus.

Sarah Howard from Market Square Architects discussed the design of Hope on Haven Hill. Ms. Howard stated that when they plan the design they tried to stay within the design of the current street designs and a typical New England home but also look like a commercial building. The street side has a more traditional look and around the side of the building is a more commercial look. Ms. Howard stated that all the materials are high quality.

Kerry Norton, Director of Hope on Haven Hill, discussed the daily operations of Hope on Haven Hill.

Mr. Collopy opened the floor for a public hearing. None seen, brought it back to the board.

Mr. O'Connor stated that there is a waiver requested for parking. Site plan regulations require a minimum of 28 parking spaces but based on the available transportation and public parking within an eighth of a mile of the facility staff supports the waiver as a similar waiver was granted for the location in 2019 with fewer spaces. Staff supports the application overall with the standard conditions except for the plan modification that existing utilities are shown, and safety fencing be put in place before demolition.

Mr. Sylvain asked if the fencing between the units would be wooden stockade fence or a PVC fence? Mr. Lawler stated that the fence will be wooden. Mr. Sylvain stated that a normal wooden stockade fence would not be appropriate with the building style. Mr. Lawler stated the concern is the approximately between the parking and the abutting property and possible snow damage to a PVC fence. Mr. Sylvain asked where the dumpster is going? Mr. Lawler stated that there is no plan for a dumpster to be used, Hope on Haven Hill plans to utilize refuge storage within the facility and then take it out. Mr. Sylvain asked about snow storage. Mr. Lawler stated that are a couple places on the site for snow storage and if it becomes a problem, they will have to haul it out.

Mr. Walker asked how many employees would be in the facility at one time. Ms. Norton stated that there would be four stationed there with potentially up to four others at different times throughout the day. Mr. Walker asked if all 8 employees were there if they would all be parking within the lot? Ms. Norton stated that employees will be using the municipal parking lot.

Mr. Bruckner stated that he is excited about Hope on Haven Hill moving into Rochester. Mr. Bruckner stated that he is not thrilled with the design and it doesn't seem finalized in his mind. Mr. Bruckner asked about the third story window. Ms. Howard stated that it is a false window and there is no third floor, or any storage.

Mr. Giuliano stated that he thinks it is a nice-looking building. Mr. Giuliano asked if there was anything that they could be incorporated from the church. Ms. Norton stated that they are incorporating the pews on the rectory which is now Abby's Place and in one of the rooms in the house. Ms. Norton stated they may incorporate other things depending on safety due to the Church being in such bad condition. Mr. Giuliano stated it seems that the hours of operation seem to have little impact on the area around the site but he asked if there would be any unwanted visitors at off hours. Ms. Norton stated that there are always security cameras and someone on staff in Abby's Place.

Mr. Sylvain asked if it would be possible to incorporate some of the stained glass from within the church into the new building. Ms. Howard stated they could certainly entertain the idea.

Mr. Walker asked if they will be doing any renovations in Abby's Place during this time. Ms. Norton stated they will not be doing any renovations, all renovations were done when they opened two years ago. Mr. Walker asked if the large deck off of Abby's Place going to stay? Ms. Norton stated yes.

Mr. Walker made a motion to accept the application as complete. Mr. Sylvain seconded the motion. The motion carried by a unanimous voice vote.

Mr. Sylvain made a motion to accept the parking waiver. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

Mr. Sylvain made a motion to approve the application. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

X. Other Business

A. Planning Update

Ms. Galloway had no planning updates at this time.

Mr. Collopy introduced Ryan O'Connor, the new Planner I and thanked him for covering the meeting.

B. Other

Mr. Bruckner stated that he had trouble clicking on the links on the agenda. Ms. Galloway stated that it will be fixed going forward.

Mr. Collopy thanked Mr. Sylvain for all of his years on the Planning Board.

XI. Adjournment

Mr. Walker made a motion to adjourn the meeting at 9:35 p.m. Mr. Giuliano seconded the motion. The motion carried by a unanimous voice vote.

Respectfully Submitted,

Ashley Greene
Administrative Assistant II

and

Shanna B. Saunders
Director of Planning & Development