

City of Rochester Planning Board
Monday January 3, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on February 7, 2022)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Peter Bruckner
Paul Giuliano
Mark Sullivan

Members Absent

A.Terese Dwyer, *excused*

Alternate Members Present

Keith Fitts
Donald Hamann

Staff: Crystal Galloway, *Planner I*
Shanna B. Saunders, *Planning Director*

(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

Mark Collopy called the meeting to order at 7:00 p.m.

II. Roll Call

The recording secretary, Crystal Galloway, took roll call.

III. Seating of Alternates

Mr. Collopy asked Don Hamann to sit as the voting Council Member and Keith Fitts to vote for Terry Dwyer.

IV. Communications from the Chair

Mr. Collopy had no communications at this time.

V. Approval of minutes for November 22, and December 6 & 18, 2021

Peter Bruckner made a motion to approve the special meeting minutes from November 22, 2021. The motion was seconded by Don Hamann. The motion carried by a unanimous voice vote.

Mr. Bruckner made a motion to approve the regular meeting minutes from December 6, 2021. The motion was seconded by Mr. Hamann. The motion carried by a unanimous voice vote.

Mr. Bruckner made a motion to approve the site walk minutes from December 18, 2021. The motion was seconded by Robert May. The motion carried by a unanimous voice vote with the condition that the Eversource representatives that attended the site walk be added to the minutes once received.

VI. Public Comment for the Consent Agenda

There were no public comments on the consent agenda.

VII. Consent Agenda:

- A. **Easter Seals NH Inc., 215 Rochester Hill Road** (Norway Plains Associates) Extension to meet precedent conditions to an approved Site Plan.
Case# 243 – 39 – A – 21 **EXTENSION to 6/7/2022**

Paul Giuliano made a motion to approve the Extension to meet precedent conditions to June 7, 2022 for Easter Seals NH Inc. The motion was seconded by Mr. Hamann. The motion carried by a unanimous voice vote.

VIII. Continued Applications:

- A. **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 FINAL ACTION***

Nick Golon, from TFMoran, presented on behalf of Eversource. Mr. Golon introduced Brent Kilgore, Facilities Lead in NH, and Tom Boltor, Eastern Manager of Operations, both who attended the Site Walk on December 18, 2021, at the Rochester Eversource Facility. Mr. Golon discussed the Site Walk and the goals of the Planning Board seeing the work center.

Mr. Collopy opened the floor for a Public Hearing.

Linda Yerardi, of 42 Meadow Lane, discussed the Site Walk at the Work Center and that Eversource did a lot of clean up before the Site Walk. Ms. Yerardi reminded the Board of the pictures that were previously submitted by abutters and how different the site looked when the Site Walk occurred. Ms. Yerardi discussed the vehicles that were parked on Meadow Lane and how they were no longer there during the site walk. Ms. Yerardi brought up the racks that were in the middle of the lot and how they have grown in height. Ms. Yerardi discussed the Zoning Board of Adjustment conditions that were part of their approval. Ms. Yerardi stressed the need for a different fence and how they need to be held accountable for being in an R1 Zone,

and to follow the rules for that zone. Ms. Yerardi stated that Eversource filed a waiver to be able to run 24/7, 365 days a year and asked that the waiver not be granted.

Steve Chasse, of 56 Meadow Lane, discussed his biggest concern of granting the waiver to allow them to run 24/7 365 days a year, especially in an R1 Zone. Mr. Chasse stated that when he moved in 12 years ago he accepted that the business would be operating from 7am-5pm but was feels it is not fair to let them run 24/7 in an R1 Zone. Mr. Chasse read a letter he emailed to Shanna B. Saunders discussed his concerns regarding Eversource being granted the waiver to operate 24/7 365 days a year.

Jeff Loring, of 50 Meadow Lane, discussed the Site Walk and how the abutters were not allowed to speak during the site walk. Mr. Loring discussed that during the site walk they only had two trucks on site, but a picture that was submitted two months ago there were thirteen trucks on site. Mr. Loring stressed that what was seen on the Site Walk was not what occurs on an everyday basis. Mr. Loring questions what temporary means for the prefabricated structure that will be installed. Mr. Loring asked who would be enforcing the conditions that are approved for the project. Mr. Loring stated the before the approval is granted, he believes that a sound study should be completed to determine just how loud it is within their neighborhood. Mr. Loring stated that when he is in his front yard, he can hear voices within the yard. He stated that adding another structure to the yard will amplify the noises being made within the yard.

Steve Beaudoin, City Council Ward 4, stated that the Eversource facility opened in 1980 and the Rochester population was about 20,000 people. Councilor Beaudoin stated that during that time there were Area Work Centers all over the Seacoast. Councilor Beaudoin stated that since then they have closed many work centers and have consolidated. Councilor Beaudoin questioned what will happen when Rochester continues to grow with all the new residential units coming in, Eversource is only going to continue to grow. Council Beaudoin discussed it being an R1 Zone and how it would never be considered if they were trying to move into that facility as a new business. Council Beaudoin discussed a taller fence should be installed and reducing the height of the structure they are looking to install. Council Beaudoin brought up that the trucks that Eversource uses has to go under over passes which are typically 13' 6", so they need for a 30' Quonset is unnecessary and could be reduced to match the size of the building already on the property.

Alfred Buttiglieri, of 11 Weeping Willow Drive, discussed that his back yard abuts where the Quonset will be installed. Mr. Buttiglieri stated that there is nothing but some trees between his yard and their work yard. Mr. Buttiglieri stated that the noise of everything that they do within their yard he can hear within his house. Mr. Buttiglieri discussed that a business in an R1 Zone should not be allowed to operate 24/7 365 days a year. Mr. Buttiglieri discussed that he is going to have an eye sore structure right in his backyard and it will devalue his home. Mr. Buttiglieri stated that he hopes the Board will take into consideration everything that was said, and they will protect the residential neighborhood.

Mr. Collopy saw no further public comments for this project, brought discussion back to the board.

Ms. Saunders went over the Staff Report from prior meetings. Ms. Saunders stated that per the Staff Report the Zoning Board did grant the Variance back in October 2021 with conditions. Ms. Saunders stated those conditions have been tied into the conditions that are suggested for the Planning Board. Ms. Saunders stated staff has discussed moving the structure 25 feet from the property line rather than 10 feet to keep it more consistent with industrial uses that border residential areas. Ms. Saunders stated that for plan notes the staff required that they plant arborvitae's and they needed to be at 4 feet with the intention that they would grow. Ms. Saunders stated that there have not been conditions set forth for a taller fence, but that can still be discussed. Ms. Saunders stated that the abutters that spoke were correct in stating that a waiver was submitted and requested to run 24/7 365 days a year, but Ms. Saunders stated that she believes that the sole purpose of the waiver was for Emergencies. Ms. Saunders stated that a condition can be added to only allow 24/7 365 days a year for emergency situations but will confirm with Eversource. Ms. Saunders stated that the Quonset is being considered a permanent structure despite the type of material being used which means the structure must meet setbacks. Ms. Saunders stated that another condition that all utility vehicles be parked within the facility and only four additional trucks can be added to the site. Any landscape

that is put in needs to be maintained, and that all outdoor lighting, including the security lights, be downlit and fully shielded to prevent any glare on the abutting properties. Ms. Saunders addressed the noise of trash being removed from the facility and stated that it is a Noise Ordinance issue and to call the Police Department should there be any noise before the approved time.

Mr. Collopy asked if Eversource is permitted to park a certain number of vehicles on the property currently. Ms. Saunders stated that she is not aware of any limits on the number of vehicles that can be kept on site. Mr. Collopy called Mr. Golon to the stand to answer the question. Mr. Golon stated that he is not aware of anything that stated there are a certain number of vehicles allowed on site.

Mr. Hamann stated that he would like to see a condition added that Eversource can't dump in the dumpsters after hours. Mr. Hamann asked who is going to monitor the buffers that get put in around the property line.

Peter Bruckner discussed the structure and when they did the Site Walk, they found that the bucket trucks were 12'6" +/- . Mr. Bruckner stated that a smaller structure would suffice to house the bucket trucks. Mr. Bruckner stated that 30 feet would be very visible from the abutting properties. Mr. Bruckner requested that we postpone the application and have Eversource come back to the Board with a smaller structure to house the bucket trucks. Mr. Bruckner also suggested that Eversource start looking for a better facility site to house their operation in the future.

Paul Giuliano stated the property is a non-conforming use and Eversource is not a company that needs to be operating on a non-conforming property. Mr. Giuliano stated that the City is growing and Eversource will be right there with the City. Mr. Giuliano stated that he agrees with Mr. Bruckner and the facility should not be located where it currently is and should move to a more appropriate site. Mr. Giuliano stated that the Variance was granted with conditions, and he can only support the approval if the conditions are followed and with a structure that does not exceed the height of the buildings around it.

Mark Sullivan asked Ms. Saunders for clarification on what she meant by the structure not being temporary. Ms. Saunders stated that her definition of temporary means it will come down within weeks, and Eversource's plan is to keep it up for years. Ms. Saunders stated that for Building Code it may be considered a temporary structure, but for Planning and Zoning it is considered permanent due to the timeline it will be up. Mr. Sullivan asked what the starting number of vehicles are on site and what the ending number would be with the additional four trucks being added. Mr. Golon stated that it is not a number that can be answered as the number of vehicles on the site is variable. Mr. Golon invited Tom Bolter, Operations Manager, to speak on behalf of the vehicles. Mr. Bolter stated that there are 13 bucket trucks that are stationed at the Rochester Work Center.

Mr. Collopy stated that he is concerned about the management of the Work Center. Mr. Collopy stated that he constantly sees JCR trucks parking along the street. Mr. Collopy discussed his concerns for trucks constantly running and the loud dumpster disposals at off hours. Mr. Collopy asked who is going to held accountable for making sure these things aren't happening.

Brent Kilgore, Facilities Lead of Eversource NH, discussed the Site Walk and that they are taking measures for buffers. Mr. Kilgore stated that the area was not staged and that they are changing and trying to improve. Mr. Kilgore stated that Eversource has always been a 24/7 365 days a year operation, but they do not plan to have people in the office or at the facility all the time. Mr. Kilgore stated that they have on-call personnel that need to perform the tasks requested when they are requested. Mr. Kilgore stated that the trucks that will be placed under the proposed structure are already on site, but they need to be placed under the structure. Mr. Kilgore stated that Eversource may be a billion-dollar company, but they do not have the money in NH to be able to move to a new facility.

Mr. Sullivan asked if there was a Master Site Plan being completed to determine the long-term plans for the site. Mr. Kilgore stated that they are doing a Master Site Plan, but the plan is varied due to the number of

businesses and residential units coming into the City. Mr. Sullivan asked for an estimated time for the Master Site Plan to be completed. Mr. Kilgore stated that he is not sure of an exact answer, but he is hoping by the end of 2022 they would have a much better answer. Mr. Sullivan asked if the conditions that are attached to an approval can be tied into their Master Site Plan. Ms. Saunders stated that they could make a condition of approval that we get a copy of a Master Plan by a certain date. Ms. Saunders stated that we could also do a condition of approval to allow this expansion but that's it and Eversource can work with Planning on a Master Plan to find a new long term location for future expansions.

Mr. Bruckner asked for clarification on the reasoning for only considering a Quonset hut. Mr. Kilgore stated they considered the Quonset hut because it is temporary, and they can move it and deploy at a different location. Mr. Bruckner asked what temporary means to Eversource? Mr. Kilgore state his idea of temporary is two years. Mr. Bruckner requested again that Eversource come back with a different structure.

Mr. May asked how time sensitive the shelter for the trucks is. Mr. Kilgore stated ideally last month would have been the best, due to already getting winter weather. Mr. Kilgore stated that it typically takes three weeks to get the structure up. Mr. May asked what is being done currently to keep the trucks out of the elements? Mr. Kilgore stated that he has seen some bucket trucks turn their buckets upside down, some trucks will drive to a completely different state, or try to find covered parking. Mr. Kilgore stated that he has already seen trucks become inoperable because of recent ice storms. Mr. May asked for clarification on raising the height of the current fence. Mr. Kilgore stated that he is not opposed to raising the fence, but from an engineering aspect raising a fence is not as simple and could result in taking down trees already around the fence. Mr. May asked Ms. Saunders if TRG considered a taller fence? Ms. Saunders stated that they considered a 8-foot fence with arborvitaes around the property line that would eventually grow taller than the fence. Mr. Kilgore stated that they currently have an eight-foot fence in place that is solid wood.

Mr. Collopy asked if there were any further questions, none seen brought it back to the Board and stated asked for a motion.

Mr. May made a motion to approve the Site Plan for a prefabricated fleet storage structure with the conditions in the staff report, as well as that the waiver is for emergency use only, additional vegetation surrounding the property line, and strongly recommend to City Council that Eversource needs to relocate. Mr. Bruckner seconded the motion.

Mr. Bruckner made a motion to amend that the Quonset hut be approved for a two-year period and if they find that they need it for a longer period than they come back with a site plan for a more permanent structure.

Mr. Sullivan made a motion to amend that a Master Plan be provided within a year.

Mr. May amended his motion to approve the Site Plan for a prefabricated fleet storage structure with the conditions suggested in the Staff Report as well as that the waiver is for emergency use only, additional vegetation surrounding the property line, the Quonset must be removed in two years or come back with a Site Plan for a permanent structure, a Master Plan be provided within a year, and recommend to City Council the Eversource needs to relocate. Mr. Bruckner seconded the amended motion. The motion carried. Mr. Collopy and Mr. Fitts opposed.

Mr. Collopy called a 5-minute recess at 8:22 p.m.

Mr. Collopy called the meeting back to order at 8:27 p.m.

IX. New Applications:

A. Easter Seals New Hampshire, Inc., 215 Rochester Hill Road (Norway Plains Associates) Modification to an approved site plan to reduce the overall number of senior dwelling units from 80 to 65 and minor adjustments to the overall footprint of the building. Case# 243 – 39 –A – 21 **ACCEPTANCE/FINAL ACTION***

Scott Lawler, from Norway Plains, discussed the Modification of the previously approved site plan. Mr. Lawler stated that Easter Seals was previously approved for a three story, 80-unit, senior housing facility. Access to the facility will come off HealthCare Drive. Mr. Lawler stated that since the approval and going through the different funding sources to complete the project the applicant has decided to continue with a single-phase project rather than a two-phase project which results in losing 15 units. The % breakdown of 1- and 2-bedroom units will remain the same, six 2-bedroom units and 59 1-bedroom units. The shape of the building changed slightly, but the parking and infrastructure have all remained the same. Mr. Lawler stated that making the building smaller will allow for more green area around the building.

Mr. Collopy opened the floor for public input, none seen brought it back to the Board.

Ms. Saunders stated that anticipating that the Extension would be approved, staff is recommending the Modification approval and Extension approval have the same deadline of June 7, 2022. Ms. Saunders stated the only other precedent condition that staff wanted to add was Public Works wanted the Drainage Maintenance Agreement to be recorded. Ms. Saunders stated that all other conditions of approval will remain the same.

Mr. Collopy asked if there was a waiver for parking? Mr. Lawler stated there was a waiver for parking as well as a waiver for the height of the light poles. Mr. Lawler stated that we are not changing those waivers.

Mr. May stated that he wanted to make it public that he was heavily involved with Home Makers, and he was on the Board at the time Easter Seals purchased.

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

Mr. Sullivan made a motion to approve the application with the recommended conditions of approval. Mr. May seconded the motion. The motion carried by a unanimous voice vote.

B. Groen Construction, 29 Wadleigh Road (by Jones & Beach Engineers, Inc.) Site plan and conditional use permit to construct a 52-unit 17,455 s.f. apartment building. Case# 137 – 35-1 – HC -21 **Public Hearing ACCEPTANCE/FINAL ACTION***

Brad Jones, from Jones & Beach Engineers, discussed the Site Plan and CUP for a 52-unit apartment building. Mr. Jones stated that the intent of the application is to obtain design approval for a 52-unit apartment building with a square footage of 17,874 sf, along with reconstruction of Wadleigh Road all the way down to Route 125 to meet City standards. Mr. Jones stated that the property itself is 8.4 acres, in the Highway Commercial Zone and the parcel has frontage on Axe Handle Brook, Spaulding Turnpike and Wadleigh Rd. The building will be serviced by a new sewer and a new water main which will be brought up through Wadleigh Rd. Mr. Jones stated that they need to widen the road which will result in a wetland crossing impact. The applicant plans to apply for the wetland crossing permit. Mr. Jones stated there is an existing cell tower on the property which has overhead electric and communication lines. Mr. Jones stated the DES dredge and fill permit is 4,000 sf. And the AoT permit is currently underway due to disturbance of 100,000 sf. DOT suggested that the applicant apply for a driveway permit which is currently being handled by Dana Webber. Mr. Jones stated a traffic memo has been submitted. The applicant is on the January 26, 2022, Conservation Commission Agenda. Mr. Jones discussed getting a water study completed, a sewer study, and the drainage to take care of the site. A drainage analysis has been submitted to the City which is

currently being reviewed. Mr. Jones stated there will be a retaining wall by the wetland crossing. Mr. Jones discussed the recreational options and transportation for the tenants.

Mr. Collopy opened the floor for public comment, none seen, brought it back to the Board.

Ms. Saunders discussed the Staff Report and stated staff recommendation is to NOT consider the application as complete. Ms. Saunders stated that the applicant wanted to attend the meeting to make sure there were no other red flags or any other additional studies that would be needed. Ms. Saunders stated that staff is recommending the application be continued to the February 7, 2022, meeting.

Mr. Fitts asked about the historic site that is located on the property that needs to be preserved. Ms. Saunders stated that the City has started to do some research on the site. Ms. Saunders stated they are in contact with the State and are in the process of finding the documents that pertain to the site. Ms. Saunders stated that the applicant is willing to restore the site.

Mr. May asked if there were any plans for solar panels. David Groen, co-owner of Groen Construction, stated they have no plans for solar panels but are considering solar trackers on the site rather than on the roof. Mr. May stated that they are likely to get some opposition to solar trackers due to them not being well regarded. Mr. Groen stated the site is an enclosed area and the only people who would see the trackers would be the renters.

Stephen Humphreys, with EGA, discussed the layout of the building. Mr. Humphreys stated that the building is 4 stories, but 3 stories on the west side. Mr. Humphrey's stated that on the west side of the building the first floor is storage for tenants. Level 2 is the main level to enter the building on and one elevator in the middle of the building. The building has 1- and 2-bedroom apartments and each apartment has a balcony or outside space available to them. Appearance of the building is more of a modern contemporary. Mr. Humphreys discussed his sight line plan to show the roof top units will not be seen looking at the building.

Mr. Collopy expressed his concern of the left turning traffic leaving Wadleigh Rd. Mr. Jones stated that there was no concern from the traffic engineer that warranted any lights needing to be put in.

Mr. Bruckner made a motion to continue the application to the February 7, 2022, meeting. Mr. May seconded the motion. The motion carried by a unanimous voice vote.

X. Other Business

A. Planning Update

Ms. Saunders discussed a small update to the Planning Board Meeting Schedule as one was scheduled on a Monday Holiday.

B. Other

Mr. Collopy stated that Ms. Saunders and himself had a meeting and let the Board know that he wants to be their voice and meet with Ms. Saunders regularly.

XI. Adjournment

Mr. Giuliano made a motion to adjourn the meeting at 9:08 p.m. My. Bruckner 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