

**City of Rochester Planning Board**  
Monday July 11, 2022  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on July 25, 2022)*

*Members Present*

Robert May, *Vice Chair*  
Peter Bruckner  
Don Hamann  
Mark Sullivan  
Dave Walker

*Members Absent*

Mark Collopy, *excused*  
A.Terese Dwyer, *excused*  
Keith Fitts, *excused*  
Paul Giuliano, *excused*  
James Hayden, *excused*  
Michael McQuade, *excused*

*Alternate Members Present*

Ashley Desrochers  
Matthew Richardson

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Ashley Greene, *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.)

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**I. Call to Order**

Robert May called the meeting to order at 6:30 p.m.

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**II. Roll Call**

The recording secretary, Ashley Greene, conducted roll call.

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**III. Seating of Alternates**

Mr. May asked Matthew Richardson to vote for Mark Collopy.

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#### IV. Communications from the Chair

Mr. May asked that due to a larger agenda that public comments stay short and to the point.

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#### V. Approval of minutes for June 6, 2022

*Dave Walker made a motion to approve the minutes from June 6, 2022. Don Hamann seconded the motion. The motion carried by a unanimous voice vote.*

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

##### A. Public comment

There was no one present from the public to speak.

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

There were not general planning issues to be discussed.

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#### VII. New Applications:

- A. RFC MFC 717 Columbus Ave, LLC, Irving Oil, 717 Columbus Ave Conditional Use**  
Permit to allow a second freestanding 24 square foot sign  
Case# 131 – 7 – NMU – 22 **Public Hearing ACCEPTANCE/FINAL ACTION\***

Rick Hanna, of Irving Oil, presented the Conditional Use Permit application. Mr. Hanna explained the Irving Oil is looking to add a second sign, per the ordinance a second sign is allowed on a corner lot with a conditional use permit. Mr. Hanna explained that Irving Oil is requesting a sign that is 24 square feet.

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

Ms. Saunders explained that staff supports the application with the condition that the sign is 20 square feet, as that is what is allowed in the neighborhood mixed use zone.

Mark Sullivan asked if the applicant can have the opportunity to explain why he would prefer a 24 square foot sign over a 20 square foot sign.

Mr. Hanna explained that 24 square feet is ideal for the purpose of visibility and proper site distance in order to make the intersections safer.

Mr. Bruckner expressed his support for a 24 square foot sign to help with the visibility.

Ms. Saunders explained that the sign would be on the Brock Street side. Staff did not think that sign needed to be larger than the one on the primary frontage of Columbus Ave.

Mr. Bruckner discussed the importance of the sign being seen when leaving Rochester.

Mr. Hamann asked if the current sign is 20 square feet. Mr. Hanna said yes. Mr. Hamann discussed keeping the signs both the same size, as it may look odd to have two different sized signs. Mr. Hanna explained that the reasoning for the 24 square foot sign is to allow for bigger numbers on the sign and better visibility.

Mr. May discussed the importance of keeping with the spirit of the ordinance and having the sign remain at 20 square feet.

Ashley Desrochers asked for clarification on the safety aspect of having a bigger sign. Mr. Hanna explained that the sooner that the sign is seen by a driver the reaction time is longer to allow a car to turn into the business.

*Mr. Walker made a motion to approve the conditional use permit with the condition of the sign not exceeding 20 square feet. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**B. Roman Catholic Bishop of Manchester, Seton Academy, 189 North Main Street**

Conditional Use Permit and Site Plan amendment to expand the Catholic education and formation with full time school Pre-k – 4.

Case# 121 – 330 – DC – 22 **Public Hearing ACCEPTANCE/FINAL ACTION\***

Atty Jim Shannon, presented on behalf of Seton Academy. Atty Shannon gave an overview of why Saint Elizabeth Seton shut down. Atty Shannon explained the process Seton Academy went through to get approval from the Bishop to use the Church for Catholic Education Pre-K through 4<sup>th</sup> grade. Atty Shannon explained the space to be used for the school and that no changes will need to be made. Atty Shannon discussed the Department of Education coming out to inspect the property. Fire and Life Safety also inspected the property and Seton Academy is working to finish all requirements put in place by Fire and Life Safety but some things are taking longer due to supply chain issues. Bob Veno, City of Rochester Health Inspector, completed an inspection on June 9, with one condition to change the heating temperature on the water heater.

Mr. May opened the public hearing. None seen, brought it back to the board.

Ms. Saunders went over the staff recommendations. Ms. Saunders explained the precedent conditions of approval that are specific to the site include scheduling a walk through of water service and plumbing for cross connection control survey, completing forms for the assessing department, and any conditions made by the Fire and Safety inspection. The general and subsequent conditions that are specific to the site are code entries provided and investigate state requirements for periodic water quality testing for schools, including lead and copper.

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

Mr. Sullivan asked where in the building the school will be located. Atty Shanna explained the school will be located on the lower level of the building.

*Mr. Walker made a motion to approve the conditional use permit. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

Mr. May asked about the Fire and Life Safety inspection not being complete and his concern about the school opening without the proper safety protocols in place. Ms. Saunders explained that the school will be unable to open without the Fire and Life Safety inspection passing in its entirety.

*Mr. Walker made a motion to approve the site plan amendment with the conditions stated. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**C. Elizabeth Neer and Ian & Lauren Culling, 104 Chesley Hill Road** (by Berry Surveying)  
Lot Line Revision. Case# 246 – 25 – R1 – 22 **Public Hearing ACCEPTANCE/FINAL ACTION\***

Christopher Berry, Berry Engineering & Surveying, presented on behalf of the applicant. Mr. Berry explained that in 2020 the lots were initially subdivided into 3 frontage lots. Mr. Berry explained that Ms. Neer is looking to adjust the rear lot line to increase the usable space behind the two existing residential homes on lots 25-1 and 25-2.

Mr. May opened the public hearing. None seen, brought it back to the board.

Ms. Saunders went over the staff recommendations.

*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 lot line revision. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**D. Monarch School of New England, Inc., 105 Eastern Ave** (by Berry Surveying & Engineering) Site Plan to expand a porous parking lot 11,530 sf in size.  
Case# 112 – 20 – R2 – 22 **Public Hearing ACCEPTANCE/FINAL ACTION\***

Christopher Berry, Berry Surveying & Engineering, presented on behalf of the Monarch School of New England. Mr. Berry discussed the need to expand the parking lot due to the increased demand of teachers for the children that attend the school. Mr. Berry explained that the school is not adding additional student or and structural additions, the plan is to simply increase the parking demand. Mr. Berry explained the applicant received the Variance from the Zoning Board of Adjustment and approval from the Conservation Commission. Mr. Berry described the porous parking lot and the solar lighting that would be installed on the new lot.

Mr. May opened the public hearing. None seen, brought it back to the board.

Ms. Saunders went over staff recommendations. Ms. Saunders explained the three conditions of approval set forth by the Conservation Commission. Ms. Saunders explained the importance of a drainage maintenance agreement with a previous parking lot.

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

*Mr. Walker made a motion to approve the conditional use permit. Mr. Hamann seconded the motion.*

Mr. Walker asked about snow removal and where it will be stored. Mr. Berry explained that the snow storage will be on the opposite side of the parking lot, away from the wetlands.

*The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the site plan with the conditions set forth. Mr. Hamann seconded the motion. The motion carried by unanimous voice vote.*

**E. Wesson Realty, LLC, Pickleball NH, LLC, 389 Gonic Road (by Norway Plains) Site Plan to construct a 16,163 sf indoor pickleball facility and four outdoor pickleball courts. Case# 262 – 73&74 – HC – 22 Public Hearing **ACCEPTANCE/FINAL ACTION\*****

Scott Lawler, Norway Plains Associates, presented on behalf of the applicant. Mr. Lawler gave a brief overview of the lots, lot 74 has an office building currently on the property and lot 73 is currently vacant but previously has an approval from the Planning Board for a contractor's storage yard. On the vacant lot, Wesson Realty is proposing a Pickleball facility that will consist of both indoor and outdoor courts. The proposal would be constructed in two phases. The building will be 16,163 sf with five indoor courts and 4 outdoor courts located on the northern side of the property. The outdoor courts will have limited hours, 7am-10pm Monday-Friday and 9am-10pm Saturday and Sunday. After the first phase is completed there will be three to four employees, and once complete there could be six or seven full time employees. A total of 58 parking spaces, which meet site plan regulations. Both parcels will share the dumpster that is currently located behind the office building and screened. Mr. Lawler discussed the storm water management plan, which includes stormwater being directed into infiltration basins in the parking lots and below the outdoor courts. The utilities for the building will be under ground. Building mounted fixtures and utility pole lights will light the facility, with a limit of 20 feet high on the utility pole lights. Mr. Lawler discussed the lighting waivers being requested by the applicant, one waiver to allow a slightly larger foot candle intensity within the court area and requesting a waiver to allow for a slight increase in the foot candle over the property line from the court area. The reasoning for these waivers is due to the need of recreational lighting. Mr. Lawler explained that the pickleball courts will have chain linked fences. There is only one state permit for NH DOT driveway permit to update the use of the driveway from a contractor's storage yard to a pickleball facility.

Mr. May opened the public hearing.

Bernadette Lincourt, of 385 Gonic Road, asked if the stockade fence is going to go to the end of the property line and if it will and expressed her concerns about the lighting and how bright it will be. Ms. Lincourt asked if any alcohol will be served and expressed concern about the increase in traffic.

Carole Albert, of 398 Gonic Road, expressed her concern with parking and the noise level. Ms. Albert also asked about any alcohol that may be consumed at the facility.

Mr. May closed the public hearing.

Ms. Saunders stated that staff feels the application is complete enough for the board to make an informed decision.

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

Mr. Lawler responded to the abutter concerns. Mr. Lawler explained that the stockade fence is extended to the end of the building, which will cover all but roughly 20 feet of the northern property line. On the southern property line, the stockade fence will start at Route 125 and proceed to the building. Mr. Lawler explained that the applicant is not seeking any licenses at this time for alcohol consumption. Mr. Lawler went over how the parking lot will work. Mr. Lawler discussed the noise level, and how they designed the proposal which would effect the noise level. Mr. Lawler explained that the applicant does not anticipate the noise level to be over abundant or exceeding the City ordinance allowed levels.

Mr. Walker asked for more information on the lighting. Mr. Lawler explained that the lighting will be down shielded and cut off on the rear of the fixture to help the lighting to point forward, rather than behind. Mr. Walker asked if there will be a longer shield to prevent from too much light going to the residential properties. Mr. Lawler said yes, there will be a longer shield on the rear of the light.

Mr. Walker asked when the lighting on the outdoor courts will be used? Mr. Lawler explained the hours of operation for the outdoor courts, but that the lighting will only be turned on if the court is in use. Mr. Lawler explained that the outdoor courts are seasonal, and in the summer the likely hood of the lights being on for a long period of time are less.

Mr. Walker asked if the applicant is going to allow customers to bring alcohol onto the premises. Harry Wesson, owner of the property and applicant, explained that he has no interest in getting a license to serve alcohol, but that he wants to follow the rules of the City.

Ms. Saunders discussed conditions for the approval of the applicant. Ms. Saunders discussed the waiver request for the lighting. Ms. Saunders discussed the easements needed, landscaping, and the stormwater management third party review that will be put into the condition of approval once the review has come back. Ms. Saunders discussed the different phases that may occur during development of this parcel, including a certain amount of vesting completed. Ms. Saunders said that staff recommends approval.

Mr. Walker expressed his concern with leaving the outdoor courts open until 10 p.m. and suggested closing at 9 p.m.

Mr. Sullivan said that this is a new venture and the applicant is trying to find the time that works well for this facility. Mr. Sullivan also expressed that this is seasonal for the outdoor hours.

Ms. Desrochers expressed that the lack of physical activity available to the community effects the health of everyone and it will be nice to have more access to physical activity.

The board continued to discuss the ideal time for the outdoor courts to close.

Ms. Saunders asked Mr. Lawler to discuss the architectural work since it mimics much of what New England barns look like. Mr. Lawler explained the front and sides of the building being red, and beige on the rear of the building. There are also overhead doors in order to create an indoor outdoor feel when weather allows.

Mr. Sullivan hours of operation, noises, and lighting is also a compliance issue once the project is approved.

Mr. Lawler asked for clarification on the “no alcohol” sign. Mr. Walker stated the condition would be no alcohol on the premise.

Mr. Wesson expressed his concern with the hours of operation and said that he will not stay open later if the business is not there. Mr. Wesson also expressed his concern with no alcohol on the premise and that it will be regulated but would like the sign to be reconsidered.

Mr. May discussed that if the hours of operation are to be extended the applicant needs to come back to planning board for approval. Mr. May said that he does not have an issue with how the proposal currently stands.

Mr. Lawler reiterated that the waivers were only for the lighting on the outdoor courts, and that there will be lights on all the time in the parking lot.

Mr. Hamann said that he would like to strike the no alcohol sign as a condition.

Ms. Desrochers commented that just because there is a “no alcohol” sign does not mean there will be no alcohol and it could potentially cause more problems for the business owner.

*Mr. Bruckner made a motion to approve the application as presented. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to accept the lighting waivers. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**F. Krzysztof & Renata Kozlowski, Millstone Place, 9 Academy Street** (by Kozbro Development Company) Site plan to construct 2-3 dwelling unit buildings.  
Case# 125 – 198 – R2 – 22 **Public Hearing ACCEPTANCE/FINAL ACTION\***

Krystian Kozlowski, presented on behalf of Millstone Place. Mr. Kozlowski went over the application process, which was initially submitted back in March 2022. Mr. Kozlowski discussed the Conditional Use Permit to allow access to the site from a secondary frontage. The primary frontage is located on Academy Street and the second proposed access is location on South Main Street. There are no waiver requests at this time, and any that were previously submitted are now withdrawn. The lot is 1.2 acres and currently has a single-family home located on it built in 1910. There is a parking lot at the rear with 24 spaces and is currently leased to the City of Rochester for parking allowed for the Public Library. The proposed project proposes 8 new dwelling units, which will be accomplished by converting the single-family home into a multi-family building by

constructing a two-dwelling addition. The other buildings will be two tri-plexes set back deep on the lot. Mr. Kozlowski went over the two new buildings and the architectural design. Mr. Kozlowski discussed the increased safety that the new buildings and tenants would bring.

Mr. May opened the public hearing.

David Clark, of 15 Academy Street, expressed his concerns with the set backs of the new buildings. Mr. Clark discussed the density and converting the large house currently on the property into a multi-family dwelling unit. Mr. Clark discussed the back yards with set backs that seemed too close to the lot line and the amount of trees that may be removed from the property.

Krzysztof Kozlowski, owner and abutter of 9 Academy Street, explained how he has improved the homes around 9 Academy to make the neighborhood a better place. Mr. Kozlowski said that he has improved the quality of the area and is still working on getting rid of the drugs in the area.

Mr. May closed the public hearing.

Ms. Saunders discussed the staff recommendations and thanked the applicant for working with the City to adjust the architecture design.

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

Ms. Saunders addressed the setbacks concern. Mr. Saunders said that there is an additional section that talks about lots that are odd shaped, and the ordinance states that the lot has to have one frontage and one rear and the rest are considered sides.

Mr. May asked about the police comments made at TRG. Ms. Saunders explained that any comments that were made or anything that wasn't resolved would then become a condition and there are none in the staff recommendations.

Mr. Walker asked about the snow removal. Mr. Kozlowski explained that the parking lot is covered in the lease for City to remove the snow.

Mr. May asked if these units will be rentals or condos? Mr. Kozlowski said that these will be rental units.

Mr. May asked about the trees that will remain on the property. Mr. Kozlowski explained that there would be over sixteen trees left on the lot of various sizes and widths. Mr. Kozlowski explained that the American Liberty Elm will be planted on the property, which will resemble trees that have been removed due to the trees dying.

Mr. Sullivan asked for clarification on how the parking lot will work with the new units. Mr. Kozlowski explained that there is a requirement of 18 spaces and the applicant is relying on the 24 spaces of the lot located on the parcel. Mr. Sullivan asked if Library patrons will still be able to use the lot. Mr. Kozlowski explained that the lease will still stand with the City.

Mr. May asked about the Fire Dept comments. Ms. Saunders explained that we would reserve any Life Safety comments as a condition.



*Mr. Walker made a motion to approve the Conditional Use Permit for second frontage access. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

*Mr. Walker made a motion to approve the site plan application with the conditions stated. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

## **VIII. Other Business**

### **A. Planning Update**

Ms. Saunders discussed the EV Charging Station and Cell Tower amendments that have been recommended to the council and will be going to Public Hearing.

Mr. Sullivan asked about a Solar zoning amendment. Ms. Saunders explained that staff is currently in process of drafting together Solar amendment. Mr. Sullivan requested that the Chief Assessor be present for the discussion about Solar. Ms. Saunders explained that this would come to the board in August as the workshop meeting is as needed in July. Mr. Sullivan and Mr. Walker expressed that a meeting should be held in July to prevent longer meetings in August. Ms. Saunders agreed and would discuss bringing Solar and Aviation to the July workshop meeting.

Mr. Hamann asked if there was any movement on the Ridge? Ms. Saunders explained that it has been approved and that there are several developers that have reached out about application deadlines for the Ridge.

### **B. Other**

None other business at this time.

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## **XI. Adjournment**

*Mr. Walker made a motion to adjourn the meeting at 8:19 p.m. Mr. Hamann 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*