

City of Rochester Planning Board
Monday, November 6, 2023
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on December 11, 2023)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Alan Dews
Keith Fitts
James Hayden
Matthew Richardson
Dave Walker
Don Hamann

Members Absent

Michael McQuade, *excused*

Alternate Members Present

Alexander de Geofroy
Rick Healey

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

(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. They may be copied for a fee.)

I. Call to Order

Chair, Mark Collopy, called the meeting to order at 6:30 p.m.

II. Roll Call

Planning Department Director, Shanna B. Saunders, conducted roll call.

III. Seating of Alternates

No alternates were needed.

IV. Communications from the Chair

Mr. Collopy reminded the Board to vote on Tuesday November 7th.

V. Approval of Minutes

A. October 16, 2023

A motion was made by Mr. Walker to approve the October 16, 2023 Planning Board meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.

VII. Opening Discussion/Comments

A. Public Comment

There were no comments from the public to discuss.

B. Discussion of general planning issues

Mr. Dews explained he spoke to his colleagues at Public Works after the approval of the 19 Old Gonic Road sidewalk on Old Gonic. He said by allowing the developer to put markings on the road between the fog line and the edge of the road could create a problem. Mr. Dews said if the Board isn't going to require a full sidewalk the developer should put a fog line down.

Ms. Saunders said the idea for the markings came from discussions between the developer and the Engineers at Public Works. She went on to say that in the future, perhaps field inspectors need to be included in those discussions as well.

Ms. Saunders said staff can work with the developer to come up with a more simple plan.

Mr. Healey said back when the Board started approving painted sidewalks they were often mistaken as break down lanes. He further explained the only reason to have the walking symbol is so drivers don't mistake the walking lane for the break down lane.

Mr. Collopy suggested adding the discussion to the November workshop meeting.

C. Student Representative

Ms. Saunders told the Board there were two Spaulding High School student representatives joining to observe the meeting. She explained they had expressed interest in a few months ago in attending the meeting and potentially being a long-term student representative.

VII. Extension Applications:

Ms. Saunders explained the applicant is seeking an extension for Active and Substantial start of construction. She said they have submitted final plans however they haven't started the work yet. Ms. Saunders further explained State Statute says the Board can give a 12-month extension.

- A. [Ossipee Aggregates Corp, 111 Northcoast Drive](#) (Norway Plains Associates/Scott Lawler) Install additional railroad track Case# 210 – 16 – 1 – 21 **Extension to December 20, 2024**

A motion was made by Mr. Walker and seconded by Mr. Dews to approve both extension requests to December 20, 2024. The motion carried unanimously.

- B. [Ossipee Aggregates Corp, 99 & 79 Northcoast Drive](#) (Norway Plains Associates/Scott Lawler) Install additional railroad track Case# 210 – 18&21 – 1 – 21 **Extension to December 20, 2024**

A motion was made by Mr. Walker and seconded by Mr. Dews to approve both extension requests to December 20, 2024. The motion carried unanimously.

VIII. New Applications

A. 86 Church Street, LLC, 84 & 86 Church Street (by Norway Plains Associates/Aaron Lamond) Lot-Line Revision Case# 258 – 7&8 – A – 23

Randy Tetreault of Norway Plains Associates presented the plan for a proposed lot line revision. He said they are seeking a lot line adjustment for just under a quarter acre piece of land to be added to the larger parcel which contains a multi-family use. Mr. Tetreault explained the applicant went through the Zoning Board of Adjustment to obtain a Variance to expand the multi-family use within the Agricultural zone.

Mr. Collopy opened the public hearing.

Daniel Connolly of 82 Church Street said he attended the Zoning Board meeting when the applicant was proposing a multi-family unit at 84 Church Street. He said with the lot line adjustment for 86 Church Street he wants to ensure they will not be able to put a unit in the area they are transferring.

The applicant Greg Mahanna explained they will not build anything on the portion of the property that is being transferred from 84 Church Street as it had been discussed during the Zoning Board meetings. He went on to say he took the abutters suggestion to move the building that was proposed at 84 Church Street down to the river end of the parcel.

There was no one further from the public to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders said the Board should be aware that at the time of the variance request for expansion of a non-conforming use in 2022 for multi-family on both 84 and 86 Church Street, the Zoning Board approved the request for 86 but denied it for 84. There was concern from the abutter regarding a multi-family building overlooking his backyard on land that was owned by 84 Church Street. She said the Zoning Board, discussed that anything that is built on the land to be screened from the abutting property.

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

A motion was made Mr. Walker and seconded by Mr. Hamann to accept the application as complete. The motion carried unanimously.

Ms. Saunders reviewed the Staff Recommendations for the project and recommended approval.

A motion was made Mr. Walker and seconded by Mr. Hamann to approve the lot line revision with the conditions stated including no structure is to be constructed on the land that was taken from 84 Church Street. The motion carried unanimously.

B. Road Runner Real Estate Development, LLC, 797 Portland Street (by Berry Surveying & Engineering/Chris Berry) 16 – Lot Subdivision Case# 108 – 50 – A - 22

Christopher Berry of Berry Surveying and Engineering presented the plans for a 16-lot, 32-unit subdivision. Mr. Berry explained they took the comments from the Board and abutters during the preliminary review a year ago. They have since updated the plans and have been through a number of TRG meetings as well as a number of third party reviews.

Mr. Berry said they are proposing a single cul-de-sac off from Crowhill Road which has been off set from the most immediate abutter while still providing functional access across the wetlands and

through wetland buffers. He said while offsetting the entrance into the site, they are able to keep some of the existing vegetation which will provide a landscape buffer at the entrance to the roadway. Mr. Berry explained they prepared a stormwater management plan that was externally reviewed, however waivers to Chapter 218 are still required. He said the stormwater management plan they designed will not increase the flooding Crowhill has seen in the past but will actually reduce the flooding events the area sees more regularly.

Mr. Berry said they are required to have a Conditional Use Permit for any impact that takes place within 50 feet of a wetland buffer. He said they have approximately 34,000 square feet of buffer impacts.

Mr. Collopy opened the public hearing.

Carl Steven of 61 Crowhill Road said he has put in a retention wall to save his yard from flooding due to the brook that runs through the property. He asked who he would call if the developers stormwater plans do not work. Mr. Stevens added, every time the property is logged the water gets worse.

Dottie McLain of 63 Crowhill Road had photographs of 61, 63, and 67 Crowhill Road showing the flooding that takes place at least twice a year. She said there is supposed to be a homeowners association formed, but there are no guarantees that will happen.

Ms. McLain asked when the applicant will be required to submit a NHDES application.

Susan Grier, Rochester resident thanked the Board and the Conservation Commission for the work they have done for this subdivision. She said Crowhill Road is a small narrow country road with a lot of history. Ms. Grier said Public Works has reviewed the plans however there is no mention of adding a sidewalk. She said if the developer is proposing 32 units she believes a sidewalk should be required.

Ms. Grier asked if the culvert can withstand construction equipment driving over it.

She went on to express her concerns regarding adding housing and access ways in wetlands. She said there are species of concerns living in the wetlands which have not been reported.

Christina Paquette of 9 Copper Lane said she recognizes property owners have the right to develop their property and at some point this parcel will likely be developed. She asked that the property be developed in a way that is responsible and sensible for wildlife, wetlands, and the safety of people kept in mind. Ms. Paquette asked the Board to consider how much land has been cleared over the last 10 years for three development projects, Smoke Street, Carole Court, and Ida Circle. She said the Carole Court development was unnecessarily over cleared and left with an unsightly back lot and unresolved issues.

Ms. Paquette said allowing duplexes on each lot will significantly increase the traffic on a road that was not designed for that many vehicles. She asked if a traffic study had been conducted for Crowhill Road.

Ms. Saunders read the following email:

We are residents of 795 Portland Street East Rochester, NH 03868, abutting neighbors to the proposes development on 797 Portland Street map 108 lot 50. We are unable to attend the meeting tonight for personal reasons however there are several concerns we would like addressed concerning this proposal.

1) We have never had water issues in the yard and or the basement until the Katie Lane development was put in. We have had a sump pump system installed to keep the basement dry. With this proposed development in this wet area, we can foresee more water issues when the ground is disturbed for the development.

2) For the East Rochester Elementary School renovation, we were told the school could not be expanded towards the wooded area behind it for environmental/eco system concerns, primarily wetlands. How can this new development bypass these concerns?

3) This new development would require a wider road for services such as fire trucks, snowplows, garbage removal, also sidewalks and streetlights for the children to remain safe.

4) We also have a concern that school children will not walk down to E. Rochester then back up Portland Street to go to school but will cut thru the woods and the abutting properties as a shortcut. We have a well-maintained property with a swimming pool which we like our privacy.

5) Our last concern is that there be no more road access from Portland Street as we are inundated with two road access points for the Carol Court housing development (60 plus houses), then two road access points for the East Rochester Elementary School with multiple school buses and car traffic backups heading up the street towards Salmon Falls Road. Also, Broadway Street comes into Portland Street. We do not need another road cut into Portland Street for more congestion. Portland Street is inundated with all these streets and resident driveways coming into it.

In conclusion, we request these concerns be entered into the official record and considered by the Planning Board the same as if we were in attendance of this important meeting. Thank you.

If there are any questions or concerns, please call or e/mail us at:

Colin & Gail Claffey, 795 Portland Street, East Rochester

John McLain of 63 Crowhill Road said the parcel should not be developed but turned into conservation land like the abutting property. He said the parcel is constantly wet. It is wet now, it is wet in the spring, and it is wet in the summer.

Mr. McLain said the culvert and drainage on Ox Road has been neglected. He said the City has decided that it is more important to drain it onto his property than it is to take care of the issue and correct it.

In addition, he said the City has advised East Rochester residents not to drink the city water because of contamination. He said the City's solution is to run a fire hydrant non stop every day. Lastly, Mr. McLain said the Katie Lane project cost the City a quarter of a million dollars to fix because the developer didn't construct it properly, they didn't mitigate water causing water issues to the surrounding properties.

There was no one further from the public to speak; Mr. Collopy brought the discussion back to the Board.

Mr. Berry explained his firm spent approximately 18 months working on the plans before the Board saw them.

Mr. Berry said a traffic study was conducted at the intersection and traffic counts were taken on Crowhill Road and a trip generation and traffic analysis was included in the application package to the Board. He said a third party review of the traffic analysis agreed their findings in that Crowhill Road is generally safe and will be able to handle additional traffic. He went on to say it isn't the widest street as it's only 20 feet in width but it meets the general standard, and pedestrians do walk on the street. Mr. Berry said no offsite mitigation is proposed, nor has it been recommended.

Mr. Berry explained they conducted test pits and perk tests after the most recent logging activity and there was no change to the soils after logging activity.

Mr. Berry went on to explain they are removing storm flow from the back yards of the abutters and said only high flow bypass from the ponding system is going to be pointed back in their direction but at a much-reduced rate.

Ms. Saunders reviewed the staff recommendations and all the conditions. She reviewed the waivers that are being requested as well as the Conditional Use Permits, which staff supports. She went on to say staff recommends the application be accepted as complete.

A motion was made by Mr. Walker and seconded by Mr. Hamann to accept the application as complete. The motion carried unanimously.

Ms. Saunders explained the project went through three TRG review meetings, two for the application and one specifically for stormwater.

Ms. Saunders explained the third-party reviews that were completed. She said as a result of the traffic review City Staff believes, as recommended in the review report that at least two sets of Rapid Rectangular Flashing Beacons should be installed at the intersection. She asked that the exact location not be part of the condition but allow DPW, Police and Planning to work that out.

Ms. Saunders said the City is expecting the street to become city accepted so it will become a public street. She said the City is moving toward all stormwater infrastructure being maintained long term by a homeowners association, but does not mean a complete hands off approach by the City.

Mr. May clarified that after third party review of stormwater things will be at the very least no worse as they are now for the abutters in terms of annual flooding issues. Mr. Berry said the abutters will see a drastic reduction in water after construction.

There was discussion regarding a homeowners association being in charge of stormwater infrastructure maintenance.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the waiver request from Section 5.3.7, Cul-de-sac Length, Chapter 218-10.F(2)d, Chapter 218-10.C(2)a&b, and Chapter 218-10.C(3)a&b all regarding Stormwater. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the Conditional Use Permits for Chapter 275-19.2 and Chapter 275-12.9. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the subdivision with the conditions stated. The motion carried unanimously.

- C. [Waste Management of New Hampshire, 38 Turnkey Way](#)** (by Sanborn, Head, and Associates/Eric Steinhauser) Site Plan for Stage III expansion to increase leachate treatment capacity of the existing Leachate Treatment Plant that supports operations at the TREE facility by adding UF and de-nitrification equipment. Case# 267 – 3 – R1 – 23

A motion was made by Mr. May and seconded by Mr. Walker to have this project be considered as a Development of Regional Impact.

Mr. May explained after reviewing the materials he believes this project fits the criteria for RSA 36:55 as the property borders on two neighboring towns, Dover and Barrington. He went on to say this development will have impact beyond Rochester.

Ms. Saunders explained the project before the Board the project before them is to construct an addition on either side of the existing TREE facility. She said one addition is 1,500 square feet and the other is 1,000 square feet plus two additional tanks. Ms. Saunders said the article in Foster's incorrectly called this project an expansion of the site which it is not.

Mr. May said the news paper article said the case was to expand the landfill but it is clearly not the case. He went on to say the case before them is a multi-plex of decisions being made which will result in the expansion of the landfill which the Regional Planning Commission and neighboring towns and cities deserve an opportunity to weigh in on the changes.

Mr. Hamann recused himself as he is a member of the Committee that would be hearing the case if it were to be reviewed as a Development of Regional Impact.

Mr. Collopy asked Mr. de Geofroy to vote in place of Mr. Hamann for this motion.

Mr. May explained if the Board were to recommend this to be a regional impact it would give the towns of Dover and Barrington status as abutters. They would have the right to attend the meeting to voice any concerns.

Mr. May went on to read RSA 36:55 regarding Development of Regional Impact. He said they meet 4 out of the 6 criteria.

Mr. Walker clarified that the project was for two building expansions and two tanks. Ms. Saunders said that is correct.

Mr. Walker asked how two building additions and two tanks be a regional impact. Mr. May explained the cover letter provided by Waste Management states the expansion is to support the functions of the landfill.

Mr. de Geofroy said it's less about the building expansion and more about additional capacity for processing that might have potential emissions. He said if the amount of emissions is being increased it would make sense to consider it a project of regional impact however, if that's not the case he doesn't feel there is enough argument for that.

Mr. Healey said the expansion has already been approved, the Board is reviewing additions for phase III.

The Board briefly discussed whether to call the motion or hear testimony from the applicant before taking a vote. The Board decided to hear testimony before deciding.

Construction Project Manager for Waste Management Anne Reichert explained phase I and phase II were approved in 2006 and 2011. She said they are seeking approval for two building additions located in phase III of the project. Ms. Reichert explained they are under permit with NHDES and with the City for an Industrial Discharge Agreement. She went on to explain the purpose of the project is to get ready for the City's upgrade to the Waste Water Treatment Plant to meet total nitrogen discharge limits and total phosphorus. She said they are taking a proactive step to get ahead of the new limits that will be coming out in 2025.

Ms. Reichert said they are proposing two building additions with overhead doors and two additional tanks which will be for chemical treatment.

Mr. deGeofroy said after listening to the applicant's testimony he doesn't feel his concern with emissions is a factor.

Mr. Walker said because it is two building additions and a closed tank addition it really isn't an emissions issue. He said he doesn't feel this project would be a regional impact.

Mr. Collopy called the vote for Mr. May's motion. A yes vote means you agree it's a regional impact, a no vote means there is no impact.

The motion failed by a 7-2 voice vote. Mr. May and Mr. Dews voted in favor.

Mr. Collopy opened the public hearing.

Susan Rice of 159 Ten Rod Road asked where the treated material will eventually end up. She asked if it will end up in the City's waste water treatment plant, or if it will be gradually discharged onto Waste Management property.

Ms. Reichert explained they have a sewer connection and a pump station to lift water after treatment through a force main to a city main on Rochester Neck Road. She said they have been doing it for years and is fully permitted with the State as well as with the community. Ms. Reichert explained they have to do testing and reporting to the Department of Public Works.

There was no one further from the public to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders said staff recommends the application be accepted as complete because there is sufficient information to allow the Board to proceed with consideration and to make an informed decision.

A motion was made Mr. Walker and seconded by Mr. Hamann to accept the application as complete. The motion carried unanimously.

Ms. Saunders said from the City's perspective this was a simple project. She went on to reviewed the staff recommendations and conditions of approval.

A motion was made Mr. Walker and seconded by Mr. Hamann to approve the site plan with the conditions stated. The motion carried unanimously.

D. Craig and Jessica Hossfeld, 55 Gear Road (by Berry Surveying & Engineering/Chris Berry) Lot-Line Revision to increase size of Map 258 Lot 55 Case# 258 – 53&55 – A – 23

Christopher Berry of Berry Surveying and Engineering presented the plan for a lot line revision to transfer 2.8 acres from a larger parcel that they own in Trust to a parcel they own with the existing house located at 55 Gear Road. They are not making any lot less buildable. Mr. Berry said they are seeking a waiver from the requirement to show wetlands on the entire parcel.

Mr. Collopy opened the public hearing.

Richard Davis of 57 Gear Road passed out pictures of his property in relation to 55 Gear Road. He said the whole point of the lot line revision is for the applicant to have cattle and other farm animals at this address. Mr. Davis said having a farm at this address will greatly affect him and his family in a negative way. He said he purchased his home three years ago and has invested all his money into the property. Mr. Davis said when he purchased his home in 2020 he was under the impression the neighboring property wouldn't be a farm because it was under the required lot size. He said he has put up a vinyl fence and has added trees to help minimize the view from his property but because his property is raised, he can see over the fence. He said the smell of the farm and the insects it will attract will make it very unpleasant. Mr. Davis said the applicant does not reside on the property, they reside in Deerfield, and they have stated on their Zoning Board application this will be a hobby farm.

Lucas Hart of 58 Gear Road said he is concerned about the smell that will be coming from the proposed farm. He said he grew up living at 57 Gear Road and in the past they have had horses at 55 Gear Road. He said he has lived next to cattle farms in the past and they smell atrocious.

John Ruzzi, owner of 53 Gear Road said he feels allowing a farm will affect his rental unit because of the smell. He said he is concerned about the cattle being 10 feet from the driveway and 15 feet from the yard.

There was no one further from the public to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders told the Board the application is for a lot line revision to bring the property into compliance with the farm definition that requires 5 acres for a farm.

Ms. Saunders reviewed the staff recommendation and conditions of approval.

Mr. Hayden asked if the wetland restoration plan has been submitted. Mr. Berry said the plan has been submitted, approved, executed, and at least one round of review has been completed.

A motion was made Mr. Walker and seconded by Mr. Hamann to approve the waiver request. The motion carried unanimously.

A motion was made Mr. Walker and seconded Mr. Hamann to approve the lot line revision with the conditions stated. The motion carried unanimously.

IX. Other Business

A. Planning Update

Ms. Saunders said Staff is continuing to work on the Natural Resources and Historic and Cultural Resources chapters of the Master Plan.

Ms. Saunders thanked Mr. May for volunteering to be the Planning Board representative on the Recreation Master Plan.

B. Other

The Board reviewed the 2024 meeting dates. Ms. Saunders said it follows the same deadline and meeting schedule as years past.

Mr. Walker said an issue was brought to his attention regarding a property next to the Woodman Park site. He said the property owner installed a concrete slab in front of the house to park his car and when the park was being worked on they installed curbing right along the front of the slab so now the owner drives over the curb to park his vehicle. Ms. Saunders explained the property owner applied for a curb cut and was denied so he should not be using that spot as a driveway.

Mr. Fitts said he went to the new restaurant at the Ridge, which was at half capacity. He said the parking lot was full and the adjacent retail space which is much larger than the restaurant is vacant. Mr. Fitts asked the Board to keep parking in mind when phase two comes before the Board.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Fitts to adjourn the meeting at 9:24pm. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planner I

and

Shanna B. Saunders,
Director of Planning & Development