



**PLANNING & DEVELOPMENT DEPARTMENT**  
**City Hall Annex**  
**33 Wakefield Street,**  
**Rochester, New Hampshire 03867-1917**  
**(603) 335-1338 - Fax (603) 330-0023**  
**Web Site: [www.rochesternh.net](http://www.rochesternh.net)**

Planning Board  
Zoning Board  
Conservation Commission  
Historic District Commission  
Arts and Culture Commission

**Board Members**

Mark Collopy, *Chair*  
Robert May, *Vice Chair*  
Peter Bruckner  
Keith Fitts  
Donald Hamann  
James Hayden  
Matthew Richardson  
Mark Sullivan  
David Walker  
Alexander de Geofroy, *Alternate*  
Rick Healey, *Alternate*  
Michael McQuade, *Alternate*

**AGENDA**  
**CITY OF ROCHESTER PLANNING BOARD**  
**Monday, March 20, 2023 at 6:30 p.m. (Workshop Meeting)**  
City Council Chambers  
31 Wakefield Street, Rochester, NH  
*\*see notes at end*

- 
- I. Call to Order
  - II. Roll Call
  - III. Seating of Alternates
  - IV. Communications from the Chair
  - V. Approval of minutes:
    - a. February 27, 2023
    - b. March 6, 2023
  - VI. Opening Discussion/Comments (up to 30 minutes)
    - a. Public comment
    - b. Discussion of general planning issues
  - VII. Draft Charitable Gaming Ordinance Presentation
  - VIII. Draft Solar Ordinance Presentation
  - IX. Review Capital Improvements Plan, Fiscal Year 2024
  - X. Review of Inspections and Surety for January 2023
  - XI. Other Business
    - a. Planning Update
    - b. Other
  - XII. Adjournment

\*Please note the following:

*(Over)*

Public hearings. The public is invited to attend all meetings of the Planning Board. *The public is welcome to speak at all public hearings.* For other items the public may speak at the discretion of the chair/board.

Postponements. For any items marked as postponements the Planning Board will determine at the beginning of the meeting whether to postpone the item and to which date. Interested citizens are advised to attend at the beginning of the meeting to learn the details of any proposed postponement or to contact the Planning Department for more information.

Proposed actions. Proposed actions are shown in bold caps (on final agendas). The board may or may not take these actions and may take other actions not stated.

Consent agenda. Applications placed on the Consent Agenda are assumed to be straightforward and non-controversial and are approved in one total package with one vote. Applications will be removed from the Consent Agenda for individual review at the request of any board member (or, for public hearings, at the request of any citizen).

Other information. a) Files on the applications and items, above, including the full text of any proposed ordinances, regulations, or other initiatives are available for inspection in the Planning Office, from 8:30 a.m. to 4:30 p.m., Monday through Friday; b) If you are looking at this agenda on the City's website, you can click on any underlined projects and other items to access additional information; c) This agenda, these applications, and other items are subject to errors, omissions, and changes prior to final action; d) Some agendas are marked as "Preliminary Agenda". These are subject to change. The final agenda will be prepared on the Wednesday evening prior to the meeting and will be posted on the City's website; e) Contact the Planning Department if you have questions or comments about these or any related matters or if you have a disability requiring special provision

**City of Rochester Planning Board**  
Monday February 27, 2023  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on \*\*\*\*\*, 2023)*

Members Present

Mark Collopy, *Chair*  
Peter Bruckner  
Keith Fitts  
Matthew Richardson  
Dave Walker  
Michael McQuade  
Don Hamann  
James Hayden  
Mark Sullivan

Members Absent

Robert May, *Vice Chair, excused*

Alternate Members Present

Michael McQuade  
Rick Healey  
Alexander de Geofroy

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Ryan O'Connor, *Senior Planner*

(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**

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

---

**II. Roll Call**

Senior Planner, Ryan O'Connor conducted roll call.

**III. Seating of Alternates**

Mr. Collopy asked Mr. McQuade to vote in place of Mr. May.

**IV. Communications from the Chair**

Mr. Collopy stated that there are no communications to be passed from the chair.

---

- V. **Approval of minutes for**
- a. **January 30, 2023 – Workshop**
  - b. **January 31, 2023 – Retreat**
  - c. **February 6, 2023 – Regular Meeting**

*A motion was made by Mr. Walker to approve all three minutes listed above and seconded by Mr. Richardson. The motion carried unanimously.*

---

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

A. **Public comment**

There were no comments from the public to discuss.

B. **Discussion of general planning issues**

There were no general planning issues to discuss.

---

VII. **Continued Applications**

- A. **[Green & Company, Old Gonic Road Townhomes, 19 Old Gonic Road](#)** (by Jones & Beach) Site Plan to construct 170 townhomes Case# 131 – 10 – R2 – 21 **Public Hearing ACCEPTANCE/FINAL DECISION\***. **The applicant has requested to be continued to March 6, 2023.**

Ms. Saunders stated that this application is ready and has requested a motion to continue to the next Planning Board meeting dated for March 6, 2023.

*A motion was made by Mr. Walker and seconded by Mr. Hamann to continue this application to the March 6, 2023 Planning Board Meeting. The motion carried unanimously.*

---

VIII. **Draft Charitable Gaming Ordinance Presentation**

Ms. Saunders presented overview of the Charitable Gaming Ordinance and requested input from the board members regarding the requirements. Ms. Saunders stated that this is being presented due to the changes in State Statutes and allowance of permits within Rochester. Ms. Saunders explained the definition of charitable gaming facility is an organization conducting games of chance. Ms. Saunders stated that Sports Betting is being required to be permitted only when co-located with Charitable Gaming Facility. Ms. Saunders stated that we are proposing that these be permitted within the Highway Commercial zoning district and allowed by conditional use in the Granite Ridge zone. Additional requirements include that if facility is requested for development that the minimum square footage is 20,000. Ms. Saunders also proposed an easement to the city of the property to display a form of public art and have this area maintained visually. High architectural standards shall include at least 3 colors be incorporated into design and building to be visually aesthetic.

Ms. Saunders mentioned that there will be an increase of people travelling to these facilities and that safe bus loading areas should be required. Additional primary uses such as restaurants and meeting spaces will be looked at separately. Due to the possibility of outdoor entertainment, requirement criteria have been included for noise and decibel rating for closer proximities to residential areas. Ms. Saunders stated that outdoor smoking facilities are to be kept a distance from schools and areas where students are largely present. Safety and security plans must be created by charitable gaming facility in the event of an emergency, including space for Police and Fire Department within facility and access to emergency equipment such as AEDs. Ms. Saunders stated that a high standard must be kept with landscape maintenance around the facility.

Mr. Walker asked what zone these facilities would be in. Ms. Saunders stated Highway Commercial zone and Granite Ridge zone. Mr. Walker stated that he was concerned with the idea of Public Art and didn't feel that it should be listed as a requirement. Mr. Walker asked if the proposed requirements are listed for newly built facilities or facilities that are renovated. Ms. Saunders stated that the requirements are meant for either form of development. Ms. Saunders stated that the hope for these types of facilities would be for community benefit and that they would provide the city an ability to incorporate public art onto 25% of the facility's exterior. Mr. Walker stated that he did not agree with the public art requirement.

Mr. Hayden asked if the facility would have a say in what type of art was shown on the building. Ms. Saunders explained that the requirement as currently written includes that the facility provide 25% of the front building façade would be an easement to the city for the Arts and Culture Commission to decide what art to install. Mr. Hayden asked if facilities that are renovated must remove pavement if they do not have the 15-foot landscape buffer. Ms. Saunders stated that the intent is to require the facility to update to the current standards, which could include the removal of pavement for landscaping. Mr. Hayden stated that he felt there could be a negative domino effect if pavement is removed which could include parking, which could inhibit the number of parking spaces available, then creating more issues for these developers and the public. Ms. Saunders stated that the goal of these requirements is to have a facility that nice looking facility and place when the exterior included aesthetically pleasing features.

Mr. Collopy stated that the requirements state that the developer may request to have the easement waived if they provide the public art to their facility. Mr. Collopy stated his support of the public art on the facility for the benefit of the community and that he feels that the developer should be creative or have conditions in the art shown. Mr. Hamann stated that the facility must follow the current law that is in place for public art and that he feels that it should be a requirement of the development to provide the art and have it approved. Ms. Saunders stated that because of Supreme Court ruling that the content provided by the facility cannot be regulated.

Mr. Richardson asked if the sole purpose of this requirement is for the city to control content. Ms. Saunders stated that the city cannot control content and that the main reason is for the long-term maintenance of the art currently and throughout the future. Mr. Richardson asked about what if the facility does not like the public art provided by the city. Mr. Richardson stated that he felt that a mutual agreement should try to be reached based on the art provided and that the developer should have a say in the art that is put on their building.

Mr. Bruckner stated that he thinks that there should be an ongoing design procedure with regards to the public art. Ms. Saunders stated that the art would follow the existing Mural Ordinance.

Mr. de Geofroy asked that if the facility is granted a waiver and allowed to provide their own art, how do we separate the belief that we may be regulating content if their art plan is denied. Mr. de Geofroy also asked for elaboration on co-locating sports betting within the facility. Ms. Saunders stated sports betting was a different allowed use under state statute for the facility and that we wanted to tie sports betting with the charitable gaming so that it has to follow the same design

requirements as Charitable Gaming Facilities. Mr. de Geofroy asked for the rationale behind co-locating Sports Betting and Charitable Gaming Facilities. Ms. Saunders stated that in research that sports betting has often been found with charitable gaming.

Mr. Sullivan stated that he felt that the plan for public art should be the responsibility of the owner because the city will be held financially responsible for the maintenance and repair of the art, and it would require a large amount of additional funds to properly maintain art throughout these facilities. Mr. Sullivan also commented the sports book is required to be put on the ballot and voted in by the citizens to get a sports book license and this had previously failed when brought to the ballot. He also stated that in order to have sports betting within a facility that it would need to be brought back to the ballot and voted upon.

Mr. McQuade asked if the police department had a chance to weigh in on the proposed Charitable Gaming Ordinance. Ms. Saunders said that they have.

Mr. Hayden asked if the 20,000 sqft requirement was only for gambling use or for the building as a whole. Ms. Saunders stated that the square footage requirement was only for the gaming use.

Mr. Walker asked if the previous proposal for the Charitable gaming facility in Kmart was permanent or temporary, Ms. Saunders stated that the proposal was meant to be permanent with the intention to grow. Mr. Walker stated again that he disagreed with the idea of forcing a facility to agree to an easement or provide public art on the building's frontage. Mr. Walker also asked if these requirements also pertain for developers that are leasing building space and stated that he feels that holding these requirements to those leasing would be burdensome for the developer. Ms. Saunders stated that the requirements are not meant to be a financial hindrance, but that these requirements are meant to bring aesthetically pleasing views to the community.

Mr. Fitts stated that he was surprised to see some of these listed requirements and asked if electronic vehicle (EV) chargers could be added. Ms. Saunders stated that she would propose that all new commercial developers of a specific size have at least one EV charger. Mr. Sullivan asked if there was a universal EV charger. Mr. Fitts and Mr. Bruckner stated that there were two different types, Tesla and then all others, but that Tesla vehicles can be charged with the current overall charger. Mr. de Geofroy stated that he was in support of having EV chargers listed as a requirement in new commercial developments. Mr. Fitts recommended that the number of EV chargers should be based on a percentage of current parking availability within the lot.

---

## **IX. Draft Solar Ordinance Presentation**

Ryan O'Connor gave overview of the solar ordinance. Mr. O'Connor proposed 3 options on how the city can approach ground mounted solar in Residential Districts. First option is a minimum lot size requirement of 20,000 SqFt for ground mounted solar. Mr. O'Connor showed GIS image of Residential R1 and R2 lots that would meet the 20,000-sqft minimum for ground mounted solar. The second option, a tripling of the current front setback of 10 feet to 30 feet. Mr. O'Connor showed an image of what an example of the increase would look like for current residential homes. The third option is to not restrict ground mounted solar in residential zone, which are the current listed requirements for ground mounted solar.

Mr. de Geofroy stated that he was in favor of the 20,000 SqFt lot size requirement for ground mounted solar.

Mr. Healey asked where the 20,000SqFt number was pulled from. Mr. O'Connor stated that the 20,000sqft was the size that showed to have the increase buffers showing that the ground mounted

solar system could be placed and not have an overall effect on the community. Mr. Healey stated that the option containing the 30-foot setback would be complicated because most home are built within 25 feet of the road. Ms. Saunders stated that the requirement would be exclusive to ground mounted trackers and not houses and roof mounted. Mr. Walker stated that the setback was meant to keep the trackers out of residential front yards.

Mr. Hamann stated that he was also in support of the 20,000 SqFt lot size requirement.

Mr. Healey asked if there was a specific brand of tracker or if there were different types. Mr. O'Connor answered that this requirement would be for any ground mounted solar system. Mr. Healey asked about the difference in sizes for trackers and that if there was a size requirement listed for the ground mounted tracker itself.

Mr. Bruckner asked if there was a formula or maximum size of a ray that is allowed. Mr. O'Connor stated that he was not sure of a maximum size but the tracker at the Staples property is 48 panels and that would be significant to a single-family home. Mr. O'Connor also stated that the height of the system would also have to fall within zoning limits.

Mr. Hayden stated that that a 25-kilowatt system is about 1600 – 1700 SqFt.

Mr. McQuade stated that he has seen no issues throughout the city and that he feels that the third option is best and that there should continue to be no restrictions with ground mounted solar.

Mr. Sullivan asked where in the ordinance the city deals with commercial sites. Mr. Sullivan also stated that the Federal Government is offering large tax breaks to commercial facilities that use solar power. Mr. O'Connor pointed out in the ordinance where commercial was covered and stated that the solar system could be an accessory to the commercial use or a secondary principle use of the property. Mr. Sullivan suggesting that there be an inclusion of limitations on solar systems so that commercial companies cannot install an excessive number of systems in order to sell power because it is not a principle use in those commercial facilities. Ms. Saunders stated that the accessory to the commercial use is limited to 100- Kilowatts for a facility. Ms. Saunders stated that if a facility goes over that amount, then the solar system is to be set as a secondary principle of use. Mr. Sullivan suggested that an attorney review the Solar Ordinance.

Mr. Fitts stated that he has concerns regarding the decommissioning of solar systems through the future. Mr. O'Connor stated that the application requires that the applicant submit information on the system they plan to use with the application.

Mr. de Geofroy stated that he does not feel there need to be additional restrictions with ground mounted solar systems.

Mr. Collopy stated that the term "front yard" could mean different spaces for many homes in Rochester and that he supports the option of the 20,000 SqFt lot size requirement.

Mr. Hayden asked how long there have been no regulations for ground mounted solar. Ms. Saunders stated that there has never been a regulation.

Mr. Hamann stated that he has seen that ground mounted systems are significantly more expensive than roof mounted.

*Mr. Sullivan motioned to incorporate the 20,000 SqFt requirement for ground mounted solar systems into the draft ordinance; seconded by Mr. Fitts.*

Mr. McQuade stated that there should be a motion for if the board wants to make any changes the solar ordinance at all, first. *Mr. Sullivan and Mr. Fitts retracted their motion.*

Mr. Sullivan suggested that the board waits for legal counsel regarding the solar ordinance before presenting any plans to the Council.

*Planning Board held consensus vote to decide if they felt there should be any regulation at all of residential ground mount systems. A hand vote was conducted showing 6 members in favor of regulation, 5 against. Board will move forward with regulation options.*

*Planning Board held consensus vote regarding how to regulate. All in favor of 20,000 SqFt lot size minimum requirement, with exception of Mr. Walker.*

*Mr. Walker motioned to have 20-foot setback added to 20,000sqft lot size minimum requirement. Motion was not seconded.*

Ms. Saunders stated that the plan has been sent for a quote for third-party legal counsel, which will be reviewed and decided whether to proceed with this second review of this draft ordinance.

---

## **X. Review Capital Improvements Plan, Fiscal Year 2024**

Ms. Saunders provided overview of the Capital Improvements Plan. Ms. Saunders stated that this plan consists of requests by department heads for all items not currently listed in operating budget. Ms. Saunders stated that Statute 674.5 lists the responsibility of the Planning Board in reviewing the Capital Improvements Plan in relation to the Master Plan. This year will be on an abbreviated basis, but next year the idea is to form a Capital Improvements Committee. Ms. Saunders stated the 9 criteria listed in the write-up including City Master Plan, item addresses a public health or safety issue, improves efficiency of existing services, addresses a current deficiency, preserves or builds on a previous capital investment or current projects, reduces future operating costs, supports efforts to promote economic vitality, responds to a state or federal requirement, and is eligible for outside funding. Membership of committee would require 3 members of the Planning Board, 3 members of the City Council, and 2 members at large appointed by the City Manager. Members would independently score each item in plan. Ms. Saunders explained that scored projects could then be brought the City Manager and City Council for decision. CIP Projects are defined as \$10,000 or greater and are at least a 10-year lifespan. Ms. Saunders stated that this plan review would back up budget review timelines and Capital Improvements Plan to October.

Mr. de Geofroy asked if all items are scored and weighted the same amount. Ms. Saunders stated that they are all weighted and scored the same. Mr. de Geofroy stated that he felt some items may have higher priority and therefore carry more weight than other items. Mr. de Geofroy mentioned that items should include an assessment of the Return on Investment (ROI) moving forward in the future.

Mr. Walker asked who came up with scoring effort. Ms. Saunders stated that multiple departments joined on discussion of score basis. Mr. Walker stated that he felt the City Council will ultimately decide and scoring could be considered a waste of time.

Mr. Fitts asked about the mention of Dover reports. Ms. Saunders stated that the bullet point was left over from the draft document where the drafters were discussing which path to take; the Dover or Portsmouth layout. Mr. Fitts asked about other cities that are participating in programs like this, and Ms. Saunders answered that multiple cities have a program in place.

Mr. Hayden asked if the members would volunteer or be assigned. Ms. Saunders stated that members would hopefully be interest-based volunteers. Mr. Hayden stated that he recommended a diverse committee of different departments and viewpoints.

Mr. Healey stated that the process is not new, and he felt that, in the past, the recommendations for items listed in the Capital Improvements were passed.

Mr. Hayden asked why process was going to begin next year. Ms. Saunders stated that the wait is due to timing and the budget process has already begun.

Mr. Sullivan asked if this would include the school department. Ms. Saunders stated that it does not include the school department at this time.

Mr. de Geofroy asked if the 2 members at large appointed by the City Manager within the City Manager's purview, or should this appointment be approved by the mayor and the City Council. Ms. Saunders stated that it would be researched over who responsibility the appointment would fall under.

Ms. Saunders explained the Review Sheets within the CIP book presented. Ms. Saunders stated that multiple criteria including project priority and need, building or previous projects, expected useful life, general description, justification, relationship with other projects, implications of deferring. Ms. Saunders stated that this topic will be discussed further in the next work meeting.

---

## **XI. Review of Inspections and Surety for January 2023**

Ms. Saunders provided review of Inspections and Surety. Ms. Saunders said that the Planning Board can expect to see changes in inspection tracking sheets. Ms. Saunders stated that Ekinbor is still in discussion about draw down. Lydall is stalled due to about 20 outstanding permits before the building department. Lydall will be reached out to for current status updates.

Mr. Walker stated that Lucas Lane and Clark Brook are about to expire.

---

## **XII. Release of Surety**

### **A. The Village at Clark Brook, Constitution Way. Release of remaining surety balance of \$27,430.45 for the 24-lot subdivision located on map 256 lot 61- 0 thru 24.**

Mr. Walker asked if the request included the interest or if the interest would be additional. Ms. Saunders stated that if there is interest, that it would be released as well.

*Mr. Walker motioned to release the remaining surety in the amount of \$27,430.45, seconded by Mr. Hamann. Motion carried unanimously.*

### **B. Key Collision of Rochester. Surety release (100%) in the amount of \$65,025.07 for the addition to the 8,000 SqFt building addition and parking lot expansion located on map 221 lots 158 & 159.**

*Mr. Walker motioned to release the remaining surety in the amount of \$65,025.07, seconded by Mr. Hamann. Motion carried unanimously.*

---

### **XIII. Other Business**

#### **A. Planning Update**

Ms. Saunders asked if Planning Board members needed packet copies again in their packet next month regarding 19 Old Gonic Rd or if members would be able to keep current information. Members stated that they would keep them for next Planning Board meeting on March 6, 2023.

Ms. Saunders stated that last Thursday's Parking Review Group Parking Poster session was cancelled due to snow and next date available is Wednesday, March 22, 2023, meeting has been rescheduled to that date.

Mr. Fitts states that he is unable to attend and requires Planning Board member to fill in.

Ms. Saunders stated that Planning Department has new Administrative Assistant in front office, Jaclyn Millard.

Mr. Bruckner brought up the fact that all plans were still available through links on Agenda.

#### **B. Other**

There was no other business to discuss.

---

### **XIV. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to adjourn the meeting at 8:08pm. The motion carried unanimously.*

---

Respectfully submitted,

Jaclyn Millard,  
*Administrative Assistant II*

and

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

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

Members Present

Mark Collopy, *Chair*  
Peter Bruckner  
Keith Fitts  
Matthew Richardson  
Dave Walker  
Michael McQuade  
Don Hamann  
James Hayden  
Mark Sullivan

Members Absent

Robert May, *Vice Chair, excused*  
Michael McQuade, *excused*

Alternate Members Present

Rick Healey  
Alexander de Geofroy

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Ryan O'Connor, *Senior Planner*

(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**

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

---

**II. Roll Call**

Senior Planner, Ryan O'Connor conducted roll call.

**III. Seating of Alternates**

Mr. Collopy asked Mr. Healey to vote in place of Mr. May.

**IV. Communications from the Chair**

Mr. Collopy stated that there are no communications to be passed from the Chair.

---

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

### A. Public comment

There were no comments from the public to discuss.

### B. Discussion of general planning issues

There were no general planning issues to discuss.

---

## VI. Continued Applications

### A. [Green & Company, Old Gonic Road Townhomes, 19 Old Gonic Road](#) (by Jones & Beach) Site Plan to construct 170 townhomes Case# 131 – 10 – R2 – 21 **Public Hearing ACCEPTANCE/FINAL DECISION\***. **The applicant has requested to be continued to March 6, 2023.**

Joe Coronati with Jones and Beach Engineers Inc. presented overview of the project including site layout, utilities, traffic, offsite improvements, amenities, architecture and drainage. Mr. Coronati stated that roads will be privately owned and maintained. Mr. Coronati stated that this development plan shows no impact on wetlands or buffers.

Mr. Collopy opened the Public Hearing.

Caroline Lewis, 14 Cedarbrook Vlg, current member of Cedarbrook Village Board, stated concerns with lack of shielding for traffic that will be exiting onto Old Gonic Road and listed concerns with the increase in traffic complications. Ms. Lewis asked about what possible lights and equipment will be present in recreation area. Ms. Lewis asked about widening Old Gonic Road with included plan of widening of Emerson Avenue for traffic increase. Ms. Lewis asked if development's drainage plans will affect water and sewer within current residences. Ms. Lewis listed concerns of damages to road caused by construction vehicles exiting on Old Gonic Road. Ms. Lewis stated concerns with increased foot traffic on sidewalks and trails. Ms. Lewis approached podium additionally to ask if townhouses will be listed as Section 8 or Low-income housing and how many bedrooms will be in apartments.

Colleen Jones, 11 State Street, asked how tall retaining wall would be between units 6 and 7. Ms. Jones stated concerns with shadow casted by building. Ms. Jones stated that in previous meeting, it was requested to move building further away from the rear property line along State Street and was unsure if this change was shown in the current plans. Ms. Jones stated that in previous Planning Board Meeting that fencing was requested in replacement of vegetative barrier and asked if this was included in plans. Ms. Jones stated concerns with increases traffic and asked how speeding would be controlled. Ms. Jones stated concerns with noise of construction and construction vehicles entering and exiting development.

Laura Gatchel, 1 Cedarbrook Vlg, stated that she agreed with and shared the questions asked by Caroline Lewis. Ms. Gatchel stated concerns with noise and with construction and construction performed outside of working hours. Ms. Gatchel stated that she is concerned with sewer drainage with additional development. Ms. Gatchel listed concerns for shielding of light and noise from new development.

Elaine Labrie, 17 State Street, stated that she has lived in her home for 40 years. Ms. Labrie stated that she agreed with, and shared concerns listed by Ms. Jones. Ms. Labrie stated that current

residents of Cedarbrook Village park their vehicles on Old Gonic Road in the Winter when roads are being plowed and stated concerns with safety regarding traffic on Old Gonic Road.

Mr. O'Connor read email comments from Sandra Fournier, 5 Cedarbrook Vlg. Ms. Fournier stated that she was concerned about headlights coming into home windows. Ms. Fournier also stated concerns for shielding Cedarbrook Village homes from light on new development's buildings. Ms. Fournier stated that there is a property easement between Cedarbrook Village and the abutters and asked if the planted pine trees within the development will remain or be removed. Ms. Fournier asked why there was only plans on a sidewalk installation on Emerson Avenue and if a sidewalk should be put on Old Gonic Road as well.

Mr. Coronati responded to abutter comments. Mr. Coronati stated that Old Gonic Road is planned as an exit only and there will be an entrance/exit at Emerson Avenue. Mr. Coronati stated that the recreation will not be lit. Mr. Coronati stated that large child population is not expected and that the demographic of children should mimic Cedarbrook Village. Mr. Coronati stated that the plan is to replace the sewer line at Emerson Avenue and line will be upgraded to 8-inch pipe. Water line will be replaced on Old Gonic Rd only from the site to State Street. Mr. Coronati stated Emerson Avenue and the portion of Old Gonic will be repaved after construction. Mr. Coronati stated that the retaining wall is planned to be 6 feet high. Mr. Coronati stated that they were willing to upgrade the vegetation buffer plans along Old Gonic Road and State Street to have bigger trees. Mr. Coronati stated that there is currently a large tree line along Old Gonic Road. Mr. Coronati stated that the contractors would comply with City's working hours for construction times. Mr. Coronati stated that he felt the natural vegetation buffer was better for the environment than removing trees for fencing.

Ms. Saunders presented staff review. Ms. Saunders stated that review has been extensive due to project being one of the largest developments in the city for many years. Ms. Saunders stated that there are three waiver requests, and all have been reviewed and are recommended to be granted. Ms. Saunders stated that the waiver request in Subdivision Regulations for turning radius was reviewed by the Fire Department and approved. Ms. Saunders stated that the other two waiver request are regarding Stormwater Regulations and were reviewed by the City's third-party Stormwater Engineer and applicant was able to prove that impacts will not take place downstream from development.

*A motion was made by Mr. Walker to accept this application as complete, and Mr. Healey seconded.*

Mr. Fitts asked if there was a waiver present for setback. Ms. Saunders stated that the applicant meets and exceeds the setback requirements.

Mr. Bruckner stated that he did not feel that the plans were complete and that he felt there was a lack of information regarding the back of the buildings. He wanted the applicant to work on the architecture. Ms. Saunders stated that the current vote states that there is enough information to continue discussion, if not complete then applicant must resubmit within 30 days so that discussion can be reopened.

Mr. Bruckner stated that he preferred to continue discussion, but that he felt there needs to be more information.

*The motion carried by a voice vote. Mr. Bruckner opposed.*

Ms. Saunders stated that there are no current plan modifications or plan notes. Ms. Saunders stated that based on the discussion, the applicant is willing to include additional vegetation which will be listed in Plan Modifications. Ms. Saunders stated that there are multiple easements that require approval for work on Emerson Avenue and Old Gonic Road. Drafts of easements must be submitted for review. Ms. Saunders stated that property is in Current Use and several documents must be

signed and escrow accounts be collected before plans can be certified including Construction Inspection Services Agreement with deposit, the Drainage Maintenance Agreement, Construction Cost estimate, and Performance Guarantee. Ms. Saunders explained Off Site Exactions are going to be further listed in Developer's Agreement. Ms. Saunders stated that the Planning Department is requiring Off Site Improvements. Final drawings are being requested and must be certified after Precedent Conditions have been met.

Mr. Collopy asked about the height of buildings and what are the City working hours. Ms. Saunders responded that the definition of the height is the average across grade due to grade changes. Ms. Saunders stated that applicant meets height requirement. Mr. O' Connor stated that the hours for construction are Monday thru Friday 0700-1800, Saturday 0800-1800, and no work on Saturday. Mr. Hayden asked if the hours were meant for Site Construction or Building Construction. Ms. Sanders stated that the noise restriction applies to all construction. Mr. Coronati stated that the buildings are 34 feet to the mid-point.

Mr. Walker stated concerns with 2nd story patios looking into bedrooms on State Street and asked how this would be addressed. Mr. Coronati responded that units were moved so that they did not face parallel to the lot line. Mr. Coronati stated that there would be a wooded buffer and over 50 feet distance from homes on State Street.

Mr. Walker asked if changes would also be made to Old Gonic Road. Mr. Coronati responded that the only changes are that the sewer line will be extended from the from the development's Old Gonic Road exit up to State Street and the road in that space will be re paved upon completion.

Mr. Walker asked if there would be a sidewalk made on Old Gonic Road and Mr. Coronati stated that there are currently no plans for a side on Old Gonic Road. Mr. Walker stated that he felt it would be important to have a sidewalk on Old Gonic Road due to increase in foot traffic to convenient store on Old Gonic Road.

Mr. Walker stated that he felt there needed to be a buffer present to block light for residents on Cedarbrook Village from headlights that are exiting the development. Mr. Coronati stated that he would be willing to include a wooded buffer for the homes directly affected.

Mr. Bruckner stated that the trees along State Street property line are tall but that the depth of trees need to be preserved. Mr. Bruckner also stated that he was concerned that the buildings were still too close to the homes on Stated Street. Mr. Bruckner stated that the units show no backyards and that there is only common area. Mr. Bruckner recommended that there be community areas or centers included in plans for the renters to have places to gather and children to play.

Mr. Hayden asked about plans for trash pick-up. Mr. Coronati stated that residents would keep trash cans in garages and the developer would arrange private pick up.

Mr. Hayden asked if the Postmaster has weighed in on the location of the mailbox kiosks. Ms. Saunders stated that the postmaster has not weighed in and that Planning staff have been in touch about the E911 numbering and the Department of Public Works did not have any comments.

Mr. Hayden stated that he agreed with Mr. Walker in the fact that there should be a sidewalk along Old Gonic Road.

Mr. Hayden asked about the plans for sewer lines and if the applicant knew how many people were currently tied to the current sewer line. Mr. Coronati stated that he was unsure of the exact number but that the engineers and the City's firm analyzed the plans for the sewer line through to Columbus Avenue and that the sewer line plan was adequately sized to the pump station on Columbus Avenue and that it was found that the pump station had required upgrades.

Mr. Hayden stated that he recommended the waiver request for stormwater, but that he is also concerned about the risk of pollutants. Mr. Coronati stated that the engineer has looked into the risk of pollutants and that the plans were changed from wet ponds to gravel wetlands due to treatment quality changes that AOT and the City of Rochester requires.

Mr. Hayden stated that there are trails leading to ballfields nearby development and go through berms in the wetlands. Mr. Hayden asked if those trails are to be moved to the taller slope. Mr. Coronati responded that the goal was to have the trail on top of the berm. Mr. Coronati that the developers have no plans to change the structure or grade of the land leading to the ballfield.

Mr. Collopy asked if the color schemes of buildings would be earthy tones and Mr. Coronati responded saying yes.

Mr. Collopy stated that he felt that sidewalks are a good thing but that because of the narrow roads that the lots around the sidewalks would lose property for a sidewalk to be placed. Mr. Collopy stated that markings on the road need to be updated to include pedestrian space. Mr. Collopy stated that when visiting the area that people are found to be walking in the middle of the road and that sidewalks will not deter people from walking in the middle of the road. Mr. Collopy stated that he did not believe that there were any sidewalks in the area and that an addition of a sidewalk would not be conducive to the neighborhood dynamic.

Mr. Hayden asked if the planned Old Gonic Road exit should be widened to include turning both ways. Ms. Saunders stated that improvements are being made to Emerson Avenue entrance/exit to establish Emerson Avenue as the primary way into and out of the development. Ms. Saunders stated that plans were modeled because of Old Gonic's position in relation to Columbus Street intersection and that traffic would be encouraged to use the Emerson Avenue entrance/exit.

Mr. Hayden stated that he was concerned with the increase in traffic throughout the smaller roads. Ms. Saunders stated that 75% of the traffic is expected to use the Emerson Avenue entrance/exit.

Mr. Walker stated that he supported the idea of sidewalks on Emerson Avenue and suggested that tenants be educated of traffic patterns. Ms. Saunders stated that traffic plans were third party reviewed for recommendations.

Mr. Collopy asked if there would be planned access to the dam for maintenance and recreation. Mr. Collopy asked who maintains the dam located near the property. Mr. Coronati stated that he was unsure of the ownership of the dam and that if maintenance is required then access to the dam for officials can be included, but that he would not recommend public access due to parking issues on Old Gonic Road. Mr. Collopy stated that he supported the idea of there be an access for officials.

Mr. Sullivan asked if for clarification of widening of Emerson Avenue and sidewalk installation within and outside of the development. Mr. Coronati stated that sidewalks are planned inside the development from Old Gonic Road exit through to Emerson Avenue entrance/exit, but not in the inner loop of the development.

Mr. Sullivan asked about the input from the Department of Public Works regarding sidewalks on Old Gonic Road. Mr. O'Connor stated that the concern was that Old Gonic Road is not wide enough for there to be sidewalks installed.

Mr. Sullivan asked if there have been discussions on widening of Old Gonic Road. Mr. O'Connor responded that the plan is not to encourage vehicle and foot traffic to utilize Old Gonic Road due to lack of ROW space.

Mr. Sullivan asked about the square footage of vegetation and stated that he felt the proposed estimated 80 feet of space between townhouse buildings and homes on State Street would be enough and asked for further explanation on the plans for vegetation in that area. Mr. Coronati stated that existing trees are mature and taller and should provide good enough buffer.

Mr. Walker stated he was concerned for the vegetation buffer in the Wintertime when trees lose their leaves.

Mr. Hamann stated his home has a 70-foot vegetation buffer and he has complete privacy in the summertime and that in the winter it is still not easy to see the homes on the next street.

Mr. Fitts stated that he noticed that there was a lot of asphalt in this plan and that he is concerned about where the snow will be piled in the Winter when there are buildups. Mr. Coronati stated that there are snow storage areas designated on the property, but that if a larger snowfall is expected that it will be removed off-site by larger equipment.

Mr. Fitts asked about additional parking for guests. Mr. Coronati stated that the guest parking issue has been noted and that renters may be required to speak with neighbors if additional space for gatherings is required. Mr. Coronati stated that each townhome has 4 parking spaces currently.

Mr. de Geofroy stated concerns on where the trash bins will be located on trash day with regards to traffic and recommended dumpsters. Mr. Coronati stated that renters would place cans at end of driveway and remove after they are empty as stated in lease requirements.

Mr. Bruckner asked for further clarification on paving of roads and sidewalks and how spaces will be differentiated. Mr. Coronati responded stating that lanes will be painted showing road edges and parking spaces and dotted lines showing different sides of road for traffic.

Mr. Bruckner stated the importance of the architectural plans for the rear of the buildings.

Mr. Hayden asked if wetland placards will be placed in the vegetation buffer and Ms. Saunders responded saying yes. Mr. Hayden asked if this could be added to plans and Ms. Saunders read from one of the recommended conditions that placards are required to be placed every 50 feet of the buffer upon completion of construction.

Mr. Hayden asked if the tree line be staked out for visual of spaces between units in developments and units on State Street. Ms. Saunders stated that in the conditions list the requirement that the no cut area be shown with snow fence.

Mr. Sullivan asked if there has been consideration for a unit being given up for a community center. Mr. Coronati stated that the plan is not to give up a unit and that the units are as large as typical homes and the area will not require a community center.

Mr. Collopy asked what the sign plan is for the exits and one-way locations to deter renters from driving the wrong way. Mr. Coronati stated that Do Not Enter signs will be placed on Old Gonic Road and the road will be kept narrow to deter drivers. Mr. Collopy stated that Old Gonic Road is a public street and that police can monitor the flow of traffic.

Mr. Hayden asked if fire truck turning templates have been run. Mr. Coronati answered yes.

Mr. Walker asked if the association was an HOA. Mr. Coronati answered that these are rentals with one owner, not an HOA and there would be a separate property management company.

Ms. Saunders gave an overview of the conditions discussed by the board. Ms. Saunders listed conditions discussed including potential for markings on Old Gonic Road, height rendering in relation to State Street, creation of backyard spaces and common spaces availability, pollutant monitoring, relocation of trails, dam maintenance access, rendering including rear of structure, add snow fence along tree line to restrict tree cutting, buffering for Cedarbrook Village residents.

Mr. Walker stated that he still had concerns that a sidewalk should be built on Old Gonic Road because of increased foot traffic.

Mr. Hamann stated that stated that filtration for pollutant monitoring should have already been reviewed by public works.

Mr. Walker stated that he recommends the buffer for lights towards Cedarbrook Village can be made a Condition of Approval, but that the sidewalk idea on Old Gonic Road should be presented to the board in the next meeting. And the item should be continued.

Mr. Sullivan stated that the applicant has agreed to make many changes based on recommendations from the Board and does not feel that the applicant needs to return with revised plans for sidewalks on Old Gonic Road. That can be a condition of approval. Mr. Sullivan also stated that he is not concerned with the visual plans of the rear of the building.

Mr. Hayden stated that he agreed with Mr. Sullivan to approve tonight and that the idea of pedestrian access on Old Gonic Road can be determined as a Condition of Approval.

Mr. Sullivan stated that he supports the idea of pedestrian access being added as a condition. Ms. Saunders stated that pedestrian access on Old Gonic Road would be listed as a precedent condition and would be reviewed again by the board.

Mr. Saunders stated that the ownership of the dam be verified and that it be shown on plans. Mr. Collopy stated that the Department of Public Works should be able to verify that information.

Mr. Collopy stated he wants to add a condition that at the parking area between building 7 and 10 are parking spaces and that he recommends a vegetated buffer for lights towards units on State Street.

Ms. Saunders stated that there are currently 3 waivers requested by the applicant.

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve all 3 waivers as listed. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve project with discussed Precedent Conditions and General Conditions, as well as those in the memo.*

Mr. Hayden asked for fire truck turning plans to be included in conditions.

*Mr. Walker and Mr. Hamann agreed to amendment of motion to include Fire Truck Turning Plans. The motion carried unanimously.*

---

## **VII. New Applications**

A. **42 Front Street, LLC, 42 Front Street** (by Norway Plains Assoc./Ashley Rowe) 2-Lot subdivision. Case# 102 – 41 – R2 – 23 **Public Hearing ACCEPTANCE/FINAL DECISION\***

Ashley Rowe from Norway Plains Associates presented a project overview. Mr. Rowe stated they are proposing a subdivision of the property. Mr. Rowe stated that Norway Plains has submitted a waiver request for driveway location on new lot. Mr. Rowe requested that the Conditional of Approval to remove or move the shed on the property be weighed and changed.

Mr. Collopy opened the public hearing.

Bruce Belles, 34 Front Street, stated that he has lived in his home since 1989. Mr. Belles stated that area surrounding property has been called the Salmon Falls Reservoir and still shows on older maps. Mr. Belles presented the FEMA map showing the flood zones covering the yard of 42 Front Street. Mr. Belles presented pictures of 42 Front Street with flooding on December 25, 2022. Mr. Belles stated that he has witnessed that water going into basement access at 42 Front Street. Mr. Belles stated that there is a street drain present at 42 Front Street and at edge of Mr. Belles' driveway at 34 Front Street. Mr. Belles stated that stormwater drains lead directly to river. Mr. Belles stated that his is concerned for flooding and draining issues through the neighborhood. Mr. Belles stated concerns regarding removal of natural features that help with drainage and flooding.

Ms. Saunders asked for clarification on the waiver request for driveway location. Mr. Rowe stated that he had included the waiver request in plans that were delivered after Technical Revision Group meeting. Ms. Saunders stated that the waiver request wording was not reviewed by the TRG and might need to be changed, and that Public Works may need to review plan. Mr. Rowe stated that the Department of Public Works has reviewed and were in favor of a waiver request.

Ms. Saunders stated that the staff is aware of a drainage issue on property. Ms. Saunders stated that two plan notes were added including that grading and drainage plans be submitted at the time of the building permit and applicant provide a proposed finished floor elevation for building safely above the 100-year flood elevation. Ms. Saunders stated that the applicant had an individual visit the property and at that time there were no wetlands on the property and that there has not been a third-party review of wetlands.

*A motion was made by Mr. Walker and seconded by Mr. Hamann that the application be accepted as complete.*

Mr. Walker stated that he was concerned that there are 2 pipes going into the river. Mr. Walker asked if there were any current plans for the lot being separated. Ms. Saunders stated that there is a futuristic plan of a duplex being built on lot.

Mr. Walker stated that he was concerned with the drainage of water being moved to abutters.

Ms. Saunders stated that the current motion is to accept the application as complete, or if the board felt that the applicant needed to resubmit information, they could deny the application complete vote and require the applicant submit new information.

Mr. Collopy asked for confirmation on if a waiver request was submitted and if so that information must be included in submitted packet and that he feels that the applicant should thoroughly consider the issues with the flooding and drainage.

Mr. Fitts asked for clarification on if the subdivision. Ms. Saunders stated that if a lot is subdivided with building intentions, that it be confirmed if it is buildable.

Mr. Healey stated that in GIS there is shrubbery present and that there is a wetland present and felt that the lot is not buildable and thus views the application as incomplete.

*The motion that the application be accepted as complete was withdrawn by Mr. Walker and withdrawn by the seconded-er Mr. Hamann.*

Ms. Saunders asked the Board if they elect to deny the acceptance, they need to give specific directions on what to resubmit, which should include a complete waiver request with information, a grading and floodplain/flooding plan for the new structure to show buildability and that a third-party review be conducted regarding the wetlands.

*A motion was made by Mr. Fitts and seconded by Mr. Healey to not accept the application as complete until further information, as described is included. Motion passed unanimously.*

Mr. Walker asked that the Department of Public Works be notified of drainage pipes into river.

**B. Great Wood Development, LLC, 139&133 Flagg Road (by Norway Plains Assoc./Joel Runnals) Lot line revision. Case# 259 – 29&30 – A – 23 **Public Hearing ACCEPTANCE/FINAL DECISION\*****

Joel Runnals from Norway Plains Associates presented overview of project. Mr. Runnals stated this is plan is for a Lot Line revision to make lot bigger.

Mr. Collopy opened Public Hearing. No comment from Public.

Mr. O'Connor explained that lot line revision was meant to straighten lot line against 133 Flagg Road. Mr. O'Connor stated that there are no current plan modifications, and that staff recommends approval of Lot line revision.

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to accept the application as complete. Motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the application as conditions are stated for lot line revision. Motion carried unanimously.*

**C. Great Woods Development, LLC, 139 Flagg Road (by Norway Plains Assoc./Joel Runnals) 3-Lot subdivision. Case# 259 – 29 – A – 23 **Public Hearing ACCEPTANCE/FINAL DECISION\*****

Joel Runnals from Norway Plains Associates presented overview of project. Mr. Runnals stated that lot is planned to be subdivided into 3 lots. Mr. Runnals stated that all three lots' driveways will be in easement area. Mr. Runnals stated that street name permit is going to be submitted. Mr. Runnals stated that wetlands were reviewed in 2022. Mr. Runnals stated that wetlands have been marked with placards.

Mr. Collopy opened Public Hearing. No comment from Public.

Mr. O'Connor stated that there are no current plan modifications, and that staff considers the conditional use criteria met and recommends the approval of subdivision and application to be considered complete.

Mr. Hayden asked if there was an existing graveled area into wetland. Mr. Runnals stated that the gravel was because the area is not vegetated. Mr. Harden asked if area would be re-vegetated. Mr. Runnals answered that land would re-vegetate naturally.

Mr. Hayden is existing well would be capped and discontinued. Mr. Runnals stated that well would be addressed in building permit.

*A motion was made by Mr. Walker and seconded by Mr. Healey to accept the application as complete. Motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the conditional use for porkchop subdivision. Motion carried unanimously.*

*A motion was made by Mr. Walker to approved subdivision with conditions specified. Motion carried unanimously.*

---

## VIII. Final Plan Approval

- A. [CEM3 Holdings II, LLC, 146 Old Dover Road](#) 2-Lot subdivision. Review Completion of Precedent Conditions, Final Decision. [Conditionally Approved January 9, 2023](#). Case# 140 – 72 – R1 – 22 **Public Hearing FINAL DECISION\***

Ryan O'Connor presented overview of the final plans of project. Mr. O'Connor stated that plan was conditionally approved January 9, 2023 and that minor modifications have been made, all precedent conditions have been met and that staff recommends the approval of 2-lot subdivision.

Mr. Collopy opened Public Hearing. No public comment.

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve 2-lot subdivision. Motion carried unanimously.*

Mr. Walker asked why there was an additional public hearing for this project. Ms. Saunders stated that state statute lists that an additional public hearing is required is the board required precedent conditions to be met.

Mr. Walker recommended a consent calendar for approvals.

Mr. Fitts asked if the final approval public hearings were an additional chance for concerns to be listed. Ms. Saunders stated that concerns are not typically stated at final approval because of the previous chances for public hearing.

---

## IX. Other Business

### A. Planning Update

Ms. Saunders stated that Parking Review Group Poster Session is scheduled for Wednesday, March 22, 2023, 1800-2000 at RPAC. Ms. Saunders stated that this is an opportunity for the public to state current issues. Ms. Saunders stated that Mr. Collopy is going to stand in for Mr. Fitts.

Ms. Saunders stated that QR codes have been sent to all members and code brings persons directly to survey. Ms. Saunders stated that posters have been posted at the library and at the community center.

Ms. Saunders asked that board members bring green CIP books to the next workshop meeting.

**B. Other**

There was no other business to discuss.

---

**X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Healey to adjourn the meeting at 9:13pm. The motion carried unanimously.*

---

Respectfully submitted,

Jaclyn Millard,  
*Administrative Assistant II*

and

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



**PLANNING & DEVELOPMENT DEPARTMENT**  
**City Hall Annex**  
**33 Wakefield Street,**  
**Rochester, New Hampshire 03867-1917**  
**(603) 335-1338 - Fax (603) 330-0023**  
**Web Site: [www.rochesternh.net](http://www.rochesternh.net)**

**Planning Board**  
**Conservation Commission**  
**Historic District Commission**  
**Arts and Culture Commission**

# MEMO

To: Planning Board  
From: Planning Department  
Date: March 14, 2023  
Re: Draft Solar Ordinance Discussion

After our review of the draft Solar Ordinance at our February 27 meeting, staff has finalized the Ordinance language and is recommending the draft be submitted to City Council for consideration. The goal of the Solar Ordinance is to better manage the anticipated growth in solar energy, primarily for commercial and large-scale operations. The Ordinance has tried to not limit renewable energy but allow for review of projects to maintain quality land-use and community character.

## **Commercial Use:**

- The Ordinance addresses the impacts of commercial systems by maintaining Planning Board review of proposed projects.
- All systems which are not an accessory use to a primary commercial will require a Conditional Use Permit or Special Exception.
- The Ordinance builds in requirements to ensure Solar Energy Systems are designed to fit our landscape and function with our established land-use goals and Master Plans.

## **Residential Use:**

- On residential properties, Solar Collection Systems will be only be allowed as an accessory use. This limits the size of systems to maintain the established neighborhood character.
- Roof mounted systems are encouraged
- Ground mounted panels are allowed for parcels with adequate land area or by Special Exception.

The Ordinance has been reviewed by a third-party firm, TFMoran Engineers, which has verified consistency with State Statute, compared the draft to area municipalities, and offered technical recommendations on the mechanics and functionality of the language.

Staff has appreciated the thorough review and consideration of the Planning Board and recommends the Ordinance be passed to City Council for consideration.

# **-Proposed Solar Ordinance-**

**Authority:** The City of Rochester hereby adopts this article pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II, relative to innovative land use controls.

**Purpose:** The purpose of this article is to provide energy choice to property owners while protecting the public health, safety, welfare, and character of Rochester communities.

## **Definitions:**

**Rated Nameplate Capacity:** Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.

**Solar Collection System:** Includes all equipment required to harvest solar energy to generate and transmit generated energy to the point of interconnection electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (the point of interconnection to the utility grid or site service point.

**Roof Mount:** A Solar Collection System that is on a roof of a building or structure, including limited accessory equipment associated with system which may be ground mounted.

**Ground Mount:** A Solar Collection System and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.

## **Use definitions:**

**Accessory Residential Solar:** A Solar Collection System primarily for on-site residential use consisting of a ground or a roof mounted Solar Collection System. Accessory Residential Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 25kW AC or less.

**Accessory Commercial / Industrial Solar:** A Solar Collection System primarily for on-site commercial use and consisting of one or more ground mounted solar array(s) or a roof mounted Solar Collection System. Accessory Commercial Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 100kW AC or less.

**Community Solar:** A principal use of land that consists of one or more free-standing, ground mounted, or roof mounted solar collection systems up to 250 kW AC.

**Commercial Solar:** A principal use of land that consists of one or more free-standing, ground mounted, or roof mounted Solar Collection Systems with a rated nameplate capacity of up to 1 MW AC.

**Utility Solar:** A principal use of land that consists of one or more free-standing, ground mounted Solar Collection Systems larger than 1MW AC.

**Table of Permitted Uses**

Use Table												
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS
Accessory Residential Solar	P or E	P or E	P	P	P	P	P	P	P	P	P	P
Accessory Commercial / Industrial Solar	E	E	E	P	C	P	P	P	P	P	C	C
Principle Community Solar	-	-	E	C	C	E	C	C	C	C	E	C
Principle Commercial Solar	-	-	-	E	-	E	C	C	C	C	E	E
Principle Utility Solar	-	-	-	E	-	E	E	E	E	E	E	E

**Requirements for Accessory Use Solar Collection Systems**

Accessory Solar Collection Systems permitted in a zoning district must meet the specific requirements set forth below or seek a Conditional Use Permit or Special Exception as indicated in the Use Table. All requirements in the underlying zoning district shall apply.

**A. Solar Collection Systems in Residential One and Residential Two zones.**

- 1) Free standing or ground mounted Accessory Residential Solar Collection Systems in Residential One and Residential Two zones require a minimum lot size of 20,000 square feet or a special exception.
- 2) Accessory Commercial Solar Collection Systems in Residential One and Residential Two zones require a special exception.

**B. Height**

- 1) Building or roof mounted solar equipment shall not exceed the maximum allowed height in any zoning district by more than ten (10) inches for pitched roofs and five (5) feet for systems mounted on flat roofs.
- 2) Ground or pole mounted Solar Collection System shall not exceed height restrictions for the zoning district which they are placed when oriented at maximum tilt.

- 3) Solar Collection Systems placed over parking areas or drive aisles require a minimum panel height of fourteen feet measured at maximum tilt and must be designed to allow for snow removal and treatment.

### **C. Setbacks**

- 1) Solar Collection Systems shall be considered structures and comply with building setback requirements from lot lines for the entire system, including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.
- 2) Roof or Building Mounted systems – The Solar Collection System shall not extend beyond the exterior perimeter of the building. Exterior piping or electrical connections not located at the rear of buildings shall be screened from the street to the extent practical as per Site Plan Regulations – Section 7.E(2) Utility Elements
- 3) No portion of equipment associated with a Solar Collection System (transformers, utility structures, or other axillary features) shall be permitted in the setback.

### **D. Visibility**

- 1) Roof-mount or ground-mount Solar Collection Systems visible from the closest edge of any public right-of-way shall follow the aesthetic restrictions below:
  - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
  - b. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof exclusive of any rooftop equipment or mechanical screening system.
  - c. The use of reflectors to enhance solar production are prohibited.

### **E. Plan Approval**

- 1) Applications that meet the design requirements of this ordinance for a Solar Collection System as an accessory use shall be granted administrative approval through submittal of applicable building permits and shall not require Planning Board review. Compliance with Building or Electric Code is required regardless of system size or capacity.
- 2) All Solar Collection System proposals must include a plot plan with horizontal scale and profile drawing with a vertical scale showing:

- a. The location of all System components on the building/structure or on the property for a ground-mount system;
  - b. Property lines, public rights-of-ways, and setbacks;
  - c. Lot size;
  - d. Point of interconnection;
  - e. Height of existing and proposed structures;
  - f. Equipment specifications and ratings.
- 3) Accessory ground-mount Solar Collection Systems shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
  - 4) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
  - 5) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment shall meet provisions identified under the Primary Use section of this chapter.

**F. Expansion of Existing Solar Collection Systems**

- 1) Additions to existing solar systems shall not be exempt from any requirement in this ordinance. Solar Collection System capacity is cumulative and will determine the level of review for each proposed expansion.
- 2) Any expansions shall meet the requirements outlined in the Solar Ordinance.

**Requirements for Principle Use Solar Collection Systems**

In addition to the requirements for Accessory Solar Collection Systems, the following requirements shall apply for Principal Use Solar Collection Systems.

**A. Screening**

- 1) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.
- 2) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

**B. Glare**

- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
- 2) Applicants must demonstrate that the Solar Collection System design has reasonably considered and mitigated potential impacts of significant glare onto abutting structures and roadways. Mitigation may include angle of panels, anti-reflective panel coating or additional screening to minimize impacts.

**C. Noise**

- 1) Loud or disruptive noise shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.3 Noise.
- 2) Noise levels at the property line shall be in accordance with the municipal noise ordinance.
- 3) Applicants must demonstrate that operation of the Solar Collection System will not exceed permissible noise levels at the property line. Mitigation measures may be required to achieve permissible noise levels.

**D. Electric and Communication Lines**

- 1) Power and communication lines between the Solar Collection System and the point of interconnection shall be buried underground.

**E. Ground Cover**

The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover.

- 1) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.
- 2) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan prepared by a landscape architect or similarly qualified professional The plan shall identify:
  - a. The qualified professional(s) consulted or responsible for the plan.
  - b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.

- c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 3) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

**F. Stormwater**

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 3) Ground mounted systems that require land clearing and grubbing of forested cover greater than 1 acre, shall at a minimum, submit a Stormwater Permit to the Department of Public Works.

**G. Abandonment and Decommissioning**

- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
- 2) An abandoned system shall be removed, and the site restored with vegetative cover within 12 months of abandonment.

**H. Submittal Requirements for Primary Use Solar Collection System**

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.
- 2) All Solar Collection Systems shall comply with applicable aspects of the Zoning Ordinance and Site Plan Regulations. Applications must address all requirements for Principle Use Solar Collection Systems as well as provide the following:
  - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
  - ii. Existing structures, property lines, setbacks, lot size, ROWs;
  - iii. Land clearing or grading required for the installation and operation of the system;
  - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
  - v. Equipment, except for utility connections, shall comply with required setbacks.

- 3) Equipment Specifications
  - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
- 4) Emergency Response Plan
  - i. Access to the site for emergency response shall be provided and detailed on the plan.
  - ii. A narrative or manual for municipal shall be provided to the Rochester Fire Department detailing response guidance and disconnection locations necessary for fire response.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.

### **Zoning Overlay Districts**

Solar Collection System proposals must abide by all Zoning Overlay Districts restrictions. Additional requirements apply as follows:

- A. Aviation Overlay District
  1. Solar Collection Systems located within the Airport Overlay District or within approach zones of an airport must demonstrate compliance with applicable Federal Aviation Administration (FAA) regulations.
- B. Historic Overlay District
  1. Solar Collection Systems within the Historic Overlay District must receive and document approval from the Historic District Commission in the permit application.
- C. Conservation Overlay District
  1. No portion of ground mounted Solar Collection Systems or associated vegetative clearing is permitted in the Conservation Overlay District without a Conditional Use Permit approval recommendation by the Conservation Commission to the Planning Board.
    - i. If clearing is required within the Conservation Overlay District to reduce shade and improve the function of a Solar Collection System, a vegetative management plan shall be submitted with a Conditional Use Permit.