

City of Rochester Planning Board
Monday April 4, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on May 16, 2022)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Peter Bruckner
A.Terese Dwyer – arrived at 6:50 p.m.
Keith Fitts
Paul Giuliano
Don Hamann
Mark Sullivan
Dave Walker

Members Absent

James Hayden, *excused*

Alternate Members Present

Ashley Desrochers
Matthew Richardson
Michael McQuade

Staff: Ashley Greene, *Administrative Assistant II*
Ryan O'Connor, *Planner I*

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City Clerk's office for reference purposes. It may be copied for a fee.)

I. Call to Order

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

II. Roll Call

The recording secretary, Ashley Greene, called roll call.

III. Seating of Alternates

Mr. Collopy requested Michael McQuade to vote for A.Terese Dwyer.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of minutes for March 7, 2022

Dave Walker made a motion to approve the minutes from March 7, 2022. Don Hamann seconded the motion. The motion carried by a unanimous voice vote.

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

A. Public comment

No public comment for general Planning issues.

B. Discussion of general planning issues

No discussion of general planning issues.

VII. Continued Applications:

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

Brad Jones, from Jones & Beach Engineers, presented the application for a 52-unit, 17,874 square foot apartment building located at 29 Wadleigh Road. Mr. Jones stated the plans that were initially submitted to the planning board have changed minimally, other than some drainage issues that were adjusted. An easement has been discussed between 29 Wadleigh Road and Anchorage Inn, Mr. Jones stated that the Anchorage Inn owners agree to easement pending approval from the Planning Board of the project. Mr. Jones discussed the street leading to the apartment building will be updated to bring up to the City standards. Mr. Jones stated the building will be served by city sewer and water with an 8-inch gravity sewer service and an 8-inch water main that will go to a valve pit to allow the City to gage how much water is being used on the site. Mr. Jones discussed the question of the size of the water main located across Wadleigh Road, but the water main on Route 125 appears to be 8 inches. Mr. Jones discussed the single wetland crossing. Mr. Jones stated that the applicant has submitted the NH DES Wetland Permit and the AoT permit and are currently awaiting approval. Mr. Jones stated that they received the DOT Driveway Permit from Jim Hewitt, and they are currently taking a look at the traffic. Mr. Jones stated the application has been brought in front of the Conservation Commission on February 17, 2022 and received an a conditional use permit for the wetlands. Mr. Jones discussed the drainage and the four focal points located on the property. Mr. Jones stated that the four focal points will treat the stormwater before it goes into the two chamber systems that are storm tech chamber systems. The property contains one retention pond that will discharge across the access road. A drainage swill was added on Anchorage Inn's property, and a grading easement will be necessary. Mr. Jones discussed new

water lines going under Wadleigh Road, including to Anchorage Inn. Mr. Jones discussed the drainage issues being addressed with Geosyntec and stated the applicant is very close on sorting out the issues. The applicant is requesting two waivers, one from Section 218-10.C 2B and Section 218-10.C 3A. Mr. Jones discussed the need for the waivers due to the type of soil that is located on the property and the ledge on site. Mr. Jones discussed the need for the waivers and how the applicant has done everything they can to attempt to meet the Stormwater requirements of Chapter 218.

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

Ryan O'Connor discussed the variances that were received by the applicant including reduction in land area that is required per unit, no commercial aspect to the building which is required in the Highway Commercial Zone, and the allowance for partial fourth story in the rear in the building where only three is typically allowed. The applicant also received recommendation of approval for the conditional use permit for wetland buffer impacts by the Conservation Commission. Mr. O'Connor discussed the two waivers that the applicant is seeking from the Stormwater Ordinance Chapter 218. First waiver is for groundwater recharge volume requirements; Mr. O'Connor stated the plans indicate that only 14% of the required recharge can be met and at the recommendation of the third party engineers and the engineers at Department of Public Works the applicant needs to supply supporting calculations that there will not be any adverse impacts. Mr. O'Connor discussed the second waiver requested for a reduction in requirements from peak stormwater runoff and volume controls. The ordinance requires that post development run offs do not exceed predevelopment levels. Staff recommends to not accept the application as complete due to not having all the information needed to make a decision.

Mr. Collopy asked Mr. Jones if he has anything he would like to add after hearing the recommendations from staff. Mr. Jones stated that the applicant is still working with Geosyntec and they intend to satisfy the requirements asked by the City.

Fenton Groen, developer for 29 Wadleigh Road, discussed the waivers and the numbers that the City is looking for. Mr. Groen urged the Board to consider the application complete and approve the waivers due to the soils and ledge on the site. Mr. Groen stated that the building will be a high quality and energy efficient apartment building.

Mr. Walker asked what the limit for the water infiltration? Mr. O'Connor stated that it is a percentage based on the soils and currently they are infiltrating 14%. Mr. Jones stated they are currently meeting 14% and the requirement for the Stormwater Ordinance is 15% based on the type of soil that is on the property.

Mark Sullivan asked if DPW has offered a write up or statement on the issue at hand. Mr. O'Connor stated that staff has been using the third party engineer. Mr. Sullivan asked how new the Stormwater Ordinance is. Mr. O'Connor did not have an exact date, but stated that the ordinance is fairly new.

Mr. Walker asked if the applicant would meet the old ordinance requirement. Mr. O'Connor stated that he believes they would but did not want to speak on behalf of DPW. Mr. Walker stated that if they are that close to meeting the new requirement but meet the old requirement then he had no problem with the approval of the waiver. Mr. O'Connor stated that it has to do with nutrient and phosphorous removal and to keep it from entering the Axe Handle Brook.

Mr. Collopy stated that as a Land Use Board we have to deal with the regulations that we currently have, not what the regulations were before. Mr. Collopy discussed that he does not want to set a precedence for any upcoming developers with the new Stormwater Ordinance.

Paul Giuliano stated that he was part of the granting of the variances for this project, and he stated that the City has been trying to see the project through. Mr. Giuliano asked if the waiver is granted what does that mean for stormwater discharge? Mr. O'Connor stated that the waiver is for what the applicant can't meet.

Mr. Jones discussed all the treatment systems are in place to treat the water and that the infiltration system can only infiltrate so fast, and the water that is treated will go out the discharge pipe once the storm is over.

Mr. Sullivan clarified if the applicant is only 1% off of meeting the requirement of the Chapter 218 Stormwater Ordinance waiver. Mr. O'Connor confirmed. Mr. Sullivan asked the developer to describe the ledge on site. Mr. Groen discussed the layout of the building and that it will require ledge to be blasted, ranging from 8 feet to 15 feet. Mr. Groen described the ledge slowing the infiltration due to the location of it. Mr. Collopy asked if the AoT through the state does not get approved than the applicant will not be able to develop that site. Mr. Groen confirmed they need the NH DES AoT permit.

Robert May discussed his stance on the application, and that he is in favor of the waivers being approved based on what he has heard.

Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion carried. Mr. Collopy opposed.

Mr. Walker made a motion to accept the waivers. Mr. Hamann seconded the motion. The motion carried. Mr. Collopy opposed.

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

Mr. Walker made a motion to approve the application. Mr. Hamann seconded the motion.

There was discussion on the drainage improvements and the conditions of approval.

Mr. Walker made a motion to approve the application with the conditions of approval made by staff. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

VIII. New Applications:

- A. [Christine Russo, Soucy-Russo Revocable Trust, 30 Blackwater Road](#) (by Norway Plains Associates, Inc.) 2-lot subdivision Case# 257 – 10 – A – 22
Public Hearing ACCEPTANCE/FINAL ACTION*

Mr. Collopy stated that Ms. Dwyer has arrived and will take the votes for the remainder of the meeting.

Ashley Rowe, Norway Plains Associates, presented a 2-lot subdivision on behalf of the applicant. Mr. Rowe stated the lot will be the minimum size of 1.03 acres with 150 feet of frontage and used for a single dwelling unit. Mr. Rowe stated they have done test pits, and have received state subdivision approval. Mr. Rowe stated a driveway permit will be obtained from the City once the application is approved.

Mr. Collopy opened the floor for public comment.

Jody Bousquin, 18 Old Tebbetts Road, asked if there were any other plans with the remaining parent lot? Mr. Rowe stated he is unaware of any other development plans at this time.

Mr. O'Connor went over the staff recommendations for the application.

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

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

- B. [Heather Williams, Tara Estates Community, 716 Salmon Falls Road](#) (by Norway Plains Associates, Inc.) Amendment to an approved 1986 Site Plan to change the layout of 53 sites and the road known as Diamondback
Case# 224 – 309 – A – 22 **Public Hearing ACCEPTANCE/FINAL ACTION***

Scott Lawler, Norway Plains Associates, presented the application on behalf of Tara Estates Community. Mr. Lawler stated the original project was approved in 1986 for 579 units and amended in 1989 to reduce the number of units to 567. Mr. Lawler discussed the section of the approved plan called Diamondback Drive which is approximately 2,800 linear feet of road with 53 lots, and each lot has 75 feet of frontage and 10,000 sf of land, as required. Mr. Lawler stated that over the last thirty years the standards at Tara Estates have increased to the point of the units being constructed there are double wide instead of single wide. Tara Estates has increased their frontage of each unit to 82.5 feet, with still 10,000 sf of land. Mr. Lawler stated there are still 53 units and maintaining 30 feet between each home, 22 feet wide of roadway. The roadway will be 2,900 linear feet. Mr. Lawler stated Tara Estates is looking for the amendment to allow for wider units and for stormwater treatment, which was not a condition of approval in 1986.

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

Mr. O'Connor discussed staff recommendations, including recommending application as complete and for approval.

Mr. Walker asked if the Fire Department signed off on the hammerhead turn around? Mr. O'Connor confirmed that Fire did approve of the turn around.

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

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

IX. Granite Ridge Rezoning Discussion

Michael Scala, Director of Economic Development, presented the Granite Ridge Rezoning Draft proposal. Mr. Scala discussed the reasoning behind proposing residential on the Ridge. Residential development will be approved as a Condition Use under ordinance 275.21. There will be a 55/45 commercial/residential allocation which is based on allowing for a mix of residential and commercial development. The density will not rely on a set formula, "Yield Plan", and will be determined by the 55/45 allocation of the project footprint. The footprint is next of parking, open space, wetland, and setback reductions. Mr. Scala stated an additional density requirement is 500 sf minimum dwelling unit size. Mr. Scala stated that the Conditional Use allows the Planning Board full control of all project details. Mr. Scala discussed the concerns of residential development at the Ridge conflicting with the Downtown development and stated that it wouldn't effect the downtown. Mr. Scala stated that the Conditional Use ordinance is the base criteria that establishes the undue burden guidelines. Under condition use the planning board may consider adjusting the 55/45 allocation, as well as the residential/commercial occupancy phasing. An extension has been requested for up to 5-years. The Residential Setback from Route 11 is 200 feet, which was recommended by Weston and Sampson. Mr. Scala discussed the 15% of the total square-footage of the original parcel being reserved for Open Space, and half of it must be useable. The development plan will hold the developers to a high standard. Mr. Scala stated that he did not address the mandate to have every project attach to City water and sewer. Mr. Scala stated there is not a full layout of the infrastructure in the Granite Ridge District. Mr. Scala stated that if the ordinance passes, he will be taking a next step to commission Weston and Sampson to make a report for the capacity for City sewer.

Ms. Dwyer requested that the open space be a minimum of 15% and not just 15%. Ms. Dwyer asked why it wouldn't be required to hook up to City water and sewer. Ms. Dwyer stated there can't be tanks under the ground to support new development. Mr. Scala stated it was due to how far away developments could be from the city sewer and water lines.

Mr. Walker stated that 150-200 feet from Route 11 is too close to the road. Mr. Walker stated the board wanted commercial closer to the road and the residential set back from Route 11. Mr. Walker urged to do 500 feet back from Route 11. Mr. Walker also discussed the height of the buildings at the Ridge. Mr. Scala stated the new maximum height is 75 feet. Mr. Walker discussed there not being any maximum height at the Ridge.

Mr. Bruckner asked about the sustainability goals for the Ridge. Mr. Scala stated that developers would need to ability to put solar panels on the roof. Mr. Bruckner stated that that is one thing, but also there are other energy sustainability that could be addressed.

Mr. Sullivan stated that he reviewed the last discussion they had on the Granite Ridge Zoning, and the board had agreed on 300 feet. Mr. Sullivan discussed the Sewer Ordinance, and that the developer is required to connect if they are within 100 feet of a connection site. Mr. Sullivan asked how the parcels that are located far away from the sewer and city lines would be able to develop if they are mandated to connect to City water and sewer. The board discussed how that cost would be absorbed and who would be responsible. Mr. Fitts stated that there would still be a waiver process and it would be brought to the Board for approval or denial.

Mr. Hamann stated that he would like to see the 75-foot height maximum be removed.

Mr. O'Connor discussed the staff recommendations. Mr. O'Connor discussed the density to prevent the competition of downtown development. As part of the conditional use for residential, the impact on emergency services and school districts should be apart of that. Recommendation of 5,000 square feet per dwelling unit as a base density, which is what is required not inside the density rings. Mr. O'Connor discussed the capacity studies that still need to be completed. Mr. O'Connor addressed the need for clear and transparent guidelines in the ordinance, any deviation from the regulations may be better specified as a conditional use, variance, or special exception, instead of broad negotiations with the board. The lot coverage of impervious surfaces is currently proposed at 85%, Planning recommends reducing that to 75% to allow for 25% of open space. Some of the lots are within the aquifer overlay district which requires 80% open space, and it should be referenced in the ordinance. Language for open space should be strengthened, as well as requirements for management and maintenance for these areas. Mr. O'Connor discussed the height requirements due to the location being on a hill. Mr. O'Connor suggested doing a height study to determine how high the proposed recommendation is.

Michael McQuade asked if the draft ordinance is nonbinding. Mr. Scala confirmed this as a draft and things can be changed.

Mr. Bruckner stated that he feels strongly about height away from the city center. Mr. Bruckner stated that he believes 75 feet should be the maximum height.

Mr. Walker asked about the percentage of commercial to residential and if that is for the whole district. Mr. Scala stated that it is per site, the developer has to have a certain percentage of the commercial completed before they can move onto residential.

Ms. Dwyer discussed her concerns about the burden it will put on the school systems and emergency services.

Mr. Scala discussed the developers that he has spoken with, and how they have certain standards that they follow.

Mr. Sullivan asked about the developer agreement. Mr. Scala stated that the developer agreement is between the City Council and the developer.

Paul Giuliano discussed community resiliency and how the updated Granite Ridge Zoning Ordinance would help alleviate the housing crisis. Mr. Giuliano stated that he believes we should worry about the height of a building once it is presented to the board.

Mr. McQuade asked about the review process for each project. Mr. Scala stated that each project will still go through the TRG process and be adjusted as the City and Planning Board sees fit.

Mr. Walker discussed the recommendation to go to Council and the need for the City Sewer and Water capacity question. Mr. Scala stated that capacity study would cost \$15,000. Mr. Walker discussed his concerns about running out of capacity. Mr. Scala stated that he was given a rough estimate of 30% capacity currently being used.

Mr. Sullivan made a motion to recommend the Granite Ridge Rezoning Ordinance to full council with the following recommendations from Shanna B. Saunders; Page 3-a, Page 5-a & b, Page 6-a,

b, c, & d, Page 8- b & c, and a maximum of 75 feet in height for developments. Mr. Walker seconded the motion.

Mr. Walker made a motion to amend the motion from 75 feet maximum to 100 feet. Mr. Hamann seconded the motion.

Mr. Bruckner discussed his concerns with the building height.

Mr. O'Connor recommended having Department of Public Works to attend the next meeting to discuss any capacity issues and height questions.

Mr. Fitts asked Mr. Scala is any developers are waiting on the new ordinance. Mr. Scala stated there are a couple. Mr. Fitts discussed the effects it would have for the continued waiting.

The amended motion carried by a 6-3 roll call vote.

The original motion carried by a unanimous roll call vote.

X. Other Business

A. Planning Update

No Planning Updates at this time.

B. Other

Mr. Walker discussed the City's Capital Improvement Budget. The Planning Board has the opportunity to look at it, discuss the projects related to the Planning Board, and give any comments to the City Council.

XII. Adjournment

Mr. Giuliano made a motion to adjourn the meeting at 8:21 p.m. Ms. Dwyer seconded the motion. The motion carried by a unanimous voice vote.

Respectfully submitted,

Ashley Greene
Administrative Assistant II

and

Shanna B. Saunders
Director of Planning & Development