

City of Rochester Planning Board
Monday July 6, 2020
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on August 3, 2020)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Tim Fontneau
Robert May
Dave Walker

Members Absent

Daniel Rines, excused
A. Terese Dwyer, excused
Mark Sullivan, excused

Alternate Members Present

Donald Hamann
Peter Bruckner

Staff: Seth Creighton, *Interim Director of Planning & Development/Chief Planner*
Crystal Galloway, *Planning Secretary*

(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.)

Mr. Sylvain called the meeting to order at 7:01 p.m. and made the following statement:

Good Evening, as Chairperson of the Planning Board I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) Providing public access to the meeting by telephone: At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. This is currently set to allow the public to "listen-in" only, there will be no public comment taken during the meeting.

Phone number: 857-444-0744
Conference Code: 843095

b.) Public Access Troubleshooting: If any member of the public has difficulty accessing the meeting by phone, please email crystal.galloway@rochesternh.net or call 603-335-1338.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present with the exception of Mr. Rines, Ms. Dwyer, and Mr. Sullivan who were excused. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

III. Seating of Alternates

Mr. Bruckner voted in place of Mr. Rines.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. May to approve the June 15, 2020 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Consent Agenda

A. Birchwood Ponds, LLC, Chesley Hill Road – Waiver from impact fees request

Mr. Collopy asked if the Board grants the waiver does it mean they accept all the points the applicant's attorney has set in his letter. He said he doesn't want to set a precedence for what active and substantial is. Mr. Creighton said we're not consenting to the language but staff does support the waiver request because it falls under one of the waiver criteria because the developer is donating some land to the City.

B. Thomas & Diane Aubert, Carole Court – Extension request

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the consent agenda. The motion carried unanimously by a roll call vote.

VII. Continued Applications

A. Tropic Star Development, LLC, 717 Columbus Avenue

Patrick McLaughlin of GPI presented the site plan to construct a convenience store and fueling station. He said they obtained a variance for the Zoning Board for parking in the front.

Mr. McLaughlin explained it is a currently vacant lot and they are proposing a 4,350 square foot convenience store with some indoor and outdoor seating and a fuel canopy out front with five fuel islands. He went on to explain the drainage and stormwater management for the site as well as the fuel tank system.

Traffic Engineer Heather Monticup explained a full traffic study was completed in January 2020 and one of the questions that came up was site access. She explained they are proposing a full access driveway to the south and a right in only access to the north. Ms. Monticup went on to explain the access points and layout and circulation of the parking lot.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton said staff supports the project and recommends the Board approve the site plan. He went on to explain the three conditional use permits they are requesting.

Mr. Sylvain asked if the plantings along the front of the site are trees or shrubs. Mr. McLaughlin said they are trees. Mr. Sylvain expressed concern with line of sight. Ms. Monticup explained they are canopy trees.

Mr. Fontneau asked there would be a “no stacking” sign at the right in only lane. Ms. Monticup said it wasn’t a concern because of the space between the turn lane and the gas pumps.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to accept the application as complete and close the public hearing. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the three conditional use permits. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to grant the waiver request. The motion carried unanimously by roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the site plan. The motion carried unanimously.

VIII. New Applications

A. Groen Construction, Inc., 124 Meaderboro Road

The applicant asked that the application be withdrawn.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to accept the withdrawal request. The motion carried unanimously by a roll call vote.

B. Paul Delisle, 28 North Main Street

Paul Delisle said he owns the building and he is proposing to split the two commercial units on the first floor to two residential units in the back and two smaller commercial units in the front.

Mr. Sylvain opened the public hearing. Mr. Creighton read the following email:

I represent the owner of 27 North Main Street, Rochester, the property directly Across the street from the property referenced above requesting a conditional use permit.

I have read their application. With respect their attachment "26-30 Main St, Rochester" at the paragraph "Fire Protection." The applicant states a sprinkler system will be installed by a professional fire company. However, the applicant does not state if the entire building will be sprinklered or only portions. Please advise if the plan is for the entire building sprinklered or only parts. If parts, which parts.

I look forward to your reply.

Mark D. Hanlon, Esq.
Hanlon & Zubkus
27 North Main St.
Rochester, NH 03867
Phone: (603) 332-8499
Fax: (603) 332-5571

There were no further comments from the public; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton said staff supports the conditional use permit as presented.

Mr. Bruckner suggested adding a window to the back of the building.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to close the public hearing and approve the conditional use permit. The motion carried unanimously by a roll call vote.

C. Boudreau Living Trust, 68 Ten Rod Road

Joel Runnals of Norway Plains Associates presented the plan for a 2-lot subdivision. He explained both lots meet or exceed the minimum lot size and frontage for the residential-1 zone and said both lots are serviced by municipal water and sewer that runs along Ten Rod Road. Mr. Runnals said at this time there are no proposals for any additional building but added there is an existing shed that will need to be relocated.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton said staff recommends approving the plan as presented.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to accept the application as complete and close the public hearing. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. May to approve the subdivision. The motion carried unanimously by a roll call vote.

Mr. Sylvain called a recess at 8:25pm

Mr. Sylvain called the meeting back to order at 8:33pm

D. Prep Partners Group, LLC, 0 Innovation Drive

Scott Lawler of Norway Plains Associates presented the site plan for a 46,300 square foot warehouse and distribution facility. He explained the proposed building layout, 16 loading dock locations and the drainage plan. Mr. Lawler said there will be 10 full-time employees, and 50 part-time employees over two shifts. Mr. Lawler briefly explained the traffic study that was completed and well as the FAA approval that is required.

Mr. Sylvain opened the public hearing.

Mr. Creighton read the following into record:

Good Afternoon Seth, Crystal and Mr. Lawler,

We represent an abutting land owner who owns the Profile Apartments. Currently that property is on a private well that services a number of apartments spread out over a series of buildings. The demand is high enough that it is considered a public water supply system. The abutting owner has two concerns with the project as it relates to the well:

- The well is not currently shown on the plans nor is the protective well radius. Its location is not known directly to us, but it should be shown on the plan with the proper radius. This would ensure that the stormwater infiltration system designed at the back of the proposed site meets the requirements of NHDES Alteration of Terrain in terms of separation and potential treatment criteria. A GIS cut is required for the Alteration of Terrain Application, and could simply be superimposed on the plan to ensure separations are met. In the event it is close in proximity a survey location may be required.
- The applicant is concerned that in the event the well is compromised, that this plan makes no arrangement to provide water to the abutting land owner(s). Being a quasi-municipal project, it may be short sighted to simply extend a waterline into the proposed structure and not consider extending the waterline to and through constructed items to abutting land owners, and allowing a potential easement for hook up to the line. The alternative to provide water south down NH Route 108 is for its installation within the NHDOT Right of Way. It may be less hassle and less costly to consider extending the waterline through this property to service the other larger parcels to which this abuts. This includes two parcels that the municipality owns and controls. The owner would like the board to at least consider the extension potential for the future development potential for the remainder of the corridor.

Thank you all for your time and attention to this matter.

Christopher R. Berry
Principal, President

There were no further comments from the public; Mr. Sylvain brought the discussion back to the Board.

Mr. Lawler explained as part of the alteration of terrain permit application they reviewed well head protection overlay which shows a well head protection radius. He further explained the gravel wetlands is also in the well head protection overlay area.

Mr. Creighton said staff recommends the Board approve the site plan with conditions as set forth.

Mr. Bruckner asked what the height of the proposed building will be. Mr. Lawler said it will be approximately 57 feet high which meets the zoning requirements for the Industrial zone.

Mr. Sylvain asked how the loading docks will be screened. Mr. Lawler explained they will look at some landscaping along the grass area to help soften the view.

A motion was made by Mr. Walker and seconded by Mr. Collopy to accept the application as complete and close the public hearing. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Collopy to grant the waiver request. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the site plan with the conditions as stated. The motion carried unanimously by a roll call vote.

E. EIP Communications I, LLC, 133 Blackwater Road

Attorney Brian Grossman presented the plan to construct a communications tower. He explained the need for additional cell phone service in the surrounding area which would extend coverage to approximately 1,200 new customers. Mr. Grossman said they are proposing a 150 foot monopole tower with a 16 foot lightening rod which will be located within a 65 x 65 fenced area.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton said staff recommends the Board accept the application as complete and approval.

A motion was made by Mr. Collopy and seconded by Mr. Walker to accept the application as complete and close the public hearing. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Collopy and seconded by Mr. Walker to grant the waiver request. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Collopy and seconded by Mr. Walker to approve the site plan. The motion carried unanimously by a roll call vote.

F. Thomas & Diane Aubert, 828 Portland Street

Christopher Berry of Berry Surveying & Engineering presented the plan for a 56-lot subdivision. He reminded the Board they saw the design review a few months prior, the applicant took the comments received and made some changes. Mr. Berry went on to explain the layout and proposed new street entrances. He said they have been to TRG meetings and have addressed all comments from staff. Mr. Berry said they will file an alteration of terrain permit and with the division of historical resources.

Mr. Sylvain opened the public hearing.

Colin Claffey of 795 Portland Street is concerned that Portland Street will be inundated with traffic. He said they should have an entrance onto Highland Street.

Mr. Berry said this is one of the main reasons they did a design review with the Board and had so many technical reviews with staff. Mr. Berry reminded the Board they preferred a second access onto Portland Street over full access onto Highland Street.

Donna Cunha of 798 Portland Street expressed her concerns regarding traffic on Portland Street.

Mr. Creighton read the following emails into the record:

Planning Board,

I have several concerns as to the development here and how this will effect my property. Concerns for development and maintenance around the pond that is behind my fence and what is being done to that area. It still has 1,000's of the planting pots on the ground there and the trees are not being maintained and have completely grown over my property and fence. I would like to know what the plans are for this area, who is going to maintain it and when will that start.

There is also another large manmade pond (hole that was dug and is filled with water) area out behind the pond that I am concerned about what that is being used for and how these are going to be maintained.

Concerns over the construction and lighting that will be coming into my windows all around my property, what is being done so that is not extreme.

Concerned over all the construction around my property causing problems for my foundation. How can I be protected.

Drainage is a serious issue, since they are changing the path of the current running water. The drainage that was placed by my fence is flooding and not draining properly. How is this to be corrected and prevented from the back side of my property.

Traffic from the new construction only entering and exiting onto Portland Street. I believe will be an extreme amount of traffic if there is not an exit onto the 202 side. 202 has several businesses and entrances to other streets, that adding another road for the Carole Court development to 202 should not be an issue.

Concerns over the large amount of lighting and headlights that will be entering into my windows, from both the large amount of traffic and from the street lights that are being added.

Concerned,

Donna Cunha
798 Portland Street
East Rochester, NH 03868

Jim, Gail & I (795 Portland Street) were in attendance of the public hearing on Monday the second of March. The proposed rain garden changes were presented. One resident talked about water concerns behind her house. Another resident talked about traffic on Hickey Street. No other concerns were raised about the water gardens at this time and the vote was to move on. The presentation of the project design moved forward by Chris Berry discussing roads and drainage issues, entrance & exits for the project, etc. The public was not allowed to speak after this review.

We had several concerns and were unable to bring them up as the public hearing was closed. Originally there were four entrances/exits for the development: Two on Portland Street, one on Hickey Street and one on Highland Street. By the end of the meeting it had reduced to two, both on Portland Street. We live next to East Rochester School and across the street from Carol Court. It was said that Highland Street was busy and vehicle speeds were fast and that left turns out on to Highland Street would not work. Portland Street is as busy as Highland Street and cars are racing down our street all the time. The entrance of the school has a lot of vehicles backed up in the road (blocking traffic) to get into the school both morning and afternoon. Concerns by the board were Hickey Street was not quite as wide. It is wide enough for two cars to go down and the speed would be slow due to the road being so short. Cars could exit left or right onto either Magic Ave or go a little further to Grove Street which will empty onto Highland Street or Portland Street. Having the only two entrances/exits on Portland Street, one being Carol Court, which is located across from the exit of the East Rochester Elementary School and the other one 3-4 house lots going towards East Rochester, would be a disaster.

There will be approximately 63 houses, with a lot more cars and children added to the buses entering/exiting and small children walking home now. We have walked the perimeter of the property many times. Traffic could enter/exit the Hickey/Magic Ave or even use Grove Street for the third enter/exit and just East of Dunkin Donuts/the convenience store could be a fourth entrance/exit on Highland street. With 63 homes in a condensed area, I would think both the police and fire department would require multiple access points on three sides of the property in case of any incident, fire or other event.

In summary, please consider;

- 1) Multiple entrances/exits,
- 2) Fire & safety concerns for project & surrounding residents,
- 3) Excessive traffic to Portland Street residents,
- 4) Incorporate these concerns into the project meeting and investigate possible solutions,
- 5) Propose a format change to these meetings where the public can ask questions after the presentation has been given so there is clarity by all and suggestions/ideas/comments can be brought forward for review.

We appreciate the opportunity to voice our concerns to the Planning & Development board, thank you, Gail & Colin Claffey.

There were no further comments from the public; Mr. Sylvain brought the discussion back to the Board.

Mr. Berry reminded the Board it was their request that access from Highland Street was to be a right turn in only. He said both the Fire Department and the Police Department preferred full access onto Highland Street.

Mr. Sylvain asked if it would change the project too much if they change access onto Highland Street. Mr. Berry said it will change things because there is a site distance issue with looking left into East Rochester so NHDOT may not allow an exit onto Highland Street.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to accept the application as complete. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the application to the August 3, 2020 meeting. The motion carried unanimously by a roll call vote.

IX. Other Business

A. Release of surety for Norman Vetter, 53 Allen Street, Map 117 Lot 2-8

There was a brief discuss regarding sign offs with the Planning Department and Public Works.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to release surety in the amount of \$27,384.17 plus interest. The motion carried unanimously by a roll call vote.

B. Other

There was no other business to discuss.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Fontneau to adjourn at 10:46 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Secretary