

**City of Rochester Planning Board**  
Monday August 17, 2020  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on September 14, 2020)

Members Present

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Terry Dwyer  
Robert May  
Daniel Rines  
Mark Sullivan  
David Walker

Members Absent

Tim Fontneau, absent

Alternate Members Present

Peter Bruckner  
Donald Hamann

Staff: *Shanna B. Saunders, Director of Planning & Development*  
*Seth Creighton, Chief Planner*  
*Michelle Mears, Senior 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.)

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Mr. Sylvain called the meeting to order at 7:00 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](mailto: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, 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 who was 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. Fontneau.

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### **IV. Communications from the Chair**

*A motion was made by Mr. Sylvain and seconded by Mr. Walker to recommend Peter Bruckner be made a full voting member of the Board. The motion carried unanimously by a roll call vote.*

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### **V. Downtown Master Plan Public Hearing**

Steve Whitman of Resilience Planning and Design explained the process they used to gather the information. He said the secret to the success of the final draft was the Committee; saying he's never had a larger more active group of people than ones in Rochester.

Mr. Whitman explained the existing conditions analysis going back to the last Master Plan in 2003 which shows the City being very busy, especially in the last four years.

Mr. Whitman said the four things that resulted from community outreach events were 1) the public wants a multi-pronged redevelopment strategy, 2) they want a safe, clean walkable environment, 3) they want to build off the existing assets, and 4) they want additional programming and events.

Mr. Whitman said the key elements for success are people, history, the river, arts and culture, and the economy.

Senior Planner Michelle Mears told the Board the City has started implementation with the reconstruction of the Scenic and Salinger buildings, which will be an \$8 million dollar investment in downtown. She said Economic Development is working on redeveloping the former Hoffman building. Ms. Mears told the Board because of the Covid-19, outdoor dining has been expanded into parking spaces on North Main Street which has been a huge opportunity to see if it works. The City is looking at the Ordinance to see if any changes need to be made. She went on to talk about the Union Street parking lot redesign and said she is hopeful it will be in next year's capital improvement plan. Finally, Ms. Mears talked about the importance of having a connection to the Riverwalk so that people living downtown have access to amenities.

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. Sullivan said he's not sure how implementation will be achieved when there are so many other Departments involved. Chief Planner Seth Creighton said staff has been talking to the City Manager about this

and there is a lot more the City can do interdepartmentally, and added that the Mayor intends to form another subcommittee.

Mr. Hamann suggested a document be posted for reference on what's being implemented. Ms. Mears said staff can add it to the Planning Departments web page under the Downtown Master Plan.

Mr. Bruckner said the implementation plan is broken down into seven categories by topic and he's looking forward to seeing the whole thing spread out over a time.

Mr. May said he's impressed with the document and it's one of the best he's seen during his many years of being on a Planning Board.

*A motion was made by Mr. Bruckner and seconded by Mr. May to adopt the Downtown Master Plan. The motion carried unanimously by a roll call vote.*

## **VI. Opening Discussion/Comments**

### **A. Public Comment**

There was no one present on the line from the public to speak nor did anyone submit any written correspondence ahead of the meeting.

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

There were no issues to be discussed.

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## **VII. Approval of minutes**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the August 3, 2020 meeting minutes. The motion carried unanimously by a roll call vote.*

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## **VIII. Suggested Zoning Amendment - Murals**

Mr. Creighton said this is the first presentation of the draft Murals Ordinance. He said currently they fall under the Sign Ordinance which none of the murals would be allowed because they are far too large. Mr. Creighton said they would be only allowed in the commercial zone and the neighborhood mixed use zone. He said staff would look at the design and require a maintenance plan.

Mr. Walker asked who would approve the murals. Ms. Mears said if it's on private property it would be staff approval, if it's in the Historic Overlay the Historic District Commission and the Arts and Culture Commission. Mr. Hamann asked if there would be a permit fee. Ms. Mears said there would not be a fee because the City is trying to attract artists.

Mr. Collopy asked if there would be any notification to abutters. Mr. Creighton said presently they are not. Mr. Collopy said he is ok with Staff doing the reviews, however he would like the abutters notified so they have some input.

There was discussion whether or not applicants should go before the Planning Board for review. Mr. Sylvain said he feels the Board should review them with recommendations from Staff and the Arts and Culture Commission.

There was discussion regarding which zones murals would be allowed. Ms. Mears told the Board they would mainly be in the commercial zones.

Mr. Creighton said Staff received good direction from the Board and will bring a second draft back once the changes are made to the document.

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## **IX. Review of July 2020 Surety and Inspections**

Mr. Creighton reviewed the inspections completed by the Department of Public Works with the Board. He went on to say not much has changed with the surety since they last saw it.

### **B. Recommendation to release surety bond for WM Hauling Company in the amount of \$238,054.16, Maps 262 & 267 Lots 22 & 23**

Mr. Creighton told the Board the project has been completed and staff has reviewed the as-built plans.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to release the surety bond in full. The motion carried unanimously by a roll call vote.*

### **C. Recommendation to release surety bond for WM LFG Supplemental Treatment System in the amount of \$51,908.47, Map 267 Lots 2 & 3**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to release the surety bond in full. The motion carried unanimously by a roll call vote.*

### **D. Discussion regarding the Village at Clark Brook surety**

Mr. Creighton explained a letter was sent in January alerting the developer that the surety bond was due to expire in March, the developer didn't respond. He said another attempt was made in June, still no response. Mr. Creighton asked the Board to give staff some direction as to whether a certified letter should be sent and to withhold all permits.

Mr. Sullivan suggested contacting the issuer of the bond to see if it automatically renews. Mr. Walker said the Board needs to be consistent with how other developers were handled.

The Board discussed whether or not a cease and desist order should be served until a continuation bond is put in place.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to issue a certified letter to the developer only after verifying with the bond company that there isn't an auto renew in place. The motion carried unanimously by a roll call vote.*

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## **X. Other Business**

Mr. Sylvain welcomed Shanna B. Saunders as the new Director of the Planning Department.

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## **XI. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:10 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Secretary*