

**City of Rochester Planning Board**  
**Monday September 14, 2020**  
**Virtual Teams Meeting 31 Wakefield Street, Rochester, NH 03867**  
*(These minutes were approved on September 21, 2020)*

**Members Present**

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Peter Bruckner – arrived at 7:08p.m.  
A. Terese Dwyer  
Tim Fontneau  
Robert May  
Daniel Rines  
Mark Sullivan  
Dave Walker

**Members Absent**

**Alternate Members Present**

Paul Giuliano  
Donald Hamann  
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Seth Creighton, *Chief Planner*  
Crystal Galloway, *Planning Administrative Assistant II*

(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 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. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

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### **III. Seating of Alternates**

Mr. Whitehill voted in place of Mr. Bruckner until his arrival at 7:08 p.m.

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

Mr. Sylvain introduced the two new alternate members Lance Whitehill and Paul Giuliano.

Mr. Sylvain told the Board Ms. Mears will be leaving the City this week to take the Directors position for the City of Somersworth.

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### **V. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the August 17, 2020 meeting minutes. The motion carried unanimously by a roll call vote.*

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### **VI. Consent Agenda**

#### **A. William Peavey, Jr., 14 Pink Street**

#### **B. Waste Management of NH, Rochester Neck Road & Turnkey Way**

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

## **VII. New Applications**

### **A. Scott Gerry, 162 Autumn Street**

Mr. Creighton explained to the Board that the applicant purchased a vacant parcel of land in East Rochester which is in the neighborhood mixed use zone and has a build-to area of 0 to 20 feet. He went on to explain the applicant is seeking a conditional use permit to build a single family home further than 20 feet from the front property line.

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

With regard to Scott Gerry's application, Map102 Lot 3

Parking has always been a problem in East Rochester. The parking problem has only become worse once the city put in curbs for a distinctive municipal parking lot. There by removing several usable parking spots. This application states the building size to be 20 x 44 which we can assume to be 2-3 bedroom home. The petitioner states that the project will allow for only one parking spot. This may be fine for his particular use, but down the road this will lead to more problems as most families are two car (or more) families. I currently pay \$150/ month for 2 parking spots in the area. My suggestion would be to open up that municipal lot which could allow for another 5 or 6 vehicles.

The intent of a conditional use is to safeguard the public interest and to avoid development that has significant adverse impacts. This conditional use does not allow for reasonable off-street parking now or in the future and will definitely put undue stress on the neighborhood parking situation. Where will friends and relatives park? Spouse? etc.?

Site plan regulations, page 58 clearly states 2 parking spaces minimum for residential development. I do not agree with this application in its current form.

Sincerely,  
William Graham  
Home 1st Rentals, LLC

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

Applicant Scott Gerry said his plan is to extend the driveway behind the house and will be able to park three cars or more in the driveway.

Mr. Fontneau said he is in favor of the application as he has spoken to several abutters who are excited the parcel developed. He said he doesn't see any issues with parking because of the construction of a single family home.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to 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 accept the application as complete and approve the conditional use permit. The motion carried unanimously by a roll call vote.*

### **B. Motor City Automotive Group, LLC, 154 Farmington Road**

Scott Lawler of Norway Plains Associates presented the site plan and conditional use permit to construct a 30' x 30' building addition for vehicle service bays.

Mr. Lawler explained the parking lot will be reconfigured and said lighting will be updated to meet City requirements. He went on to explain site drainage and landscaping.

Mr. Lawler explained that the conditional use permit is to allow for bulk storage of petroleum items on site within the aquifer protection overlay. He said there will be a couple of barrels of oil on site that will be stored inside the facility in a double containment system.

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 conditional use permit.

Mr. Sylvain asked if there are any inspections for the stored used oil. Mr. Creighton said he doesn't believe so but it could be made a condition of approval if the Board feels it is necessary.

Applicant Ryan Eschbach explained they have a waste oil furnace, the used oil goes into the tank and is used to heat their building during the winter.

*A motion was made by Mr. Collopy and seconded by Mr. Bruckner to close the public hearing. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Mr. Rines to accept the application as complete and grant the conditional use permit. 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.*

### **C. Bonfire Behavioral Health, LLC, 35 Industrial Way**

Attorney Andrew Prolman presented modified application and conditional use permit to allow a substance abuse outpatient behavioral clinic. He explained they would lease the space in the corner of the office building and will have their own parking area.

Mr. Prolman explained the services Bonfire provides for substance abuse addiction. He said they believe they have found the perfect location for their services. Mr. Prolman said Amatus Health runs facilities up and down the east coast and have a good track record. He told the Board the concerns that Staff has expressed have not happened at either of the two other locations in Manchester and Concord.

Mr. Prolman explained to the Board how Bonfire operates and further explained their clients are to sign a contract for 45 to 60 days. He said the patients are picked up and brought to the facility and dropped off at home at the end of the day.

Mr. Prolman said they will not be administering drugs at the site; he went on to say this is an office use rather than anything else.

Mr. Sylvain opened the public hearing.

John Landry told the Board he is in recovery and is favor of Bonfire. He said there is a need in the area for quality services.

Ms. Saunders read the following two letters that were received:

I write this e-mail to voice our **opposition** to the above referenced case number, 230 – 21 – I – 20, to allow an outpatient behavioral clinic, at 35 Industrial Way, which our land abuts. We site the same concerns as we did when a methadone clinic was being discussed. Rochester has made great strides in bringing businesses into our city and the industrial park houses long term, reputable businesses, not to mention a day care at the Strafford County YMCA. Our understanding of a behavioral clinic is that it is for people who need mental health care and counseling and we question if that type of facility should be in the same area as children, not to mention the businesses that are currently in the park. We would think that having this type of clinic in the park would deter business looking to come to Rochester's Industrial Park.

I noticed on the letter that was sent to us regarding this public hearing that it states, "This notice represents only a partial description of the proposal as submitted. The project is subject to change in the course of its review." I question what that means, but my thought is that the behavioral clinic may be the first step to a methadone clinic.

Please share our concerns with the Planning Board; the industrial park, off of Ten Rod Road, a very rural area, is NOT the place for a behavioral clinic!

Thank you,

Scott and Connie Brock  
Rochester NH

Dear Members of the Board:

This letter is provided in opposition to the request of the above-referenced Applicant for approval to use the above-referenced Property for an outpatient behavioral clinic, including through the provision, treatment, counseling, and related Intensive Outpatient Services, Partial Hospitalization Programs, and other services for patients with drug, opioid and alcohol dependency issues (the "Proposed Use"). We strongly urge the Board to deny the Application for the reasons set forth below.

Eastern recently became aware of the agenda for tonight's meeting on Friday, September 11, 2020 as a result of outreach from an abutter that received the Notice of Public Hearing dated September 3, 2020. Eastern's headquarters are located at 28 Industrial Way, Rochester, NH, Map 230, Lot 20-1, which is owned by L.P. Gas Equipment, Inc. ("LP Gas"). Neither Eastern nor LP Gas received any notice from the City regarding the above-referenced Applicant. Nevertheless, we have reviewed and are familiar with the materials that were submitted by the Applicant in support of its Modification to Approved Project (the "Application"), which were marked as received by the Board on August 18, 2020.

Contrary to the Applicant's assertions, we believe that the Proposed Use would have a significant adverse impact on the public health, safety, and welfare of Rochester's corporate and natural citizens, including the operations and interests of the neighboring tenants on the Property and the other businesses on Industrial Way, and the community members that use the YMCA.

Of notable concern is the existing operation the Strafford County YMCA on the property. The application describes the YMCA as a "gym", when in fact it's so much more. The YMCA offers before and after school care, childcare for young children, swim programs, and other developmental activities, from the early morning hours until late at night on weeknights, and into the late afternoon on weekends. In addition, the City of Rochester uses Eastern's lot to park a fleet of its school buses, which usually make four (4) daily trips during the school year. The YMCA and the school transportation system would be impacted by patients that do not use any transportation that may be provided by the applicant.

There are no sidewalks along Industrial Way. Patients of the treatment facility may include unlicensed drivers or individuals without reliable means of personal transportation. These factors would be likely to result in loitering around the YMCA, our facility and other area businesses, which causes us to also be concerned about the safety of our employees, and the security of our facilities. Certainly if the Planning Board determines to approve the application, we would urge it to include a condition for approval that would require the applicant to obligate its patients to use transportation provided by the applicant as a condition to receiving treatment.

In further support of our position, approving the conditional use of the property for medical offices, including for the proposed use, is a significant departure from previous uses of the lot and other uses in the surrounding area. The application significantly understates the current uses of the lot. In addition to

operating a gym, the YMCA operates childcare and other programming as described above. Other uses on the property and along Industrial Way include manufacturing, warehousing, general contracting, and general office use. The installation of a treatment facility would certainly be an intensification and a significant alteration from the characteristics of the property and the surrounding area.

Industrial Way is an uphill winding road, and the lot is at the top. In addition to school buses, regular traffic on Industrial Way includes delivery trucks and transport vehicles with visibility that is more limited than standards cars. In other words, traffic you would expect in an industrial zone. Driver and pedestrian safety would be adversely impacted by increased pedestrian traffic. Likewise, increased vehicular traffic resulting from the proposed use would create congestion issues for the school buses and the YMCA, and increase the need for adequate security. The increased need for adequate security would exist independent of the increased pedestrian and vehicular traffic, all of which would put an undue burden on the City's resources that could be avoided in the treatment facility was more centrally located to existing support service infrastructure. The applicant's stated goals are admirable but do not alleviate the increased demand on the City's resources that would exist if the application is approved.

In addition to the lack of infrastructure, the lot is extraordinarily isolated. The proximity of the lot to public health and safety resources, namely the police and hospitals, would be a detriment to clinic patients and area businesses alike. As noted in the applicant's materials, it is not proposing to operate a treatment facility that would be licensed or subject to the supervision of the Department of Health and Human Services. The extent of services that would be available to potential patients would be limited and may be insufficient in the event of an emergency.

For all of the foregoing reasons, we feel strongly that the application should be denied.

Respectfully, Eastern Propane Gas, Inc.  
William Massey, Regional Manager

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

Mr. Creighton told the Board that he has just become aware that there was someone on the line but they are unable to get through to speak. He explained that he would keep working to get her to connect.

Moises Worthalter, Vice President of Amatus Health said all transporting of patients will be done by them, also they have been in contact with the YMCA and they are in support of Bonfire being located at 35 Industrial Way.

Applicant Chris Foster reiterated all transportation will be done by staff. He said the facility will not be a methadone clinic.

Mr. Foster said when the patients come to them they have gone through detox and are stable. He went on to explain how the program works and life lessons they teach the patients.

Ms. Saunders reviewed the 8-27-20 TRG Staff review and said the proposal does meet the use and master plan criteria however, a medical office isn't in keeping with the character of how the industrial park is being built out. She went on to explain that The use does not meet the Compatibility criteria. The adjacent use of the YMCA is a concern, as is the layout of the site in terms of traffic and pedestrian use with the lack of sidewalks and the location of the YMCA playground. This site is primarily light industrial and professional offices and has not moved in the direction of medical offices.

Finally, the proposal does not meet the Pubic Facilities criteria. The Police Department has voiced that this use tends to have a large percentage of walkers and bikers. Lack of sidewalks on this curvy road is an issue, as is the lack of public transportation. The closest COAST bus stop in N. Main Street. An option, in order to alleviate the impact on Public Facilities would be to ask for an offsite improvement for sidewalks or a bus stop.

Ms. Saunders said that the City supports the need for a facility like this but feels this is not the best location. She went on to offer the services of the Economic Development Department to help find a more suitable location for this use closer to other medical uses.

Mr. Sylvain asked what the hours of operation would be. Mr. Foster said they would operate seven days a week 8:30 a.m. to 4:30 p.m.

Mr. Sylvain asked if there would be a counselor present during break times. Mr. Foster said yes, there would be a staff person present.

Mr. Fontneau said he is concerned with foot traffic and security. He said he would like to see language in the notice of decision that there is to be no pedestrian foot traffic on site that all patients are to be transported by Bonfire transportation. Mr. Fontneau went on to say there needs to be some type of security for the site.

Mr. May asked if future expansion would be possible. He went on to say he supports the project because there is a need for it.

Mr. Rines asked if other sites have been assessed for this use. Mr. Foster said they have looked at several properties in the area including Somersworth and Dover but they are looking for a spot that is centrally located away from residential zones.

Mr. Giuliano asked if the applicant is willing to work with the City to find an alternative location.

Mr. Sullivan asked what they have in place for security. Mr. Foster explained they have interior and exterior surveillance cameras.

Mr. Sylvain asked if staff was able to connect with the abutter who was trying to attend the virtual meeting. Staff explained that they cannot get her line to connect but that she has emailed and that her name is Kim Harty. She represents the YMCA and the YMCA has concerns they would like to express.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to continue the application to the September 21, 2020 workshop meeting in order to allow the abutter who could not access the meeting to have the ability. The motion carried unanimously by a roll call vote.*

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## **VIII. Other Business**

### **A. Release of surety for REL Commons, LLC in the amount of \$1,977.65 plus interest, Map 114 Lot 1, 306 North Main Street**

*A motion was made by Mr. Collopy and seconded by Mr. Walker to approve the release of surety in the amount of \$1,977.65 plus interest. The motion carried unanimously by a roll call vote.*

### **B. Other**

Mr. Sylvain asked Ms. Saunders to check about using the Opera House to hold in-person meetings.

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## **IX. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:42 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Administrative Assistant II*