

City of Rochester Planning Board
Monday September 21, 2020
Virtual Meeting
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on October 5, 2020)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner
Terry Dwyer
Tim Fontneau
Robert May
Daniel Rines
Mark Sullivan
David 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.)

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

III. Seating of Alternates

No alternates were needed.

IV. Communications from the Chair

There were no communications from the Chair.

V. 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.

VI. Approval of minutes

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the September 14, 2020 meeting minutes. The motion carried unanimously by a roll call vote.

VII. Continued Applications

A. Bonfire Behavioral Health, LLC, 35 Industrial Way

Mr. Sylvain opened the public hearing. Ms. Saunders read the following emails received by the Planning Department:

Dear Crystal,

Although we have already written one letter to the Board regarding the Bonfire behavioral clinic, which wants to locate at 35 Industrial Way, we feel it is necessary, after watching last week's meeting to write another. Our hope is that you will share our concerns with the Board.

Although Mr. Prolman said, that it is the perfect location for what they are trying to do, we still maintain that the industrial park is not the place for a behavioral clinic. In 2018 a methadone clinic was trying to establish itself at 36 Industrial Way, which I believe the Board rejected, for similar concerns that were discussed at the meeting regarding the behavioral clinic. We can't help but think that allowing the clinic into the Industrial Park would be the start to many similar facilities wanting to make the Industrial Park their new home.

Mr. Prolman said that all clients would be staff supervised at all times, which we find hard to believe; watching someone on a camera, which we noted was said at last week's meeting, is not the same as, "staff supervision."

The fact that there is a Day Care located in the same building should be reason enough to NOT approve this clinic, or any other similar facility that wants to set up shop in the Industrial Park. In addition, the Industrial Park abuts a residential area, which is where we live, not to mention the development next to us, Ebony Drive and the developments across from us, Thomas Street, Yvonne Street, and Capital Circle. I believe Mr. Foster said at the meeting that they wanted to find something that was centrally located and away from residential zones. The Industrial Park for the reason I just stated is not that place!

Thank you,
Scott & Connie Brock

Good morning Crystal,

We didn't put a letter together stating our stance as yet. Our CEO of the Granite YMCA and the Strafford County Associate Executive Director (has a background in recovery work) are visiting the Concord program of Bonfire Behavioral Health late this afternoon. For now we are using the below statement and I'm not sure if we'll have anything else for tonight. Two of us will be on the call.

"The YMCA of Strafford County strongly believes in creating a community where all are welcome and supporting a healthy lifestyle. Bonfire Behavior Health certainly speaks to that cause. We are in the process of learning about their business plan and proposal. Once we are able to do our due diligence and get a better understanding of their business proposal and intentions we will be prepared to communicate with the planning board and Bonfire Behavior Health."

Thanks for your help.
Kim Harty

Rob Riley, Associate Executive Director of the YMCA of Strafford County phoned into the meeting. He said the YMCA has done their due diligence and researched the proposal presented. Mr. Riley said after conducting their research they have concluded that Bonfire outpatient treatment center would be a benefit to the City of Rochester community. He went on to say they support their search for a home in Rochester no matter where that may be.

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

The applicant's attorney Andrew Prolman said they had a very good meeting with the YMCA Executive Director. He said they toured the facility in Concord.

Mr. Prolman went on to speak about access into the proposed facility on Industrial Way. He said there are three separate driveway and they are proposing to use the first driveway into site, they would not use the driveway that goes by the YMCA play area.

Mr. Sylvain explained the access points of the industrial park.

Mr. Fontneau said based on the information given he is in support of the proposal. He went on to say there should be some conditions added to the notice of decision including hours of operation, and transportation of clients. Mr. Fontneau said he would like to add there shall be no pedestrian or bike traffic to and from the site to the notice of decision. He went on to say there should be supervision of clients while on site during breaks, and that if the use were ever to expand they must come back before the Board. .

Mr. Prolman clarified the hours of operation are 8:00am to 5:00pm.

Mr. Sylvain said he would like someone within the City, like the PD to conduct site inspections. Mr. Prolman said he doesn't have an issue with inspections.

Mr. Sylvain said the Board is looking for safety of the community and safety of the facility's clients.

Ms. Dwyer explained there are testing requirements the facility have to follow in order to keep their funding.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to close the public hearing. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to grant the Conditional Use Permit. The motion carried unanimously by a roll call vote.

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

VIII. Suggested Zoning Amendment – Murals

Ms. Saunders explained the purpose is to codify murals. She said staff has amended the draft ordinance to just allow them in the downtown commercial district which the Historic District Commission will review. Ms. Saunders said staff recommends a subcommittee of the Planning Board be formed to review the mural proposals as well.

Ms. Saunders went on to explain they have restricted the locations on the buildings where mural will be allowed.

Ms. Dwyer asked about temporary window murals. Ms. Saunders said the intent wasn't to look at temporary window murals. Ms. Dwyer asked for language to be added to clarify

Mr. Walker said there shouldn't be a subcommittee, review needs to be before the full Board.

Mr. May said he believes the city shouldn't limit murals.

Mr. Collopy asked if a variance could be sought in other zones. Ms. Saunders explained right now murals would fall under the sign ordinance.

A discussion ensued regarding where murals should be allowed and which Board or Commission should review them.

Mr. Bruckner told the Board the Historic District Commission has successfully worked with applicants on the current murals in town.

Mr. Fontneau said he's not sure they need to be regulated and they should be allowed in the highway commercial zone, the granite ridge district, and the neighborhood mixed use zone by a Conditional Use Permit.

Mr. Creighton told the Board there needs to be an ordinance because right now murals are viewed as a sign and are not allowed because they are too big.

There was a discussion regarding having a subcommittee. The consensus of the Board was to not have a subcommittee.

Mr. Sullivan asked if abutters would be notified of a proposed mural. Ms. Saunders no, abutters would not be notified.

Ms. Dwyer said East Rochester and Gonic should be included because they have small downtowns as well.

Mr. Sylvain asked Staff to re-write the draft ordinance to include all city wide commercial zones. He said if the proposed mural is inside the Historic District then the HDC would review the proposal and if the proposed mural is outside the Historic District then the Planning Board would need to review the proposal.

Ms. Saunders said she will work on the revisions and bring it back to the Board at the October 5th meeting.

IX. Review of May 2020 Surety and Inspections

Ms. Saunders told the Board there are two bonds for Highfield Commons that have expired. She said she has reached out to the developer again and he has let her know he's working on getting a continuation letter from the bank.

Ms. Saunders told the Board there is one additional bond that will expire in October, that developer has received a letter indicating that but we have not received anything from the developer yet.

Mr. Sylvain asked for an update on the Kelmar development. Mr. Creighton explained he has been in contact with the developer's agent who said they have received the Alteration of Terrain permit. Mr. Creighton added there are a couple different developers looking at the site and are interested in purchasing it.

X. Other Business

The Board discussed holding in person meetings. Ms. Saunders clarified that anyone who isn't comfortable meeting in person would still be able to participate virtually.

Mr. Bruckner expressed his concern with air circulation in the Council Chambers.

Mr. Rines asked if masks would be required. Ms. Saunders said staff is still working on the details.

The Board conducted a roll call straw-vote of who would be in favor of meeting in person with 10 in favor of in person meetings and 2 opposed.

Mr. Sylvain asked if the Board's retreat meeting would be able to be moved to a different date. Ms. Saunders said she is still working with other Staff for an answer.

XI. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:25 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II