

City of Rochester Planning Board
Monday November 1, 2021
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on November 22, 2021)

Members Present

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

Members Absent

A.Terese Dwyer, *excused*
Keith Fitts, *Alternate, excused*

Alternate Members Present

Paul Giuliano
Donald Hamann
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planner I*
Ashley Greene, *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.)

I. Call to Order

Nel Sylvain called the meeting to order at 7:00 p.m.

II. Roll Call

The recording secretary, Ashley Greene, conducted the roll call attendance.

III. Seating of Alternates

Mr. Sylvain asked Paul Giuliano to vote for Terry Dwyer.

IV. Communications from the Chair

Mr. Sylvain called for a moment of silence to honor fallen NH State Trooper, Staff Sgt. Jesse Sherrill.

Mr. Sylvain reminded residents of Rochester to vote on November 2, 2021.

V. Approval of minutes for October 18, 2021

Dave Walker motioned to accept the minutes from October 18, 2021. Seconded by Mark Collopy. The motion carried by a unanimous voice vote.

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

A. Public comment

Mr. Sylvain opened the floor for public comment.

Jessica Demers, of 5 Deerfield Ct, presented to the Board her concerns regarding 0 Norway Plains. Jessica stated she is not a direct abutter to 0 Norway Plains but is close by to the location. Mrs. Demers stated she is concerned about what the developer plans to do with the units on the property once completed. She requested that the Planning Board deny the Amendment and having the developer continue with the original plan of building townhomes.

John Flagg, an Attorney from the City of Portsmouth, spoke on behalf of Jason and Elizabeth Croy, who have been waiting for a Certificate of Occupancy at Highfields Commons for two years. Jason and Elizabeth have been living in a hotel since June. Mr. Flagg requested on behalf of Mr. and Mrs. Croy that the Board reconsider release a Certificate of Occupancy for their home at 24 Eisenhower Drive.

Sandy Keans, of 1 Sweet Briar Lane, spoke regarding G&P Boston Properties, 45 & 55 North Main Street. Sandy stated that she is against the new building that will be built where the Hoffman building currently stands, being 75 feet high. Sandy suggested changing the face of the new building and making it look less industrial. Sandy also stated changing the style of the windows.

B. Discussion of general planning issues

None at this time.

VII. Continued Applications:

A. SDJ Development of Rochester, LLC, Fillmore Boulevard/Eisenhower Drive

Approved 2018; 24-lot subdivision Case# 237 – 3&8 – PUD – 18

Paul Giuliano recused.

Shanna B. Saunders, Director of Planning, gave a brief overview of last month's Board meeting regarding the vote failing to release any Certificate of Occupancies. Ms. Saunders stated that the items that needed to be completed have still not been done, therefore, they are asking for a continuance. Ms. Saunders stated in order to help accommodate the developer and the residents waiting for COs the PB will consider holding a Special Meeting this month.

Nel Sylvain stated that Shanna and him had a meeting on Thursday, October 28, 2021, with the investor in order to discuss the things that need to be completed so that COs can be released to those that are waiting. Mr. Sylvain stated the Special Meeting will be held on November 22, 2021 at 7pm.

Ms. Saunders stated there will be a walk through of the site with the developer on Thursday, November 4, 2021, to give him a final checklist of what needs to be completed before the COs are released. Mr. Sylvain stated that Board Members are welcome to attend but need to notify Ms. Saunders if they decide to do so, so the meeting can be posted appropriately.

Mark Sullivan asked if the developer has requested any COs. Ms. Saunders stated that she has two COs waiting for approval and three more waiting for building inspections. There will be a total of five COs. The two oldest COs in the pending box are waiting for approval from Public Works and the Planning Department.

Dave Walker made a motion to approve the three oldest COs contingent to all sign offs being completed. Tim Fontneau seconded the motion.

Ms. Saunders suggested a short recess to allow her to get her computer to check the exact houses that have requested COs.

Mr. Sylvain called a recess at 7:20 p.m.
Mr. Sylvain called the meeting back to order at 7:26 p.m.

CONTINUED FILLMORE BLVD/EISENHOWER DRIVE COMPLIANCE HEARING

Ms. Saunders stated that #24, #37, and #16 have all requested COs and they have all passed everything except Planning and Public Works.

Mr. Walker motioned to approve COs for #24, #37, and #16. Seconded by Mr. Fontneau. The motion carried. Mark Collopy opposed.

Mr. Sylvain reminded everyone that the walk through on Thursday, November 4, 2021 at 12 p.m. and the Special Meeting is still going to occur on November 22, 2021 at 7 p.m.

B. Rob Graham, 0 Norway Plains Road (Tighe & Bond, Inc.) Modification to Approved Project. Case# 215 – 17 – R2 – 21 **ACCEPTANCE/FINAL ACTION***

Mr. Sylvain recused. Mr. Collopy took chair.

Rob Graham went over the original layout, which was the traditional 3 story townhomes with parking underneath. The new layout is one-level units with parking out in front of the building. Mr. Graham stated that the buildings will remain in the same proposed spot.

Mr. Collopy opened the floor to any public comment. Ms. Saunders read an email from Brett Johnson, who resides on Miller's Farm Rd. Mr. Johnson's email states that he is concerned about this new proposed site becoming a rental property rather than owner occupied townhouses. Mr. Johnson is advocating that adding more rental units to this area would negatively affect his quality of life.

Ms. Saunders stated that the Amendment proposed tonight is simply a change in the architecture of the building. Ms. Saunders stated the Board does not have control over the type of ownership. That is governed under a separate condominium law. TRG did review the amendment under the new stormwater code. The applicant is subject to the city sewer and water ordinance, which requires both a sewer reserve capacity assessment fee and a back flow prevention device. A 3rd party review is an added standard condition, by DPW. All original conditions still stand.

Mr. Fontneau asked if there were significant changes between the two plans that were submitted. Ms. Saunders stated that the major change was the townhomes now being single level living over the traditional 3-story unit with a garage underneath and two living floors above that. Mr. Fontneau questioned if the number of bedrooms have changed. Mr. Graham stated the configuration of the new units will be 2 bedrooms. Mr. Fontneau also questioned the reason for the changes. Mr. Graham stated the last plan worked well on paper, but they prefer single-level living for the patronage that they are looking for. Mr. Fontneau questioned if they chose to keep this property as rental units, if they would manage it. Mr. Graham stated that they manage everything that they own.

Peter Bruckner stated that he is disappointed in the lack of amenities.

Mr. Collopy questioned the fencing that will abut the railway. Mr. Graham stated that the fence is meant to be a screening/blockade fence. It is meant to block out the noise.

Mr. Walker asked if there would only be eight (8) bedrooms in one building block. Mr. Graham stated that was correct.

Mr. Fontneau stated that very few developers build single-level units and he stated that he thinks there is a need for this type of unit.

Robert May asked what was being voted on. Ms. Saunders stated it is an amendment to change the parking plan and architecture.

Mr. May motioned to approve the Amendment to an Approved Project with the conditions stated. Paul Giuliano seconded the motion. The motion carried. Dave Walker opposed.

Mr. Collopy called a recess to bring the Chair back at 7:46 p.m.
Mr. Sylvain called the meeting back at 7:47 p.m.

VIII. New Applications:

- A. Public Service Co of NH, 74 Old Dover Road** (by TF Moran) Site Plan to install one (1) 2,600 +/- sf prefabricated fleet storage enclosure within the existing paved storage yard. Case# 136 – 20 – R1 – 21 **Public Hearing *CONTINUED TO 12/6/21***

Ms. Saunders stated this meeting needs to be continued. Item went to Zoning Board of Adjustment last month and there has now been three (3) appeals since the approval. Legal council suggests continuing the application until the appeals have been resolved.

Mr. Walker made a motion to continue the item until December 6, 2021. Mr. Collopy seconded the motion. The motion carried by a unanimous voice vote.

- B. G&P Boston Properties, 45 & 55 North Main Street** (by Fuss & O'Neill) Lot Line Revision and Site Plan to construct a 6-story residential building with first floor commercial space and parking garage. Case# 121 – 372,373,400 – DC – 21 **Public Hearing *ACCEPTANCE/FINAL ACTION****

Ms. Saunders stated there has been request from the applicant to continue. One of the pieces of properties, Lot 8, that is owned by the City, there have been some title issues. Ms. Saunders is suggesting a continuance until December 6, 2021.

Mr. Walker made a motion to continue the item until December 6, 2021. Mr. Collopy seconded the motion. The motion carried by a unanimous voice vote.

- C. Packy's Investment Properties, LLC, 87 Milton Road** (by Berry Surveying & Engineering) Amendment to approved project to add outside storage. Case# 210 – 48 – HC – 21 **Public Hearing *ACCEPTANCE/FINAL ACTION****

Christopher Berry recapped the site plan approval that was received prior to this meeting. Mr. Berry went over the site plan for the outside storage. Spill prevention notes have been added to the plan, along with stormwater features that will be protected in the event of a spill. Technical Review Group (TRG) noted that fencing was not necessarily what the Police Department was looking for on this site.

Mr. Sylvain opened the floor to the public. Saw none and brought it back to the board.

Ms. Saunders stated that the Planning Department recommends that the application is complete enough to allow the board to proceed with consideration.

Mr. Walker asked if TRG did not recommend fencing. Ms. Saunders stated that the recommendation was for cameras, and no fencing due to the inability to see criminal activity.

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

Mr. Walker questioned the type of storage that would be stored outside at this facility and Mr. Fontneau also questioned if there were any restrictions on what could be stored. Ms. Saunders stated there was no recommendation made on what could and could not be stored there.

The Board discussed the types of vehicles that would be acceptable to be stored outside on this property and how the vehicles will be stored, in regard to covered or shrink wrapped.

Peter Bruckner motioned to approve the project with the following additional conditions:

- a. Please add a note to the plan that states that any cars stored here shall not be in any state of disrepair.
- b. Please add a note to the plan that any boats or RVs stored here shall be shrink wrapped in the off season and only white color shall be used for the shrink wrap material.

. Motion seconded by Mr. Walker. The motion carried by a unanimous voice vote.

D. Groen Construction, 29 Wadleigh Road (by Jones & Beach Engineers, Inc.)
Preliminary Site Plan to construct a 52-unit apartment building.
Case# 137 – 35-1 – HC – 21 **Public Hearing *PRELIMINARY***

Brad Jones, from Jones & Beach Engineering, presented the Preliminary Site Plan for a 52-unit, 17,455 square foot apartment building. The site is off of a small City Road that also gives access to the Anchorage Inn Hotel. The property is vacant except for a cell tower. Property is 8.5 acres that would hold a single building containing 52 units. Conditional Use Permit is needed due to a wetland crossing. Landscaping and erosion control will be provided at next Planning Board meeting. A traffic engineer is working with this project.

Mr. Sylvain opened the floor for a public hearing. Saw none, and brought it back to the board. Ms. Saunders stated the concerns that came out of TRG are impacts from the wetlands and to Axe Handle Brook because it is in pristine condition. DPW brought up utility capacity conditions, and whether existing infrastructure can handle this project. Traffic is also a concern due to the busy intersection.

Robert May asked if the building is being built in the hillside. Mr. Jones stated that it is being built into the hillside. The building will barely be seen from Route 16, or from any other angle. Mr. Fontneau stated it seemed like an ideal location.

Mr. Guiliano requested plans to see the rooftop mechanical laid out for the next meeting.

Mr. Collopy expressed his concerns in regards to the traffic leaving that site.

E. George Family Trust, Justin Lane (by Ambit Engineering) 3-lot Subdivision.
Case# 260 – 6 – A – 21 Public Hearing *ACCEPTANCE/FINAL ACTION**

John Chagnon, from Ambit Engineering, representing George Family Trust. Mr. Chagnon discussed the proposed 3-lot subdivision that will be considered a “Pork-Chop” subdivision and will need a Conditional Use Permit. There is a rain garden in place to prevent runoff.

Mr. Sylvain opened the floor to the public for a public hearing. Seen none and brought it back to the board for discussion.

Ms. Saunders stated that staff does recommend approval of the subdivision. Ms. Saunders suggested that a condition of approval for storm water design needs to be completed to the satisfaction of DPW per Chapter 218. Fire Department had concerns with the hammerhead turn around, they want a “No Parking” sign placed at the end of the hammer head.

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

Mr. Collopy made a motion to accept the subdivision with conditions of approval. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

IX. Other Business

A. Planning Update

Ms. Saunders reminded that November 15, 2021, is the Planning Retreat, not a Workshop Meeting. It will be held in the Annex.

Ms. Saunders discussed the new Planning Board Deadlines and Meetings. Ms. Saunders stated we need a motion to approve the new dates.

Mr. Walker made a motion to approve the 2022 Planning Board Deadlines and Meetings. Mr. Collopy seconded the motion. The motion carried by a unanimous voice vote.

B. Other

Mr. Sylvain said a goodbye to Mr. Fontneau. This was his last meeting as a Planning Board member because he is running for City Council – Seat B and if he is victorious, he would be sworn in on Wednesday, November 3, 2021. Paul Guiliano will be going to City Council for a vote to become a regular member on Wednesday, November 3, 2021.

Mr. Sylvain also reminded of the Planning Board Retreat on November 15, 2021, at 6 p.m. in the City Hall Annex Building in the second-floor conference room.

X. Adjournment

Dave Walker made a motion to adjourn the meeting at 8:49 p.m. Mr. Collopy 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