

**City of Rochester Planning Board**  
Monday April 16, 2018  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on May 7, 2018)

**Members Present**

Nel Sylvain, *Chair*  
Dave Walker, *Vice Chair*  
Matthew Kozinski, *Secretary*  
Mark Collopy  
Terry Dwyer . left at 7:30pm  
Robert May  
Kyle Starkweather  
Mark Sullivan

**Members Absent**

Tim Fontneau, excused  
Donald Hamann, excused

**Alternate Members Present**

Joyce Bruckner  
James Gray

Staff: Seth Creighton, *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.)

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

The Planning Secretary conducted the roll call.

**III. Seating of Alternates**

Ms. Bruckner voted in place of Mr. Fontneau.

**IV. Communications from the Chair**

Mr. Sylvain said there was a site walk on Saturday April 7<sup>th</sup> and only three Board members showed up after nearly everyone said they would be there. He asked that in the future if members are unable to attend to please let someone know in advance.

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**V. Surety update from the Assistant City Engineer**

Assistant City Engineer Owen Friend-Gray provided the Board with a surety update summary. He said all the surety listed under performance guarantee is adequate; there are two projects under subdivision that are

inadequately funded or expired, Trinity Circle which the Board would be discussing later in the meeting and the project on Lucas Lane for BD & B Pitchfork Holdings. Mr. Friend-Gray said the surety expired in March and informed the Board the Planning Department has sent three letters to the developer without hearing back. He said he requests a vote from the Board to withhold COs and building permits until the matter is resolved.

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to withhold building permits and Certificates of Occupancy until the surety is updated. The motion carried unanimously.*

Mr. Friend-Gray went on to the other project that is inadequately funded is Aloe pines but does not recommend any Planning Board action at this time because there are two private groups that need to come to a resolution prior to the City becoming involved.

Lastly Mr. Friend-Gray gave the Board an updated surety schedule and explained all the changes in pricing.

*A motion was made by Mr. Walker and seconded by Mr. May to accept the changes as presented. The motion carried unanimously.*

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## **VI. Discussion on Economic Development Strategic Plan/Economic Development Chapter of the City's Master Plan**

Mr. Creighton explained Economic Development Manager Karen Pollard had to leave work early and wouldn't be able to attend. He said he recommends the Board continue the discussion to the workshop meeting in May.

*A motion was made by Mr. Sylvain and seconded by Mr. Collopy to continue the discussion to the May 21<sup>st</sup> meeting. The motion carried unanimously.*

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## **VII. Opening Discussion/Comments**

### **A. Public Comment**

There was no one from the public present to speak.

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

There were no issues to be discussed.

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## **VIII. Approval of minutes**

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the April 2, 2018 meeting minutes. The motion carried unanimously.*

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## **IX. New Applications**

### **A. Farmington Associates, LLC – 60 Farmington Road**

Mr. Sylvain recused himself.

Ken Mavrogeorge of Tighe & Bond explained phasing for the project saying allowing further excavation would open the site up to 16 acres. He said the fourth phase would create the commercial development. Mr. Mavrogeorge said the applicant has submitted an alteration of terrain permit for the entire commercial development which would allow for the opening of the excavated area. He said it will take quite a while to get from where the site is today to a commercial development because there is a lot of material to excavate, process, and move.

Mr. Walker opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Creighton said staff doesn't have any concerns with further excavation but would like a few more details than what was provided in 2016.

Mr. Sullivan said there was a presentation to the City about a month ago speaking to the difficulties of the site. He said in the narrative it says by further excavation it helps reduce the cost by removing material over a longer period of time. Mr. Sullivan asked if approving the next phase would help them with the issue. Tom Severino of Severino Trucking said yes, though it doesn't completely remove all cost. He went on to say the relocation of the stream is an extremely sensitive but it's a fairly easy process when the weather is dry.

Mr. Collopy asked what if any impact there will be on abutting properties, particularly Rochester Toyota. Mr. Severino said it won't be any different than what's going on now. Mr. Creighton explained staff is asking that any processing to be done on site be done at least 150' from the boundary to keep as much dust from Rochester Toyota as possible.

*A motion was made by Mr. Sullivan and seconded by Mr. May to accept the application as complete. The motion carried unanimously.*

*A motion was made by Mr. Sullivan and seconded by Mr. Starkweather to approve the amendment application. The motion carried unanimously.*

Mr. Walker called a recess at 7:28pm

Mr. Sylvain called the meeting back to order at 7:34pm

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## **X. Continued Applications**

### **A. Quantum Real Estate Group, LLC – 156 Old Dover Road**

Bob Stowell of Tritech Engineering said they were before the Board about two weeks ago when it was decided that another site walk would be conducted and was held on April 7<sup>th</sup>.

Mr. Sylvain opened the public hearing.

Hank and Taryn Decken of 162 Old Dover Road read portions of a letter from NHDES saying they are requiring more information.

Ms. Decken said she believes the road has been located in the proposed place in order to get maximum yield and if the road has to be relocated because of NHDES then the lots would have to be recreated. She said she believes the Conservation Commission should further look at the plan and that the Conservation Overlay should apply to the project.

Mr. Decken said he hopes the Board looks further into this as he believes there are more problems left to uncover.

Todd and Michelle Bourasso of 12 Laura Drive said they attended the site walk and were surprised at the amount of water on lot 9. Ms. Bourasso spoke about what she believes could happen with excess water once the site is opened up and they strongly believe the Board should not approve the subdivision until DES relooks at it.

Emily and Alex Klevitch of 11 Laura Drive said they wanted to echo what the Bourassos said about the water and thanked the Board for listening.

Cliff Newton of 168 Old Dover Road told the Board the Chief Planner told the Conservation Commission it wasn't the best plan but it's the best they could come up with. He said the stream that runs through the property has changed names three times and went on to talk briefly about the photos that were included in the packet. Mr. Newton said all the abutters that have been at the meetings are long time residents who care about their property.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

There was a brief discussion regarding the letter from NHDES. Mr. Creighton explained that the letter is always submitted to the City Clerk's office and it is distributed from there.

Mr. Sullivan said the majority of testimony from abutters is the water from above draining onto this property. He asked how that will be addressed. Mr. Creighton explained the design of the property will better direct and control the flow of the water. There was a brief discussion regarding the culvert that goes under Old Dover Road and who will be inspecting it.

The Board went on to discuss off site sidewalks and the developers voluntary contribution.

Mr. Sylvain asked what will be done for abutters in regards to privacy. Mr. Stowell said the front parcel will be the most impacted due to a driveway running along the back of their property so they will be adding a privacy fence.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing. The motion carried unanimously.*

There was further discussion regarding voluntary contribution. Mr. Sullivan explained if the Board was to take an exaction there would be a six year time limit to use the funds or give it back where a voluntary contribution wouldn't have a time limit.

*A motion was made by Mr. Walker and seconded by Mr. May to approve the Conditional Use Permit. The motion carried unanimously.*

*A motion was made by Mr. May and seconded by Ms. Bruckner to approve the application with the conditions discussed including a voluntary contribution of \$10,000 for offsite sidewalks. The motion carried. Mr. Walker, Mr. Collopy, and Mr. Sylvain opposed.*

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## **XI. Discussion on proposed zoning amendments**

### **A. Table of Uses to allow Manufactured Housing Parks**

Mr. Creighton explained this is a citizens petition that went before the City Council and before the Board for a recommendation before going back to the Council.

Mr. Creighton went on to explain a density spreadsheet for existing mobile home parks that Mr. Campbell had put together.

Mr. Gray asked if the numbers took into consideration if the site has city water or sewer. Mr. Creighton said it does not because they are existing parks and some have city water and some do not.

Mr. Creighton went on saying there are currently 2,575 approved units and occupies 1,055 acres of the City. Adding there are 25 mobile home parks representing 27% of the housing stock.

Mr. Kozinski said this is why mobile home parks were taken out, the City has 25 of them already. He said how many does Dover, Durham, or Portsmouth have; five or six between all three cities.

The Board went on to briefly discuss the number of units per acre for each of the different parks.

Mr. Starkweather said the City is in the midst of revitalization and to add mobile home parks back to a permitted use would be a step in the wrong direction.

Mr. Gray said part of workforce housing is developing housing people can afford to live in. He said if a landowner has a piece of land he should be able to use it for that purpose.

*A motion was made by Mr. Walker and seconded by Mr. Sullivan to recommend approving the petition. The motion failed by a 4 to 4 roll call vote.*

## **B. Development and Construction Signs**

Mr. Creighton said this was a developers petition to allow a sign along Old Dover Road. He said the property is in the Agricultural district and the size sign they want is not allowed so they are asking the City to amend the Zoning Ordinance to allow for permanent larger signs.

Mr. Creighton said he believes the developer should apply for a zoning variance instead of a zoning change.

Mr. Gray said since the sign would be on common land there needs to be something in the HOA regarding maintenance.

Mr. Walker said there are some signs around town currently that are tastefully done however this would open the door to allow some not so desirable signs.

There was a brief discussion whether or not to make it permitted by Conditional Use Permit.

Mr. Collopy said he isn't sure what the hardship or goal is because they do have an existing sign up already.

*A motion was made by Mr. Starkweather and seconded by Mr. May to recommend not approving the petition. The motion carried unanimously.*

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## **XII. Other Business**

### **A. Surety Appeals**

#### **1. Trinity Circle & Matilda Way Subdivision – Map 259 Lot 36**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to deny the appeal. The motion carried unanimously.*

Mr. Creighton said the developer still has two options, either replenish the surety or the Board can still revoke the subdivision approval.

Mr. Sylvain the Board met with the City Attorney and the amount of surety need to complete the project is \$217,875.98. He said this matter will be placed on the agenda for the May workshop so the developer has a chance to respond.

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## **XI. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 9:08 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal Galloway,  
*Planning Secretary*