

City of Rochester Planning Board
Monday, March 18, 2024
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on ***, 2024)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Alan Dews
Donald Hamann
James Hayden
Peter Bruckner
Rick Healey
Michael McQuade

Alternate Members Present

Matthew Richardson
Josephine Finocchiaro

Members Absent

Staff: Shanna B. Saunders, *Director of Planning & Development*
Tracy Gora, Senior Planner

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting, as well as the meeting's minutes can be found on the Planning Boards Webpage at www.rochesternh.gov/planning-board. Paper minutes may be copied at the Planning & Development Office for a fee.)

I. Call to Order

Chair, Mark Collopy, called the meeting to order at 6:30 p.m.

II. Roll Call

Planning Department Director, Shanna B. Saunders, conducted roll call.

III. Seating of Alternates

There was no seating of Alternate members.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A. March 4, 2024

A motion was made by Mr. Hamann to approve the March 4, 2024, Planning Board meeting minutes and seconded by Mr. Healey. The motion carried unanimously.

VI. Opening Discussion/Comments

A. Public Comment

Anne Carter, 6 Blue Hill Drive, stated that she does not support the extension of 15 Piper Lane. Ms. Carter explained the proposal of the application and reviewed when the application was initially approved. Ms. Carter noted initial measurements of setbacks from the original presentation and reviewed the Notice of Decision and the projects conditions of approval.

B. Discussion of general planning issues

There were no General Planning Issues that were discussed.

VII. Extension Applications

A. [Myhre Family Revocable Trust/Grant Myhre, Trustee, 15 Piper Lane](#) (Norway Plains Associates/ Glenn Griswold) 5-Lot Subdivision Case# 250 – 28 – A – 22 **Extension to Meet Precedent Conditions to April 5, 2024**

Ms. Saunders reviewed extension application and explained the events and complications that created the requirement of the additional month extension. Ms. Saunders explained that Final Plans were submitted but were missing necessary items and were returned for changes. Ms. Saunders stated that updated final plans with the corrections are expected within the next 2 weeks as per the surveyor that has taken over the project. Ms. Saunders stated that staff recommend approval of this extension.

Mr. Dews verified that this extension is the third request. Mr. Dews explained his concerns of extension applications that are received after the expiration date.

Mr. May stated that he supports the extension due to the circumstances and stated that there are cases where the applicant is not responsible for the extenuating circumstances that came about.

Mr. Hayden stated that he agrees with Mr. May in that the application should be approved for extension and also agrees with Mr. Dews that extension applications should be reviewed prior to expiration dates.

Ms. Saunders explained the previously reviewed application that was approved after being submitted a few months past the expiration and explained that other than the long-expired application reviewed at the last workshop, that extension applications are received before the expiration date, but are then added to the next soonest Planning Board meeting.

A motion was made by Mr. Hamann to approve the extension to April 5, 2024, and seconded by Mr. Bruckner. The motion carried unanimously.

VIII. Continued Applications

- A. [Humoresque, LLC/ Paul Delisle, 1 Old Dover Road](#) Site Plan to convert commercial office space into 9 residential spaces.

Mr. Delisle presented the plan and explained the changes to the proposal including creating 9 residential units, rather than 11. Mr. Delisle explained the dimensions of the units and added egress. Mr. Delisle added the location of the dumpster to the plan and a green space on the Site Plan.

Mr. Collopy opened the Public Hearing. There was no one from the public to comment.

Mr. Saunders explained that the application was continued to this meeting from the February meeting and that the revised plans were reviewed by the Technical Review Group and that there were no concerns from staff. Mr. Saunders stated that staff are recommending acceptance of the application as complete and approval of the application. Mr. Saunders reviewed the recommended conditions of approval including the re-lining of the parking lot lines.

Mr. Hamann stated that he did not see windows in the main area of the units. Mr. Delisle stated that the main areas have no windows, just the bedrooms.

Mr. Bruckner stated that he spoke to the Building Department and found that main areas are allowed to not have exterior windows.

A motion was made by Mr. Hamann to accept the application as complete and seconded by Mr. Healey. The motion carried unanimously.

A motion was made by Mr. Healey to approve the application with conditions as stated and seconded by Mr. Hamann.

Mr. Dews asked if the four handicap parking spaces were for residents and stated that the plans show regular residential parking. Mr. Delisle stated that handicap persons can use the spaces at the back of the building.

Mr. Dews asked what the green area shows. Mr. Delisle stated that the green area is set aside for the tenants to use. Mr. Dews asked if the asphalt will be removed, and green space created. Mr. Delisle responded that asphalt would not be removed, but picnic tables and a gazebo could possibly be put up.

Mr. Dews asked where the dumpster was located. Mr. Delisle explained the location on the plans. Mr. Dews stated that the plans should include an enclosure for the residential dumpster. Mr. Dews asked that a dumpster enclosure be added as a condition of approval.

The motion carried unanimously.

IX. Review of Inspections

A. December 2023 Inspections

B. January 2024 Inspections

Ms. Saunders explained that the December 2023 and January 2024 inspections spreadsheets have been included in the Planning Board members' packets. Ms. Saunders explained when the Planning Department typically conducts inspections and stated that Planning Department inspections will pick up with the change of the season.

X. Review of Surety

Ms. Saunders reviewed the surety status and explained the complication with finalizing and then releasing the withheld Surety with Lydall on Chestnut Hill Road. Ms. Saunders explained that the reason for withholding the surety was to finalize all permits that were received by the company during the COVID-19 pandemic. Ms. Saunders explained the struggles of linked specific permits to their perspective building permit. Ms. Saunders listed the possible options that the Planning Board has regarding the Surety status.

Mr. May asked if we are allowed to withdraw some of the funds to allow staff the overtime to review the applications. Ms. Saunders stated that we are not.

Mr. Hamann recommended sending a letter to the CEO of the company stating that the Planning Board and staff are still withholding the funds until permits are finalized. Ms. Saunders stated that can be done.

Mr. McQuade asked if forfeiture of the funds were an option. Ms. Saunders stated that funds cannot be transferred from the bond at this time and explained the purpose of the surety.

Mr. Healey requested that the letter sent be certified. Ms. Saunders stated that the letter would be certified.

Mr. Healey explained a previous time that funds were held but the company was dissolved. Ms. Saunders explained that if funds are not able to be released to companies, then the funds are release to the state.

Mr. Dews asked if the site was complete. Ms. Saunders responded yes. Mr. Dews asked why the funds are not just released. Ms. Saunders stated that the surety can be released.

Mr. Dews stated that the surety should be released because the purpose of the surety is to the site plan completion and the site has been completed. Mr. Dews stated that surety is unable to be used for building permit completion.

Mr. May recommended that the documentation be completed.

Mr. Dews stated that surety cannot be held for building permits.

Ms. Saunders stated that a certified letter will be sent and explained the surety drawdown process through the Planning Department.

Mr. Hamann stated his support in having the company follow the process for release.

Mr. Collopy explained that his understanding of the circumstances that led to the expedition of development of the Lydall facility were because of the COVID-19 pandemic.

Mr. Collopy asked about the status notifications on the surety sheets. Ms. Saunders provided explanations for each of the surety statuses.

XI. Release of Surety

A. Eco-Site, LLC, now owned and operated by Vertical Bridge, Surety Release for Cell Tower Removal Bond (100%) in the amount of \$50,487.00. Located at 144 Meaderboro Road

Ms. Saunders explained both surety accounts and explained that as-builts have been reviewed and approved by the Planning Department and the Department of Public Works. Ms. Saunders explained the change of the state statute regarding tower removal bonds and stated that staff recommend the release of both the tower removal bond and the case surety provided before construction.

A motion was made by Mr. Hamann to release the tower removal bond in the amount of \$50,487.00 and seconded by Mr. McQuade. The motion carried unanimously.

B. Eco-Site, now owned and operated by Vertical Bridge, Surety Release for Cash Surety (100%) in the amount of \$11,552.60 plus interest. Located at 144 Meaderboro Road

A motion was made by Mr. Hamann to release the cash surety in the amount of \$11,552.60 plus interest and seconded by Mr. Dews. The motion carried unanimously.

XII. Other Business

A. Planning Update

i. Porkchop Subdivision

Ms. Saunders explained that the Planning Board spoke about recommending updates to the Porkchop Subdivision regulations at the Planning Board meeting held on March 4, 2024. Ms. Saunders provided examples of recent porkchop subdivision approvals and explained the complications of porkchop subdivisions, especially related to E911 addressing for the ability of emergency services to arrive at the correct locations. Ms. Saunders reviewed the research provided regarding porkchop, or flag lots, and noted that only Manchester's ordinance and regulations included flag lots. Ms. Saunders explained Manchester's definition of a flat lot and stated that all other researched cities did not include information on porkchop, or flag lots.

Mr. May asked if the cities that do not include porkchop or flag lots in their regulation, if that meant they were prohibited. Ms. Saunders replied that was correct.

Ms. Tracy Gora, Planning Department Senior Planner, presented the recommendations for changes to the porkchop subdivision regulation. Ms. Gora explained the handout that was provided to the Planning Board members showing proposed changes. Ms. Gora explained each change recommendation individually.

Ms. Saunders used the recently approved porkchop subdivision on Tebbetts Road to explain the dimensional requirements for lots and explained the purpose for updating the dimensional requirement of newly proposed lots.

Ms. Gora stated that the recommended dimensional changes come from the current Agriculture Zone standards.

Mr. Dews asked if the Fire Department requirements for fire truck access should be included in sizing requirements. Ms. Saunders stated that those requirements are included.

Mr. Hayden asked if these changes would make it to where if a driveway is present on a parent lot, that it would need to be removed to allowed shared access to the newly created lot(s). Ms. Saunders responded that finalization is possible.

Ms. Gora noted that the Planning Board members stated that their biggest concern is emergency access and explained the recommended changes that allow for better emergency services' access.

Ms. Gora explained the recommended changes regarding the requirements of roads being placed and explained the road name application through the Planning Department.

Ms. Saunders stated that the definitions for public, private, and driveways are not specific and may also need updating to reflect the proper requirements at a future meeting.

Ms. Saunders asked the Planning Board members for their feedback on the changes.

Mr. McQuade stated that he does not support porkchop lots and recommended referencing the exact requirements, rather than stating that requirements must be followed.

Mr. Hayden asked about the requirements of open space. Ms. Saunders stated that the requirement is in place to ensure that no other subdivisions take place in the future. Ms. Saunders explained the complications with stating no other subdivisions for the property and stated that the recommended change calls for the restriction to also be listed in the recorded deed. Ms. Gora also stated that any recommended change, regarding a deed, that is approved would also be reviewed by legal counsel.

Mr. Hayden asked if there could be a waiver process for requiring Zoning Board review and approval. Ms. Saunders explained what would require a Variance from the Zoning Board and stated that the ordinance could be updated to reflect that the Planning Board has a right to waive that requirement.

Mr. Dews stated that he recommended the design standards be reviewed and approved by the engineers at the Department of Public Works and recommended that the regulation state that any road or driveway must be able to withstand the weight of the heaviest emergency vehicle.

Mr. Hamann asked if there was a way for the developer to make a road from a porkchop subdivision into a city-maintained street. Ms. Saunders stated that the developer could have a road accepted as a city-maintained street, but the developer would have to build the road to the City's standards.

Mr. Healey stated that if the street were to be accepted as a city street, then the property would not be considered a porkchop subdivision, but as a regular subdivision. Ms. Saunders stated that was correct.

Mr. Richardson asked if the language would need to be modified in the deed restriction. Ms. Saunders explained the review process and how the subdivisions would differ or change pending plans that are submitted.

Mr. Richardson asked that if a road were to be brought to City street standards in the future, how the change in documentation would be done. Ms. Saunders stated that deeds would require to be rewritten.

Mr. May thanked Tracy for the recommendations and review and asked for further clarification of the number of lots allowed. Ms. Gora stated that the term "3" lots includes the original lot, thus only creating 2 new lots.

Mr. May stated that he strongly supports the change regarding adding a note within the deed language restricting further subdivision.

Mr. May stated that he does not support porkchop subdivisions and supported the definition given by Manchester. Mr. May stated that he supports stricter criteria for porkchop subdivisions.

Mr. Collopy stated that he does not support the change regarding allowing duplexes on porkchop subdivisions.

Ms. Gora explained that the recommended change originated from the idea of removing additional restrictions to property owners.

Mr. Hamann stated that he is more favorable of a duplex, rather than the increase of allowed accessory dwelling units that are being reviewed in other Cities, such as Dover.

Mr. Dews suggested removing the statement of allowing duplexes and reviewing applications on a case-by-case basis.

Ms. Saunders stated that the language can be kept the same, but include that duplexes are allowed only by Conditional Use Permit, or another additional review.

Mr. Dews asked if the requirement of requiring additional applications or review was allowed. Mr. McQuade stated that the ordinance can be more restrictive than the current statute, but the use cannot be extended. Ms. Saunders stated that the zoning ordinance currently does allow duplexes.

Mr. Healey asked how many lots are allowed in a porkchop subdivision. Ms. Saunders answered that 3 total lots are allowed and explained that porkchop lots are typically created from a large mother lot.

Mr. Healey stated his concern for additional traffic on a shared driveway if lots were to have a duplex.

Ms. Saunders thanked the Planning Board members for their input.

B. Other

There was no other business.

XI. Adjournment

A motion was made by Mr. Dews and seconded by Mr. Healey to adjourn the meeting at 7:46pm. The motion carried unanimously.

Respectfully submitted,

Jaclyn Millard,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development