

City of Rochester Planning Board
Monday September 16, 2013
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on October 7, 2013)

Members Present

Tim Fontneau
Rick Healey
Robert Jaffin
Matthew Kozinski
Mark Sullivan
Gregory Jeanson, *Secretary*
Derek Peters, Vice Chair
Nel Sylvain, Chair

Members Absent

Dave Walker, excused

Alternate Members Present

Charles Grassie, Jr.
James Gray

Staff: James Campbell, Chief Planner
Crystal DeButts, 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.)

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

The Planning Secretary conducted the roll call.

Seating of Alternates

Mr. Gray to vote for Mr. Walker

IV. Communications from the Chair

Mr. Sylvain reminded the Board of the joint meeting with the City Council on Tuesday evening September 17th.

V. Opening Discussion/Comment

A. Public Comment / Public Input for Chapter 42

Gregg DeNobile of Chesley Hill Road thanked Mr. Campbell for answering all the questions he submitted, however he stated there are still a few answers that need more elaborating.

Mr. DeNobile stated he and his neighbors believe residents of the city should be notified of any zoning changes.

Mr. DeNobile questioned if there would be any further information regarding a zoning change on the Ramsey property. He stated he feels Rochester will become over saturated with shopping malls.

Lou Archambault of Chesley Hill Road questioned who took it upon themselves to send workers from Strafford Regional Planning and students from UNH to examine the culvert on his property.

Mr. Sylvain suggested Mr. Archambault either contact Strafford Regional Planning or the City Managers office.

Rick Perreault of Chesley Hill Road stated he was there in regards to the Ramsey property as he believes the Ramsey Family Foundation is manipulating the rezoning.

Mr. Perreault stated the residents of Chesley Hill Road were already dealt a blow with the change of the Mitchell Farm to allow multifamily units and now the Ramsey's want to put commercial property across the street.

Mona Perreault of Chesley Hill Road stated she has lived there since the 70's and understands the Boards reasons for changing the Mitchell property to residential-2 was due to the open space the project would leave with the multifamily units.

Mrs. Perreault went on to say she is very failure with the deed for the Ramsey property from the first time they tried to put a mall there, and she understands the Ramsey Foundation donates money to the city however that shouldn't be reason enough to change the zone.

B. General Planning Issues

Mr. Campbell introduced Michelle Mears as the new Planner in the Planning Department.

VI. Approval of minutes

A. September 9, 2013 – Regular Meeting

A motion was made by Mr. Peters and seconded by Mr. Jeanson to approve the September 9, 2013 minutes. The motion carried unanimously.

VII. Extension/Continued Applications

A. Rochester Self Storage

Mr. Sylvain asked how many extension the applicant had already received.

Mr. Campbell stated this would be their fourth.

Mr. Sylvain questioned what the issues is.

Mr. Campbell stated they are still trying to resolve the issues with the fence encroachment with the neighbor.

Mr. Campbell stated the applicant is seeking an extension to April of 2014.

A motion was made by Mr. Healey and seconded by Mr. Sullivan to approve the extension with the condition that this be the last extension for the project. The motion carried unanimously.

VIII. New Applications

A. A.J. Coleman & Sons, Inc.

Mr. Sylvain stated at the request of the applicant the application was withdrawn.

IX. Presentation to change the zoning of Lots 43 & 43-1 on Labrador Dr.

Anna Barbara Hantz of Sheehan, Phinney, Bass, and Green stated she was before the Board to represent her client Route 202, LLC who owns the properties across from the Rochester Crossing Mall.

Ms. Hantz stated her clients are requesting a change from the proposed neighborhood mixed use to highway commercial as they believe it would be more appropriate for their parcels of land.

Ms. Hantz stated they understand the concern of the Board is providing a buffer to the adjacent existing single family neighborhood; however they believe one unintended consequence of designating this lot for neighborhood mixed use is that the development of smaller more economically fragile uses would not support the cost of site planning, design and construction which might optimize such a buffer.

Mr. Fontneau asked Ms. Hantz to elaborate on what the uses might be.

Ms. Hantz stated with a highway-commercial zone only one building would be allowed, whereas the neighborhood mixed use zone allows for three or four different buildings and therefore creating a difference in the traffic pattern.

Mr. Sylvain stated yes it is a commercial property however the Board has to take the abutters into consideration.

Mr. Peters expressed his concern with the available space. Stating as long as there is ample space for parking the square footage for the building can be manipulated.

Mr. Peters stated he still believes the neighborhood mixed use zone is a better fit .

Mr. Grassie stated the proposed zone was a compromise with the residents of the neighborhood and when the package goes before the City Council they could vote to change it back to residential-1.

Ms. Hantz stated there is highway commercial across the street and to the west and a PUD behind the property.

Ms. Hantz believes the neighborhood mixed use is spot zoning as the compromise doesn't address what the neighborhood nor her clients want.

Mr. Fontneau stated he believed the conceptual plan that was presented to the Board may have been better received if the site was moved more toward the front to give more of a buffer to the abutter.

Ms. Hantz stated there is a wetland issue with the front of the property.

Mr. Sylvain stated the Board would discuss the proposal further in the chapter 42 review.

XI. Review of Chapter 42

Mr. Peters read through a few questions from Mr. DeNobile and the answers from Mr. Campbell.

Mr. Peters stated he would like to eliminate the word “high” from “high quality housing”.

Discussion ensued removing the word “high”.

The consensus of the Board is to leave the word “high” in “high quality housing”.

Discussion ensued regarding the reason why second hand shops are referred to in the neighborhood mixed use zone but no other.

Mr. Sylvain asked Mr. Campbell to rewrite the definition and have it back to the Board for the October 7th meeting.

Mr. Peters stated at the last meeting there had been a question with the zoning of parcel of land by the Anchorage Inn.

A motion was made by Mr. Peters and seconded by Mr. Fontneau to change the Jen-Scot Realty parcel from residential-2 to highway commercial. The motion carried unanimously.

Mr. Fontneau questioned the Ramsey property.

Mr. Campbell stated they are requesting a change to highway commercial.

Mr. Peters stated he believes they are taking too many house lots and want to change them.

Mr. Sylvain suggested tabling the Ramsey issue until the Board has some time to do their homework on the property.

A motion was made by Mr. Sylvain and seconded by Mr. Healey to table the Ramsey property to October 7th meeting. The motion carried unanimously.

Mr. Peters suggested leaving the Labrador Drive lots as neighborhood mixed use.

Mr. Sylvain asked for a show of hands to change the lots.

The consensus of the Board is to leave the lot on Labrador Drive as neighborhood mixed use.

Mr. Fontneau stated he had an issue with multifamily housing being allowed in the agricultural zone. Stating after voting to allow it, it was never defined.

Mr. Campbell stated the Board put the condition of needing city water and sewer.

Mr. Fontneau stated there should be a category for multifamily housing in the agricultural zone on the Table of Uses.

Discussion ensued regarding not allowing multifamily housing in the agricultural zone.

Mr. Fontneau suggested adding some guidelines to go along with multifamily housing in the agricultural zone.

Mr. Sylvain asked Mr. Campbell to put guidelines together for the October 7th meeting.

XII. Other Business

A. Release of surety for 48 Church Street

Christopher Lindsey stated Public Works went out to check the site in 2009.

Mr. Campbell said its more complex, stating there was a lot of correspondence between the former Chief Planner, the former Director of Public Works, and the former City Manager and the City Council had a resolution in November 2008 to pull the surety due to the developer walking away from the project.

Mr. Lindsey stated he never walked away from the project; in fact he resides in the condos that he built.

Mr. Lindsey stated he had Pohopek surveying do the as-built plans rather than Norway Plains Associates who did the site plans because he knew Bruce Pohopek.

Mr. Lindsey stated none of the site work was ever completed by the City.

Mr. Sylvain asked Mr. Lindsey to give the Board and Planning Department until the October 7th meeting to try to get some answers and sort this out.

Mr. Lindsey agreed.

B. Nomination to the Historic District Commission

Mr. Sylvain stated someone from the Planning Board needed to be nominated to the Historic District Commission.

A nomination was made by Mr. Sylvain and seconded by Mr. Peters to nominate Mr. Healey to the Historic District Commission. The nomination carried unanimously.

XIII. Adjournment

A motion was made by Mr. Peters and seconded by Mr. Gray to adjourn at 9:00pm. The motion carried unanimously.

Respectfully submitted,

Crystal DeButts,
Planning Secretary