

**City of Rochester Planning Board**  
Monday March 3, 2014  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on March 17, 2014)*

**Members Present**

Nel Sylvain, *Chair*  
Derek Peters, *Vice Chair*  
Gregory Jeanson,  
Rick Healey  
Robert Jaffin  
Matthew Kozinski  
Mark Sullivan  
Dave Walker

**Members Absent**

Fred Leonard, absent  
Tim Fontneau, excused

**Alternate Members Present**

Charles Grassie  
James Gray  
Thomas Willis

Staff: James Campbell, Chief of Planning  
Michelle Mears, Staff 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 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 Planner conducted the roll call.

**III. Seating of Alternates**

Mr. Willis to vote for Mr. Fontneau

**IV. Communications from the Chair**

Mr. Sylvain had failed to mention last week site walk corner Washington and Brock Street walk through. Please try and do better to attend the meetings.

**V. Approval of minutes for February 24, 2014**

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A motion was made by Mr. Walker and seconded by Mr. Peters to approve the February 24, 2014 meeting minutes. The motion carried unanimously.

## **VI. New Applications:**

### **A. DEW Properties, LLC** (by Norway Plains Associates) Site plan application to construct a 15,200+/- square foot Ambulatory Surgery Center facility. Case# 243 – 39-3 – PUD – 14 **Public Hearing *PRELIMINARY***

Mr. Peters rescued himself from voting.

Scott Lawler of Norway Plains was present with Steve Norton of DEW Properties LLC the applicant, and Joseph Shields from Frisbie Foundation the land owners. Proposing Preliminary site plan application to construct a 15,200+/- square foot Ambulatory Surgery Center facility at Rochester Hill and Health Care Drive located opposite Sky Haven Airport. This is a 4 acre lot 243-39-3 owned by Frisbie Foundation PUD 3.

PUD 3 zone subdivided with access to parcel is Health Care Drive but on Rochester Hill by the Homemakers Association. This will be a 15,000 square foot ambulatory surgery building operated by Sky Haven LLC. This will have 6 positions and 30 staff specialized services located in out building. At peak hours 6-7 patients will be arriving. There will be 54 parking spaces for patients and staff. The applicant will be requesting a waiver to reduce parking in the current ordinance requires 152 spaces for patients 62 for staff. There will be a storm water management plan with rain gardens. The building will be on city water and sewer with a force main pump up thru force gravity system. The utilities will be underground, with backup generator, bulk oxygen storage, and storage screened sloped flat roofs. Currently the project needs four state permits: NH DOT Driveway (submitted), Alternation of Terrain for disturbance over 100,000 square feet, Construction General Permit, and FAA observation height of structure.

Mr. Sylvain stated the public hearing was still open.

No one came forward.

Mr. Sullivan questioned the number of parking spaces needed.

Mr. Willis questioned if the architectural will be the same as the other buildings.

Mr. Lawler stated the building will be slightly different continuity but conforming to what is on the site. Lavallee Brensinger Architects are contracted to do the work.

Mr. Sylvain questioned if there was enough room in the back of the building in case there is a need for new parking.

Mr. Sylvain asked if the dumpster fenced in was gated.

Mr. Lawler stated the dumpster will be in the back of the building fenced in.

Mr. Sylvain asked about snow removal on the site.

Mr. Lawler stated that snow removal will be in the back of the building.

Mr. Sullivan asked what the anticipated hours of operation would be.

Mr. Lawler stated the hours of operation will be 7 am to 7 pm.

Mr. Campbell stated that they have gone to TRG traffic and parking, landscaping requirements, lighting, and snow storage were discussed.

Mr. Sullivan asked if there were comments at the TRG from police or fire.

Mr. Lawler plans to come back to the April 7<sup>th</sup> Planning Board meeting.

### **B. The Lamoureux Family Revocable Living Trust** (by Berry Surveying) Site plan use a portion of the property for parking RV vehicles for the Route 125 RV & Marine business.

Fx Bruton with Bruton and Berube in Dover was representing the applicant Lamoureux Family Revocable Living Trust, and Daniel O'Love of Berry Surveying. Mr. Bruton explained the area is part of Map 258 lot 36 expand business for RV's. This expansion is proposed on a lot which abuts the lot containing the existing use (Rt 125 RV). The planning department advised to seek two variances from Zoning Board of Adjustment- one in regards to lot size, the other in regards to commercial use in Agricultural zone. Zoning Board of Adjustment will allow for two uses: RV storage and agricultural zone this was granted.

Mr. Bruton explained that this project has been to Technical Review Group twice all changes requested have been made. The applicant is seeking approval tonight from the Planning Board.

Access to the site is from Milton Road 125 there is no access from Cemetery Road. There currently is an existing fence on the plan. The Planning Department at the TRG meeting requested landscaping be added to the plan to fulfill site plan requirements.

The area being paved is approximately 15,000 square feet pavement on lot 36. Minor site plan application was submitted for lot 258/33 for pavement that will be added 3,600 square feet. The applicant is asking for two waivers for landscaping for the 15 foot front buffer and the 10 foot side buffer which do not meet site plan requirements. Vegetation has been put in the Planning Department supports waiver request.

The second is a waiver request for four spaces of parking there will be no customer parking located in the area business is located on the other lot. The business wants to keep parking in the front of the lot. The RV's trailers will be moving over the lot.

The applicant installed an 8 ft fence. There was a variance requested for the extra 2 ft on March 12, 2014 Zoning Board Adjustment meeting. If not approved at the Zoning Board Adjustment the applicant will modify the fence to 6 ft.

Mr. O'Love of Berry Surveying described the request from Planning Department about Landscaping regulations. The two TRG comments have been incorporated into the plan which included adding 4 trees to the site plan. The Department of Public Works requested for finer sand under the porous pavement to better clean storm water (which is on sheet C6). The sheet C3 has been revised the fertilizer use and different types.

Mr. Campbell stated that all concerns have been met by Technical Review Group and staff have no issues with the waivers.

Mr. Sylvain stated the public hearing was still open.

Mr. Peters asked if there is a barn on the lot and access road on existing driveway.

This will be eliminated on the plan. The Zoning Board of Adjustment approval included no vehicular access to cemetery road. This will be strictly for display storage.

Mr. Sullivan asked about the list of trees. Why would we require trees inside the fence because it is a liability issue for the RV's.

Mr. Campbell stated that staff was attempting to fit into the site plan regulations.

The abutter Grace Armano 4 Gear Road requested that the board consider putting trees at Cemetery Road on the other side of the fence. The landscaping be position on the side of Cemetery Road. Ms. Armano stated to please be mindful of the abutters in choosing trees for the site to shield the RV's.

Mr. Sylvain asked about the type of shrubs and trees in the site plan.

Mr. O'Love stated that Golden Globe Abroviates and Crabapple trees were inside the fence. On the outside of the fence there will be 5 ft tall Pyramidal Arborvitaes to shield the abutters.

Mr. Sullivan stated that a 40 ft maple is not right for the site.

Staff planner suggested that 4 trees be added to the plan. The taller would be on the outside of the fence. The inside of the fence will be 3-4 ft tall on the new plan four will be trees.

There was a discussion on the trees. The Planning Boards guideline for the tree's that the maximum height 15-20 ft. Staff will be working with the applicant regarding the trees.

The first Waiver was Section 5 (landscaping) the proposed landscaping involves creating a planting between the subject lot and abutting res lot. The staff believes waiver request is warranted because two separate lots will essentially act as one lot if the lots had been merged the proposed landscaping will meet most of required regulations although the reduced buffer width will allow for less snow storage the plan notes that excess snow will be hauled off site. 10 ft wide landscaping buffer reduced to 8 ft landscaping buffer.

*A motion to approve landscaping wavier was made by Mr. Walker and seconded by Mr. Jaffin. The motion carried unanimously.*

The second waiver is for the parking requirement set fourth site plan regulations article 10 (A) requires 1 parking per 4,000 sq ft of display area; this proposal nesessitates 4 parking spaces applicant notes that the additional parking spaces is not need because customer parking on lot 258/33. Planning staff supports this waiver request because there are sufficient parking spaces available on lot 258/33 and many visitors can park cars between RVs and empty display areas.

*A motion was made Mr. Peters and seconded by Mr. Walker. The motion carried unanimously.*

Mr. Sylvain requested that planning staff send information to the abutters.

*A motion was made to close Public Hearing by Mr. Walker and seconded by Mr. Peters. The motion carried unanimously.*

*A motion was made by Mr. Peters and seconded by Mr. Walker to approve pending whether it is 8 ft or 6 ft fence based on the variance has no bearing on the way the planning board votes. The motion carried unanimously.*

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## **VII. Other Business**

### **A. Line of Sight Language Discussion**

Mr. Campbell provided the Board members with a draft copy of Line of Site language got Site Plan Regulations and Zoning Ordinance. Mr. Campbell explained the issue from the last meeting in regards to a fence blocking sight view from abutter getting out of the driveway. The same language site plan and zoning ordinances 42:10 proposed adding.

There was a discussion by the Planning Board members on what the edge of pavement is or sidewalk. The language changes for the zoning ordinance need to be brought to Council for the 3/4/14 City Council meeting.

*A motion by Mr. Walker and seconded by Mr. Peters to approve the Sight Language as amended for the proposed zoning ordinance.*

*\*\*\*Please see attached revised 3/4/14 draft language regarding sight distance- Zoning Ordinance. (This was sent to City Council meeting for 3/4/14).*

Mr. Walker wants a paragraph in the zoning ordinance to include language about fences for public safety.

Mr. Sylvain requested that Dan Wensley look at the legality on the language on the fence only if public safety issue by Code Enforcement Officer.

Mr. Grassie is requesting that a ten year provision for residents to come in compliance within 10 years for fences.

Mr. Jaffin wants 24 months for fences to be fixed once issue has been bought to the Codes.

*A motion was made by Mr. Walker seconded by Mr. Peters to amend the grandfather provision and safety issue be taken up within 6 months include existing fence upon notice by the City by Code Enforcement. The vote was 9-1. Mr. Jaffin opposed.*

Draft language for Site Plan Regulations for sight distance would be same as the Zoning Ordinance. The Public Hearing will be on the April 7<sup>th</sup> meeting. This will be included in the Planning Board packets.

## **B. Review of Land Use Chapter of Master Plan**

Mr. Jaffin passed out a hand out for to all Planning Board Members on the Goals and Objectives of the Land Use Master Plan Chapter. Mr. Jaffin read through every change that was made. There was a discussion with all the Board members of all the changes. Mr. Jaffin will be revising this and sending back out to the Board at the March 17<sup>th</sup> meeting. The survey would be contracted out to providers such as UNH. Mr. Jaffin suggested that Great Bay be involved in the survey.

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## **VIII. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Peters to adjourn at 9:19 p.m. The motion carried unanimously.*

Respectfully submitted,

Michelle Mears  
Staff Planner