

**City of Rochester Planning Board**  
Monday April 1, 2013  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on April 15, 2013)*

**Members Present**

Nel Sylvain, *Chair*  
Derek Peters, Vice Chair  
Gregory Jeanson, Secretary  
Tim Fontneau  
James Gray  
Rick Healey  
Matthew Kozinski  
Mark Sullivan  
Dave Walker

**Members Absent**

**Alternate Members Present**

Robert Jaffin

Staff: James Campbell, Chief of Planning  
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.)

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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**

None

**IV. Communications from the Chair**

Mr. Sylvain announced Mr. Walker and Mr. Peters were attending the Ward 4 meeting regarding Chapter 42.

## **A. Chapter 42 Public Input**

Art Nickless, representing Rochester Hill Trust spoke in regards to the board's decision to disallow wetlands when looking at density for multi family housing. Mr. Nickless went on to state the differences between poorly drained soil and very poorly drained soil, such as in swamps and bogs.

Mr. Fontneau stated he agreed with Mr. Nickless, stating when it comes to wetlands, there is a difference between poorly drained soil and very poorly drained soil and he questioned what the State uses as a definition.

Mr. Nickless asked the board to consider allowing some wetlands to be used when looking at density.

Robert Benoit of Chesley Hill Road came forward to speak about the letter he sent to the Planning Board on March 22<sup>nd</sup>, stating it's in reference to the 126 acre parcel on Chesley Hill Road the developer wants changed to Residential-2 for the purpose on constructing multi family housing. Mr. Benoit stated the land is a large area of wetlands and steep slopes. He stated the majority of the homes at the bottom of the hill have been there for 50 to 60 years and have always had problems with water in their basements year round and now the problem is getting worse; Mr. Benoit stated he believes it's due to the new housing development at the top of the hill and he and the other resident's are concerned the issue will only get worse if another development goes in. Mr. Benoit went on to state they are all single family homes in a country setting and any development of the 126 acre parcel would be only for monetary gain from one developer.

Lou Archambault of Chesley Hill Road came forward to ask the board if the zoning does change in that area if the residents will be notified. He also questioned if there is a law stating residents must be notified.

Mr. Archambault went on to state the City's tract record for upscale multi family housing has not done well in the past.

Tom Davis of Champlin Ridge Road came forward stating he wanted to go on record as saying he would be against his neighborhood being zoned anything other than Agricultural. He also questioned how the voting process for Chapter 42 would go.

Mr. Sylvain explained the process once its passed from the Planning Board to the City Council.

Robert Clark came forward stating he'd spoke to the board at the last public input meeting in regards to the Chesley Hill Road development and had come up with a chart regarding density. He asked the board if they had any questions or comments.

Frank Chiaramitaro of Rochester Hill Road came forward stating he is in support of the growth rings as he stated in a letter he sent to the Planning Board. He also stated he supports the disregarding of wetlands and steep slopes in regards to density.

Gus Shunda of North Main Street came forward stating he has a Home Occupation and let the board know if they would like to use his business as an example he would be willing to help.

Mr. Sylvain closed public input as no one else came forward.

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## **V. Approval of minutes**

### **A. March 18, 2013 – Workshop Meeting**

*A motion was made by Mr. Gray and seconded by Mr. Healey to approve the March 18, 2013 meeting minutes. The motion carried unanimously.*

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## **VI. Extension/Continued Applications**

### **A. Rochester Self Storage**

An extension is need to meet the precedent conditions to the approved site plan.

*A motion was made by Mr. Fontneau and seconded by Mr. Kozinski to approve the extension. The motion carried unanimously.*

### **B. Timothy & Sally Fontneau**

Mr. Fontneau recused himself from voting.

Mr. Sylvain appointed Mr. Jaffin to vote for Mr. Fontneau on this case.

Mr. Fontneau stated an extension was needed in order to meet precedent conditions for a two lot subdivision. *A motion was made by Mr. Jeanson and seconded by Mr. Healey to approve the extension. The motion carried unanimously.*

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## **VII. New Applications**

### **A. Abiquia, LLC 88 Hancock Street**

Paul Delise stated they were granted an approval of a minor site review last fall, however after going through the Code Enforcement office for permits he found out they needed to be ADA compliant. Mr. Delise stated after looking at the options it would be most effective to turn 500 square feet of office space on the first floor to a residential unit.

Mr. Sylvain opened the public hearing.

No one came forward

Mr. Sullivan questioned if this unit on the first floor will be replacing one of the other residential units.

Mr. Campbell stated no, the unit would be in addition to the six units that were approved.

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

*A motion was made by Mr. Gray and seconded by Mr. Healey to approve the amendment. The motion carried unanimously.*

Mr. Walker and Mr. Peters arrived at the meeting at 7:40pm from the Ward 4 meeting.

Mr. Sylvain recessed at 7:40pm

Mr. Sylvain called the meeting back to order at 7:47pm

## **B. Presidential Estates, Fillmore Boulevard**

Matthew Peterson presented the residential site plan; he stated Chris Strickler was also present to answer any questions.

Mr. Peterson stated there have been some changes made from the original site plan since they took over the project. He stated they are envisioning 12 eight-plexes, totaling 96 units all together. Mr. Peterson stated the buildings will have lots of character, they will have front porches and each unit will have a garage.

Mr. Peterson stated they added a little more road to make the area a little nicer instead of just having the road dead end; and they are working with Public Works regarding the pump station.

Mr. Peterson stated as of right now the intention is to rent out the units and once the economy gets better they plan to sell the units as condos.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Gray asked how much of Munroe Drive will be transferred to the City.

Mr. Peterson stated the roads are built on city property, they are currently maintaining them as the roads haven't been accepted by the city yet. However Munroe Drive will be a private road.

Mr. Peters asked when they think they'll transfer the roads over to the city.

Mr. Peterson stated he wasn't sure right now.

Mr. Peters asked if there are still issues with the water in the development and if everything has been taken care of.

Mr. Peterson stated yes, everything has been done.

Mr. Fontneau stated he thought the new plan is much better than the original plan.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to accept the application. The motion carried unanimously.*

## **C. Sensible Self Storage, 201 Highland Street**

Art Nickless of Norway Plains Associates stated the property is located on the northeastern side of the Route 202 by pass. He explained the preliminary application is for a two phase project consisting of six storage buildings in the first phase and five storage buildings in the second phase.

Mr. Nickless stated the original developer made a mess of the property by clear cutting without getting the proper permits. He stated when the Conservation Commission got involved the developer backed out of the project. Mr. Nickless stated they are looking to get approval for phase one; he stated they will be installing fencing along the back of the lot to provide a buffer to Woodland Green, and they plan on using pervious pavement to help with the drainage issues with the lot.

Mr. Sylvain opened the public hearing.

Sarah Nice came forward stating she is a resident of Woodland Green and also the President of the condo association.

Ms. Nice stated she doesn't agree with, nor does she support the construction of this facility. She stated she is concerned with light intrusion, possible flooding of their property, possible decrease in home values, possible

accidents, and she believes the country setting should be preserved. Ms. Nice encouraged the Planning Board to do a site walk before making any decisions.

Councilor Varney came forward representing Ward 1 stating the concerns of his ward would be the speed limit on Route 202 and possible accidents. However he did state he believes this would be the least invasive commercial project.

Mr. Nickless stated the developer has every intention to maintain the privacy of the abutters. He also stated there is a history of issues with water at Woodland Green and they don't want to make it worse.

Mr. Peters asked if the project would be completely fenced in.

Mr. Nickless responded yes.

Mr. Walker expressed his concern with the entrance being located on a curve and not having a designated turn lane.

Mr. Nickless stated they will need to meet with NHDOT regarding that issue.

Mr. Fontneau suggested having a deceleration and possible acceleration lane.

Mr. Fontneau questioned the type of fencing they plan on using.

Mr. Nickless stated it will be chain link fencing around the facility and either stockade or vinyl fencing along the back for privacy.

Mr. Fontneau questioned the issue with the drainage.

Mr. Nickless responded they will be looking at creating a channel to divert the water.

Mr. Gray stated he believes a site walk would be a good idea and it would give the abutters a chance to speak with the board.

Mr. Nickless agreed.

Mr. Peters asked Mr. Nickless for the distance from the lot line to the closest storage building.

Mr. Nickless stated it's roughly 200 feet.

Mr. Campbell asked if there is any mitigation due to the clear cutting.

Mr. Nickless stated he would have to look into it.

The board decided on a site walk on April 11<sup>th</sup> at 6:00pm.

#### **D. Robert Higgins, 12 & 12A Old Wakefield Street**

Mr. Nickless explained the application for the lot line revision is to allow the proper setbacks for the building that are located on the parcels.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Campbell questioned the driveway, as it was not indicated on the plan.

Mr. Nickless explained it is on the new plan they have and the driveway goes up through the center line.

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

*A motion was made by Mr. Gray and seconded by Mr. Healey to approve the updated plan. The motion carried unanimously.*

#### **E. Jamie & Kathy Scott and Sherri Scott, 18&20 Betts Road**

Mr. Nickless explained the application for a lot line revision to add land from Lot 21-1 to Lot 21. He stated the applicants daughter lives on one lot and the applicants are considering selling their lot and would like a little more room.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Walker the position of the sheds.

Mr. Nickless stated the sheds would have to be moved.

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

*A motion was made by Mr. Walker and seconded by Mr. Peters to approve the application. The motion carried unanimously.*

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### **VIII. Review of Chapter 42 – Discussion**

Mr. Sylvain stated at the last meeting the board was discussing the issue with wetlands and density.

Mr. Campbell reminded the board they had decided they would refer to the State definition.

Mr. Fontneau stated if the board decides to eliminate all poorly drained soils, that would affect half of Rochester.

Mr. Sylvain reiterated what Mr. Nickless had previously stated, that some of the wetlands can be utilized because of the soil.

Mr. Sullivan questioned how wetlands are currently looked at.

Mr. Nickless stated very poorly drained soil is excluded.

Discussion ensues regarding wetlands.

Mr. Peters stated the other issue is steep slopes; he questioned whether or not you can put a septic system on a 15% grade.

Mr. Nickless stated yes, the cut off is 25%.

Mr. Fontneau suggested changing the slope calculation from 15% to 25% and use poorly drained soil as part of the lot size.

Mr. Sylvain stated the board had talked about making a decision on the density rings at the last meeting.

Discussion ensues.

*A motion was made by Mr. Walker and seconded by Mr. Jeanson to use the mile and a half density ring. The motion carried. Mr. Gray opposed.*

Mr. Sullivan asked if the density ring was just for the Residential-2 zone.

Mr. Sylvain and Mr. Peters both stated no, it will be used for all zones.

Mr. Sylvain stated the next issue would be Chesley Hill Road.

Mr. Peters asked if a developer comes in and sells the units off as single family attached housing, would that be allowed in the Residential-1 zone.

Discussion ensues.

*A motion was made by Mr. Walker and seconded by Mr. Sullivan to change the Chesley Hill Road parcel to Residential-2. The motion was later withdrawn.*

Discussion ensues regarding the motion made.

Mr. Peters stated he believes the board is being a little premature; stating they should get all the answers to their questions first.

Mr. Fontneau stated they also may want to consider if the setbacks would change on the larger lots.

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## **IX. Other Business**

None

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## **X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Jeanson to adjourn at 9:54 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,  
Planning Secretary