

City of Rochester Planning Board
Monday April 15, 2013
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on May 6, 2013)

Members Present

Tim Fontneau
James Gray
Rick Healey
Matthew Kozinski
Mark Sullivan
Dave Walker
Nel Sylvain, Chair

Members Absent

Gregory Jeanson, excused
Derek Peters, excused

Alternate Members Present

Robert Jaffin

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. Jaffin to vote for Mr. Jeanson

IV. Communications from the Chair

Mr. Sylvain held a moment of silence for the tragedy in Boston.

V. Opening Discussion/Comment

A. Public Comment / Public Input for Chapter 42

Michael White came forward to say he is in support of the proposed project on Chesley Hill Road, he believes it would bring a lot of work to the area.

Erik Iekes of Janet Street spoke in regards to the McGroen Partners Washington Street project. He stated he is in favor of the project, however he would like to see a fence and some shrubs to provide a privacy buffer.

Brandon Kimbrough spoke in favor of the proposed Chesley Hill Road project and the work that it would bring to the City.

Robert Benoit of Chesley Hill Road came forward speaking on behalf of the neighborhood. He spoke in regards to the letter he had sent to the Planning Board. He stated he and his neighbors are concerned with what may happen if the Planning Board does change the 126 acre parcel to Residential-2 and the developer decides to sell the land to someone else. Mr. Benoit went on to say he believes it should remain Residential-1 and the developer should build single family homes. He stated he and his neighbors are not saying the land shouldn't be developed, it should just be done responsibly and not destroy an established Residential-1 neighborhood.

Rick Perreault of Chesley Hill Road came forward to speak against the proposed Chesley Hill Road project. He reminded the Planning Board of some of the past projects and how they have not come together as they were proposed when they were before the Planning Board.

Pam Sawyer of Somersworth stated she owns property in Rochester and she doesn't believe it would be a good idea not to consider wetlands when calculating density. She also stated she is concerned with the rental market being too saturated.

Frank Chiaramitaro, Jr. of Rochester Hill Road stated he recalled two important considerations from the board, the first one being equitable to only exclude wetlands from density calculation in multifamily zones and the second being, as to what definitions of wetlands should be used in excluding wetland areas in density calculations.

He stated there should be consistency when doing the definitions to make sure there is less confusion.

Ken Billings of Chesley Hill Road came forward stating he is concerned with the amount of ledge there and the blasting that will have to be done to put in housing.

Greg DeNobile of Chesley Hill Road asked when the final package for Chapter 42 is complete if there will be public input before the Planning Board passes it to the City Council.

Mr. Sylvain explained the Planning Board is doing public input and the City Council will be doing a public hearing.

A gentleman came forward to read a letter written by the Libby's of Dry Hill Road. The letter stated they are in favor of the proposed Chesley Hill Road project, stating they believe it would be far better than having another vacant subdivision.

Councilor Peter Lachapelle came forward in regards to the Chesley Hill Road project stating if the Planning Board were to change the parcel to Residential-2 it would be spot zoning, and it just wouldn't make sense.

Attorney Malcolm McNeill came forward representing the developer of the proposed Chesley Hill Road project. He first stated it is acceptable and desirable to increase the density to 7,500 sq ft.

Attorney McNeill stated there is a need to upscale multifamily housing in Rochester. He went on to say that he listened closely to Mr. Benoit and has shown Mr. Benoit the plans and went over all the points and concerns at a meeting held at Attorney McNeill's office.

Attorney McNeill stated the multifamily plans have far more open green space than the single family plans. He went on to say he and the developer would never to before the board misrepresenting any plans. He stated it would be more responsible to bring a project that will create less traffic. He went on to say the drainage and road issues will and must be addressed. He believes this project is in the best interest of the city.

Attorney McNeill asked the board to consider passing the 7,500 sq ft density and the 25% steep slope exclusion.

Sarah Horrihan an architect for the Chesley Hill Road project came forward to talk about the difference between workforce housing and their proposed project. She stated when constructing workforce housing in order to keep cost down it is usually a cookie cutter design, and only have a laundry facility on each floor for all the units. She stated the Chesley Hill design would be 2,700 sq ft, three bedroom, 2 and a half bath, 2 car garage, and also have a fireplace.

Ms. Horrihan stated these units would not be your typical low income rentals.

Karen Pollard – Deputy City Manager, Director of Community Development

Stated the Chesley Hill Road project will appeal to the younger population who are looking to have more amenities. She went on to say the City needs to have more diversity in multifamily housing, and having quality multifamily housing will attract more people to the area.

Mr. Sylvain closed public input.

8:13pm recess

8:23pm the meeting was called back to order.

VI. Discussion of releasing surety

Gretchen Young from the Department of Public Works stated there were seven old project the City is holding surety for.

Ms. Young stated the benefit for Public Works for receiving as built is having the developer knowledge.

Mr. Gray questioned what the City's thoughts were on receiving as built for the older projects.

Mr. Campbell stated the City is trying to clean up some of the old projects, however in moving forward we will be requiring them.

Mr. Sylvain questioned how it happened that the Planning Department didn't receive the as built in a timely manner.

Mr. Campbell relied he didn't know how the former Planner did things, however now we make sure to get the as built.

Mr. Sylvain stated that from now on nothing will be released, and no Certificates of Occupancy will be given until the Planning Department receives the as built.

Mr. Gray questioned what the average cost of an as built is now.

Mr. Campbell stated he would look into it.

Discussion ensued regarding the need to receive as built.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to release the surety plus interest for Map 105 Lot 1, Map 117 Lot 2-7, Map 128 Lot 255-1, Map 216 Lot 18-2, Map 243 Lot 38-1, and Map 262 Lot 71. The motion carried.

Mr. Gray opposed.

VII. Approval of minutes

A. April 1, 2013 – Regular Meeting

A motion was made by Mr. Walker and seconded by Mr. Healey to approve the April 1, 2013 minutes. The motion carried unanimously.

VIII. Extension/Continued Applications

A. Charles A. Burrows

Chris Berry of Berry Surveying represented Mr. Burrows in requesting an extension to meet the precedent conditions for a lot line revision.

Mr. Berry stated they had sent a signed mylar to the Title Attorney to be recorded and it never was. He went on to say they thought everything had been done until he was notified by the Planning Department that the precedent conditions had expired. Mr. Berry stated they were requesting an extension of one day.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to grant a twenty four hour extension. The motion carried unanimously.

IX. New Applications

A. McGroen Partners

Art Nickless of Norway Plains Associates representing the McGroen Partners.

Mr. Nickless stated the plans had changed a little since they were last before the board, he stated they have now excluded the Brock Street entrance. Mr. Nickless went on to say the Zoning Board of Adjustments have granted them all the variances they had requested and they have also received positive feedback from the Conservation Commission.

He also stated they have had a meeting the DOT and they will be talking with the City and the State regarding an easement for snow removal.

Mr. Sylvain opened the public hearing.

No one came forward.

Mr. Walker asked Mr. Nickless to show on the plan where they intend on having snow storage as there are concerns of the salt getting into the wetlands.

Mr. Campbell informed Mr. Nickless the applicant still needed to do a lot merger.

Mr. Sylvain asked Mr. Campbell to give the board an update at the May 6th meeting on this project so the applicant wouldn't have to come back.

A motion was made by Mr. Walker and seconded by Mr. Jaffin to close the public hearing and accept the application as complete. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the application with the stipulation of the precedent conditions. The motion carried unanimously.

X. Chapter 42 Disucssion

Mr. Sylvain informed the board the Zoning Board of Adjustments had denied the variance request for a Commercial use in the Residential-1 zone on the corner of Labradore Drive and Washington Street.

Mr. Fontneau questioned the type of project the applicant had proposed.

Mr. Walker stated the building size exceeded the square footage for the zone.

A motion was made by Mr. Walker and seconded by Mr. Healey to change the two lots on the corner of Washington Street and Labradore Drive from Neighborhood Mixed Use back to Residential-1. The motion failed in a 4 – 4 vote.

Mr. Campbell stated he drafted a memo regarding density calculations and he looked at other communities to see how they look at density. He stated each community is different and they do what suits them.

Mr. Campbell stated “Wetlands may be used to fulfill up to 25% of the minimum lot area per dwelling unit” should be added to the definition of Net Density along with “excluding steep slopes greater than 25% (or 15% as suggested by the Board), roads, and/or infrastructure.”

A motion was made by Mr. Walker to change the current definitions for gross and net density. After discussion Mr. Walker retracted the motion.

Discussion ensued regarding wetlands.

Mr. Campbell explained the alternative which would be to eliminate the Gross and Net Density definitions since they are not used in the Dimensional Standards Table. He stated option one would be to add the definition of Lot, Area and under Section XIX, Dimensional Regulations and also add a new 18 and 19, which would be Minimum Lot Area and Minimum Lot Area per Swelling Unit. One would count everything with the lot lines without reductions; the second option would be to include some reductions the Board thinks is necessary.

A motion was made by Mr. Walker and seconded by Mr. Kozinski to choose option two but have the same exclusions from option one. The motion carried unanimously.

Mr. Sylvain asked Mr. Nickless if he was able to get the density rings done for Gonic and East Rochester.

Mr. Nickless explained he used Mill Street and Main Street for the center of East Rochester and the density ring represented a half mile.

Mr. Nickless stated he used the square in downtown for the center of Gonic and stated the proposed Chesley Hill Road parcel would be affected by the half mile ring.

Mr. Fontneau questioned when the Planning Department would be able to get a copy of the new map and how soon after it would be on the City’s website.

Mr. Walker asked if it had been written anywhere what the rings are and what they represent.

Mr. Campbell stated he would put a definition for the rings under Density.

XI. Other Business

None

XII. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Gray to adjourn at 9:35pm. The motion carried unanimously.

Respectfully submitted,

Crystal DeButts,
Planning Secretary