

**City of Rochester Planning Board**  
**Monday May 6, 2013**  
**City Council Chambers**  
**31 Wakefield Street, Rochester, NH 03867**  
*(These minutes were approved on May 20, 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**

None

## **V. Chapter 42 Public Input**

William Elwell of North Main Street came forward in regards to the changes made to the area from Burger King to the Shell station on North Main Street. He explained to the Board he had been under the impression that they would have also changed the four smaller lots to Highway Commercial. He stated he would like the Board to consider making the change.

Ron LeClair of Washington Street wanted to confirm that the property abutting Rochester Crossing would also be zoned Highway Commercial.

Attorney Malcolm McNeill stated he had reviewed the memo to the Board from Mr. Campbell regarding the changes made to the density calculations and all three of his clients (VMD Companies, Rochester Hill Trust, and Country Brook Estates) are comfortable with the new calculations and definitions.

Attorney McNeill went on to talk about the Chesley Hill Road parcel, stating he had been before the Board many time with several experts and he wanted to reiterate that his clients will not be putting in workforce housing and the project would not be a detriment to the rest of the Chesley Hill Road neighborhood. He stated his clients are willing to meet with any and all the residents to address their concerns.

Robert Benoit of Chesley Hill Road came forward to go over some of the points he made in a letter to the Board. He stated changing the parcel to Residential-2 would be considered spot zoning. He went on to say there are many mutli-family developments that are either in the process of being constructed or are being proposed in the City and the residents of Chesley Hill Road don't believe there needs to another one in their neighborhood.

Lou Archambault of Chesley Hill Road stated he is concerned that outside renters will be brought in from Section 8.

Mr. Sylvain closed public input

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## **VI. Approval of minutes**

### **A. April 15, 2013 – Workshop Meeting**

*A motion was made by Mr. Walker and seconded by Mr. Gray to approve the April 15, 2013 meeting minutes. The motion carried unanimously.*

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## **VII. Surety Discussion with William Goldstein**

### **A. Increase surety for Trinity Circle**

### **B. Extending the Letter of Credit for Heritage Street**

Mr. Campbell stated he and Public Works will be conducting a site walk later on in the week.

Mr. Sylvain stated the discussion will be postponed to the May 20<sup>th</sup> meeting.

## **VIII. Green Infrastructure Discussion – Storm Water Management**

Discussion postponed to the May 20<sup>th</sup> meeting

7:25pm recess

## **IX. Continued Applications**

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

The representatives for the project were not present.

Mr. Sylvain stated the application would be postponed to the May 20<sup>th</sup> meeting.

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

Rick Lundborn of Norway Plains Associates explained the updated plans to the Board. He stated his clients took the abutters concerns from the Site-Walk into consideration.

Mr. Lundborn explained the project will now be done in three phases. The layout of the storage units will be different, as they will now have units placed to shield headlights from Woodland Green.

Mr. Sylvain opened the public hearing.

Jeff Winders of Salmon Falls Road and the Conservation Commission came forward stating he attended the Site-Walk and the site is very wet soil. He stated he didn't believe pervious pavement would take care of the drainage issues.

Mr. Walker asked what type of fencing would be used.

Mr. Lundborn responded most likely chain link fencing for security purposes and then along the back they will also have evergreens for screening.

Mr. Peters asked why they have gone from building in two phases to three phases now.

Mr. Lundborn stated it would work out better to construct the site in three phases.

Discussion ensued regarding drainage

Mr. Gray asked if there would be any changes made to Highland Street to access the site.

Mr. Lundborn stated there is a 10 foot wide shoulder, but NH DOT would have the final say.

Mr. Sylvain suggested Mr. Lundborn speak with the developer regarding the issues with drainage, fencing and what the hours of operation would be.

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## **X. New Applications**

### **A. O'Keefe Martin Auctions Partnership, 85 Milton Road**

Rick Lundborn of Norway Plains Associates explained the preliminary site plan to the Board. He stated his clients are looking to demolish the existing retail store and construct a new 7,800 square foot retail building and also construct a 6,500 square foot auction hall.

Mr. Lundborn stated they will be going before the Zoning Board of Adjustments later in the week for two variances, one for parking and the second for a retail building/auction hall in the Residential-1 zone.

Mr. Sylvain opened the public hearing.

Mr. Jaffin stated there is a growing concern regarding parking and the increase in traffic if the auction hall does a good business.

Mr. Fontneau stated he is concerned with the parking lot being so close to a residential neighborhood.

Mr. Fontneau asked what they will be selling at the store and what type of items will be auctioned.

William Martin of O'Keefe Martin Partnership stated they intend to sell new items in the retail store and the auction house will be new and used items.

Mr. Peters asked how often they plan on holding auctions.

Mr. Martin stated they haven't worked that out yet.

Discussion ensued regarding the need of having two separate buildings.

Mr. Sylvain asked what the proximity from the back of the building to the abutting properties is.

Mr. Lundborn responded approximately 30 feet to the property line and approximately 100 feet from the building to the actual homes.

Mr. Peters asked what type of fencing will be used for screening.

Mr. Martin stated they hadn't discussed that yet.

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## **B. The Rubber Group, 22 Nadeau Drive**

The applicant requested a postponement to the June 3<sup>rd</sup> meeting.

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## **C. Waste Management of NH, Inc., 30 Rochester Neck Road**

Anne Reichert of Waste Management of NH explained the excavation for the two proposed borrow areas to be developed. She stated they went before the Zoning Board of Adjustments and were granted a special exception.

Ms. Reichert stated the borrow areas will be to support on-site construction and operation activities; she went on to say there will not be any commercial sale of the soil.

She also stated they have filed an alteration of terrain application with DES.

Mr. Sylvain opened the public hearing.

No one came forward to speak.

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

Mr. Sylvain asked how deep the first borrow would be.

Ms. Reichert stated it would be 35 feet deep.

Mr. Sylvain asked how much soil would be removed.

Ms. Reichert stated 120,000 yards.

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

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#### **D. Steve's Ice Cream, 190 Charles Street**

Steve Dumont explained he would like to open a seasonal ice cream shop. He stated there would be no modifications to the interior of the building. He would have to put in some windows for take-out service and a few cosmetic things would have to be done such as painting to the exterior.

Mr. Sylvain opened the public hearing.

No one came forward to speak.

Mr. Peters questioned the parking situation on the site.

Mr. Dumont explained they have already cut a path into the Merchants Plaza parking lot.

Mr. Walker expressed his concerns about possible pedestrian traffic and Route 125 not having any crosswalks.

Mr. Fontneau asked about access from Route 125.

Mr. Dumont stated it would be an entrance only.

Mr. Campbell stated the staff didn't have any comments or concerns other than the Building Safety/Code Enforcement office would be making sure Mr. Dumont is ADA compliant.

Discussion ensued regarding pedestrian traffic.

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

*A motion was made by Mr. Peters and seconded by Mr. Fontneau to approve the application. The motion carried 8-1. Mr. Walker opposed.*

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#### **XI. Review changes made to Chapter 42**

Mr. Sylvain stated from the Carriage Hill building up to the Shell station on North Main Street should have been changed the last time the Board corrected the map.

Discussion ensued regarding whether to change it to Highway Commercial or leave it as Neighborhood Mixed Use.

The Board agrees to leave it as Neighborhood Mixed Use.

Mr. Peters wanted to clarify that the definitions and density would reflect all zones, not just certain ones.

Mr. Sylvain asked it would be possible to get the residents of Chesley Hill Road and Attorney McNeill's clients together for a meeting.

Robert Benoit came forward stating he wasn't sure what if anything would change from meeting with Attorney McNeill's clients as the residents of Chesley Hill are steadfast on keeping it Residential-1.

Mr. Sylvain told Mr. Benoit that as the Planning Board Chair he will make sure the developer will build exactly what has been proposed, and if the current developer should sell the land to another developer they too would be responsible for building the same project.

Attorney McNeill proposed having another meeting with all the residents of Chesley Hill Road.

Mr. Sylvain stated he thought that was a good idea so everyone would be on the same page and have a better understanding, and also to be able to address the concerns of all the residents.

Mr. Fontneau asked about the new definition for road and/or infrastructure.

Rick Lundborn of Norway Plains Associates came forward to explain how they calculate density. He stated they do not take the roads out for single family development.

*A motion was made by Mr. Walker and seconded by Mr. Peters to remove roads and/or infrastructure. The motion carried unanimously.*

Mr. Jaffin stated he had reviewed the changes made by Mr. Campbell to the text and had some suggestions for possible changes.

Discussion ensued regarding changing the wording to some of the new text.

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## **XII. Other Business**

### **A. McGroen Partners, Washington Street**

Mr. Campbell informed the Board he had completed the wording for the Notice of Decision and it was included in the Staff Recommendations for their review.

### **B. St. Michael's Church, Pine Street**

Mr. Campbell informed the Board the Church would like to officially withdraw their application.

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## **X. Adjournment**

*A motion was made by Mr. Jeanson and seconded by Mr. Healey to adjourn at 9:42 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,  
Planning Secretary