

City of Rochester Planning Board
Monday June 17, 2013
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on July 1, 2013)

Members Present

Tim Fontneau
James Gray
Rick Healey
Mark Sullivan
Dave Walker
Derek Peters, Vice Chair
Nel Sylvain, Chair

Members Absent

Gregory Jeanson, excused
Matthew Kozinski, 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 announced the board would be hearing from four candidates to be recommended for appointment to the Strafford Regional Planning Commission.

Mr. Sylvain stated there are two openings and the board would be voting once they heard from the candidates.

Kenn Ortmann stated he was looking to be reappointed to Strafford Regional Planning Commission, stating he has been a member of the Commission for virtually his entire tenure of being the Director of the Planning & Development Department for the City of Rochester.

Mr. Ortmann went on to say he has made and is willing to continue the commitment to be actively involved in the regional planning process because of how Rochester can benefit from active participation; stating some examples such as mapping, census, traffic-counting expertise, MPO and TIP processes, technical assistance

for such endeavors as the All Hazard Mitigation, ITS, CEDS, Broadband Mapping & Planning Program, and the recent EDA application.

Mr. Ortmann told the board he is in attendance to the annual meetings that are held; such as the NHMA conference training sessions, the OEP conferences (as both attendee and presenter), and the annual Law Lecture Series.

Thomas Kaczynski, Jr. addressed the board stating he moved to Rochester 23 years ago from Connecticut for business reasons.

Mr. Kaczynski went on to say it would be good to get some new faces on Strafford Regional Commission. He stated he has learned a lot from attending many Planning Board meetings and he is interested in the rights to the citizens of Rochester.

Rick Healey stated he's been on the Rochester Planning Board for the last 13 years, was also a City Council member for 10 years. He stated he's lived and worked in the Strafford County area all his life. If appointed to the Strafford Regional Planning Commission position he believes he can bring experience and dedication to the committee.

Douglas Lachance also submitted a statement of interest; however he did not attend the meeting.

The Board recommended Kenn Ortmann and Thomas Kaczynski for appointment to Strafford Regional Planning Commission by way of ballot vote.

V. Opening Discussion/Comment

A. Public Comment / Public Input for Chapter 42

Robert Benoit of Chesley Hill Road came forward to read a letter he wrote to the Board regarding whether or not changing the zoning for the Chesley Hill Road parcel would be spot zoning. He went on to say the city doesn't need more multi family housing as they only put a burden on schools and the tax rate.

Lou Archambault of Chesley Hill Road stated at the last Planning Board meeting Attorney McNeill insisted the development company he represents is based in New Hampshire.

Mr. Archambault stated when they first presented the project months ago it was said the developer was based in Massachusetts.

Lucien Levesque of Letourneau Street addressed the board stating changing the zoning for North Main Street would be bad for the neighborhoods in that area. He stated they have a hard time trying to pull out into traffic now especially on Saturday and Sunday's.

Mr. Levesque stated he believes by allowing more businesses to be on North Main Street it will create more accidents.

Mr. Peters asked Mr. Levesque about the petition that was submitted at the last meeting.

Mr. Levesque responded the petition was to keep businesses from being at the end of our streets.

Mr. Peters pointed out that the petition had some errors.

Rick Perrault of Chesley Hill Road stated he would rather have 140 Habitat for Humanity homes built on the Chesley Hill Road parcel and have residents with pride in ownership rather than multi family rental units. He went on to say he believes the land would be better suited for single family homes.

Mr. Perrault went on to say suggest things may have been done underhanded when the developer purchased the land.

Richard Breton of Riverside Drive stated he is opposed to rezoning North Main Street from Residential to Mixed Use/Commercial. He went on to say there are issues now with home businesses and believes it would only get worse.

Attorney Malcolm McNeill stated he has attended the Planning Board meeting for the last 6 months and believes the Board has made their job harder by eliminating the Residential-3 zone and adding the density rings.

Attorney McNeill said he took offense to the earlier comments that things had been done underhanded, stating in his 42 years of practice he's never been accused of such a thing.

Attorney McNeill went on to say no other Attorney has come forward to say changing the zone would be spot zoning. He stated he stands by it when he says this is not spot zoning.

Attorney McNeill explained again the pros of having multi family housing versus single family housing. He stated the space will no longer be an open space; the New Hampshire owner has a right to develop the land.

Frank Chearamitaro of Rochester Hill Road stated he agreed with Ms. Pollards comments at the last meeting that the city needs quality multi family housing.

Mr. Chearamitaro stated he thought the Board should revisit the density rings as he doesn't believe it makes sense that the rings split some properties.

VI. Approval of minutes

A. June 3, 2013 – Regular Meeting

A motion was made by Mr. Gray and seconded by Mr. Walker to approve the June 3, 2013 minutes. The motion carried unanimously.

VII. Surety discussion with William Goldstein regarding Trinity Circle and Heritage Street

Gretchen Young, City Engineer and William Goldstein addressed the board.

Mr. Goldstein stated he was comfortable with Ms. Young's assessments.

Mr. Sylvain informed what the surety process was and the reasoning for it.

A motion was made by Mr. Gray and seconded by Mr. Sullivan to increase the surety for Trinity Circle to \$167,048.24, and to have the Planning Department issue a letter to Mr. Goldstein to that fact and requiring Mr. Goldstein to comply within 45 days from the date of the letter. The motion carried as amended. Mr. Gray opposed.

A motion was made by Mr. Gray and seconded by Mr. Sullivan to increase the surety for Heritage Street to \$60,000.37, and to have the Planning Department issue a letter to Mr. Goldstein to that fact and requiring Mr. Goldstein to comply within 45 days from the date of the letter. The motion carried as amended. Mr. Gray opposed.

Mr. Sylvain asked Mr. Goldstein if he had any questions.

Mr. Goldstein asked if he could be given 60 days to comply as his bank is hard to get a hold of.

A motion was made by Mr. Sullivan and seconded by Mr. Peters for an amendment to change the compliance timeframe on Trinity Circle from 30 days to 45 days. The motion carried. Mr. Gray opposed.

A motion was made by Mr. Fontneau and seconded by Mr. Healey for an amendment to change the compliance timeframe on Heritage Street from 30 days to 45 days. The motion carried. Mr. Gray opposed.

8:35pm recess

8:45pm the meeting was called back to order.

VIII. Continued Applications

A. Charter Foods North, LLC, 280 North Main Street

Huseyin Sevincgil of MHF Design Consultants stated the proposed Taco Bell Restaurant would be going in the existing Home Depot parking lot.

Mr. Sevincgil stated he spoke to his clients regarding the architecture of the building, however the building is a prototype for the New England and they would like to stay with the design.

Mr. Campbell stated the city didn't have any issues with the project and the Zoning Board of Adjustment granted a variance for signage as presented.

A motion was made by Mr. Peters and seconded by Mr. Walker to close the public hearing, and approve the site plan, and the waivers from Site Plan Regulations and for front and side landscaping buffers. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the subdivision. The motion carried unanimously.

B. GTM Properties, Milton Road

Christopher Berry of Berry Surveying and Engineering presented the Board with the prototype Family Dollar is proposing.

Mr. Berry stated they are looking to get feedback from the Board.

Mr. Sylvain opened the public hearing.

Martha Bertsimas of Kodiak Circle to ask the Board to take into consideration that there is a residential area behind the proposed project site.

Ms. Bertsimas also stated she had an issue with the fact you only get notified of a project if you are a direct abutter.

Mr. Sullivan questioned the distance from the residential area.

Mr. Berry stated that would be on the final plan, but he thought they are 200 feet away, possibly 300 feet.

Mr. Campbell questioned the elevation of the building.

Mr. Berry explained there will be landscaping to shield the building from Milton Road if the O'Keefe building were taken down.

Mr. Fontneau asked whether they had considered having an adjoining driveway between Family Dollar and O'Keefe's.

Mr. Berry stated he would look into it.

IX. Review of Chapter 42

The Board discussed the concerns of the North Main Street area residents with changing the zone to Neighborhood Mixed Use.

Discussion ensues regarding the Neighborhood Mixed Use zone.

Mr. Peters stated they have put enough safeguards in to protect the residents.

The Board decided to leave it as Neighborhood Mixed Use.

A motion was made by Mr. Walker and seconded by Mr. Healey to change Labrador Drive to Residential-1. The motion failed.

Discussion ensued regarding changing the parcel on Chesley Hill Road to Residential-2.

Mr. Fontneau stated he doesn't believe this is the right way to get the multi family project done.

A motion was made by Mr. Sullivan and seconded by Mr. Peters to Change the parcel on Chesley Hill Road from Residential-1 to Residential-2. The motion carried in a 5 to 3 roll call vote.

Mr. Peters stated it is important for people to understand the Board doesn't take the changes lightly.

X. Other Business

A. Surety release for Misty Lane

Ms. Young stated the street had been accepted a year ago, the City maintained it during the winter, and she recommends releasing all of the surety.

A motion was made by Mr. Walker and seconded by Mr. Gray to release the surety plus interest for Misty Lane. The motion carried unanimously.

XII. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Peters to adjourn at 9:30pm. The motion carried unanimously.

Respectfully submitted,

Crystal DeButts,
Planning Secretary