

City of Rochester Planning Board
Monday March 5, 2012
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on March 19, 2012)

Members Present

Nel Sylvain, *Chair*
James Gray
Rick Healey
Stephen Martineau
Derek Peters
Mark Sullivan
Dave Walker, Councilor

Members Absent

Gloria Larochelle, excused
Tim Fontneau, *Vice Chair*, excused

Alternate Members Present

Gregory Jeanson arrived at 8:49 p.m.
Mathew A. Kozinski

Staff: Michael Behrendt, Chief Planner
Kenn Ortmann, Planning Director
Marcia J. Gasses, 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.

Mr. Kozinski to sit for Ms. Larochelle

Mr. Jeanson for Mr. Fontneau

Communication for the Chair

Mr. Sylvain sent thoughts and prayers to John and Gloria Larochelle regarding a family emergency.

Mr. Sylvain thanked Mr. Fontneau for chairing the February 27, 2012 meeting.

Mr. Sylvain explained they had an officers meeting regarding Chapter 42. The officers would like a meeting every Monday night when they do not have a regular meeting to work on Chapter 42.

Mr. Sylvain stated that it would be posted and on the website. There will be public input at the March 12, 2012 meeting for Chapter 42.

Public Input on Chapter 42 rewrite

Gregg Denobile of Chestnut Hill Road wanted to know who picked up his parcel and made it R3 and where the benefit list was.

Cliff Newton 168 Old Dover Road explained that under the Right to Know if an employee knowingly violates they would be removed and have to reimburse the public body. He suggested to the chair having a right to know seminar. He explained that between 2005 -2008 there was a joint committee between Council and Planning Board.

Mr. Newton gave an example of a gentleman who had fallen ill and upon his return from the hospital his concern was how the Comprehensive Rezoning had gone. The board needed to do the right thing. He offered that if the board chose to go forward with the Master Plan they had the authority.

Tom Kozinski expressed that funding in CIP for Master Plan should definitely be done. The Master Plan should be reviewed first. He went on to talk about reference to the zoning administrator and interpretation. He questioned interpretation by a city bureaucrat. He felt that soon as you started putting in things that are open to interpretation it was less clear.

Mr. Kozinski spoke about Agenda 21 which he referred to as a United Nations mandate which used terms such as "smart growth" and "sustainable growth". In his opinion Rochester should not be answering such an agenda.

Jeff Taylor of Salmon Falls Road stated he appreciated the board listening to the concerns. He understands the concerns but he did feel that zoning was necessary where we lived as we have evolved. There was a certain expectation to go through that. He asked that the maps be kept up to date on the website and the description. His concern was the agriculture zone and what is in proximity to it.

Mr. Sylvain closed the public input for the evening.

Public hearing on proposed amendments to the Site Plan Regulations

Mr. Sylvain opened the public hearing.

No one spoke.

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

Mr. Behrendt suggested sending the document to Attorney Wensley for review.

Mr. Sylvain stated he would like to have it by March 19, 2012 for possible vote.

Continued Applications/Extension

A. Paul and Sue Normand, 70 Betts Road (by Berry Surveying). Preliminary (design review)
Four lot subdivision of a parcel on a private road without frontage on a City street.
Case # 203-27-A-12

Christopher Berry of Berry Surveying and Engineering explained that they had received a variance from the ZBA to allow a subdivision of land, creating no more than four lots having access from a private road. There were still a few details that needed to be worked out with staff. The cemetery required a 25' setback by state law. Mr. Berry questioned whether expansion and upgrade of the road was really needed. The drawing he displayed was a little different than what was in the packet.

Mr. Behrendt questioned what types of upgrades were necessary. A new cross section is needed working with public works. They would need to work with the Council and Cemetery Trustees regarding improvements to the cemetery.

Mr. Sylvain opened the public hearing.

No one spoke.

Mr. Sylvain left the public hearing open.

Mr. Berry stated there are currently four homes on the road. The width closest to Betts Road is 17-18 feet in width and narrows to 12 feet in width as you move further out.

Mr. Peters asked if they had received a recommendation from emergency services.

Mr. Berry stated they would be developing a turn around for emergency apparatus and a maintenance agreement.

Mr. Walker asked if the road abuts the property line. He suggested looking on the opposite side from the cemetery.

Mr. Sylvain asked to try and plan to be back before the board on March 19, 2012.

B. Colby Footwear, Inc., Don Silberstein, 15-25 Oak Street (by Norway Plains Associates)
Site plan for a 69,142 square foot two-story addition to an existing 30,372 square foot warehouse building. Case # 138-79 & 80-B2/R2-12

Art Nickless of Norway Plains Associates represented the applicant, along with Larry Knight from Knight's Construction. Mr. Nickless explained that they were anticipating 6 trucks on a seasonal basis using Patriots Way as they have done historically. There had been some discussion with NHDOT regarding a possible right turn out on Route 125.

Mr. Nickless displayed a picture from 1983 when the company had 300 people working for them and there were at least 50 cars accessing via Patriots Way. The company had stopped manufacturing shoes in 2000. When in production the company had trucks coming in on a daily basis. With the warehouse use they are not expecting that kind of traffic.

Mr. Nickless explained that with one 15 minute spot on QVC the company had sold 6,000 pairs of shoes. The company had been operating at this site for 50 years.

Mr. Behrendt explained that they had originally talked about having the loading dock in the back. He recommended that the board continue the application until the revised drawings could be prepared.

Mr. Sylvain opened the public hearing.

No one spoke.

Mr. Sylvain left the public hearing open.

Mr. Sullivan asked for the reason for shifting the location of the loading dock.

Mr. Nickless explained it was caused by the grade of the property. In the rear of the property the grade is the lowest and locating there reduces the amount of fill which would need to be trucked in.

Mr. Sylvain asked when they anticipated starting construction.

Mr. Nickless stated they would proceed as soon as they had their permits.

Mr. Sylvain asked if the board could get the applicant to place a barrier to stop trucks from jumping the curb and exiting onto Route 125.

Mr. Nickless stated they could put bollards on the Route 125 side.

Mr. Peters asked about a dumpster.

Mr. Nickless stated that as plans are developed they would be included.

Mr. Walker questioned if the letters had gone out to owners of property abutting Patriots Way.

Mr. Behrendt stated yes.

Mr. Sylvain explained that prior uses included a plating company as well as Overhead Door. The neighborhood had not changed.

Mr. Nickless asked to be continued to April 2, 2012 in order to get revised plans in.

C. Rochester Self Storage, 1 Winter Street (by Norway Plains Associates) Extension to meet precedent conditions on approved site plan. Case # 120-295-I3-11

Mr. Nickless explained they were looking for a 6 month extension.

Mr. Behrendt stated that he recommends an extension to September 12, 2012 for the reasons given on the application.

There was a consensus from the board to grant the extension to September 12, 2012.

New Applications:

A. Associates in Family Dentistry/Leslie Feliciano, 18 Gonic Road (by Norway Plains Associates) Site Plan for a 2,400 square foot 2 - story addition to an existing 4,000 square foot 2-story office building. Case # 131-5-B2-12

Mr. Nickless explained the property abuts the Cocheco River and the applicant is proposing a 1200 square foot addition to get patient care onto the first level.

The parcel is located in the 250' Shoreland Protection Area and requires review by the Cocheco River Advisory Committee. In addition the applicant is proposing an encroachment into the 75' buffer from the river. The Planning board can grant a conditional use permit for up to ½ of the buffer.

Mr. Nickless explained that to get through the State permitting they had to eliminate some of the impervious areas on the site. They are going to rework the parking and increase the amount of spaces from 35 to 42 spaces. He explained that the applicant needs a variance from the ZBA because although they can meet the number of spaces calculated by the number of doctors and employees, they do not meet the requirement based upon square footage. They would be before the ZBA on March 14, 2012. The Conservation Commission has scheduled a special meeting for formal review where they did not have a quorum the first time.

Mr. Behrendt explained that there were a few more permits to obtain. He recommended acceptance as complete. The Conservation Commission had recommended moving the dumpster.

Mr. Nickless explained that moving the dumpster was not practical and does not see an issue with its current location. The Conservation Commission had also questioned storm water management on the site and they were looking at depressed areas to facilitate infiltration.

Mr. Sylvain opened the public hearing.

No one spoke.

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

Mr. Sylvain stated they would see them back on March 19, 2012.

Mr. Nickless asked if they do not have the State permit could that be made a condition of approval.

The board did not have a problem.

Thompson Center Investment Castings/Mike Haley, 41 Old Dover Road (by Berry Surveying and Engineering). Site Plan for an 18, 270 square foot addition to a existing 16, 413 square foot building, including parking and associated improvements. Case # 132-37-I3-12

Christopher Berry representing the applicant explained the proposed addition. He described the traffic flow through the site and the requirement for 73 parking spaces. The applicant would also need a large dumpster area with concrete pad.

The project included a multitude of site impacts, including the 75' buffer from the river, 300' jurisdictional wetlands, and the 250' Shoreland Protection Zone. There will be a retaining wall on the back of the site at the steep slopes. They will require an alteration of terrain permit and stormwater will need to be treated.

The current site was described by Mr. Berry as a sea of pavement. The new site design would now show respect to property boundaries. Stormwater is a huge concern and would be sheeted to a center swale with catch basins and directed to a closed chamber system under the parking lot. The system will be mostly infiltration but with a percentage to containment and detention and then to treatment swales.

The proposed lighting is being kept low, directed downward and shielded.

Mr. Berry would be discussing traffic with the City Engineer.

Mr. Behrendt explained that there were a few items left to submit and he recommended continuing to March 19, 2012.

Mr. Sylvain opened the public hearing.

Mr. Shoate explained he was the principal who had been trying to market the property for a couple of years. It was the former Bay State Carbide Facility.

Mr. Sylvain stated he would keep the public hearing open.

Mr. Peters stated he could not find snow storage on the plans.

Mr. Berry explained they had provided area at the end of parking bays to accommodate snow storage. If there was excessive snow it would be removed from the site.

Mr. Peters expressed that the facility would need a large stack.

Mr. Berry explained that everything would be filtered.

Mr. Sylvain stated the application would be continued to march 19, 2012.

Review of draft Capital Improvements Program

Mr. Sylvain stated they would postpone discussion until March 19, 2012.

Standard operating procedures for the Planning Board

Kenn Ortmann, Planning Director explained that some of the SOP's were straight forward, while some were just place holders. The SOP's had been designed to reflect how the Planning Department does business and are used as a guide if an employee is out. The SOP's that were before the board were guides to how the department interacted with the Planning Board.

Mr. Sylvain questioned the Surety Administration and surety release procedure between the department and the board.

Mr. Ortmann referenced the last sentence in the document regarding the spreadsheet which stated, "A copy of the subdivision surety spreadsheet will be provided to the Planning Board for their workshop meeting each month.

Mr. Peters expressed that he thought the board was to have a chance to review why the surety was being released.

Mr. Sylvain explained that it was his understanding that the board was to be provided 24 hour notice, if there was a concern than the request would come to the Planning Board for review.

Mr. Peters would want to know what infrastructure had been completed in order to trigger a release.

Mr. Ortmann explained that in small communities the whole thing would go to the Planning Board but in communities with professional staff the staff handles the process. He stated he was prepared to turn the whole thing over to the Planning Board.

Mr. Sylvain explained that when Peter Nourse does his math the board wants to know the reason why.

Mr. Ortmann stated that Public Works inspects to see if the work is consistent with what is being asked for. The Planning Department would then receive an e-mail authorizing release of the funds.

Mr. Sylvain would like a note stating the requirements have been met and for what portion.

Mr. Ortmann clarified that in 20 years the City has never released too much money. Inflation and bankruptcy had been a problem. There was now a process where a review is done every 6 months.

Mr. Peters stated that he wanted to make sure they were protecting themselves.

Mr. Ortmann expressed that the City has not yet had to put up money to compete a project. The amount of staff time spent on the 5-10% of the projects that are the problem is disproportional.

Mr. Martineau suggested that the e-mail from DPW includes language such as "based on".

Mr. Sullivan asked if the board wanted to be notified prior to the release.

Mr. Ortmann discussed the types of surety held by the City which included: bonds, letters of credit, cash, and passbooks.

Mr. Sylvain stated that the trigger would be the e-mail from Peter Nourse at DPW to the board.

Mr. Ortmann expressed that he felt DPW were the experts.

Mr. Gray did not see an issue if staff only had to provide the e-mail request and DPW comments.

Mr. Ortmann questioned the Planning Board decision role.

Mr. Sylvain clarified by stating that the Council wanted the Planning Board to make sure the inspection had been done prior to release of the surety.

Mr. Ortmann wanted clarification on whether to send an e-mail with the document attached or hold off 24 hours to allow the Planning Board to intervene.

Mr. Sylvain felt that by distributing the e-mails from Peter Nourse to board members the process should not be held up.

Mr. Walker stated that the board had oversight and after the fact would be too late.

Mr. Sylvain stated that if a board member has a question Mr. Nourse would have to come to the board to provide and answer.

A motion was made by and Mr. Gray seconded by Mr. Walker to include “Per policy set by the Planning Board on February 27, 2012, no surety is to be released without first giving the Planning Board a chance to request it be reviewed by the board. The Chief Planner will email the board and provide background information and give members 24 hours to request it be bumped to the board. If nobody makes this request then it may be released and 24 hour notice via e-mail in the SOP”.

Mr. Sylvain clarified that if there is no response from the board in 24 hours, it moves on.

Mr. Gray called for a roll call vote.

James Gray	yes
Rick Healey	yes
Matthew Kozinski	yes
Stephen Martineau	yes
Derek peters	yes
Mark Sullivan	yes
Dave Walker	yes
Nel Sylvain	yes

The motion carried unanimously.

Zoning Ordinance Procedure SOP

Mr. Sylvain asked if there were issues with the Zoning Ordinance Amendment Procedure SOP.

No issues.

A motion was made by Mr. Gray and seconded by Mr. Peters to move to approve as written. The motion carried unanimously.

Agenda SOP

A motion was made by Mr. Gray and seconded by Mr. Martineau to approve with the addition of the surety and inspection reports to the “workshop” agenda. The motion carried unanimously.

Capital Improvements Program SOP

Discussion ensued regarding amending the SOP with the elimination of the second and third sentence.

A motion was made by Mr. Peters and seconded by Mr. Gray to approve as amended. The motion carried unanimously.

Sign Off Sheets SOP

A motion was made by Mr. Peters and seconded by Mr. Gray to approve as written. The motion carried unanimously.

Development of Regional Impact SOP

The discussion was to amend by spelling out DRI to say Development of Regional Impact.

A motion was made by Mr. Gray and seconded by Mr. Healey to approve as amended. The motion carried unanimously.

Electronic Distribution of Materials SOP

Discussion ensued about eliminating names from the body of the document. Mr. Behrendt will bring in an amended version for the March 19, 2012 meeting.

Excavation SOP

A motion was made by Mr. Peters and seconded by Mr. Gray to approve as written. The motion carried unanimously.

Extensions of approval SOP

Mr. Behrendt needs to update fee and clean up.

A motion was made by Mr. Peters and seconded by Mr. Healey to approve as amended. The motion carried unanimously.

Local Advisory Committees (LAC) Islinglass and Cocheco SOP

A motion was made by Mr. Peters and seconded by Mr. Gray to approve as written. The motion carried unanimously.

Lot Line revision SOP

This SOP needed to be rewritten to reflect the change in the abutter list processing and notification.

To be brought back on March 19th.

Master Plan SOP

Mr. Walker questioned why the Master Plan would need to come back to the Planning board after the Council.

Mr. Behrendt explained that the planning board gives it okay and sends the document to the Council for their endorsement and then it comes back to the Planning Board for adoption.

Mr. Walker suggested trying to eliminate the back and forth.

Mr. Ortmann suggested that a modification be that each entity comes in at least once a year to report how they are doing implementing recommendations.

Mr. Sylvain stated that it would be great subject matter for a retreat.

The decision was to hold off on this SOP.

Minutes & Meetings SOP

Rewrite referencing the RSA for timeframe for completion of minutes.

Modification & Amendment SOP

A motion was made by Mr. Peters and seconded by Mr. Gray to approve as written. The motion carried unanimously.

New Street Name SOP

For march 19th with reference to E911

NOD Expiration

Stay blank

Notices of Decision and *Expirations* (added)

Bring back on March 19th.

Preconstruction meeting SOP

Bring back March 19th.

Preliminary Agenda SOP

Eliminate and combine with Agenda SOP.

Public Notice SOP

Amend and bring back March 19th.

Regulation Creation and Amendment SOP

A motion was made by Mr. Peters and seconded by Mr. Gray to approve as written. The motion carried unanimously.

Site Review (including applications bumped from Minor SR) SOP

Update with no names and abutter list process.

Site Walks SOP

A motion was made by Mr. Gray and seconded by Mr. Peters to approve as written. The motion carried unanimously.

Staff Board Communication SOP

Delete

Subdivision SOP

Clean up for March 19th.

Discussion of Chapter 42 rewrite

Mr. Sylvain stated he would like to postpone this discussion to the next scheduled meeting.

Mr. Walker suggested they look at taking the least restricted and make it the standard uses for that zone.

Mr. Sylvain stated the maps are gone. Do not exist.

Mr. Gray explained he wanted to take a look at what they can for map and lot numbers, identifying the zoning of each lot.

Mr. Sylvain asked what they wanted to work on next week.

Mr. Walker suggested the board work on usages and standards for the new commercial zones that were created.

Mr. Sylvain asked that staff set up with Celeste for Monday.

Other Business

Mr. Sylvain stated the PUD subcommittee would be meeting on March 6th. Mr. Jeanson would be there for Mr. Sylvain, along with Mr. Peters, Mr. Gray and Mr. Behrendt.

Adjournment

A motion was made by Mr. Peters and seconded by Mr. Walker to adjourn at 9:26 p.m. The motion carried unanimously.

Respectfully Submitted,

Marcia J. Gasses
Planning Secretary