

City of Rochester Planning Board
Monday, May 15, 2023
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on June 5 ,2023)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Alan Dews
Keith Fitts
Matthew Richardson
Dave Walker
Michael McQuade
Peter Bruckner
Don Hamann

Members Absent

James Hayden, *excused*
Michael McQuade, *excused*

Alternate Members Present

Alexander de Geofroy
Rick Healey

Staff: Shanna B. Saunders, *Director of Planning & Development*
Ryan O'Connor, *Senior Planner*

(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.)

I. Call to Order

Chair, Mark Collopy called the meeting to order at 6:30 p.m.

II. Roll Call

Senior Planner, Ryan O'Connor conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Mr. Rick Healey to vote in place of Mr. James Hayden.

IV. Communications from the Chair

Mr. Collopy stated that there are no communications to be passed from the Chair.

V. Approval of Minutes for

A. May 1, 2023

A motion was made by Mr. Walker to approve May 1, 2023 meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.

VI. Opening Discussion/Comments

A. Public Comment

There were no comments from the public to discuss.

B. Discussion of general planning issues

There were no general planning issues to discuss.

VII. New Applications

- A. [Sig Sauer, 7 Amarosa Drive](#) (by Allen & Major Assoc./Brian Jones) Site plan, Conditional Use Permit, and Waives to add multiple building additions, update utility connections, enhance stormwater design & treatment, and tie into the municipal sewer system for the existing Sig Sauer facility. **Case # 205/210-1,2,6&32,33-I/HC-23 Public Hearing ACCEPTANCE/FINAL DECISION***

Brian Jones from Allen & Major Associates, as well as Jeff Chierepko and Rob Terrazzano from Sig Sauer presented the project. Mr. Chierepko gave a summarization of the investment and narrative of the proposed project. Mr. Jones stated that the current presentation is of Phase 1 and showed the Board the site plan of the Phase 1 changes. Mr. Jones stated that the Phased Master Site Plan was created to give the City a better understanding of what the site would look like and what it would require. Mr. Jones stated the various requirements that must take place such as land transfers, off-sites road improvements, right-of-way widening, and discontinuation of Amarosa Drive. Mr. Jones stated that there is no land transfer required for the Phase 1 plan. Mr. Jones stated that there would be a sewer easement required in this plan. Mr. Jones stated that Phase 1 includes a building addition and the utility work to support that building and that there is no need for additional parking per zoning requirements.

Mr. Jones gave an overview of the grading and drainage plans for the Phase 1 site plan. Mr. Jones stated that the space is currently pavement, and the building will be 27,000 square feet. Mr. Jones explained how the site will have water supplied to it and explained the current drainage plan for the site and how the drainage would be changed to accommodate the new building.

Mr. Jones stated that the applicant has submitted a Conditional Use Permit for work within the wetland buffer along the rear of the property. Mr. Jones stated that stormwater management system would be added to this location. Mr. Jones stated that the Conservation Commission voted unanimously for approval of the Conditional Use Permit. Mr. Jones stated that Phase 1 plans include stormwater upgrades for areas affected by Phase 1 building plans.

Mr. Collopy asked for clarification of future utility build outs and land swaps. Mr. Jones explained the plans for demolition of buildings in Phase 1 and the sewer plans for Phase 1 where an easement will be required.

Mr. Collopy asked what the future of the roundabout was. Mr. Jones stated that the plan for a roundabout would take place on Milton Road and would require a land exchange between Sig Sauer and the City of Rochester.

Mr. Collopy opened the Public Hearing.

Carolyn Stuart, 136 Milton Road, asked for clarification of the architectural drawings on the plan. Mrs. Stuart asked if a plan showed a median or another structure. Mrs. Saunders responded that this approval is meant for just the building addition in Phase 1. The plans contemplate conceptual future plans for the upgrade of Milton Road and the roundabout only. Mrs. Saunders stated that the space that Mrs. Stuart was pointing to is not in the current plan presentation.

Mrs. Stuart asked what the space was meant to be in the future. Mrs. Saunders responded that the space is a conceptual draft of a possible roundabout and that there are no details on the Phase 1 Plans in relation to Milton Road upgrades.

Mrs. Stuart stated that she understood and asked why the area was included in the plans. Mrs. Saunders stated that the City required the architect to show a little more than just Phase 1 to show what the full build out may look like in the future.

Mr. O'Connor stated that this approval is for a 27,700 sqft building addition to the rear of property, as well as, upgrades to stormwater and utility infrastructure. Mr. O'Connor stated that the facility is currently using on-site septic systems and will be moving to public sewer. Mr. O'Connor stated that the plans include a build out of future phases, but at this time, decisions are only being made for Phase 1. Mr. O'Connor stated that a waiver was requested for Chapter 218: Stormwater Management Design Standards for Redevelopment and that the waiver is supported by staff due to the Phase 2 Plans including Stormwater upgrades that meet Chapter 218 standards. Mr. O'Connor stated that a Conditional Use Permit was requested for impacts to the wetland buffer and was recommended, with conditions, by the Conservation Commission. Mr. O'Connor stated the Planning Department recommends the Planning Board considers this application complete.

A motion was made by Mr. Walker to accept the application as complete and seconded by Mr. Bruckner. The motion carried unanimously.

Mr. O'Connor reviewed the conditions in the staff report and stated that the Planning Department recommends the application to be approved by the Planning Board.

A motion was made by Mr. Walker to accept the waiver, and the CUP with conditions as cited. Seconded by Mr. Hamman.

Mr. May asked for clarification of the Chapter 218 Waiver. Mr. May asked if the situation on the ground would be better, worse, or the same that it is currently. Mr. O'Connor stated that conditions will be better in Phase 1 and better further with Phase 2 of the Site Plan.

The motion carried unanimously.

A motion was made by Mr. Walker to approve the application with conditions as cited. Seconded by Mr. Hamman.

Mr. Dews asked if the outlet structures could be moved back considering the grades and wetlands in the space. Mr. Jones responded that the outlet protection extends into the 50-foot

buffer and that the outlets are elevation driven and must connect to the contour. Mr. Jones stated that the elevation cannot be changed.

Mr. Dews asked if there could be silt fence placed to prevent anything from getting into the wetlands. Mr. Jones stated that there is a current barrier plan in place for that area, but that silt fence could be used instead.

Mr. Dews asked if there was information in the notes, or could information be added, that would keep Focal Point 1-A clear as the snow flies and builds. Mr. Jones stated that some snow is unavoidable, but that there could be signage put up stating for snow to not be placed there. Mr. Jones stated that a steel guardrail is included in the plans along the Focal Point area which would make it hard for snow to be placed there.

Mr. Dews asked if a standard condition was added to prevent snow storage within the wetland structures. Mrs. Saunders answered yes.

The motion carried unanimously.

An abutter stated he did not get a chance to speak. The Chairman re-opened the public hearing.

James Stuart, 136 Milton Road, stated that he's lived in the home close to 70 years. Mr. Stuart stated that he has not received notification from the town on the project updates and that he has not been asked about the traffic in the area. Mr. Collopy stated that the developers gave a presentation of Phase 1 of the Site Plan and then opened Public Hearing. Mr. Collopy stated that the current proposed plan for Phase 1 does not include any traffic or road changes.

Mr. Stuart asked for clarification of the Public Comment in the beginning of the Meeting's Agenda and the Public Hearing for the Project. Mrs. Saunders stated that the Public Comment was opened at the beginning, but that no one stood up to speak and Public Comment was closed. Mrs. Saunders explained that after Mr. Jones presented an overview of Sig Sauer's Phase 1 Plan, the Chair opened the public hearing for the public to speak regarding the project.

Mr. Stuart stated that he feels that many projects have occurred despite wetland presence. Mr. Stuart gave examples of his concerns regarding the placement of developments in wetland areas. Mr. Stuart asked who protects the wetlands and stated his concerns of protecting the wetlands.

VIII. Zoning and Site Plan Amendments

A. As-Builts

Mrs. Saunders gave an overview of the current application review processes and stated that there is not a current process for reviewing As-Builts and As-Built approval. Mrs. Saunders stated that the Planning Department has discussed the process, redefined and improved it, and made the process more collaborative in the last several months. Mrs. Saunders stated that the process is being presented to the Planning Board to review amendments that are needed to codify an As-Built Review process and an As-Built Application that is similar to the applications sent for Site Plans and Subdivisions.

Mrs. Saunders stated that there will be a more formal submission to the Planning Board, in the future, for approval of an As-Built application and Regulation update, but at this time, only input from the Planning Board Members is being requested. Mrs. Saunders stated that decisions made on this process are solely up to the Planning Board and do not need to be presented to the City Council.

Mr. O'Connor stated that this process would make sure that all departments and staff are on the same page. Mr. O'Connor stated that the As-Built process can be time sensitive due to the need for Certificate of Occupancy signoffs and release of Surety. Mr. O'Connor gave an overview of the As-Built importance and process for reviewing applications and stated that the applications list the State and Federal Permits that were part of an application. This is helpful to determine that those conditions have also been met. Mr. O'Connor stated that the process reviews that transfer of the Homeowner's Association in a Subdivision if applicable. This process has not been reviewed in the past, but reviewing will help to track the process and give confirmation to the landowners. Mr. O'Connor stated that the application included the site coverage conditions to be sure that they match Planning Board Approvals. Mr. O'Connor stated that the Department of Public Works reviews As-Built in great detail and that the application includes a submission checklist to help the reviewers know that they are getting everything on the plan that is required. Mr. O'Connor stated that this checklist would help shrink review times.

Mrs. Saunders stated that, at the next meeting, the Planning Department would present the changes to codify the As-Built process regulations and requirements.

Mr. May asked if there would be a fee associated with this application. Mrs. Saunders stated that this review is part of a larger review process. Mrs. Saunders stated, that after some research on processes and fees in other towns, it was found that the City of Rochester's fees are significantly lower than other City's through multiple applications. Mrs. Saunders stated that a fee for the application process is expected but is expected along with other fee changes in the Planning Department in a future date.

Mr. May asked if the fees would be brought before the City Council. Mrs. Saunders responded that a schedule of fees would be brought before the City Council.

Mr. May recommended that fees be increased slowly for applications.

B. Amenities

Mr. O'Connor gave an overview on amenities in developments. Mr. O'Connor gave examples of amenities that developments can include and asked for input from the Planning Board regarding amenity requirements in new developments.

Mr. Walker stated, depending on space allotted, a community garden be listed as a possible amenity.

Mr. de Geofroy stated that he supports Electric Vehicle charging, but that he would not recommend EV charging stations as an amenity option.

Mr. May stated that the amenities would be site specific and listing some now may not be beneficial. Mr. May stated that he believes that a focus on a conceptual review would be more beneficial. Mr. May asked that the Planning Department highlight amenities as an issue on an agenda and ideas for that specific site can be better offered by the Planning Board.

Mr. May stated his support on walking trails being included as a possible amenity.

Mr. Fitts stated that plans for amenities have changed in previous development applications and asked if requiring amenities would give the Planning Board an opportunity solidify amenities for new developments. Mrs. Saunders stated that there has been a concerted effort with developers to include open land and playgrounds, but playgrounds are slowly going away due to liability issues with developments. Mrs. Saunders stated that developments have concluded building without including amenities in the past and that mandating amenities would give the Planning Board the ability to require developments to include amenities that helped build a community.

Mr. O'Connor stated that maintenance is an important factor when decided amenity requirements so that the maintenance of amenities is not left to homeowners.

Mr. de Geofroy stated that dog parks be listed as a possible amenity for developments. Mrs. Saunders gave an example of a dog wash station that was included as an amenity in a current development.

Mrs. Saunders asked that the Planning Board send any additional ideas to staff, and that amendments and regulation changes would be brought up at a future meeting.

IX. Class VI Road Petition Denial

Mrs. Saunders handed out Class VI Road handout and fact sheet. Mrs. Saunders stated that applications have been presented for Class VI Roads and are becoming more frequent. Mrs. Saunders stated that the Class VI Road petition was brought up to the City Council, where the City Council passed on to the Planning Board for discussion. Mrs. Saunders provided a definition of a Class VI Road and what the Class VI Road means. Mrs. Saunders stated that a Class VI road is a city street that is not maintained by the city and that the public has the right to be on it and travel it, but at their own risk. Mrs. Saunders stated that there are special provisions for structures built on Class VI roads for emergency services' access. Mrs. Saunders stated that due to the lack of maintenance and restricted access, state statute has restricted building on them and states that towns and municipalities do not have to issue approvals on these roadways if the project could be a detriment to the community. Mrs. Saunders stated that the state statute information has been included in City of Rochester's local ordinance as, "The City of Rochester choses to restrict Class VI development to farming, forestry, and single-family home use". Mrs. Saunders stated that if any applicants come to the Planning Board for these types of roadways that they provide a liability statement that is recorded at the time of applying for a building permit.

Mrs. Saunders stated that a current proposed development, 60 Shaw Drive, is on a Class VI Road where the pavement stops and is not maintained by the City. Mrs. Saunders stated that the City Council approved the applicant, but wanted the Planning Board to look at the uses that are allowed, such as farming and forestry, to see if the Planning Board had thoughts on expanding those uses.

Mr. May stated his understanding of the Classes of the roads and asked for clarification of public versus private roads. Mrs. Saunders stated that the Class system only relates to public roads.

Mr. Walker asked what the Planning Department was looking for at this meeting. Mrs. Saunders responded that she wanted all members to be thinking of what a Class VI Road is and understand that currently only Single-Family, Farming, and Forestry uses are allowed on Class VI Roads and that the Planning Department requires the liability waiver.

Mrs. Saunders stated that legal counsel is going to explain what an expansion of those uses could mean for the City of Rochester. Mrs. Saunders stated that the City Council has asked the Planning Board to consider and weigh benefits and risks of expanding allowed used on Class VI Roads and report recommendations to the City Council. Mrs. Saunders stated that no decisions are to be made

at the current meeting, but that Planning Board members should think about the expansion of uses on Class VI Roads and bring their opinions and information to a future meeting.

Mr. Walker stated that he felt commercial uses should not be permitted to use Class VI Roads due to the liability concerns and need for access to emergency services. Mr. Walker also stated that employees would be required to take roads to commercial sites and roads maintained by the City would be safer for those individuals.

Mr. Richardson asked for clarification on the expansion of uses. Mr. Richardson asked if this decision would be reviewed case-by-case or as a standardized requirement across the board. Mrs. Saunders stated that if the Planning Board decided use on a case-by-case, then specific criteria would need to be listed as a requirement for applicants to meet.

Mr. Walker stated his concerns with case-by-case decisions and stated that criteria should include if employees are required to travel the road, how often will the road be travelled, and if there is a need for emergency services to respond in an emergency event. Mr. Walker stated that he feels that if emergency vehicles are required to respond to the area, then the road must be upgraded.

Mr. Collopy asked if any maintenance of a Class VI road was done with approval of the City Council. Mrs. Saunders responded yes.

Mr. Collopy stated that if an applicant puts a development on a Class VI Road, that they are aware that the road will never be improved. Mrs. Saunders stated that was correct.

Mr. Dews asked about how often request for Class VI roads come through the Planning Department. Mr. Dews stated that creating a criterion for expanding uses on Class VI Roads could lead to bigger issues in the future. Mr. Dews stated that he feels that the City discourages developments on Class VI Roads. Mrs. Saunders stated that prior to 60 Shaw Drive, that a prior applicant was on Two Rod Road. Mrs. Saunders stated that the request was put in after State Statute, but before the ordinance and was approved.

Mr. de Geofroy asked for further clarification on the timing of this proposed change. Mrs. Saunders stated that there is a state case law on Class VI Roads and that she feels waiting for information from legal counsel would be beneficial. Mrs. Saunders stated that Class VI Roads are appearing more in applications as the buildable land in New Hampshire is dwindling.

Mr. Hamann stated his support in finalizing uses on Class VI Roads due to land becoming less and less available and Class VI Roads become increasingly important to people and developers. Mr. Hamann gave an example of a current Class VI Road and stated that he wants to be proactive in getting a decision in place, even if the decision is to review application on a case-by-case basis.

Mr. May stated that legal issues evolve and that he understands that Class VI Roads are still considered public roads. Mrs. Saunders stated that was correct.

Mr. May stated that he felt that some recreational uses may be an acceptable use of Class VI Roads.

Mr. Fitts asked for a list of Class VI Roads in the City of Rochester. Mrs. Saunders stated that the Planning Department would work on creating a list.

Mr. Healey stated that Two Rod Road was once considered non-existent, but was written on a deed as Two Rod Road. Mr. Healey stated that prior to that, the Tractor Supply Company was considering just having a driveway, with the address on Route 11. Mr. Healey stated that the difference between the Class VI Road on Two Rod Road and a Solar Farm is commercial retail, that because of the

Tractor Supply, there was a need to upgrade the road due to the number of people that would be driving the road. Mr. Healey stated that Amarosa Drive is also a Class VI Road that was build up to handle the larger trucks that frequent that road. Mr. Healey stated that the Solar Panels are commercial, but there is no retail and the only people to visit the site would be maintenance personnel.

Mr. Collopy asked about legal counsel availability. Mrs. Saunders stated that legal counsel would be present at one of the upcoming meetings.

Mrs. Saunders asked the Planning Board members to review the information and email her if they had any questions, so that they could be forwarded to legal counsel prior their appearance at a meeting in an effort for legal counsel to be prepared.

X. Review of Inspections and Surety for April 2023

Mrs. Saunders reviewed the Inspections and Surety for the month of April 2023. Mrs. Saunders stated that the Planning Department has been in contact with developers for Apple Ridge, Norway Plains, Village at Clark Brooke, and Lydall.

Mr. Walker asked if there was any movement on the listed projects. Mrs. Saunders stated that most of the projects have had movement.

Mr. Walker asked what projects were not moving forward. Mrs. Saunders responded that Lydall is proving to be difficult to pull together and that they were approved during COVID as a large expansion with several different permits. Mrs. Saunders stated that the Planning Department is still working with them to figure out how the permits all interact, so that they can be closed out and the Planning Department can figure out what has been completed and what has not.

Mr. Walker stated that the highlighted projects on the Surety Spreadsheet are coming up or are already overdue. Mrs. Saunders responded saying that was correct.

XI. Release of Surety

- A. Prep Partners Group LLC. Surety Release (100%) in the amount of \$320,409.13 for Site Plan to construct a 150,000 sqft warehouse and distribution facility located on Map 255 Lot 21

Mrs. Saunders gave an overview of the project and stated that the project is complete, and the Surety Release Request has been signed off by Planning and the Department of Public Works and is recommended for approval by the Planning Board.

A motion was made by Mr. Walker to release the remaining surety in the amount of \$320,409.13 with interest if applicable and seconded by Mr. Hamann. The motion carried unanimously.

- B. EIP Holdings I, LLC. Surety Release for Cell Tower Removal Bond (100%) in the amount of \$30,000.00. Located at 133 Blackwater Road, Map 257 Lot 24

A motion was made by Mr. Walker to release the remaining surety in the amount of \$30,000.00 with interest if applicable and seconded by Mr. Hamann.

Mr. May asked is the Surety Release was because of State Law. Mrs. Saunders stated that was correct.

The motion carried unanimously.

C. EIP Holdings I, LLC. Surety Release for Cell Tower Removal Bond (100%) in the amount of \$30,000.00. Located at 156A Lowell Street, Map 244 Lot 2-1

A motion was made by Mr. Walker to release the remaining surety in the amount of \$30,000.00 with interest if applicable and seconded by Mr. Hamann. The motion carried unanimously.

D. Real Estate Planners, Inc. Surety Release (100%) in the amount of \$195,723.47 plus interest for Site Plan to construct Phase II of Ledgeview located at Oak Street and Hansonville Road, Map 251 Lot 121

A motion was made by Mr. Walker to release the remaining surety in the amount of \$195,723.47 plus interest if applicable and seconded by Mr. Hamann. The motion carried unanimously.

XII. Other Business

A. Planning Update

Mrs. Saunders stated that as part of the grant money received for the rewrite of the Conservation Subdivision from the Housing Opportunity Grant, the Planning Department has three spaces at the Housing Academy that started this week. Mrs. Saunders stated that the Planning Department members that participated in the Academy will pass on information to the Planning Board.

Mr. O'Connor stated that he and Mr. Richardson were able to attend the initial virtual meeting that focused on an overview of the Academy and outreach plans to find out what the housing needs are for the City of Rochester. Mr. O'Connor stated that next meeting was this upcoming Wednesday, 5-17-2023.

Mrs. Saunders stated that the Planning Department continues to work on the two chapters of the Master Plan; the Natural Resources and Historic and Cultural Chapters. Mrs. Saunders stated that in an effort to introduce new and interesting activities the Planning Department is hosting a walk Wednesday, 5-17-2023, through downtown, as a joint meeting between the Historic District Commission and the Arts and Culture Commission. Mrs. Saunders stated that there would be a guest speaker present to give information on the historical architecture of the city and that the Arts and Culture Commission Chairwoman would speak to some of the Murals throughout the city.

Mr. May asked if the event was opened to the public. Mrs. Saunders stated that yes, the event was open to the public.

B. Other

There was no other business to discuss.

XIII. Adjournment

*A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn the meeting at 7:44pm.
The motion carried unanimously.*

Respectfully submitted,

Jaclyn Millard,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development