

City of Rochester Planning Board

Monday, December 11, 2023

City Hall Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on January 8, 2024)

Members Present

Mark Collopy, *Chair*

Robert May, *Vice Chair*

Alan Dews

Keith Fitts

Don Hamann

James Hayden

Peter Bruckner

Dave Walker

Members Absent

Alexander de Geofroy, *excused*

Matthew Richardson, *excused*

Alternate Members Present

Michael McQuade

Rick Healey

Staff: Shanna B. Saunders, *Director of Planning & Development*

(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. They 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

Planning Department Director, Shanna B. Saunders, conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Mr. McQuade to vote in place of Mr. Richardson.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A. November 6, 2023

A motion was made by Mr. Walker to approve the November 6, 2023, Planning Board meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.

B. November 20, 2023

A motion was made by Mr. Walker to approve the November 20, 2023, Planning Board meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.

VII. Opening Discussion/Comments

A. Public Comment

Anne Carter of 6 Blue Hills Drive stated that she has questions regarding the extension request application for 15 Piper Lane (M250-L28). Ms. Carter asked if final plans have been submitted to the Planning Board for review prior to producing these final documents in the file. They are not reflecting some of the item in the Notice of Decision of Precedents conditions. For example, are 1C and 1D, as examples, setbacks that reflect applicable restrictions that are stated Why aren't they reflected yet? If they haven't been provided with that, how long will that take to get those plans available for her to look at?

Mr. Collopy responded by stating that extension application is next on the agenda. He asked Ms. Carter to stay so they could get some answers that address her questions.

Mr. Collopy closed the public comments.

B. Discussion of general planning issues

There were no general planning issues to discuss.

VII. Extension Applications:

A. Myhre Family Revocable Trust/Grant Myhre, Trustee, 15 Piper Lane (Norway Plains Associates/ Joel Runnals) 5-Lot Subdivision **Extension to Meet Precedent Conditions to March 5, 2024**

Ms. Saunders stated this extension request came via email. It is the second extension request. The first one was due December 5, 2023. Their request now is for a three-month extension to March 5, 2024. In relation to the question about final plans, the extension request is a request to submit those final plans. So, the answer is, no, they don't have those final plans with those changes. That's what this extension request is giving the applicant more time to be able to prepare for, to be able to submit. Once the applicant submits all the plan changes, which were administrative in nature, staff will approve the final plans for certification. She brought the example of 19 Old Gonic with the sidewalk infrastructure. That came back to the board because the changes were not simply administrative but required some PB Decision making Once Piper Road Plans are approved and signed the applicant will then record them and that finalizes the subdivision.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the extension request to March 5, 2024, as requested by the applicant. The motion carried unanimously.

Mr. Dews asked if this will be their last extension granted.

Ms. Saunders replied that it's up to the Board and that it wasn't one of the conditions of the extension approval. She said that can be determined at the next extension request. She said the next deadline they must submit final plans is March 5, 2024.

VIII. New Applications

A. [RBV Realty, LLC/ Rebecca Mathews, 324 Blackwater Road](#) (Berry Surveying & Engineering/Chris Berry) 9 – Lot Major Subdivision Case# 264 – 11 – A – 23 **Public Hearing/ FINAL DECISION***

Christopher Berry of Berry Surveying & Engineering, representing Becky Mathews and RBV Realty, presented this application. He said this is a plan this Board has seen before under a design view consideration. Earlier this year it came before TRG. The project was discussed thoroughly at the time with the Planning Board members. Prior to that meeting the applicant had met with all the abutting landowners to fetter out concerns, buffering requirements, things of that nature so they can implement all of those into the design plans.

So, what they have before the Board is a 9-lot open space conservation subdivision which proposes a short road down into the center of the parcel. They chose the area of development based around where wetlands lay in the center of the parcel and also Clark's Brook around the perimeter of the parcel. They had originally met with the Planning Department to make sure they were supportive of the project path and idea and moved forward with that.

The property can yield 11 units per the density calculations. As he pointed out during the design review hearing, they felt like 9 was more appropriate. It didn't leave a whole lot of room for some higher quality stormwater standards that would be required just because they're in pretty close proximity to wetlands and Clark's Brook. And sewage loading and the usage of the existing onsite well was also a concern if they went with additional units on the project site.

So, this is an open space subdivision where all those units are clustered around the cul-de-sac. Stormwater BMPs are placed both at the entrance at the neck of the cul-de-sac and an infiltration system off the back of the site where they have some better soils where they can infiltrate quite a bit of that stormwater prior to discharge. They're able to meet all of the Chapter 218 requirements except for two. They do have two waivers before the Board tonight for Chapter 218. One for velocity within two of the pipe runs and then for pipe cover over two of the pipes in the subdivision where they maintain over two feet of cover but the rules require that they have three feet of cover over all of the stormwater pipes.

Because this is an open space cluster subdivision, they are proposing a shared sewage disposal system in a central location. Each one of the homes would gravity feed into their own septic tank. That would then pump to the effluent disposal field for disposal of the effluent. The field is over-designed in a multitude of different ways. He said he can go into detail if the Board requires. They've tried to oversize the systems at the home and oversize the field itself, so they have no concern for failure in the future.

They do have, an active rec space that the Board was looking for with an open field at the front of the site. They have some dedicated parking for that, which also provides access to the common septic and the common well site.

As they discussed in one of their prior projects, the stormwater system would be owned and maintained by the HOA so that the municipality is not responsible for maintenance of those systems.

As he pointed out during his design review, the abutter to the north has worked with the applicant and preferred a fence be installed along that boundary line which is shown around the plans at this point. The Planning Board had asked them to provide some architectural examples of the average home built within the subdivision. You can see on their plan they have a similar footprint all around the subdivision. It's most likely not going to be the same exact home in footprint or in architectural style. They tried to provide some additional architectural features on each one of the homes within the subdivision. This isn't a site plan, but they did want the Board to know and understand the style of the home they are proposing on the project site. In the application package they did prepare a traffic analysis and traffic memo as well as a stormwater analysis that was reviewed by the municipality.

They met with the Conservation Commission both in a public meeting and in a public site walk. He believes they voted to endorse the Conditional Use Permit (CUP) that's required for the use of the conservation open space subdivision.

He then said he was happy to answer any questions.

Mr. Collopy opened the application to a public hearing. There were no questions from the public. Mr. Collopy brought the discussion back to the Board.

Ms. Saunders said this is a 9-lot subdivision with a CUP. She apologized that the CUP and the two waivers were not on the staff report. They will need to remember to approve those with separate motions.

She said they have several plan modifications and plan notes, but nothing too unusual. The applicant has gone through a couple TRGs. One other typo on the staff report involves the pre-construction meeting, which is condition number 6 under the Precedent Conditions. They also had it under Final Conditions, so they can remove it under Precedent Conditions.

One of the things they will be looking at more carefully at each of these subdivisions is the drafting of the HOA or condominium docs. The new condition number 7 speaks to the fact that DPW, Ms. Saunders and possibly even the Fire Department are going to make sure there's appropriate maintenance language in those HOA documents. This way the buyers understand, and the City understands who is responsible for the maintenance of what pieces of the infrastructure, so that when the subdivision is taken over by the City, it is not part of the City acceptance.

Other than that, it is standard conditions of approval for this development. The applicant was wonderful to work with and really did work well on incorporating some plan changes for better layout as well as the Board's request to include some amenity space in the subdivision, which includes the field and some parking area.

With that, she recommends that the Board accept the application as complete enough to review tonight.

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

Ms. Saunders stated they have a CUP for the conservation subdivision that did go to the Conservation Commission. In fact, they had a site walk. So, she recommends approval of the CUP for the conservation subdivision.

Mr. Dews asked what the CUP says and what it is for.

Ms. Saunders replied that any conservation subdivision needs a CUP. It has to meet the criteria. It's just for the layout for the open space design.

Mr. May asked if the Conservation Commission had held a hearing and issued a recommendation.

Ms. Saunders replied that they did and it is favorable.

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

Ms. Saunders stated they have two waivers. She didn't know if they had heard back from the Department of Public Works (DPW) on a recommendation on those. If the Board is to approve the waivers, she would recommend a condition that the DPW give a favorable recommendation to those two waivers.

Mr. Collopy clarified that one of the waivers is the minimum drainage pipe cover and the other one is lowering the velocity.

Mr. Dews asked if there was any reason, they couldn't change the material or pipe to meet that coverage. Rather than use plastic, use RCP?

Mr. Berry responded that they did. He added that, unfortunately, the rules don't discuss material type. So, the entrance culvert where they have less than three feet is designed to be RCP.

A motion was made by Mr. Walker to approve both waivers with the condition of DPW review and approval and seconded by Mr. Hamann. The motion carried unanimously.

Ms. Saunders stated they recommend approval of the subdivision with the conditions as cited. Plan Revisions A through C, Plan Notes A and B, and the rest of the standard conditions of approval.

Mr. Dews asked about the one driveway very close to the road to the entrance road. Is that going to be incorporated into the subdivision or is it going to stay as is?

Mr. Berry responded that it is proposed to stay as is. They have not negotiated them using their access road.

Mr. Dews said it would be very advantageous. It's very close to the entrance road.

Mr. Berry said they can certainly ask but they're under no obligation to.

Mr. Dews asked if they could put something like they've done in other communities to make sure that the responsibility for the drainage is cited in every deed for every house. He said he thinks they can require it so when they buy it, it'll be a legal obligation.

Ms. Saunders said she can ask the City's legal counsel. She doesn't know how they would make that a condition of approval for this development. She would ask for a continuance if they really wanted to follow up on that.

Mr. Berry responded that they don't take exception to that. If it's as simple as itemizing out what the stormwater requirements are in the actual deed itself, they've done that in other communities. Each one of these deeds has to note that the lot is obligated to be part of the HOA. But they would just further break down that the HOA's responsibility includes stormwater

maintenance and sewage disposal as shown on the plan. And then again referring them back to the HOA document which will itemize it out even more clearly than that. So, that's fine with them.

Ms. Saunders asked Mr. Berry, since he has done this before, if they're required to submit that at the time of the building permit.

Mr. Berry replied that they would draft a template deed for the Legal Department's review. And then the applicant during the Certificate of Occupancy (C.O.) process, when everyone is thinking about closing... that's when they make sure the HOA's been recorded, the draft deed language is to be used. They did that on another project here in the City of Rochester.

Ms. Saunders asked if the Board desires, they can request for continuation so she can talk with legal counsel.

Mr. Walker asked if she wanted to do a continuation on it or if they could just add it in as a condition of approval.

Ms. Saunders said they could add it in, pending acceptance of legal counsel.

Mr. May stated he is all in favor of this but wanted to clarify that adding a condition, presumably of approval, which will say, you've got to get City Attorney approval on the template deed that's going to go in for each parcel, is just the template, not for each individual. And that it would carry on it perpetuity? So, when owners sell to additional owners, the section in their deeds will also reflect that they must belong?

Ms. Saunders clarified it would be required for each lot and that it would carry on it perpetuity.

Mr. Walker added that this is good insurance in case the HOA dissolves and goes away.

A motion was made by Mr. Walker to approve the application with the conditions specified and seconded by Mr. Hamann. The motion carried unanimously.

B. Richard & Linda Chaplin, 45 & 51 Hansonville Road (Norway Plains Associates/ Joel Runnals) Lot-Line Revision Case# 251/259 – 91/95 – A – 23 **Public Hearing/ FINAL DECISION***

Joel Runnals of Norway Plains Associates, representing Richard and Linda Chaplin, presented this application. Pointing to a map of the properties, Mr. Runnals explained that the Chaplins live in a house at 45 Hansonville Road (251-91) and also own a rental home at 51 Hansonville Road (259-95). They would like to transfer a portion of the 259-95 lot to the 251-91 lot. They're trying to reduce the 251-91 lot size down to the 45,000 square feet agricultural minimum so if they ever sell the 251-91 lot, they can still use this piece of land. No other development is being proposed because of what is going on with lot line revisions.

Mr. Collopy opened the application to a public hearing. There were no questions from the public. Mr. Collopy brought the discussion back to the Board.

Ms. Saunders stated this is a simple lot line adjustment and that there are no plan revisions or notes. All the remaining precedent and subsequent conditions of approval are standard. So, they recommend both acceptance as complete and approval with conditions in the staff report.

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

A motion was made by Mr. Walker to approve the lot line revision and seconded by Mr. Hamann. The motion carried unanimously.

C. Edward K. Nelson Revocable Trust, 109 & 111 Whitehall Road (Norway Plains Associates/Joel Runnals) Lot-Line Revision Case# 240 – 65&65-1 – R2 – 23 Public Hearing/ FINAL DECISION*

Joel Runnals of Norway Plains Associates, representing Edward Nelson, presented this application. Pointing to a color-coded map of the properties, Mr. Runnals explained that the Nelsons live at 109 Whitehall Road (240-65) and that Mr. Nelson also owns a duplex home at 111 Whitehall Road on an adjacent lot. Both lots are developed with dwellings, septic systems and City water supply. Recently the City Council granted an un-merger of Mr. Nelson's two lots for tax purposes. After that, Mr. Nelson hired Norway Plains Associates to do a boundary survey because people didn't know where the property line was with various fences and buildings out there. The City was also concerned about that. A lot of encroachments were discovered, which Mr. Nelson has removed. However, the garage still doesn't meet setbacks as it was over the property line. A small 15-foot strip was part of the back property line. To clean things up, the strip will be moved to the front property and an equal-sized portion of land it will be transferred to the back property. Since it's an equal swap, they won't need to go to DES for subdivision approval.

Mr. Collopy opened the application to a public hearing. There were no questions from the public. Mr. Collopy brought the discussion back to the Board.

Mr. Walker asked if the Lot-Line Adjustment would make the setback for the garage compliant.

Ms. Saunders responded that this is correct...just barely compliant from what they see on the survey plan. Typically, back in the 50s, 60s and 70s, cities with tax cards of abutting lots with the same owner were often merged for tax purposes so just one tax bill could be sent out instead of multiple. Typically, they don't allow un-merge situations where buildings are crossing property lines. For some reason they missed that garage on the un-merger documentation that was given to them. So, they allowed the un-merger to take place even though that garage crossed that property line.

The plan shows all of the encroachments have been removed. DPW wants to speak about one of them as far as planning is concerned, though, this is a simple lot line adjustment. They have no plan changes or plan modifications. All the conditions were standard conditions of approval. They recommend acceptance and approval. She recommended accepting the application then hearing DPW's concern before approving it.

Mr. Healey asked what the pros and cons are of a merge or un-merge. This is the first time he's ever heard of un-merge.

Ms. Saunders replied that the un-merge pro for the property owner is that in most cases these were non-conforming lots. So, they would not be able to come forward with a subdivision unless they got several variances. The rear lot did not have enough continuous frontage to be its own separate lot for subdivision regulations. But the un-merger allowed that to happen.

Ms. Saunders explained that un-merge was started about ten years ago. There was supposed to only be a three-year period where people could un-merge. But every few years the legislature extends it. At this point the ability to un-merge is extended indefinitely.

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

Mr. Dews pointed out that the photos he submitted to the record show a fairly new-looking fence, for which a permit was never pulled, and some large boulders out in the right of way. He expressed concern that these could easily take out plow wings. A letter has been sent out by the Director to have all this removed from the right of way. Mr. Dews recommended they not approve this until the stuff is out of the right of way.

Mr. Runnals asked if this could be made a condition of the approval.

Mr. Nelson said the boulder has been there for at least six years and that he's never received any complaints about the fence, which has been there for a long time. He added that they've been plowing for years with the fence like that. He said moving them is no problem and that he can do it as early as tomorrow.

A motion was made by Mr. Walker to approve the lot line revision on the condition that the fence and boulders are removed and seconded by Mr. Hamann. The motion carried unanimously.

D. Promised Land Survey, LLC/Timothy Pelouin, 945 Salmon Falls Road (Promised Land Survey) 2 – Unit Condominium Conversion Case# 240 – 31 – A – 23 **Public Hearing/ FINAL DECISION***

Brandon Wing from Promised Land Survey, representing landowners of record, Greg and Krystal Sherwin (standing in Mr. Pelouin's place), presented this application. The existing dwelling was constructed as a duplex in 1986 and has been a two-family dwelling since. The use has not changed. They went through a virtual TRG on November 2, 2023. No significant issues were brought up. There were a couple of minor things, which he changed on the plan. Subsequently, there have been a couple of comments from Planning staff. One was labeling on the plan. Brandon added the term "open space" along with common area. He was under the impression that the term "common area" was the legal term the attorneys had to use. So, he may be able to change that on the entire plan. He's not sure. The other comment had to do with how the maintenance would look for the shared well and shared septic in the counter docs and bylaws that was forwarded on to the attorneys.

Mr. Collopy opened the application to a public hearing. There were no questions from the public. Mr. Collopy brought the discussion back to the Board.

Ms. Saunders explained this is an existing duplex, condominium subdivision in that it's a re-allocation of what's referred to legally as "limited common area". This is common area that is specific to one homeowner's responsibility and the "open space common area", which is shared between the two. She added this is a unique situation in that there is both an onsite well and onsite septic systems. Typically, they see these condo conversions where there are City utilities but in this case all the utilities are private. They still are going to ask for allocation of how that maintenance responsibility is going to work. DOA documents.

Other than that condition, all the rest of the conditions are standard conditions of approval. There is a recording requirement because this is technically a subdivision. Under the condominium law, though, it's the type of subdivision where it doesn't need to meet dimensional requirements because it's not a conventional subdivision. It's a condominium subdivision. So, they are not looking at frontage or minimum lot size. They are just making sure it meets condominium law and that the responsibilities are adequately laid out in the bylaws. With that, they recommend acceptance and approval with the conditions tonight.

Mr. Hayden stated that under the State portion of the notes, it references the DES subdivision approval. He asked if that note is intended to include the septic approval as well.

Mr. Wing replied that there's been a request for more information, which is pending still. He explained that's quite often a condition of approval as well...pending State approval.

Mr. Hayden then asked if they could include that State portion to include the septic approval number as well as the subdivision approval number, so they're both on the plan.

Ms. Saunders confirmed that they were two different approval numbers and then replied yes.

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

Mr. Dews asked if the condition of the well is known.

Mr. Wing said he does not but it's in good working order and has a brand-new head.

Mr. Dews asked if the documents would include that they are responsible. He said it's unfortunate that City water didn't go quite down that far.

Mr. Wing explained that it's common that there's a shared well and shared septic that has to be laid out in the condo docs. He said that will be addressed and has been forwarded on to the attorney.

A motion was made by Mr. Walker to approve the conversion on the condition the septic and subdivision numbers are included on the plan when recorded and seconded by Mr. Hamann. The motion carried unanimously.

E. 105 Farmington Rd, LLC & Waterstone Little Falls, LLC/Scott Haley, 105 Farmington Road & 4 Little Falls Bridge Road (Doucet Survey, LLC/John Kaiser) Lot-Line Revision Case# 209/216 – 1/12 – GRD – 23 **Public Hearing/ FINAL DECISION***

Wayne Morrill from Jones & Beach Engineers, representing 105 Farmington Rd, LLC and Waterstone Little Falls, LLC, presented this application. This is a subdivision of two parcels that are vacant right now. The parcel on Little Falls Road has a garage and a concrete pad. The parcel in the middle has nothing on the site. It's been cleared. There is no change on the frontage of either lot in this lot-line adjustment. There is only a conveyance of .14 acres from 105 Farmington Road to the 4 Little Falls Road. 4 Little Falls Road is 83,411 square feet. The proposed is 89,300 square feet. 105 Farmington Road exists as 73,082 square feet. The proposed is 67,993 square feet. There are no wetlands on either parcel. Both properties are serviced by municipal utilities.

Mr. Collopy opened the application to a public hearing. There were no questions from the public. Mr. Collopy brought the discussion back to the Board.

Ms. Saunders explained that the reason for this lot-line adjustment is specific setbacks due to a proposed gas station on that corner lot. The gas station infrastructure has to maintain a 30-foot set back from its abutter. They came before the ZBA. The ZBA was a little hesitant about granting that variance. They felt like there were alternate layouts and ways the applicant could address that setback. So, the applicant came back to move that lot line around what will be infrastructure for the gas station to allow that setback to take place. So, the staff supports that. There are no plan modifications and no plan note changes. All the conditions of approval are standard. So, they recommend acceptance and approval of this lot line adjustment.

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

A motion was made by Mr. Walker to approve the lot line revision and seconded by Mr. Hamann. The motion carried unanimously.

**F. Tesla Properties, LLC/Justin Gregoire, 38-40 Lafayette Street (by Millenium Engineering Inc.)
5-Unit Condominium Conversion Case# 121 – 62 – R2 – 23 **Public Hearing/ FINAL DECISION*****

Henry Boyd with Millenium Engineering and Sharon Somers with DTC Lawyers presented this application. They are seeking to convert three existing buildings, amounting to five total units, to a condominium. This is deemed a subdivision by the City of Rochester. In addition to the three dwelling units, there is a garage at the rear of the parcel that houses four parking spaces for units 1, 2, 3 and 5. The parking space for unit 4 is considered limited common area. The rest of the parcel is all common area.

The Conservation Commission isn't happy with the street number as it has a 38 ½ address. So, the Assessor is about to create new numbering, which they would be happy to put on the final plan.

The only other concerns were about including utilities maintenance in the declaration documents.

Mr. Collopy opened the application to a public hearing. There were no questions from the public. Mr. Collopy brought the discussion back to the Board.

Ms. Saunders clarified that the staff member who mentioned the E911 numbering is a Planner 1 who advises both the Conservation Commission and the E911 Committee. It was not a Conservation Commission member who was making recommendations on the E911 numbering.

There are conditions of approval regarding some assessor concerns that involve modifications and parcel numbers how the Assessor would like that laid out.

In addition, the Assessor is asking that the garage bays need to be separately deeded to each individual condo owner. They asked for copies of those deeds to be reviewed prior to recording the plan.

They are probably going to bring Condition 4 about the E911 numbering to the E911 committee, which is made up of Police, Fire, 911 Dispatch, the Assessor, Planning and DPW.

Finally, they are making sure the condominium maintenance requirements are laid out. There are several conditions of approval there. They've worked with the attorney involved on those condo documents already. So, they are a little bit further along with this condominium subdivision.

With that, they are recommending acceptance of this application as well as approval with those conditions and the standard conditions.

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

Mr. Walker stated this is one of the most unique properties he's ever seen with three separate buildings on one lot. He asked if, since there are a lot of "half" addresses on this street, if the whole street will be renumbered or just this property. He'd like to see the entire street re-numbered.

Ms. Saunders stated she did not know the answer to that. She said tonight they are only approving lot numbers. The numbering needs to go to the E911 Committee. If it does come to renumbering that whole street, all on the street will be notified and it will go to City Council. So, it's a larger process to do that.

Mr. Hayden asked if there was any on-site demarcation for unit 4's parking spot.

Mr. Boyd agreed that was a good point and said it should be striped because parking stripes do work.

Ms. Saunders confirmed that if they want that, they will make it a condition of approval.

Mr. Dews stated he is counting 11 beds and five parking spaces. He asked if they are going to expand some of that pavement. He agrees 100% with Mr. Hayden that it should be striped. He doesn't know how they will stripe in front of the buildings without expanding the actual pavement.

Mr. Boyd stated that nothing is to change onsite physically. Everything that exists right now is functioning as the five units have it. They are simply designating where they will be. The inside of the garage accommodates four of the five spaces and then the only one that's outside he's laid out, which they would stripe.

He pointed out that the half numbering situation was odd to him. He doesn't know why they didn't choose to use 39.

Ms. Saunders clarified that there are coverage requirements, so she's not sure they can increase the pavement on this lot.

Mr. Dews expressed concern that if they start selling the units off to people with a lot of cars, they'll start parking on the street because there's no place to park. Whereas if they are rentals, they'll have a little more control over it. In another community this happened a couple of times.

Ms. Saunders replied that on street parking is allowed on that street, including during winter, but not during snow emergencies.

Mr. Walker pointed out that most of the lot is paved, so there's an area in the back. So, they could get them off the street during a winter emergency. The whole area in front of that garage is a large area.

A motion was made by Mr. Walker to approve the conversion with the condition to stripe unit 4's parking space and seconded by Mr. Hamann. The motion carried unanimously.

Mr. Boyd asked if they should anticipate hearing from the Assessor.

Ms. Saunders replied that the Assessor has already assigned lot numbers. The mailing address street numbers need to go to the E911 Committee.

IX. Release of Surety

- A.** Tesla, Inc. Surety Release (100%) in the amount of \$13,040.53 plus interest for Site Plan to construct Electric Charging Vehicle Station located at 290 North Main Street

A motion was made by Mr. Walker to release the Surety through Tesla, Inc. in the sum of \$13,040.53 plus interest and seconded by Mr. Hamann. The motion carried unanimously.

X. Other Business

A. Planning Update

First, Ms. Saunders thanked Mr. May for representing the Planning Board on the Recreation Master Plan Oversight Committee, which is meeting once a month. The Review Committee includes Economic Development, several members of the Rec staff, several users of the Rec facility, a Senior Center representative, and a representative from the Alan Rogers private fields, as well as some other private representatives. It's a well-rounded committee that will be working over the next six to twelve months to update that Master Plan. Before it's complete, the draft will come before the Planning Board for approval. Mr. May will be able to give updates on that process.

Second, the Planning Board retreat is around the corner. Last year they had a successful joint meeting between Planning and Zoning where they talked about law associated with the Planning Board and Zoning Board. This year Board members have asked a lot of questions about the procedures of meetings regarding, for example, how to interact with abutters, members of the public, members from out of town that come before meetings, how to make motions, the difference between a public meeting, a public hearing and a non-meeting was. For instance, today they had an extension request, which was a public meeting, not a public hearing. There have also been questions about when alternate members can speak, whether they can provide input or make motions. She would like the New Hampshire Municipal Association come back and answer those questions.

She is also considering another joint dinner meeting with the seven ZBA members. She would be looking for the Board to ask questions about their role on the Board and procedures during the meeting. They are hoping to have that retreat during their January work session. That will be on Monday, January 22, 2024 in City Council Chambers.

The Parking Review Group gave their final presentation to the City Council. It included around nine recommendations:

1. Metering across downtown
2. Permitting that includes downtown business owners, employees and residents
3. Looking into shared parking agreements
4. Expanding enforcement since there is currently only one part-time enforcement officer who doesn't work on weekends
5. Revising the parking requirements under the site plan regulations. Currently parking downtown is 100% exempt and there's no offsite contribution if you're not providing parking. An example would be to ask developers who ask for the parking waiver to put in an offsite contribution to help pay for some public parking, perhaps a garage, down the road.
6. Not to build a parking garage right now, since it would cost \$22,000 or more per space
7. Standardize the Wayfinding signage, as right now it is a mix of green, blue, with/without logo etc. And ask for the money to be able to do this.
8. Encourage alternates to parking, including continuing to look for installations of the River Walk to connect residential neighborhoods to downtown. And bike lanes – if it was a safer opportunity for downtown workers, some cars could be taken out of the public parking system.
9. The continuation of a Parking Committee, made up of police, DPW, Planning, Economic Development and downtown business owners, to look at parking and do counts on an annual basis, to look at these recommendations and flesh them out, where exactly the meters go, what the pricing should be, how that permitting should go etc.

Mr. Dews said they could probably get a grant for Wayfinding signage like Dover did.

Ms. Saunders said she will have to ask Dover where they got that.

Ms. Saunders said she will email the Parking Committee video presentation to the Planning Board.

The Mayor is going to move forward with appointments to the Parking Committee in January as soon as the new Council gets sworn in.

Mr. Healey there should be some type of pick-up permit for Door Dash workers who only need five minutes but have to pay for an hour. Most don't pay at all and risk getting a ticket. Some get away with it and some don't.

Ms. Saunders said the Parking Review Group contemplated short turn over parking spaces but abandoned that because they didn't want them to sit unused. They considered a way to deal with this in the meter system. For a long time, Dover made the first 15 minutes free, but they moved away from that because of enforcement issues. Meters that have the option of a 15-minute slot or an hour slot were considered. Rather than flush out all the details, the Parking Review Group made a couple of mentions of that in their presentation with the expectation that the new committee would flush out ultimate details, keeping that in mind.

Ms. Saunders gave a kudos to Mr. Fitts who sat on that Parking committee, thanking him for showing up to every meeting and for his time.

Mr. Walker said the new Council starts in January. Matt Richardson got sworn in last week, so that's why he's not present. So, there's a vacancy there. There will be a vacancy in Mr. Walker's seat as of January 2, 2024. He wondered if those two vacancies have been posted to the alternates.

Ms. Saunders said that any alternates interested in a full-time position need to submit a new statement of interest application to the City Clerk's office asking to fill a full membership seat. They have already started posting to the channel and have posters up around the city advertising that they are looking for new members.

Mr. Fitts added that tonight was his last night.

Mr. Collopy thanked Mr. Fitts for being on the committee, being a good voice and pusher of solar energy, and bringing knowledge to the Board of things that Mr. Collopy didn't know.

B. Other

Mr. Collopy asked Ms. Saunders if HOA deeds should be automatic on a policy level rather than on a case-by-case basis.

Ms. Saunders replied that the wording on the condominium subdivision regulations is vague at best and incorrect in some cases, so they've looked at that. They will include some of the HOA information if they come forward with that.

Mr. Bruckner asked if they are voting people in for the CIP subcommittee.

Ms. Saunders said Mr. Bruckner, Mr. Hayden and Mr. Healey stepped forward. She asked if someone wanted to move to appoint those three members.

A motion was made by Mr. Walker to appoint the three members to the CIP Subcommittee and seconded by Mr. Hamann. The motion carried unanimously.

Mr. Collopy asked Ms. Saunders for her thoughts and the City's view on this trend of condominium conversions the Planning Board is seeing.

Ms. Saunders joked that she wasn't sure if Rochester hit some trade magazine because in the last month, they've received a slew of condominium conversions and new developers who have never developed in Rochester are reaching out and asking what's available or saying they have a Rochester property in mind they'd like to develop. Some are picking up subdivisions that have already been approved and have stayed not built and some are looking at vacant space to bring new subdivisions or other mixed-use developments to light.

She is also seeing folks who have owned rental properties deciding to get out of the rental market and condominium subdivide them into two or more separate, saleable units and selling them. There is a strict condominium law in the state that prohibits Planning Boards from imposing requirements on these condo subdivisions. They are not allowed to impose many of the dimensional requirements. It really is what the state law refers to as a change of ownership only. They've seen enough of the (they came into fruition in the eighties) to be savvy enough to really look into the HOA documents about maintenance and things like that.

From the City's point of view, this takes many properties that for a long time have been maintained by absentee landlords and puts homeowners who live there into those properties. They don't see it necessarily as a bad thing. It's going to provide some pride of place and community development as people own and take care of these affordable units and become members of the community. So, the trend is just starting. They're going to watch it. The last few weeks they have been part of a project, working closely with DPW and Dan Camara of the GIS Department putting together some data regarding school growth trends. They have a great baseline going back to 2017-2018 on build out trends and how that relates to schools. They'll be able to see how these new condo conversions relate to that as they move forward.

Mr. Healey stated that he understands condo conversions are usually people wanting to get out of rental properties and they sell off the buildings within the property. How about the land? Who owns the land?

Ms. Saunders responded that there are two ways of doing that. One is limited common area is assigned to a certain unit like that parking space only used for unit 4. And then the rest of the lot is what's called common areas. In that situation each person owns a 1/5 interest in that Common area

Mr. Healey then asked if each of those people get 1/5 of the tax burden on property that they don't own. He pointed out that throughout history there have been times when landowners either abandon completely or they refuse to pay taxes and the City has to take over, which is very daunting.

Ms. Saunders replied that she can bring the Assessing Department in to give more specifics, but her understanding is that there's a certain allocation given to the structure in the limited common area and then another allocation given to the open space. So, owners will get assessed on their unit, any limited common area which includes patios and porches, and then a 1/5 interest in the value of the lot as a whole.

Mr. Walker asked if it would be the HOA that gets the bill for the common open space, adding that it might be a good subject for the retreat. He suggested someone from the Assessor's Office come to the retreat to brief them on that.

Ms. Saunders said she would defer to the Assessing Department to answer that question.

Mr. Bruckner said on planning issues, he'd like to see them move towards net-zero and solar. He was looking at how Dover encourages solar strongly. The way we can get to energy independence is by pushing people towards net-zero. If you can bring total energy costs down, then solar on the roof gets you down to zero. But they need to have those incentives. He'd like to discuss if they can go that way. This includes orientation of buildings, so they work for solar.

Mr. Dews asked if the newly appointed Council members will be at the next meeting or do they say goodbye now. He thanked Mr. Walker for his service.

XI. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn the meeting at 7:52pm. The motion carried unanimously.

Respectfully submitted,

Davinna J. Artibey,
Temporary Planning Administrator

and

Shanna B. Saunders,
Director of Planning & Development