

**City of Rochester Planning Board**  
Monday May 21, 2012  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on June 4, 2012)

Members Present

Nel Sylvain, *Chair*  
Tim Fontneau, *Vice Chair*  
James Gray  
Stephen Martineau  
Derek Peters  
Mark Sullivan  
Dave Walker, Councilor

Members Absent

Rick Healey, excused  
Gloria Larochelle, excused

Alternate Members Present

Robert Jaffin  
Gregory Jeanson  
Matthew Kozinski

Staff: Michael Behrendt, Chief Planner  
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.)

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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 sit for Ms. Larochelle  
Mr. Jeanson to sit for Mr. Healey

**Communications from the Chair**

Mr. Sylvain board members of the all board and commission get together that was to be held Thursday May 24, 2012 at 6:30 p.m. at Frisbie Conference Center.

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**Opening Discussion/Comment**

- A. **Public Comment**  
None
- B. **Discussion of general planning issues**  
None

**Approval of minutes**

- A. **April 30, 2012** – Chapter 42 Rewrite
  - B. **May 7, 2012** – Regular Meeting
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*A motion was made by Mr. Peters and seconded by Mr. Walker to approve the April 30, 2012 and May 7, 2012 meeting minutes. The motion carried unanimously.*

**A. Arthur R. Abbott Family Limited Partnership & Rochester Hill Trust, Richard S. Ciummi & Douglas E. Robie, Trustees, 82 Rochester Hill Road** (by Post Road Surveying and Norway Plains Associates). Lot Line Revision to convey 7,398.8 square feet from Lot 239-33 to Lot 239-34. Case # 239-33 & 34-R1-12 (*The public hearing was closed*) **Final Action**

**B. Monarch School of New England, 61 Eastern Avenue** (by Norway Plains Associates). Site plan application for a 1,200 square foot building addition, a 26 space parking lot expansion and a new play area with an access bridge. Case # 112-20-R1/R2-12 **Postponement to June 18, 2012**

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

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### **Applications:**

**A. Rochester Housing Authority Parking Lot, Magic Avenue** (by Civilworks, Inc.). Site plan to reconfigure parking lot on Lot 19 (existing housing authority development) and construct a new parking area (12 spaces) on a vacant lot. No new dwelling units are involved. Case # 103-18-1 & 19 – R2 – 12 **Public hearing Final Action**

Dana Lynch of Civilworks represented the applicant. Mr. Lynch explained that the ZBA had granted a variance for the use. There were two components to the project. The first involved the existing housing authority parcel, which currently had a 90' curb cut and 9 parking spaces. This element would be changed to 3 handicap accessible spaces. The second component involved creating 12 parking spaces on lot 18-1. There would be 6 spaces on either side, with tree boxes to infiltrate, plantings and arborvitae to screen the adjacent lots.

The applicant requested the following waivers: 1) drive aisle width from 24 to 22 feet; 2) reduction in 10 foot side landscaping buffer; and 3) surveyed property lines on the housing authority's existing lot.

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. Peters questioned whether a striped walk would be placed across the street.

Mr. Lynch explained it was a very narrow street and would be confusing to drivers.

Mr. Peters asked if LED lights would be used in the parking lot.

Mr. Lynch explained the existing lighting on the buildings would be adequate for the 3 handicap accessible spaces.

Mr. Walker asked if the number of parking spaces would be adequate.

Mr. Lynch stated that they felt they would be.

Mr. Sylvain questioned the waiver for a boundary survey on the existing housing authority lot.

Mr. Lynch explained they were just reducing pavement.

*A motion was made by Mr. Fontneau and seconded by Mr. Jeanson to approve the application with the three waivers, granted upon a finding that specific circumstances relative to the site plan or the conditions of the land in the site plan indicate that the waiver will properly carry out the spirit and intent of these regulations and that the existing lights be shown on Lot 19. The motion carried unanimously.*

**B. Golick's Dairy Bar, 17 Sawyer Avenue and South Main Street** (by Norway Plains Associates)  
Site plan application for change of use of house on Lot 125-86 to open a seasonal ice cream shop, with parking to be located on adjacent Lot 125-85 (Care Pharmacy). Case # 125-86 & 85-B2-12 **Public Hearing**

Mr. Sylvain explained to the board that the applicant had requested the application be tabled and the \$300 application fee be waived.

Mr. Sylvain opened the public hearing.

No one spoke.

*A motion was made by Mr. Peters and seconded by Mr. Jaffin to postpone up to August 6, 2012. The motion carried unanimously.*

**C. City of Rochester, Airport Drive** (by Norway Plains Associates). Modification to earlier approved lot line adjustment to accommodate site plan for Snecma SAFRAN Group/Albany International. The area to be contained within the City of Rochester right of way will be slightly larger. In addition, a separate earlier lot line adjustment is to be nullified. Case # 242-6-12/A-12  
**Modification**

Mr. Behrendt explained the previous 1/12/2012 lot line revision and the 5/7/2012 lot line revision. He explained that when the City attorney was drawing up the deeds he realized the revisions and site plan did not jive.

*A motion was made by Mr. Walker and seconded by Mr. Peters to nullify the 1/23/2012 lot line revision and modify the 5/7/2012 lot line revision as presented. The motion carried unanimously.*

**D. Cluffy's Roadside Café, 7 Crane Drive.** New application – site plan application for a concession Trailer in the Harley Davidson parking lot. Case # 216-24-GRD-12. Christopher and Steve Clough, applicants. **Public hearing Final Action**

Mr. Behrendt explained the application.

Mr. Sylvain opened the public hearing.

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

Mr. Fontneau asked the location of the trailer.

Mr. Martineau asked where the applicant was.

Mr. Walker asked that it be confirmed the applicant would not need a hawkers and peddlers license.

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

The board recessed at 7:35 p.m.

Mr. Sylvain called the meeting back to order at 7:39 p.m.

**E. The Villages at Clark Brook Planned Unit Development (PUD) for the Villages at Clark Brook, Old Dover Road** (by Bedford Design Consultants). Amendment to approved PUD for a change in the approved design and mix of uses. The maximum 262 dwelling units would include 23 single family lots, 18 duplex units, 3 live work units, and up to 174 multifamily units in four multifamily buildings. Case # 256-66-A/264/23-A-03

Robert Baskerville representing the applicant explained that the subcommittee had met 6 times since February 6<sup>th</sup>. He gave an overview of what was existing.

Mr. Baskerville explained they had removed the connection to Blackwater Road, the townhouses and cut back the footprint with a decrease by 50% in impervious surface.

Instead of the large multifamily close to Old Dover Road they proposed a short cul-de-sac with duplexes. They would be extending the Rochester water line, adding a recreation area and children's play area. The association will maintain the sidewalks, which will be out of the right of way.

Mr. Baskerville explained they had reduced the units and were below the bedroom count on the duplexes and single family. They had left flexibility for the number of units to be tied up during the final design.

There would be 60' frontages on the street, with 30' on the teardrops and minimum 6,000 square foot lots. The applicant was asking for a reduction in the architectural standards.

Mr. Anagost would offer enough land to each abutter to make encroachments go away, which would cost the abutters each about \$5,000 in costs per lot.

Mr. Baskerville explained he had retyped the original conditions of approval with proposed changes.

Mr. Sylvain opened the public hearing.

Ed Sedler of Old Dover Road asked if there would be a buffer to protect the abutters.

Mr. Sylvain explained that topic would be discussed when the applicant sought their site approvals.

Joanne Spurling of 425 old Dover Road explained she owned 12-13 acres abutting the project and that she had not received a response regarding the vernal pools. Ms. Spurling questioned what they would be doing with the quarry, if it would be low income housing and if they would be able to see the buildings.

Mr. Peters they would not be able to do to the set back and trees.

Ms. Purling questioned how these units would be filled.

Mr. Sylvain stated that would be up to the applicant.

Jeff Hardick explained he was opposed to this project being brought into a low-density area. He questioned whether any constraints would be placed on the kind of cliental. He explained he had researched Metropolist Properties and found that 7 of the properties they managed accept section 8 vouchers and 5 of the properties are income limited. He expressed concern that they would be adding 150 units that would be section 8 or capped and the effect it would have on existing homes. He was not sure of the market given what he had seen in the last eight years. Mr. Hardick believed if the applicant did not build to the previous standards it would be a slap in the face to those who had previously bought.

Mr. Hardick questioned why the applicant did not have to apply for a new PUD when it was totally off the original design.

Mr. Sylvain explained one reason was that a lot of what had previously been proposed could not be built do to wetlands which had not been identified originally.

Mr. Hardick expressed that if the original was not working out so well for the City why did they not take a step back and start over. This would be completely changing the neighborhood.

Mr. Seddler asked when the original R2 zoning had been changed.

Mr. Sylvain brought the discussion back to the board.

Mr. Sylvain expressed that the subcommittee had cut the number of units back to 144. He wanted to know where the extra thirty units had come from. He stated it would be kept at 144 units. Single family had gone from 44-50; he questioned where the extra 6 units had come from.

Mr. Peters expressed that the bedroom count may change but not the unit count.

Mr. Baskerville explained the phasing and expressed a desire to start construction in the fall.

Mr. Martineau expressed that he would be shown views from the street.

The applicant showed the board various cross sections.

Mr. Walker expressed that the buildings were not taller than the trees.

Mr. Martineau asked the benefits of a PUD.

Mr. Behrendt explained the benefits which included increased density.

Mr. Martineau expressed that they had been told it would not be section 8, although he understood that you could not exclude. He questioned why the board had to go with the whim of the market.

Mr. Baskerville wanted to discuss the set backs. He explained that the density would not change; it had been a judgment call at the last TRG. He explained that two community septic systems would be located down hill on the project and that one septic would exist per two lots on the duplexes. The applicant would like to work it out in order to limit the number of pump systems.

Mr. Sullivan commented on the large area the septic systems would be located on.

Mr. Baskerville explained that each multi-family may be divided off for finance purposes.

Mr. Fontneau asked for the original numbers.

Mr. Behrendt stated 571 bedrooms

Mr. Baskerville stated 114 single family and 148 multifamily units.

Mr. Fontneau asked if any 30+ unit buildings had been proposed.

Mr. Behrendt stated that none that large had originally been proposed.

Mr. Fontneau stated that it was not the architectural standards that affected the sales in the development but the \$100,000 lot cost. The value of the existing homes would be affected if homes were built that did not meet the current architectural standards. He was not opposed to the PUD being built out but with the perception of the large buildings. He also did not disagree with the numbers but felt the configuration would affect the area.

He agrees with some multifamily but did not believe when the economy shifted they would be back for a reversal where multifamily money is available.

Mr. Behrendt suggested the board accept the application as complete and leave the public hearing open.

*A motion was made by Mr. Walker and seconded by Mr. Gray to accept the application as complete.*

*A motion was made by Mr. Fontneau and seconded by Mr. Martineau to deny the application as the proposed amendment was not in keeping with the original approval and the large multifamily were not in keeping with the character of original PUD.*

Discussion ensued.

Mr. Walker stated they could not go from scratch. Multi-family was allowed.

Mr. Sullivan stated they knew it was coming.

Mr. Martineau asked why they had gone through the process.

Mr. Peters explained the board had agreed to let the sub-committee work out the changes.

Mr. Sylvain stated that multi-family had been part of the original and the committee had tweaked what had been proposed.

Mr. Gray explained the committee had taken into consideration elevations and looked at distance from abutters.

Mr. Fontneau explained he was aware of the multifamily; he just disagreed with the amendment. He stated the subcommittee did a great job.

*A roll call vote*

James Gray	No
Robert Jaffin	Yes
Stephen Martineau	Yes
Derek Peters	No
Mark Sullivan	No
Dave Walker	No
Tim Fontneau	Yes
Nel Sylvain	No
Gregg Jeanson	No

*The motion failed      3 Yes   6 No*

Mr. Behrendt explained that he thought this meeting was for discussion; clarify the architectural restrictions and lot sizes.

Mr. Sylvain questioned why.

Mr. Behrendt stated the amendment specifies density and this was the first time the project had been back before the board post subcommittee.

Mr. Sylvain stated he did not want to lower values of existing properties.

Amy Chhom stated it would be difficult to meet the architectural standards.

Discussion ensued regarding architectural design.

Ms. Chhom wanted flexibility.

Mr. Gray stated he did not feel the board would give them cart blanch.

Mr. Sullivan asked the turn around time for the water line.

Mr. Baskerville explained the process.

Mr. Sylvain continued the application to June 4<sup>th</sup> for approval; with discussion on the numbers with lot sizes to stay consistent.

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### **Review of surety**

Mr. Sylvain asked about the surety on Chamberlain Investments.

Mr. Behrendt explained an abutter was bringing back the amendment on June 4<sup>th</sup>.

### **Other Business**

Mr. Sylvain asked the board how they felt in regards to a mechanical application Ms. Gasses had from Mr. Grant for the installation of a 1000 lb tank.

Mr. Sylvain stated that as long as Mr. Grant did not feel it needed to be reviewed by the Planning Board he was satisfied. He asked for Mr. Grant to come up with a list of similar situation that arise.

### **Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Gray to adjourn at 9:25 p.m. The motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses  
Planning Secretary