

City of Rochester Planning Board

Monday February 7, 2011 at 7:00 p.m. (Regular Meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(Approved on February 28, 2011)

Members Present

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Tom Abbott

Rick Healey

Gloria Larochelle

Stephen Martineau

David Meader

Derek Peters

Dave Walker, City Councilor

Alternate Members Present

Bob Badeau

James Gray

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, Planning Secretary

(These minutes are the legal record of the meeting and are in the format of an overview of the meeting. It is neither represented nor intended to be a true transcription of the meeting. A recording of the meeting will be on file in the City Clerk's office for reference purposes. It may be copied for a fee.)

Mr. Sylvain called the meeting to order at 7:00 p.m. The planning secretary conducted the roll call.

Communications from the Chair

There were none.

Approval of the Minutes

A motion was made by Mr. Walker and seconded by Mr. Peters to approve the minutes of the January 24, 2011 Workshop Meeting. The motion carried unanimously.

Consent Agenda

Just Oil, Route 125 & Jonathan Ave. Extension to obtain a building permit for approved expansion of oil business. Case # 267-8-1, 8-2-A/B2-09

A motion was made by Mr. Healey and seconded by Ms. Laroche to approve the consent agenda. The motion carried unanimously.

Continued and Amended Applications

- A. LAARS Heating Company, 20 Industrial Way** (by Norway Plains Associates). Site plan to construct an 80' x 80' addition onto the existing building to house a new training room, offices, break room and additional parking.
Case # 230-19-12-10

Rick Lundborn of Norway Plains Associates represented the applicant, giving an overview of the project. The plans include a 80' X 80' two story addition to the existing building which will house a new training room, break room, expanded office space and a new research and development lab. There will be an added 86 parking spaces to address a parking deficiency.

Mr. Lundborn explained how the new drainage plans for the site will improve upon the existing filtration and storm water systems and bring the site in compliance with current regulations.

Mr. Peters asked to see where the snow storage areas were located.

Mr. Lundborn pointed out the snow storage areas on the plans, which were included in a swale area.

Mr. Sylvain asked to see the location of the dumpster.

Ms. Laroche asked Mr. Behrendt about the drainage review for the project.

Mr. Behrendt explained that the drainage report had come in late and Public Works Director Melodie Esterberg had only had a chance to briefly review the 200 page document. Mr. Behrendt did not believe there were any concerns but he did want to give Ms. Esterberg an opportunity to completely review the document. He suggested adding a precedent condition that the drainage would have to be approved before the signing of the plans.

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

The Public Hearing was opened.

No one spoke.

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

B. Goodfellas Brickoven Pizzeria / Robert Partridge, 66 Washington Street.

Amendment to approved site plan to change hours of operation for eating and drinking establishment. Present hours are limited to 11:00 a.m. to 9:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. on Friday and Saturday. The request is to remain open until 11:00 p.m. on Sunday through Thursday. Case # 123-1-B1-10

Mr. Abbott recused himself.

Mr. Behrendt recommends approval. The property is zoned commercial and the applicant is in compliance with the terms of the approval.

Mr. Healey asked how long they have been open.

Robert Partridge stated since December under his ownership.

Mr. Healey asked if there had been any complaints.

Mr. Partridge stated “no”, some of their best customers were from the neighborhood. They are losing \$150 - \$200 per night that they are not open until 11:00 p.m.

The Public Hearing was opened.

Mr. Partridge explained that this is their third time before the board and there have been no objections from the public.

Mr. Walker asked if the takeout is still open on the days the restaurant is open until 9:00.

Mr. Martineau asked if the board had said they would give them 4-6 months to see how things go.

Mr. Peters said he believes they had said about 6 months but he did not have a problem with the applicant being open from 11:00 a.m. to 11:00 p.m. then, or now.

Mr. Martineau asked if they could rescind the approval of the extension of hours.

Mr. Behrendt explained that there would have to be a violation.

Mr. Partridge understands he needs to abide by what is stated in the approval. He believes he is doing wonderful things for the area.

Mr. Walker described how the prior complaints centered on people congregating in the parking lot after 11:00 p.m. He would like to see if that happens when the weather turns warm.

Mr. Fontneau expressed that his biggest concern was whether the abutters were notified. He stated that there is no one here this evening and if they were having issues people would be here. The business has joined the Chamber of Commerce and he has had the opportunity to sample the food and was pleased.

Mr. Sylvain stated he has only one stipulation, he wants a date of May 15, 2011 set for removal of the stumps from the parking lot.

Mr. Gray felt that if the restaurant closed early in the summer that there would be more people in the parking lot.

Mr. Sylvain's only concern was congregation in the parking lot.

A motion was made by Mr. Peters and seconded by Mr. Meader to close the public hearing and approve the amendment to change the hours of operation to 11:00 a.m. to 11:00 p.m. and to set a date of May 15, 2011 for removal of the stumps in the parking lot. The motion carried 7-2.

Review of draft Comprehensive Rezoning Ordinance

Review of all text changes so far proposed by the Planning Board.

Mr. Abbott asked if on page II-1 #4, Interpretations/Dictionary, if they could revert to the prior wording.

A motion was made by Mr. Walker and seconded by Mr. Peters to add the deleted wording back in. The motion carried unanimously.

Mr. Abbott explained that under Contractor Storage Yard, that by removing "heavy" you are creating conflict. Also using "and" could be interpreted to mean you would have to have all of them.

A motion was made by Mr. Walker and seconded by Mr. Peters to add "heavy" back in and change the "ands" to "or". The motion carried unanimously.

Mr. Abbott questioned the definition of "night club".

Discussion ensued regarding the definition of "Night Club".

A motion was made by Mr. Walker and seconded by Mr. Peters to remove the word "late" from the definition for nightclub. The motion carried unanimously.

Mr. Behrendt suggested the flipping of the Residential 1 and Residential 2, so that the density decreases as you move out.

Mr. Walker expressed that the committee stuck with the Residential 1 and Residential 2 for familiarity.

Ms. Laroche stated that during mapping “Neighborhood Rural Residential” was brought up.

Mr. Fontneau does not think that calling something a “neighborhood” does anything. Flipping Residential 1 and Residential 2 will create massive confusion.

The board agreed to remove “Neighborhood” from the title in Residential Districts 1 & 2.

Mr. Abbott regarding “new buildings” asked if iii. Takes care of the description or should we have it read, “New buildings must be residential in character and in keeping with surroundings residential properties.”

A motion was made by Mr. Walker and seconded by Mr. Abbott to remove “harmonious”. The motion carried unanimously.

Mr. Abbott pointed out that wherever the Building Code is referenced it should be referred to the New Hampshire State Building Code.

Mr. Walker suggested on XXII-3, #9 a limit of one year.

Mr. Abbott suggested leaving in “once a building permit or other action pursuant to the special exception within that timeframe.”

A motion was made by Mr. Fontneau and seconded by Mr. Martineau to change to three years and add the wording suggested by Mr. Abbott. The motion carried unanimously.

Under XXIII - 6 - Boat docks. Mr. Behrendt will check with Mr. Wensley before eliminating.

Mr. Sylvain has a request from a sign company to review concerns they have regarding the proposed sign ordinance. He has asked them to come in on the 28th to present their concerns.

The board postponed reviewing the section on signage.

Mr. Behrendt clarified the removal of #3 on XXX-3 was due to a change in state law.

Draft Capital Improvements Program

Mr. Sylvain asked the board if there were any concerns before they send the CIP on to the City Council.

Mr. Sylvain stated that next year he would like to ask the School Department and Public Works come before the board.

The Planning Board endorsed the Draft Capital Improvements Program as written.

Other Business

Mr. Sylvain asked to revisit the rezoning map.

Mr. Behrendt stated that the Granite Ridge District was created and time was spent crafting it and believes that removing it would not be well received. The board can adapt the new Granite Ridge District to the new ordinance.

Mr. Walker questioned why the board should differentiate.

Mr. Behrendt stated that Route 11 merited special consideration.

Mr. Peters agreed that Route 11 is totally different.

Ms. Larochelle believes it should be a separate zone and it has been promoted that way to future businesses. The zone description is very thorough and detailed.

Mr. Gray stated that right now it describes a place and not a type of zoning.

Mr. Sylvain suggested that they have Mr. Behrendt write up the wording and the board can look at it at a later date.

Mr. Peters would like to schedule a retreat on February 24, 2011. Topics of discussion will include electronic mapping and continuing to have a member attend the Technical Review Group Meetings.

Adjournment

A motion was made by Mr. Walker and seconded by Mr. Peters to adjourn at 8:40 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses
Planning Secretary