

# City of Rochester Planning Board

Monday February 28, 2011 at 7:00 p.m. (Workshop Meeting)  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(Approved on March 7, 2011)

## Members Present

Nel Sylvain, *Chair*  
Tim Fontneau, *Vice Chair*  
Tom Abbott  
Rick Healey  
Gloria Larochelle  
Stephen Martineau  
David Meader  
Dave Walker, City Councilor

## Alternate Members Present

James Gray

## Members Absent

Derek Peters, Excused

## Alternate members Absent

Robert Badeau, Excused

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.

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## **Communications from the Chair**

There were none.

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**Public Comment**

There was none.

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**Discussion of General Planning Issues**

There were none.

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**Approval of the Minutes**

*A motion was made by Mr. Gray and seconded by Mr. Walker to approve the minutes of the February 7, 2011 Regular Meeting. The motion carried unanimously.*

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**Consent Agenda**

- A. Steve Miller General Contracting, LLC, Flagg Road.** Extension to meet precedent conditions for 7-lot subdivision. Case # 259-29-A-08
- B. NH Northcoast Corporation and the City of Rochester, Wallace Street.** Extension to meet precedent conditions for lot line revision. Case # 120-321 7 306-13-09

The extension date for Case # 259-29-A-08 is February 24, 2012.

The extension date for Case # 120-321 & 306-13-09 is August 31, 2012.

*A motion was made by Mr. Gray and seconded by Mr. Walker to accept the Consent Agenda. The motion carried unanimously.*

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**Public hearing and prospective adoption:** Proposed amendment to City of Rochester Site Plan Regulations to reduce the required length of a handicap parking space from 20 feet to 18 feet (Article II, Section 6, Subsection D3d).

Mr. Walker clarified this was to bring conformity with the State regulations.

Mr. Sylvain opened the public hearing.

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

*A motion was made by Mr. Healey and seconded by Ms. Larochelle to adopt the amendment to reduce the length of a handicap parking space from 20 feet to 18 feet. The motion carried unanimously.*

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## **Review of Surety Information**

Mr. Behrendt introduced Mr. Kenn Ortmann, Planning Director, who was there to answer questions board members had regarding surety.

Mr. Ortmann told the board that there had been problems with four or five of projects over the last four or five years, mostly due to bankruptcy and the rise in the cost of paving.

The City has taken steps to protect itself and people living in the partially completed developments by not issuing future surety for a period longer than two years. After two years if the project is not complete the applicant will have to come back before the Planning Board.

Mr. Ortmann asked that the Chair set up a subcommittee to address a couple of issues regarding surety. One issue would be changes regarding protocol or documents regarding surety. The second would be changes that may be needed in regarding how we handle surety.

Mr. Ortmann reviewed the surety table with the board. He explained the process and how the surety amount usually declines as work is completed.

Mr. Walker asked who determines how much is released.

Mr. Ortmann stated Public Works.

Mr. Walker asked why money had been released for Channing Lane if work has not been done.

Mr. Ortmann explained how there is still surety being held and went on to explain the process for releasing surety. He explained that the challenge is in a situation where the amount of funds available is barely or not enough to finish the project.

From a legal standpoint the City can not hold more than the value of the work to be done.

Mr. Walker stated that the City could get caught on the hook when a developer went bankrupt and he is all for whatever needs to be done to amend or format documents or support legislation that would protect the City.

Mr. Fontneau stated that it would be hard to revoke permits on project which already has families living in it.

Ms. Larochelle asked if when the City receives the list of which construction items have been completed is the list then verified.

Mr. Ortmann explained that there is a strong incentive for the developer to complete the improvements in a subdivision where improvements are occurring in the public right of way. In a site plan it is a little more difficult where the majority of the improvements occur on private property.

Mr. Abbott asked if when releases are made is the City utilizing the 10 percent escalator for inflation.

Mr. Ortmann stated he would have to check with DPW.

Mr. Gray asked why six of the sureties have expiration dates and eighteen do not.

Mr. Ortmann explained that the eighteen that do not have expiration dates are cash sureties.

Mr. Martineau would like Mr. Ortmann to create a document with what he would like to see the board do. He would like to be proactive in regards to expiration dates and legislation for the retention of funds.

Mr. Gray would like the spread sheet to show what the money is held for that has not been released.

Mr. Sylvain asked if there was a system of checks and balances over DPW when surety is released. He questioned whether it goes to the Council or the City Manager.

Mr. Ortmann explained that the DPW would determine if the request for release from the developer is reasonable based on the work completed.

Mr. Sylvain stressed that we should have a fallback so that the City is not losing money. He believes we need one more step to verify and make sure the City is covered.

Mr. Sylvain appointed a subcommittee of Ms. Larochelle, Mr. Fontneau, and Mr. Gray to work with Mr. Ortmann on the surety issues. Mr. Fontneau will chair the subcommittee.

Mr. Sylvain requested that the meetings be scheduled so that other board members may attend if they choose.

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## **Review of draft Comprehensive Rezoning Ordinance**

### **A. Review of Sign Ordinance Article XXIX**

Tim Sullivan of Barlo Signs explained how Mr. Behrendt had reached out to them for their input on how the sign regulations would affect their clients.

Mr. Michael Leary of Sundance Signs introduced himself. Mr. Leary works with a large number of local and small business owners.

Mr. Sullivan was concerned with the three foot maximum height and sixty square foot maximum coverage.

Mr. Sullivan provided the board with handouts of photo shopping he had done to demonstrate how the sign regulations would affect the appearance of current signs.

Mr. Martineau asked if the size of a sign could be issued as a conditional use if it exceeded the regulations.

Mr. Behrendt explained that the sign regulations are set as part of the zoning regulations. The board could choose to write into the zoning ordinance that a sign exceeding 60 square feet could be allowed by conditional use.

Mr. Sylvain was concerned that the board would get a small business who wants to put a sign the size of Hannaford's up.

Mr. Leary suggested the board could put a cap on the size.

Mr. Martineau suggested we keep it like it is and add a conditional use.

Mr. Abbott used Jenny Wren as an example of a store front which could have a much larger size sign the way the ordinance is written. He suggested the ICC Sign Chart would be a good point of discussion.

Mr. Sylvain asked the board be provided the ICC Chart, the sign ordinance from Somersworth, and the sign ordinance from Hooksett.

Mr. Fontneau suggested that attached sign regulations should change with the district just as free standing sign regulations do.

Mr. Sylvain stated that the signs for failed businesses need to come down.

Mr. Healey clarified that the 13 month time limit for a sign to come down coincided with the 12 month period for grandfathering.

Mr. Sylvain wanted it clarified that when the sign box stays, there is to be no lettering or lighting.

Mr. Abbott questioned what does placing a "property for rent" in the vacant sign does.

The board will revisit the entire section on abandon signs.

Discussion ensued regarding “message boards”, how they operate and how they can be regulated in how they operate.

Mr. Sylvain stated he wants the signs to be appealing and proper.

Mr. Martineau would like to see electronic signs brought before the Planning Board. In addition if the business leaves he would like to see the sign go.

The board discussed the need to add Granite Ridge District to acceptable for illuminated directional signs.

Discussion ensued regarding the E.2bi on page 12 of 79.

Mr. Walker felt that item E.2bi was fine.

E.2bii is to have “prior to any conditional use permit being issued by the Planning Board” deleted.

## **B. Corrections to ZBA**

Mr. Behrendt stated on page 30 he would match the RSA precisely and bring this back on March 21.

## **C. Granite Ridge Zoning District**

Mr. Behrendt gave an overview.

Mr. Martineau asked if the board had agreed to all of the Granite Ridge Zoning.

Ms. Larochelle stated that there were some specifics regarding the Granite Ridge Zone and that it is set up differently then the other zones.

Mr. Martineau suggested that it be called Highway Commercial 3.

Mr. Abbott pointed out that on page 34 there are a couple of references to the old zoning ordinances that need to be removed.

Mr. Walker pointed out that he does not think that “Granite Ridge” is appropriate for a specific area of zoning. The board may find that they want a different area of the City to have the same zoning regulations.

Mr. Meader stated that the district was developed for the TIF.

Mr. Sylvain asked for a show of hands on who would like to keep the Granite Ridge Zone. The vote was 4 for and 5 against.

Mr. Abbott expressed concern over reference to the service road. The dimensions will have to come out.

Mr. Fontneau would like to receive input from Economic Development.

Mr. Gray clarified that the board is creating Highway Commercial 3 and that the Granite Ridge District is part of it.

#### **D. Incorporation of Overlay Districts**

There has been no substantial change. Board members had no concerns with including these as written.

#### **E. Corrections to tables of Uses and Dimensions**

Mr. Behrendt will make changes regarding Highway Commercial 3.

#### **F. Final corrections to text**

Mr. Behrendt pointed out that the following corrections need to be made.

1. on page 79 - 13 months
2. on page 79 - manufactured housing unit - "on its own lot"
3. on page 79 - in 10a - delete the bold underlined
4. on page 79 - change all manufactured home to manufactured housing unit

Under 10 c on page 79, discussion ensued regarding the minimum size.

Mr. Behrendt suggested adding "unless replacing an existing 14'.

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#### **Other Business**

There was none.

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#### **Adjournment**

A motion was made by Mr. Gray and seconded by Mr. Walker to adjourn at 9:45 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses  
Planning Secretary