

City of Rochester Planning Board

Monday, April 18, 2011 at 7:00 p.m. *"Workshop Meeting"*

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on May 2, 2011)

Members Present

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Tom Abbott

Rick Healey

David Meader

Derek Peters, arrived at 7:10 p.m.

Dave Walker, City Councilor

Members Absent

Gloria Larochelle, excused

Stephen Martineau, excused

Alternate Members Present

James Gray

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, Planning Secretary

(These are the legal record 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.)

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

Mr. Gray to sit for Mr. Peters

Mr. Peters arrived at 7:10 p.m.

Mr. Gray to sit for Mr. Martineau

Communications from the Chair

Mr. Sylvain reminded board members to sign up for the OEP Spring Conference in June. Members may register on line and check off the box designating an invoice be sent to the City.

Opening Discussion/Comments

A. Public Comment

None

B. Discussion of general planning issues

None

Approval of minutes for April 4, 2011, Regular Meeting

A motion was made by Mr. Gray and seconded by Mr. Walker to approve the April 4, 2011 Regular Meeting Minutes. The motion carried unanimously.

Toy Tech, 174A Milton Road by (Shawn Atkinson). Amendment to approved site plan to include service and sale of motorcycles and off road vehicles in addition to the previously approved repair and sale of automobiles.

Mr. Atkinson explained to the board he was seeking an amendment to allow him to repair and sell OHRV's and motorcycles at the location in addition to the allowed auto repair and sales.

Mr. Healey stated that although he did not have an issue with the condition in the staff recommendations that stated OHRV's may be tested on the subject lot but they may not be driven directly to an adjacent or neighboring lot(s) for operation or testing, he wanted the applicant to understand that the law allows OHRV's to be ridden on a landowners property with their written permission.

Mr. Abbott asked that the U-Haul truck be moved from the handicap accessible space.

Mr. Atkinson explained that he has asked Mr. Azouri to move the U-Haul trucks and trailers and it is his understanding that they will be moved more to the rear of the lot.

Councilor Varney addressed the board on behalf of a group of his constituents. He described a number of concerns including the parking of the U-Haul trucks which were supposed to be parked behind the store. There is a concern that business uses have been added and whether there is adequate parking for all the uses.

Councilor Varney stated there are signs located in the right of way.

In addition Mr. Varney stated that OHRV's and motorcycles are a nuisance. This is a troublesome area with a PSNH easement to the real and the PD at times needs to be called to deal with noise and dust caused by riding in this area.

Mr. Varney encouraged the board to look at the intensity of use. He questioned how permission was given to inspect motorcycles without going to the Planning Board first.

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

Mr. Fontneau stated that numerous uses have been approved over the years. He has no personal issue with the use but would like stipulations on the number of different uses. He does not remember the U-Haul use coming to the board. Vehicles need to be parked on the pavement and he is concerned about vehicles not being counted if they do not have a for sale sign on them.

Mr. Healey noted that there are stiff fines for riding OHRV's on property if you do not have permission. He felt that would be quite a deterrent.

Mr. Peters stated he had observed numerous U-Haul vehicles had been plowed in this past winter, located well off the pavement and he is not in favor of adding more vehicles/OHRV's than are already there now.

Mr. Sylvain asked for staff comments.

Mr. Behrendt stated that staff recommends approval with a number of conditions as stated in the staff recommendations. He suggested that if the conditions could be resolved, would ask for approval.

Mr. Sylvain expressed that the owner needs to start to comply with the conditions put on earlier.

Mr. Fontneau questioned what the focus of the business would be and whether it would involve the sale of automobiles.

Mr. Atkinson explained that the primary focus of his business would be auto repair and ATV would be secondary. He may have a used car or two for sale but his focus would be on repair. He would be renting the business space.

Mr. Fontneau asked if there had been approval for the U-Haul rentals.

Mr. Behrendt stated there was a 2009 approval for five trucks with trailers.

Mr. Sylvain stated the approval was for a trucking business not U-Haul rental. The trucking was for off-site pick up and delivery.

Mr. Peters stated he does not have a problem as long as the applicant has control of the area he is renting.

Mr. Gray asked if Mr. Atkinson wanted to address Mr. Varney's concerns.

Mr. Atkinson explained there are laws that govern these issues and he has no intention of breaking any laws. There would be some noise but it would be no different than 10 Harley's pulling out of the Lone Oak, it is Route 125 and it is a pretty busy road. He is not there to cause a headache.

Mr. Sylvain asked about the hours of operation.

Mr. Atkinson explained that he had asked for 8:00 a.m. to 8:00 p.m. in case he needed a little extra time. He did not want it to be an issue if he happens to be working a little late.

Mr. Sylvain stated that his only stipulation is that there are no motor homes or RV's.

Mr. Fontneau questioned whether there should be a stipulation as to the number of vehicles on the lot. He does not want to see vehicles left in various degrees of disrepair.

Mr. Atkinson stated that vehicles will be stored inside at night.

Mr. Fontneau asked for a number from the applicant.

Mr. Atkinson stated he would hate to put a limit on it, where there is plenty of room inside.

Mr. Peters stated the key is whether the vehicles are unregistered or not.

Mr. Fontneau wanted to use twelve and include the unregistered classification.

Mr. Gray expressed that they may want a higher number if they want to include motorcycles.

Mr. Atkinson stated that his primary goal is to make money doing service work. He may wish to take a vehicle or two on consignment.

Mr. Abbott questioned whether it would be easier to allocate space; the board could identify the area where the cars are supposed to be rather than a number.

Mr. Fontneau stated that the idea was not to have them stacked all over the parking lot.

Mr. Abbott would like to see the areas designated for vehicles shown on the plan and the plan recorded at the registry of deeds.

Mr. Behrendt clarified the Notice of Decision to include: all vehicles associated with this business must be parked only in the designated parking areas, as shown on the approved site

plan. There may be no more than 12 unregistered automobiles displayed at this site at anytime and all work to be performed on vehicles will be performed inside of the building.

Mr. Fontneau questioned whether they should limit it to a maximum of 12 automobiles in the front and a maximum of 6 automobiles on the side and all vehicles and OHRV's must fit in the designated areas.

Mr. Abbott stated it should be 12 unregistered automobiles in the front.

Mr. Behrendt clarified that all OHRV's must be brought in at night, no motor homes or RV's are to be serviced and the hours of operation to be limited to 8:00 a.m. to 8:00 p.m. Monday through Saturday as listed in the application.

Mr. Gray to vote for Mr. Martineau

A motion was made by Mr. Fontneau and seconded by Mr. Healey to approve the application retaining all conditions in the staff recommendations. The motion carried.

Public Hearing on Comprehensive Rezoning Map and Ordinance

Mr. Sylvain explained to the audience that the public hearing was an opportunity for citizens to give the board input on the proposed map and ordinance and opened the public hearing.

Mr. Ron LeClair, 176 Washington Street, explained to the board that the area where his property is located is still a Residential 3 under the proposed zoning. He would rather see his property zoned Highway Commercial.

Attorney McNeill introduced himself as representing Jean and Joe Kane whom own two parcels of land on Washington Street, a ten acre parcel and a six acre parcel, the Kane's feel that the Neighborhood Commercial designation is inappropriate for this area.

Mr. McNeill explained how he went to the area on Monday and observed the widened Spaulding Turnpike and repaving of Washington Street.

Mr. McNeill stated that with respect to the residents of Florence Drive, if the area was vacant they would not be looking at 2,000 square foot uses. The difference in uses between Highway Commercial and Neighborhood Commercial is significant. The definition of Neighborhood Commercial is small uses such as law office, laundry, dental office, with an appeal to residents who walk to these destinations.

Highway Commercial is very common at off ramps and is geared toward high volume traffic standards. Liberty Mutual area in Dover had residences but as use changed it became inappropriate.

Mr. McNeill posed the possibility of a compromise with sensitivity to the Florence Drive area; you could change the rest to Highway Commercial.

Costikyan Jarvis, Jarvis Ave. thanked the board for switching there parcel from Highway Commercial 1 to Light Industrial.

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

Surety Update

Mr. Fontneau explained to the board the subcommittee had met twice to date, in an informational gathering process. The third meeting was postponed because the committee is awaiting information from the Director of Public Works and the City Attorney.

The next meeting will be Tuesday, April 26, 2011.

Mr. Sylvain asked for a report from the sub-committee reviewing the signage section of the zoning ordinance.

Mr. Abbott explained that the committee had gone through the contentious issues and has done away with many of the conditional uses. The revisions will be ready for May 2, 2011.

Other Business

None

Adjournment

A motion was made by Mr. Walker and seconded by Mr. Gray to adjourn at 8:00 p.m.

Respectfully submitted,

Marcia J. Gasses
Planning Secretary