

City of Rochester Planning Board
Monday July 8, 2019
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on August 5, 2019)

Members Present

Nel Sylvain, *Chair*
Matthew Kozinski, *Secretary*
Mark Collopy
Tim Fontneau
Donald Hamann
Mark Sullivan – arrived at 7:22pm
Dave Walker

Members Absent

A. Terese Dwyer, excused
Robert May, excused
James Gray, excused
Daniel Rines, excused

Alternate Members Present

Joyce Bruckner – arrived at 7:03pm

Staff: James B. Campbell, *Director of Planning & Development*
Crystal Galloway, *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.)

Mr. Sylvain called the meeting to order at 7:00 p.m.

The Planning Secretary conducted the roll call.

III. Seating of Alternates

Ms. Bruckner voted in place of Mr. May.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the June 17, 2019 meeting minutes. The motion carried unanimously.

VI. Consent Agenda

A. Safran, 85 Innovation Drive – Extension

B. Dorothy Thone, 92 Chesley Hill Road – Extension

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

VII. Continued Applications

A. TSB Propertied, LLC, 124 Milton Road

Christopher Berry of Berry Surveying & Engineering presented the modifications made to the plan, saying they redesigned the plan to what the Board wanted. Mr. Berry explained the changes including eliminating the 12,000 square foot commercial building, extending a vinyl fence along the back of the abutting residential properties and down to Milton Road. He said they are no longer proposing 24 hour access and have set times of 5:30am to 11:30pm and are willing to install a gate in the future if it is needed.

Mr. Campbell reminded the Board they accepted the application in April and that the Conditional Use Permit needs to be approved as well.

Mr. Collopy asked how the hours of operation will be enforced without a gate. Mr. Berry explained the steps the developer will take to monitor the property.

Mr. Fontneau asked what would trigger the need for a gate. Mr. Campbell explained it would be a number of complaints set by the Board.

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

A motion was made by Mr. Sylvain and seconded by Mr. Walker that if there are five (5) complaints it would trigger discussions for a gate/fence. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the site plan. The motion carried unanimously.

B. SL Sweet Properties, LLC, 0 Betts Road

Mr. Berry explained since the last time he was before the Board a stormwater analysis has been completed and the locations of the wells for the abutting property has been located.

Mr. Sylvain opened the public hearing.

Ray Wood of 13 Violet Court asked if this project would trigger a traffic study requirement. Mr. Campbell explained a simple 3-lot subdivision would not be required.

Mr. Wood asked if sight line distance has been looked at. Mr. Berry said it was looked at by TRG and it was approved.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell reminded the Board there is a conditional use permit that is required which staff supports. He further said staff recommends accepting the application as complete and approving the application.

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

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

A motion was made by Mr. Walker and seconded by Mr. Hamann to close the public hearing and approve the 3-lot subdivision. The motion carried unanimously.

C. Lilac Community LP, 41 Tebbetts Road

Joel Runnals of Norway Plains Associates presented the plan for a simple 3-lot subdivision.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

Mr. Campbell said staff recommends accepting the application as complete and approval.

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

A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing and approve the 3-lot subdivision. The motion carried unanimously.

D. 201 Storage, LLC, 201 Highland Street

Richard Lundborn of Fuss & O'Neill, Inc. presented the site plan to replace a 2,800 square foot one-story storage structure with an 18,126 square foot two-story storage structure, and remove 600 square feet of an existing one-story storage structure.

Mr. Lundborn explained which buildings would be replaced and said there will not be an impact to the condominium complex behind the site.

Mr. Sylvain opened the public hearing.

Sarah Harrington of 50 Woodland Green told the Board what good neighbors Blue Bird Storage has been.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said the applicant is requesting a waiver from parking which staff supports.

Mr. Sylvain asked what the pitch of the roof will be. Mr. Lundborn said it will be flat with a ½ to 12 pitch.

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

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

A motion was made by Mr. Walker and seconded by Mr. Hamann to close the public hearing and approve the site plan. The motion carried unanimously.

VIII. New Applications

A. Nantucket Beadboard, 109 Chestnut Hill Road

Scott Lawler of Norway Plains Associates presented the plans to construct a 10,000 square foot building to store materials. He said there may be some manufacturing out of the building such as laminating and gluing in the future but there will not be any machines run in the building. Mr. Lawler explained the lighting plan which includes timers for the lights on the back of the building with security cameras. He said a six foot fence on a two foot berm will be installed along the abutting properties.

Mr. Lawler said they are requesting a waiver from the parking regulations and stormwater discharge. He said they are also requesting two conditional use permits, one to allow for minor grading within the outer 25 feet of the conservation overlay and the other to allow construction 75 feet from a residential property line where 100 feet is required.

Mr. Sylvain opened the public hearing.

Lisa Gibson of 43 Millers Farm Drive said this development will affect the home values in the neighborhood after they were told nothing would ever be built on that lot. She said the construction will impact stormwater issues and wants to protect their property. Ms. Gibson is concerned with what type of chemicals will now be in the environment.

Michael Libby of 57 Millers Farm Drive asked how the construction would affect the property values in the neighborhood. He asked if the applicant will be treating for mosquitos once the trees are taken down.

Ellebiram Garcia of 64 Millers Farm Drive asked that the Board protect the neighborhood from what is not in their best interest and reconsider relocating the building to maintain a buffer.

Lauren Howell of 60 Millers Farm Drive requested a vinyl fence be installed instead of a stockade fence. She asked what time of day the deliveries will be, and that the neighborhood get something in writing that no machines will be used in the building.

Heather Bollinger of 61 Millers Farm Drive said she was told that nothing would ever be built behind her house. She said they are trying to sell their home and this project could be a deterrent for prospective buyers.

Steve Smith of 106 Chestnut Hill Road said he lives across the street from Nantucket Beadboard and is home all the time. He said he has never had an issue with the business and never hears any noise from equipment.

Larry Powers of 53 Millers Farm Drive said he hears noise coming from the site every day. He asked that the buffer zone be maintained and that there be no light pollution onto abutting properties.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said the two conditional use permits the applicant is requesting, staff supports the waivers and recommends accepting the application as complete and approving the application.

Mr. Walker asked why the building can't be placed in a different location. Mr. Lawler explained the issue with the wetland crossing for the driveway. He said also the building is proposed in this location to act as a buffer for the residential abutters for potential future expansion.

The Board discussed shifting the building another 25 feet.

Mr. Sylvain asked what type of chemicals will be used. Mr. Lawler said they are water based and will not have fumes.

The Board went on to discuss the proposed type of fence. Mr. Fontneau suggested adding a row of evergreen trees as a buffer.

Mr. Collopy expressed his concern with potential mischief that may occur on site after business hours.

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

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the parking waiver. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the stormwater waiver. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the Conditional Use Permit to allow a wetland buffer impact. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to deny the Conditional Use Permit to allow building within the 100 foot buffer to a residential development. The motion carried unanimously.

Mr. Sylvain called a recess at 8:38pm

Mr. Sylvain called the meeting back to order at 8:46pm

B. Real Estate Advisors, Inc., 24 Jeremiah Lane

Mr. Berry presented the plan for an amendment to revise the layout and condense the project and rebalance the cost structure. He explained some of the development that was slated to be located in the back of the site has been moved to the front of the development in what was supposed to be open space.

Mr. Sylvain opened the public hearing.

James Benton of 579 Portland Street said he is concerned with the comments in the TRG report. He spoke about the original notice of decision and the time frame for active and substantial completion. Mr. Benton asked that the Board not allow development on the open space in the front of the parcel.

Attorney Jim Schulte said he is representing abutters. He said lot 21 has been sold but not listed as a separate abutter on the abutter list so therefore he doesn't believe the application is complete. He said the open space located at the rear of the property had been clear cut and is full of stumps and will never have a recreational use. He said he represented the abutters in an appeal after the initial approval for this project which the settlement is on file at the Strafford County Registry of Deeds. Attorney Schulte said part of that agreement is that the field remain a field and if the Board approves building homes on that field his clients will insist on upholding the agreement.

Al Benton of 585 Portland Street says this is not practical for the City and tax payers. He said he spoke to someone in the Assessing office and they are not in favor of this project going forward because of all the work they had to do with the original subdivision.

Mr. Benton spoke about removing some of the curbing that was required, a spring that the applicant wants to fill in, and the homeowners association.

There was no one further from the public to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said there were some issues brought up at TRG that the Board should discuss.

The Board briefly discussed lot 21 as it was mentioned that it had been sold. Mr. Campbell said he will speak to the City Attorney.

The Board discussed the settlement between the developer and abutters regarding the open field.

Mr. Sylvain asked if the drainage had been setup for the amended plan. Mr. Berry said yes and briefly explained how it would work. Mr. Berry added they have to submit for an amended alteration of terrain permit.

C. Kelmar Investment, LLC, Betts Road & Cross Road

Mr. Berry explained the Board had asked that the State permitting be re-approved so construction could move forward. He said after designing drainage that met Chapter 50 standards they realized the project would never be built.

Mr. Berry presented and explained the revised plan and infrastructure, including reducing the width of the road.

Mr. Sylvain said the drainage needs to be fixed before the project comes back to the Board.

Mr. Walker said he's not inclined to approve decreasing the road width.

Mr. Berry said he will have a plan put together and submit for the September meeting.

IX. Other Business

Mr. Sylvain announced the next Transportation Master Plan meeting will be held Thursday July 18th at 6:30pm at the Frisbee Memorial Conference Center.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn at 9:48 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary