

City of Rochester Planning Board
Monday April 20, 2020
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on May 4, 2020)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
A. Terese Dwyer
Tim Fontneau
Robert May
Daniel Rines
Mark Sullivan
Dave Walker

Members Absent

Alternate Members Present

Donald Hamann
Peter Bruckner

Staff: James 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. and made the following statement:

Good evening, as Chairman of the Planning Board I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III(b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

The Planning Secretary conducted the roll call. All Planning Board members were present. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

III. Seating of Alternates

No alternates were needed.

IV. Communications from the Chair

Mr. Sylvain welcomed Peter Bruckner to the Board as an alternate member.

V. Public Hearing on Amendments to Site Plan Regulations Article II Section 3 "Special Site Review Committee"

Mr. Campbell told the Board staff had brought the proposed changes to them at the February workshop meeting. He said staff made the recommended changes and is now before them for a public hearing.

Mr. Campbell informed the Board no one from the public has contacted staff with any input.

Mr. Walker asked if the Board would still have the authority to bump projects from minor site reviews to full Planning Board review. Mr. Campbell said yes.

A roll call vote was taken to approve the Amendments to the Site Plan Regulations Article II Section 3 "Special Site Review Committee". The amendment changes carried by a unanimous vote.

VI. Approval of Minutes

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the March 2, 2020 meeting minutes. The motion carried unanimously by a roll call vote.

VII. Consent Agenda

A. D.R. Lemieux Builders, Inc., 114 Rochester Hill Road – Impact Fee Waiver Request

B. SDJ Development of Rochester, LLC, Fillmore Boulevard – Extension Request

The applicant is seeking an extension to May 6, 2020

C. Glenn David's Integrity Auto, Inc., 415 North Main Street – Extension Request

The applicant is seeking an extension to October 7, 2020

D. Donald & Bonnie Toy, 418 Old Dover Road – Extension Request

The applicant is seeking an extension to October 7, 2020

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the consent agenda. The motion carried unanimously by a roll call vote.

VIII. New Applications

A. Robert & Denise Higgins, 28 Western Avenue

Joel Runnals of Norway Plains Associates presented the plan for a 2-lot subdivision. He explained the lot will be serviced by city water and sewer. Mr. Runnals explained the dimensions of the proposed lot and said there is a small area of wetlands at the corner of the parcel but because it is under a half an acre it doesn't need to meet any of the wetland buffers and this proposal doesn't involve any alteration or permitting of the wetlands. Mr. Runnals went on to speak about the existing structure and play area on the property. He said the applicants wish to keep the play area with the existing lot and so the subdivision had to be configured around that.

Mr. Runnals said the proposed lot will be for building a single family dwelling with frontage along Third Street.

Mr. Sylvain asked if there were any comments for the public hearing. Mr. Campbell read the following letter from the property owner of 3 Second Street:

18 April 2020

Scott D. Demers
2 Washington Street
The Picker Building, Suite 304
Dover, NH 03820

RE: Case # 120-185-R1-20

To whom it may concern:

Please be advised that I am the property abutter that will perhaps be most impacted by this subdivision as my property abuts the existing and proposed subdivision on two sides.

My thoughts are as follows:

I think the Higgins were wise to purchase this double lot and research the possibility of subdividing it. If I had known the property were going up for sale and **had enough cash on hand to completely refurbish the existing dwelling** located at 28 Western Avenue, I would have considered the purchase as well.

That being said, I do not want to stand in the way of their economic opportunity subject to the following questions and concerns:

- 1) Will the new lot be zoned strictly for single family usage? Which is what I would prefer to see happen. When I was in the process of renovating my own property; I was not allowed to "expand" it

while pulling permits and I was led to believe I would only be able to own a single family dwelling at that location.

- 2) If the new lot is approved, can there be any type of assurance that proceeds from that sale can and will be used to gentrify and beautify the existing property which must have dozens of code violations.

That being said, the new owners (the Higgins) are to be commended on 2 things that I noticed shortly after their purchase. One, they had the existing tenants remove the 2 or 3 rusting-out, unregistered, older cars from the back of their property abutting the rear of my property. Two, it appears they cut down the tall grass on their land that is along the corner of Western Avenue and Second Street (unless the city maintains this area because there is an apparent catch basin for water run-off).

Additionally, as of today, it looks like they removed some of the excessive trash that was piled up on the Western Avenue and Third Street side of the property. It also appears that they may have started interior demo work which will hopefully lead to exterior demo and refurbishing. So, they seem to be progressing in a favorable direction. I would like to ensure this continues.

- 3) Will the existing brush piles and intermittent trash (semi buried wheel barrel, metal items and sporadic pieces of paper, cans, wrappers, bottle, etc.) along the 28 Western Avenue property line, abutting my property on two sides that are an ideal nesting ground for vermin be removed? While the new owners did not cause this issue . . . they are ultimately responsible for it as the property owners. Not only would that beautify the entire property, but it would improve sanitation, and other related issues as a result of vector control.
- 4) Will the natural borders dividing our properties be left as is? Or are they intended to be filled in? In essence, there is a natural ditch which I assume has running water (I am guessing surface water run-off) when not blocked by the existing debris (brush piles and trash) on the property in question.

This answer does not matter to me as long as drainage can and will still take place; but the existing piles of brush and trash inhibiting any free flow should be removed and ongoing maintenance of that boundary should be maintained (i.e. not adding additional brush or raking leaves into the ditch).

If it is filled in, I would like to see "clean" natural fill, such as dirt or topsoil. I would be opposed to construction debris like concrete, wood, etc.

I fear that if new construction may take place, brush from clearing the land could be further piled up along our shared border.

I also met with my tenants at my property yesterday and they also agree with the following statements: Long story short. I am not opposed to a "single family" lot being approved, though I would honestly prefer the clean site lines of no home being there. However, a new home could be aesthetically appealing to the eye as it should be an improvement upon some of the existing structures nearby.

I would be opposed to the new lot if there are no assurances that the issues with the existing property are addressed (especially the exterior and the yard). I do not want to add population density unless we add beautification and gentrification to the existing lot.

Significant progress has been made in the neighborhood in the last 2 years with the improvements at my location and a few other nearby properties that I noticed on Western Avenue. I would like to see the trend continue with the existing property and structure located at 28 Western Avenue in conjunction with what I am assuming will be called "XX" Third Street.

Thank you for your time.

Respectfully,

Scott D. Demers

There were no further comments from the public; Mr. Sylvain brought the discussion back to the Board.

Mr. Runnals addressed some of the concerns from the abutter. He said the applicants are renovating the existing dwelling from a duplex to a single family dwelling. The plans are to build a single family home on the proposed lot. Mr. Runnals went on to say they are not proposing any alterations to the wetlands, and the drainage will not change.

Mr. Campbell said staff recommends the Board accept the application as complete and approving the subdivision. He reminded the applicant that impact fees will apply and would be due at the time of certificate of occupancy.

Mr. Fontneau asked about the existing home being converted from a duplex to a single family home because it was not mentioned in the application or staff recommendations. He said if that is the case the structure would not be able to be converted back to a duplex in the future because it is located in the R1 zone.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to accept the application as complete and approve the subdivision. The motion carried unanimously by a roll call vote.

B. John & Elizabeth Neer, 104 Chesley Hill Road

Christopher Berry of Berry Surveying & Engineering presented the plan for a 4-lot subdivision. He explained the existing property and topography and the proposed layout of the subdivision. He said the three new lots will share a driveway to a point and then it will branch off.

Mr. Sylvain asked if there was an input for the public hearing. Mr. Campbell said staff had not heard from anyone. Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said the applicant is requesting a waiver from Subdivision Regulation 5.2.4 which Staff supports granting because they made one driveway which splits to the three lots after a certain point. Further he recommends the application be accepted as complete and the subdivision approved.

Mr. Collopy asked what issues may arise from having a shared driveway. Mr. Berry said there will be a maintenance and driveway agreement that each party will need to sign and it will be on record.

A motion was made by Mr. Fontneau and seconded by Ms. Dwyer to grant the waiver request. The motion carried unanimously by a roll call vote.

A motion was made by Ms. Dwyer and seconded by Mr. Collopy to accept the application as complete. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the subdivision application. The motion carried unanimously by a roll call vote.

C. Tropic Star Development, LLC, 717 Columbus Avenue

The applicant requested a continuance to the June 1, 2020 meeting.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to continue the application to the June 1, 2020 meeting. The motion carried unanimously by a roll call vote.

D. Kelmar Investments, LLC, Kelmar Drive & Fresian Drive

The applicant requested a continuance to the May 18, 2020 meeting.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to continue the application to the May 18, 2020 meeting. The motion carried unanimously by a roll call vote.

E. Golden Oaks Development, LLC, Freedom Drive

Scott Lawler of Norway Plains Associates presented the subdivision plan and conditional use permit for a 16-lot subdivision. He reminded the Board he presented a preliminary plan to them in November and the original approval was in 2007 which had lapsed.

Mr. Lawler explained there will be approximately 950 linear feet of road construction with granite curbing and a sidewalk along one side. There will be a closed drainage system with catch basins. He said each of the lots will have individual raingardens to support runoff from the roofs.

Mr. Lawler said the lots will be serviced by municipal water and will have individual septic tanks with an effluent only pump that will pump to a common force main which will pump to the sewer manhole on Eastern Avenue.

Mr. Lawler said the project requires a conditional use permit to allow for impacts to the jurisdictional wetlands as well as impacts to the conservation overlay district.

Mr. Lawler went on to say there will be a Home Owners Association established that will help maintain the roadway and stormwater management system until the road is accepted and taken over by the City.

Mr. Sylvain asked if there was an input for the public hearing. Mr. Campbell said staff had not heard from anyone. Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said staff supports the conditional use permit because the impacts will not affect the functions and value of the wetland. He said staff recommends the Board approve the subdivision with the condition that the Conservation Commission review and support the project.

Mr. Campbell said staff recommends the Board find the application as complete and approval with the conditions as set forth. He reminded that impact fees will be applied and paid at the time of certificate of occupancy.

Mr. Fontneau asked what the individual raingardens will look like and how they will be maintained. Mr. Lawler explained the locations and depths of the raingardens and said it will be more like part of the lawn that they can be mowed.

Mr. Sullivan asked if the impact fee amounts should be disclosed at the time of approval. Mr. Campbell explained the breakdown of the fees that will be applied.

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

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the conditional use permit. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the subdivision application. The motion carried unanimously by a roll call vote.

F. Cornerstone VNA, 178 Farmington Road

Scott Lawler of Norway Plains Associates presented the site plan to construct a 4,394 square foot addition to the existing building. He said access to the site is from Farmington Road/Route 11. The site is serviced by a well and septic system and no additional employees will result from the addition.

Mr. Lawler said the two story addition will have an elevator for ADA requirements. He said it will provide larger workspaces and meeting rooms for employees and training. Mr. Lawler said seven parking spaces will have to be removed to make room for the addition but they will be constructing a new sidewalk to the rear of the building that will provide access to a large patio area. He went on to say the existing well will need to be relocated due to the addition and as such they will be applying to NHDES. He said they will also be applying to NHDOT for a driveway permit for an expansion of use.

Mr. Lawler said this section of Route 11 has been granted a bid for corridor safety improvements to create a center turning lane starting at the Tractor Supply (Two Rod Road) and extending up to the Farmington Town line.

Mr. Sylvain asked if there was an input for the public hearing. Mr. Campbell said staff had not heard from anyone. Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said staff recommends accepting the application complete and approving the application with the conditions set forth. He reminded them impact fees will be based on the square footage.

Mr. Sullivan asked if the impact fees could be waived or reduced. Mr. Campbell reviewed the ordinance and said the applicant wouldn't fall into one of the categories for a waiver.

Discussions continued regarding waiving the impact fees.

A motion was made by Mr. Sylvain and seconded by Mr. Sullivan to waive the impact fees. The motion carried by a 6 to 2 roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Dwyer to accept the application as complete. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the site plan. The motion carried unanimously by a roll call vote.

IX. Other Business

A. Review of 2021 CIP

Mr. Sullivan told the other Board members there have been some changes to the CIP since they received their copies. He said the Board may want to show an endorsement for the Planning Departments projects.

Mr. Sylvain asked Mr. Campbell to write a letter of support from the Planning Board.

B. Other

There was no other business to discuss.

X. Adjournment

A motion was made by Mr. Walker and seconded by Ms. Dwyer to adjourn at 8:28 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Secretary