

City of Rochester Planning Board
Monday June 1, 2020
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on June 15, 2020)

Members Present

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

Members Absent

A. Terese Dwyer, excused

Alternate Members Present

Donald Hamann – arrived at 7:38pm
Peter Bruckner

Staff: Seth Creighton, *Chief Planner*
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 Chairperson 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.

a.) Providing public access to the meeting by telephone: 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. The public can call-in to the below number using the conference code. This is currently set to allow the public to "listen-in" only, there will be no public comment taken during the meeting.

Phone number: 857-444-0744
Conference Code: 843095

b.) Public Access Troubleshooting: If any member of the public has difficulty accessing the meeting by phone, please email crystal.galloway@rochesternh.net or call 603-335-1338.

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 and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present with the exception of Ms. Dwyer who was excused. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

III. Seating of Alternates

Mr. Bruckner voted in place of Ms. Dwyer.

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. Collopy to approve the May 18, 2020 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Continued Applications:

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

Christopher Berry of Berry Surveying & Engineering explained the purpose of the amendment is to reduce the amount of roadway in order for the project to move forward. He said they have met the current alteration of terrain standards, current City of Rochester stormwater standards by updating all stormwater calculations and update all treatment criteria that is required for a project of this size.

Mr. Berry said they are requesting a waiver to reduce the project roadway width down to 22 feet wide. He went on to say they are also seeking a conditional use permit to work within the wetlands buffer, which the Conservation Commission approved at an earlier meeting.

Mr. Berry told the Board they are adjusting some of the lot lines within the subdivision but none on the lots that currently have homes built.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton said this is a simple amendment which meets all the conditions of the Subdivision and Stormwater Regulations. He said there will be a few conditions of approval which is standard for a subdivision like this.

Mr. May asked if there is anything unique with reducing the width of the road. Mr. Berry explained it would be wasteful for a subdivision of this size.

Mr. Fontneau asked about the conditional use request for lot frontage. Mr. Berry explained the Subdivision Regulations now allow residents to reduce the frontage on cul-de-sac lot by 20% but it is not a given right by code, the applicant has to ask the Planning Board.

Mr. Bruckner asked if there are any constraints or agreements on the buildings that are built. Mr. Berry said the current covenants of the subdivision only allow single family homes, otherwise duplexes could be constructed on these lots.

A motion was made by Mr. Fontneau and seconded by Mr. Collopy to grant both Conditional Use Permits. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Fontneau and seconded by Mr. May to close the public hearing. The motion carried unanimously by a roll call vote.

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

A motion was made by Mr. Fontneau 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. Fontdeau and seconded by Mr. Collopy to approve the amendment application. The motion carried unanimously by a roll call vote.

B. Tropic Star Development, LLC, 717 Columbus Avenue

Mr. Creighton told the Board the applicant has requested a continuance to the July 6th meeting and said because they have had so many continuances it would be a good idea to have the developer re-notify the abutters.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to continue the application to the July 6, 2020 meeting and re-notice abutters. The motion carried unanimously by a roll call vote.

VII. New Applications

A. Lydall, Inc., 134 Chestnut Hill Road

Scott Lawler of Norway Plains Associates explained the proposal to construct a 148,850 square foot building addition. He said in the last 72 hours there has been a change in the proposal from a phased plan to now a single phase. He said the new addition is to accommodate a dry filtration process that will produce filters that are necessary for the production of the N95 masks.

Mr. Lawler said they have learned about potential contaminants in the soil and ground water which prohibits the infiltration method of stormwater management. He went on to say they are working NHDES on the alteration of terrain to redesign to a lined treatment system which will be a graveled wetlands that will treat stormwater that comes off the roof and off the surface pavement then discharge it to the Cocheco River.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton said this is a good project that is needed but there are contaminants in the ground that need to be addressed. He went on to say Staff recommends the Board continue the application in order to work with the applicant further to make sure the new design meets City's standards.

Mr. Sylvain asked if there are any wells in the area of the facility that have been contaminated. Mr. Lawler said he is not aware of any, adding Chestnut Hill Road is serviced by municipal water. He said it's his understanding that the contamination is occurring in the back of the building where there were old lagoons which have now been removed and paved over.

Mr. Creighton said the worst contaminated wells have been connected to city water.

Assistant City Engineers Tim Goldthwaite and Dana Webber addressed the concerns regarding contamination. Mr. Goldthwaite said he agrees with the Planning Department when it comes to contamination and potential water cross contamination for water services into the site. He said there are no as-built plans for water service layout and without those public works can't fully protect the water system. Mr. Goldthwaite said he is hoping to meet with Lydall in the next week on site to go over everything.

Ms. Webber went over the regarding water mixing with contaminated ground water.

John Peacock, Lydall's Senior Director of Environmental Health and Safety said the new design moves the stormwater to the engineered wetlands. He said they have sampled all the wells in the area, with the majority being bedrock wells which had very low readings for PFOA's.

Mr. May asked if adding a condition of approval would be better rather than a continuance. Mr. Creighton staff is not comfortable because there are too many unknowns at this time. He added the City Attorney agreed with the continuance.

There was further discussion regarding the ground contamination.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the application to June 15, 2020. The motion carried unanimously by a roll call vote.

B. Northern Utilities, Inc., 770 Columbus Avenue

Matthew Pelletier of Process Pipeline Services explained the plan to construct a new natural gas regulator station. He explained how the site will be screened and said there will be a guardrail in the front for protection. Mr. Pelletier said they are working with NHDES on this project due to past ground contamination.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Creighton told the Board the applicant received zoning relief from the Zoning Board. He said staff recommends approving the project.

Mr. May expressed his concerns about public safety. Mr. Pelletier said gas utilities are heavily enforced by State and Local codes, adding within the codes there are layers of safety.

A motion was made by Mr. Walker and seconded by Mr. Rines 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 Mr. Collopy to close the public hearing and approve the site plan application. The motion carried unanimously by a roll call vote.

VIII. Other Business

A. Recommendation for Rick Healey to be re-appointed to the Strafford Regional Planning Commission

A motion was made by Mr. Collopy and seconded by Mr. Walker to recommend re-appointment for Rick Healey to the Strafford Regional Planning Commission. The motion carried unanimously by a roll call vote.

B. Other

There was no other business to discuss.

IX. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:20 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Secretary