

City of Rochester Planning Board
Monday January 4, 2021
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on January 25, 2021)

Members Present

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

Members Absent

Daniel Rines, excused

Alternate Members Present

Paul Giuliano
Donald Hamann
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planning Administrative Assistant II*

(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. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment

taken during the meeting. (Please note: In order to notify the meeting host that you would like to speak, press 5* to be recognized and unmuted)

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.

c.) Public Input: Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the Planning Board (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** Planning Department / Public Input, 33 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** crystal.galloway@rochesternh.net (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-335-1338 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, the Planning Board will be allowing the public to enter Council Chambers and speak in person during the Public Hearing portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the Police Department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note: the seating in Council Chambers will not be available for the public during meetings.

d.) Roll Call: 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. Additionally, Planning Board members are required to state their name each time they wish to speak.

III. Seating of Alternates

Mr. Whitehill voted in place of Mr. Rines.

IV. Communications from the Chair

There was no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the December 7, 2020 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Consent Agenda

A. Waste Management of NH, Rochester Neck Road & Turnkey Way – Extension

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

VII. Continued Applications

A. Norman Beaulieu, 9 Nature Lane

Ms. Saunders explained the memo the Board received in their packets contains the waiver criteria. She said after speaking with legal counsel the Board has an opportunity to waive some of those fees but the types of waivers are very tightly controlled. Ms. Saunders said in order to waive the fees the application has to meet those criteria and in this particular case where it's an elderly individual the house would have to be part of a property that had a deed restriction that requires an age restriction on the property. She said this property is not part of such a development and does not meet any of the other criteria and for that reason staff recommends the Board deny the waiver request.

Mr. Fontneau asked if the lot is part of a subdivision that was approved prior to adoption of the impact fee ordinance. Ms. Saunders explained RSA 674 which says if the Planning Board approved a subdivision within five years of adoption and work is underway with active and substantial construction they are vested in changes of the ordinance. She went on to explain once a subdivision is complete and the developer is no longer in the picture those remaining lots are subject to ordinance changes like this new impact fee ordinance.

Mr. Walker said he remembers when discussing impact fees originally, singular lots were not part of the discussion.

Ms. Saunders said the Board can deny this request without prejudice because the Board will be amending the ordinance and the applicant can re-apply for the waiver.

Mr. Sullivan said if the ordinance is changed before the applicant gets his Certificate of Occupancy he might not even need to come back for a waiver.

A motion was made by Mr. Collopy and seconded by Mr. Walker to deny the waiver request without prejudice. The motion carried unanimously by a roll call vote.

VIII. New Applications

A. Packy's Investment Properties, LLC, 17 Sterling Drive

Scott Lawler of Norway Plains Associates presented the site plan to construct four self-storage buildings. Mr. Lawler explained the lot is currently vacant with the exception of a small cemetery and a City of Rochester municipal pump station.

Mr. Lawler went on to explain four buildings will total 22, 800 square feet and there will be 39 outdoor storage spaces for vehicles. Mr. Lawler said they will install solar panels similar to what the applicant currently has at his other business locations around the city.

Mr. Lawler said the facility will be unmanned so there will be no office or need for parking spaces, thus they have included a parking waiver request with the application.

Mr. Lawler went on to explain they are proposing pole mounted lights in the front of the facility which will be on timers and will be motion sensitive, meaning they will turn on when it gets dusk and turn off at an appropriate hour in the evening, only to come back on when the motion sensor is triggered. Mr. Lawler said there will also be security cameras mounted on the light poles pointed at multiple locations and will have inferred capabilities.

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

Ms. Saunders explained this project is in both the Conservation Overlay and Aquifer Protection Overlay zone. She said the area of development is outside both areas. She said she recommends the application be accepted as complete because there is sufficient information for the Board to proceed.

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.

Ms. Saunders went over the conditions of approval with the Board. She informed the Board and the applicant's project will be subject to impact fees which will be determined at the time a building permit is pulled.

Mr. Walker asked if there will be a security fence around the facility. Mr. Lawler said the applicant has chosen not to do a fence at this time as one is not necessarily warranted at this facility.

Mr. Sullivan noted the precedent conditions have to be met within three calendar months and asked if that feasible. Mr. Lawler said the time limit changed from six months to three months around April 2020 and since have had to submit multiple extension requests for projects.

Mr. Giuliano asked about condition #7 which speaks to drainage, which states it must be constructed prior to construction of the new associated parking. He asked what constitutes that, is it construction of a new building or foundation. Ms. Saunders said after land clearing the next thing that needs to go in is the stormwater management system.

Mr. Fontneau asked what other type of security the site will have other than cameras. He asked if there will be an electronic gate to access the property. He said his concern is wherever there is access to vehicular traffic such as the main entrance or from the Rails to Trails. Mr. Lawler said there will not be a gate installed as it is not the business practice of this applicant as none of his other facilities are gated. Mr. Lawler went on to say there will be lilac bushes planted along the edge of the trail to discourage atv's from coming onto the property.

Mr. Bruckner asked if the proposed lighting will be sufficient towards the center of the units. Mr. Lawler explained he reviewed the lighting plan with the applicant and feels comfortable with the placement of the lights.

Mr. Bruckner asked if there will be fire walls between the units. Mr. Lawler said the project has been reviewed with the Fire Department and as long as they provide adequate firefighting flows and extend the hydrant across the cul-de-sac and into the project site the Fire Department has determined the units do not need to be sprinkled.

Mr. May asked if the Police Department has reviewed the plan. Ms. Saunders said they have and they let the applicant know this is an area of mischief. She said the applicant was clear during the TRG process that he isn't interested in a fence. Mr. May said he remains concerned about adequate security and possible vandalism.

Mr. Collopy said it's been his experience in other communities that storage facilities have been built in a fast pace, lacking fencing and things of that nature and many times law enforcement would rather not have a fence

because when and if they need to get inside for any reason they can do so. He went on to say fences can also provide a false sense of security.

Applicant, Packy Campbell said one of the main reasons he didn't want to show the fence on the proposed plan was because he it's not clear yet where the best place to put it is. He said he reserves the right to pull a building permit at a later date for a fence. Mr. Campbell went on to say he's had very few problems at his other facilities from vandals.

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

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

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the site plan with the conditions set forth and six months to meet precedent conditions. The motion carried by a roll call vote. Mr. Walker opposed.

IX. Other Business

A. Impact Fees

Mr. Sylvain said the Board needs to have a discussion and give feedback to the Staff in order to make changes to the ordinance. He said he originally thought impact fees were going to be applied to developers and commercial development not single family lots.

Mr. Fontneau said the Board voted to put impact fees in place because the City was about to see a surge in development. The Board felt with some large residential and commercial developments coming into place impact fees would offset any potential cost to tax payers. He said it was never the intension of the Board to collect an additional \$4,000 to \$5,000 from a single home owner with an existing lot of record because they are not creating any new impact on the tax payer for city services.

Mr. Sylvain said after speaking with Planning Staff and the City Manger the Board can lower the rate of the fees.

Mr. Sullivan said the ordinance was approved in 2007 but isn't sure how the criteria came about. He said he agreed with Mr. Fontneau, the Board didn't intend to charge fees for single existing lots of record.

Mr. Walker asked if the Board could amend the ordinance to put an exception in for single lots of record with one single family home. Ms. Saunders said she will need to look at how to amend the ordinance because the Board can't treat one type of single family lot differently than another single family lot. Mr. Walker said one single lot is different than a development. Ms. Saunders said she would check with legal counsel.

Mr. Giuliano said no developer is going to want to pay impact fees so the Board will need to vote on each waiver request.

Mr. Hamann reminded the Board when impact fees were originally discussed there was a former Board member that had a big argument because he owned a lot that he might develop in the future and would be subject to impact fees.

Mr. Sylvain asked for something in writing from legal counsel stating the Board is authorized to change the fees, for example from 100% down to 50% for schools, fire, etc.

Mr. Collopy suggested trying to keep it simple and address some reductions of impact fees.

Ms. Dwyer said the Board needs to wait until there is more information in order to know which direction to go to get into more depth.

B. Other

There was no other business to discuss.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:36 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development