

**City of Rochester Planning Board**  
**Monday March 1, 2021**  
**Virtual Meeting**  
**31 Wakefield Street, Rochester, NH 03867**  
*(These minutes were approved on March 22, 2021)*

**Members Present**

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

**Members Absent**

A. Terese Dwyer, excused  
Lance Whitehill, excused

**Alternate Members Present**

Paul Giuliano  
Donald Hamann

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.)

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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.

**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 **857-444-0744** and use conference code **843095**. 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)

**Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [crystal.galloway@rochesternh.net](mailto:crystal.galloway@rochesternh.net).

**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.

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

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### III. Seating of Alternates

Mr. Giuliano voted in place of Ms. Dwyer.

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### IV. Communications from the Chair

There was no communications from the Chair.

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### V. Approval of Minutes

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the February 22, 2021 meeting minutes. The motion carried unanimously by a roll call vote.*

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### VI. Consent Agenda

**A. Dorothy Thone, 92&86 Chesley Hill Road – Lot Line Revision**

**B. Thomas & Lisa Buchalski and George Family 2019 Rev Trust, 40 Justin Lane – Lot Line Revision**

**C. Waste Management of NH & William & Eileen Parsell Rev Trust, 0 Pickering Road – Extension Request**

Ms. Saunders told the Board Staff recommends approval of the consent agenda with conditions on each of the items.

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

## **VII. New Applications**

### **A. Sofield Apartments, LLC, 287 Rochester Hill Road – Preliminary Subdivision**

Christopher Berry of Berry Surveying & Engineering let the PB know he just received information about a significant easement on the property, that the Title Attorney missed. The developer will have to work with the Pease Authority to figure this out before they move forward.

Mr. Berry explained the existing multi-family property. He said the back portion of the land has a restriction from a previous approval that it cannot be developed but it can be used for density. Mr. Berry went on to explain the developer is proposing a 30-lot open space subdivision for single family housing units. Mr. Berry said they have gone through the TRG review with a few technical comments which will be answered through final design.

Mr. Berry explained stormwater will be handled through a closed drainage system down to a small detention site in the center of the cul-de-sac then out the back through a gravel wetlands.

Mr. Berry said they will bring public water to the site and there is a force main sewer system that was installed on site that would be extended down to the bottom of the project.

Mr. Berry explained they will have a small traffic study done because the development is located at a lighted intersection.

Ms. Saunders explained this is a design review to gather input from the Board. She said the project went through TRG with some general comments because the project is at a very preliminary stage.

Mr. Sylvain opened the public hearing. Ms. Saunders said she received an email from the Airport Authority stating they held a meeting and have voted to oppose the proposal on the basis that it violates the Airport Runway Protection Zone RPZ, and therefore negatively impacts the Airport and Aviation Safety.

Mr. Bruckner explained at the end of each runway is a runway protection zone that is used to protect people on the ground. He said runway protection zones prohibit residences and places of public assembly. He noted the FAA doesn't have jurisdiction over private property.

Mr. Bruckner explained the bulk of the development falls under the runway protection zone, but said there is a procedure the developer can do with the FAA.

Mr. Collopy said the development opens itself to some nice walks. He said if they're not using sidewalks he would like to see the road widened a little to allow for pedestrian traffic. Mr. Collopy asked if there are crosswalks and pedestrian signaling at the traffic light because the development is in a very desirable location. Mr. Collopy expressed his concern for lots 1 and 2 because they are very close to Route 108.

Mr. Fontneau asked if the lot will still have enough density to support the existing multi-family units. He also asked if it's possible to make a trail connection to the open space.

Mr. Berry said the rear part of the property has some trails on it so it would make sense to connect the two. He said the density for the site is far larger than what could fit based on the total land mass of the site.

Mr. Giuliano said he hopes the City gets some assurance the airport will not be affected and would not be forced to shorten the runways.

Mr. Sylvain asked that the road be widened like in some past developments and to show striping for a wide shoulder to accommodate pedestrians.

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

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## **VIII. Other Business**

### **A. Amendment to Section 3 of the Site Plan Regulations to allow for Administrative Approval process**

Ms. Saunders explained the amended version of the document from the last meeting. She said Planning Board members would be a part of the decision making and would be emailed within three days of receiving an application. Ms. Saunders said at-home daycare and condo conversions would be a minor site plan review. She said she is still working with the legal department regarding the appeals process. Ms. Saunders explained she looked at what Dover, Somersworth, and Laconia have in their Regulations regarding administrative approval, she none of them have an appeals process.

Mr. Walker said the language needs to be clear, notice goes out to Planning Board members before administrative approval.

Mr. Sullivan asked how a Planning Director takes into consideration all the various code issues. Ms. Saunders explained an administrative approval is only for small projects under 10,000 square feet. She said most times the structures are existing, the interior only needs some cosmetic work, parking, street lights, and landscaping is already there. It would only be for change of use. Ms. Saunders added, any code issues would come into play during the permit stage.

Mr. May said he thinks the 10,000 square foot threshold is too high. He said 5,000 square feet would be his recommendation.

Mr. Fontneau said he wanted to make sure the process is not being slowed down.

Mr. Rines asked what the time frame would be for Board members to get comments to Staff once they are emailed an application. Ms. Saunders said it often takes three to five days for the different departments to enter comments into the city's permitting software so Board members would be given that same amount of time.

Mr. Giuliano asked how many applications the Board could get in a week. Ms. Saunders said over the last several months the Planning Department receives between two and five applications a week.

Mr. Collopy said he understands there were issues in the past, but said he's not an advocate for changing matters because of past behavior because it's the wrong way to go. He said Ms. Saunders comes from a community that is similar to our and her experience is valued. Mr. Collopy suggested getting a record much like the surety spreadsheets the Board receives.

Mr. Walker said he understands Mr. Collopy's concerns but there needs to be a comfort level established. Mr. Fontneau suggested a six month trial then the Board will review it again.

Mr. Sylvain asked Ms. Saunders to make the changes the Board discussed. Ms. Saunders said she make those changes along with add in language regarding the appeals process and have it back to the Board for a vote either March 15<sup>th</sup> or April 5<sup>th</sup>.

### **B. Update for Planning Staff**

Ms. Saunders told the Board she been sending along the Friday update from the Regional Planning Commission as it's a great way to keep up to date with what they are working on.

### **C. Other**

Mr. Sylvain reminded the Board members to get information to Ms. Saunders for impact fees.

Mr. Sylvain asked that Staff check the dirt piles at Highfield Commons because the issue was supposed to have been taken care of.

Ms. Saunders said the most recent discussion with NHDES is the piles can be there because they need it for the water tank installation. She said it must be controlled erosion wise, otherwise the City will hold up Certificates of Occupancy and building permits.

Ms. Saunders said Staff is meeting monthly with NHDES and Public Works is out there every couple of weeks.

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## **IX. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 7:57 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*