

City of Rochester Planning Board
Monday May 3, 2021
City Hall Council Chambers/Virtual
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on May 17, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair – arrived at 7:50pm*
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.

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.

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 Mr. Rines, 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. Whitehill voted in place of Mr. Rines.

IV. Communications from the Chair

Mr. Sylvain moved item IX Review of Fiscal Year 2022 CIP to discuss.

Ms. Saunders explained the items that dealt with future development. She said there are upgrades to Route 11 as well as the pump station. Economic Development projects include demolishing to 11 Barker Court, the Union Street parking lot redesign, and the Congress Street parking expansion that was part of the Chinburg project. Ms. Saunders said the Planning Department is asking for a Downtown Traffic Study consultant, Master Plan Chapter updates for Natural Resources, Cultural Resources, and Land Use Chapter. She went on to say the Fire Department is requesting station three in the north end of the city and station four in the south end of the city.

Ms. Saunders said Public Works has some intersection improvements coming up, including Old Dover and Tebbetts Road, and the round-a-bout at Strafford Square.

Lastly, Ms. Saunders said the Recreation Department is asking to expand the arena property.

Mr. May said he would like to see more sidewalk and pedestrian path construction. Mr. Walker said it's in the budget for \$150,000 to go towards this year's sidewalks the City plans to expand.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the April 19, 2021 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Consent Agenda

A. Mark Phillips and Timothy & Amy O'Connell, 106&104 England Road

Ms. Saunders informed the Board the applicant has withdrawn the application.

VII. Continued Applications

A. EFI Express, LLC, 0 Tebbetts Road

Ms. Saunders explained the Board's packet includes information from the Fire Department and Department of Public Works stating both are okay with the width of the proposed driveway of 22 feet. She went on to say the applicant has submitted architectural plans.

Ms. Saunders said Staff recommends approval of the application. She said all the conditions of approval are standard conditions with the exception of requiring a spill kit be on site.

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

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

Mr. Bruckner said the plans are very sketchy and inadequate. He said he understands the building may not be seen much from the street however, he considers the plans totally inadequate and will vote against it for that reason.

There was some discussion of the level of detail on the architectural plans that were provided to the Board. Marc Swanson, owner of the business explained his architect had been on vacation for the last month so he did his best to make some edits to the imagery. He said there will probably be some transom windows along the top of the wall structure to get some additional light into the building. He further explained there are not a lot of windows on the storage building because of security concerns for the building.

Project Designer Robin Lunderlick explained when they did the architecture for the apartment and office end of the building that's where there is detailing and windows.

Mr. Fontneau said the Board is used to seeing architectural drawings that reflect what is going to be built.

Ms. Dwyer said at the last meeting it was made clear the Board needed to see the exact renderings of what the buildings are going to look like.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to continue the application to the June 7, 2021 meeting to allow further time for detailed architectural renderings to be completed. The motion carried unanimously by a roll call vote.

VIII. New Applications

A. Waste Management of NH, 176 Rochester Neck Road

Ms. Saunders explained the site plan amendment to allow a container storage area. She said it replaces a project that was for a 16,000 square foot transfer station building and associated pavement. Ms. Saunders told the Board staff recommends the application be accepted as complete.

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

Ms. Saunders said staff recommends the application be approved. She said the property is in current use so staff will need some information regarding that. Ms. Saunders went on to explain most of the conditions of approval are standard though Public Works is asking for information for the stormwater permit.

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

A motion was made by Mr. Walker and seconded by Mr. Bruckner to close the public hearing and approve the amendment application with the conditions stated. The motion carried unanimously by a roll call vote.

B. Waste Management of NH, 176 Rochester Neck Road

Ms. Saunders explained the site plan amendment application for a temporary soil stockpile area. She said staff recommends the application be accepted as complete.

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

Ms. Saunders said staff recommends approval with standard conditions.

Mr. Sylvain asked what the height of the stockpiles will be. Anne Reichert of Waste Management explained it will be upwards of 40 feet. Mr. Sylvain said the Board set a standard of 35 feet. Ms. Saunders explained the board set the height at the allowable maximum height in the zone, the max height in the Industrial zone is 55 feet, so this application is all set.

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

A motion was made by Mr. Walker and seconded by Mr. Fontneau to close the public hearing and approve the amendment application with the conditions stated. The motion carried unanimously by a roll call vote.

C. Chesley Hill Partners, LLC, 233 Washington Street

Ms. Saunders told the Board the applicant has withdrawn the application.

D. Fownes Mill Development, LLC, 64 River Street

Scott Lawler of Norway Plains Associates explained the site plan amendment to revert back to 51 non age restricted units from 80 age restricted units. He said the applicant is also looking to have the approval of a footbridge over the Cocheco River removed because it doesn't appear that the riverwalk is going to move forward. Lastly, Mr. Lawler explained there are minor landscaping changes in phase two.

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

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 said staff recommends approval of the amendment application with one plan modification and standard conditions. She said staff had some concern over the landscape plan but the applicant worked with them to address the concerns.

Mr. Walker asked if the footbridge is on the latest plan. Mr. Lawler said it has been crossed out in red on the plan submitted. Mr. Walker said he would like to see the footbridge remain because the riverwalk is going

forward. Mr. Lawler said that staff has recommended a memorandum of understanding that a spot for the footbridge be reserved for the future.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to close the public hearing and approve the amendment with the conditions stated, including some sort of language or MOU reserving the footbridge location for future Riverwalk use. The motion carried by an 8 – 1 roll call vote. Ms. Dwyer opposed.

E. Thomas & Diane Aubert, 36 Cross Road

Ms. Saunders explained the applicant has asked for the application to be continued to July 12th.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the July 12, 2021 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.

F and G. NM Cook Development, LLC, 21 Farmington Road

Christopher Berry of Berry Surveying and Engineering presented the site plan and subdivision plan to construct a bank with drive-thru teller and ATM. He said all structures on site will be demolished and the existing driveway will be re-aligned to be more in line with the VW dealership across the street.

Mr. Berry said the proposal is to construct a 2,000+/- square foot bank with two drive up windows and a drive up ATM at the back of the building. He explained the locations of the dumpster and snow storage as well as went over the landscaping and lighting plan. Mr. Berry went on to explain the site has been designed to be compliant with the City's Stormwater Management ordinance.

Ms. Saunders told the Board NHDOT has jurisdiction over Route 11 but Staff has asked the applicant for updates during discussion. She said Staff suggested parking be moved to the side and rear of the building instead of in the front as proposed.

Ms. Saunders said Staff recommends approving the application and went over the conditions of approval.

A motion was made by Mr. Walk and seconded by Mr. Bruckner to accept the subdivision and site plan applications as complete. The motion carried unanimously by a roll call vote.

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

A motion was made by Mr. Walker and seconded by Mr. Bruckner to close the public hearing on the subdivision and site plan. The motion carried unanimously by a roll call vote.

Mr. Berry said parking at the front of the site meets the regulations and currently all other businesses along Route 11 have parking at the front of the sites.

Mr. Fontneau asked why the subdivision is shaped the way it is. Mr. Berry explained it is for connectivity between the multiple businesses the applicant owns in the area.

Mr. Walker said he agrees with the applicant in regards to parking in the front of the property.

Mr. Sylvain asked if there are any trees proposed that could affect line-of-sight. Mr. Berry said there are not.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the subdivision application with the conditions stated. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the site plan, conditional use permit, and waiver request with the conditions stated except condition #6. The motion carried by a 7 -1 roll call vote. Mr. May opposed.

H. JRS, LLC, 14 Wadleigh Road

Ms. Saunders told the Board the applicant has requested a continuance to the June 7th meeting.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the June 7, 2021 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.

I. Farmington Associate Properties, LLC, 68 Farmington Road

Ms. Saunders told the Board the applicant has requested a continuance to the June 7th meeting.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the June 7, 2021 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.

X. Other Business

A. Planning Update

Ms. Saunders did not have an update for the Board.

B. Other

Mr. Sylvain asked staff to check the dumpsters at Peppers Landing because there's no screening.

XI. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Bruckner to adjourn at 8:38 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