

City of Rochester Planning Board
Monday February 7, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on February , 2022)

Members Present

Mark Collopy, *Chair*
Peter Bruckner
A.Terese Dwyer
Paul Giuliano
Don Hamann
Mark Sullivan

Members Absent

Ashley Desrochers
Keith Fitts, *excused*
Robert May, *excused*

Alternate Members Present

Staff: Ashley Greene, *Administrative Assistant II*
Shanna B. Saunders, Planning Director

(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.)

I. Call to Order

Mark Collopy called the meeting to order at 7:00 p.m.

II. Roll Call

The recording secretary, Ashley Greene, took roll call.

III. Seating of Alternates

There were no alternates present to seat.

IV. Communications from the Chair

Mr. Collopy informed the Board that Councilor Ashley Desrochers is the new Alternate Council member. Paul Giuliano has been elevated to a regular Planning Board member and Robert May's Planning Board membership has been extended.

V. Approval of minutes for January 3, 2022

Terry Dwyer made a motion to approve the minutes from January 3, 2022. The motion was seconded by Don Hamann. The motion carried by a unanimous voice vote.

VI. Opening Discussion/Comments (up to 30 minutes)

A. Public comment

Mr. Collopy opened the floor for public comment. There was no public comment; Mr. Collopy brought it back to the board.

B. Discussion of general planning issues

No general planning issues to be discussed.

VII. Consent Agenda:

- A. [Richard Bedrosian, New England Gaming, LLC, 7 Milton Road](#) (by Arcadia Construction) Request for an extension to meet precedent conditions for an approved 20,000 sf function hall/charitable gaming operation. Case# 222 – 94 – HC – 21 **EXTENSION**

Mr. Hamann made a motion to approve the extension for New England Gaming, LLC until August 7, 2022. The motion was seconded by Ms. Dwyer. The motion carried by a unanimous voice vote.

VIII. Continued Applications:

- A. [Groen Construction, 29 Wadleigh Road](#) (by Jones & Beach Engineers, Inc.) Site plan and conditional use permit to construct a 52-unit 17,455 s.f. apartment building. Case# 137 – 35-1 – HC -21 **REQUEST FOR CONTINUANCE**

Shanna B. Saunders discussed the need for a continuance. Ms. Saunders stated there are a few issues to be resolved regarding utilities. The applicant has asked for a continuance until the regular meeting on March 7, 2022.

Peter Bruckner made a motion to approve the continuance request for 29 Wadleigh Road. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

IX. New Applications:

A. Robert Williams, Grand View Camping Area, 11 & 51 Four Rod Road (by James M. O'Neil, LLC) Lot Line Revision. Case# 217&220 – 4&34 – A – 22 **Public Hearing *ACCEPTANCE/FINAL ACTION****

Applicant was not present at 7:04 p.m., Mr. Collopy proceeded with the public hearing anyway as members of the public were present.

Patricia Ahern, resides in Nashua NH, but has an abutting property to Grand View Camping Area. Ms. Ahern stated that she has two frontage on Ten Rod Road which are both essentially two 100 feet road entrances. Ms. Ahern stated that she also has 1200 feet of frontage on Baxter Lake. Ms. Ahern stated that she is concerned about the marsh area and wetlands. Ms. Ahern stated that she wants to make sure that everything goes through the Department of Environmental Services (DES). Ms. Ahern asked if the owner of Grand View Campground will be planning to extend the camping area.

Christopher Rice, 159 Ten Rod Road, Ward 5 Councilor, speaking as an abutter, Chairman of Public Safety, and a representative for Ward 5 residents. Mr. Rice discussed his concerns about traffic and if the lot line revision is approved and Grand View Campground expands with upwards to 100 camp sites. Mr. Rice stated that campgrounds per our ordinance are a nonconforming use, and if they continue to expand does the nonconforming use get transferred to the new lot? Mr. Rice stated that it is a peaceful community with farms, and the sanctity would be disturbed but allowing the lot line revision. Mr. Rice discussed the water and sewage usage and his concern for it not being City Water and Sewage. Mr. Rice discussed his concerns about Baxter Lake and milfoil.

James Miliner, 48 Four Rod Road, stated that he lives directly across from the main entrance of the Grand View Campground. Mr. Miliner discussed his concerns for the future plans with the owner and Grand View Campground. Mr. Miliner discussed the campsites that are out of conformity with the lot line, and the farm road located on 51 Four Rod Road. Mr. Miliner discussed the number of lots that the owner was approved for and how many there actually are. Mr. Miliner discussed the campgrounds septic system, and how many people there are at the campground. Mr. Miliner discussed the number of boats that come in and out of Baxter Lake and the number of boats that could increase with time.

Lisa Stanley, 133 Sampson Road, not a direct abutter but lives around the corner. Ms. Stanley discussed that per the ordinance that campgrounds are not allowed within the City unless a Special Exception is granted. Ms. Stanley urged the board to do research on the property before approving the lot line revision. Ms. Stanley addressed the letter that was submitted with the application and how some of the information given seems deceptive. Ms. Stanley discussed her recollection of the process that occurred with the campsites that are encroaching on the lot line.

Ms. Stanley discussed her concerns with allowing the lot line adjustment to receive 14 acres of mostly wetlands.

The applicant arrived.

James M. O'Neil, licensed surveyor and presenting on behalf of the owner Robert Williams. Mr. O'Neil gave an overview of the history of the Grandview Campground. Mr. O'Neil stated that the campground was purchased by Mr. Williams around 2005, and at that time most of the sites that were in question were already in place. Mr. O'Neil stated there were a large amount of blow down and when that was cleaned up, that became the storage/maintenance area. Mr. O'Neil stated that the old farm road has been there for many years before Mr. Williams purchased the property. Mr. O'Neil stated that the road was minorly upgraded and the road and culverts were certified by a wetland scientist. Mr. O'Neil stated that with this lot line revision they are looking to get the campsites and the maintenance area onto the Grandview property.

Ms. Saunders discussed the application and that staff recommend accepting this application as complete as it has sufficient information to allow the board to make an informed decision.

Paul Giuliano made a motion to accept the application as complete. Mr. Bruckner seconded the motion. The motion carried by a unanimous voice vote.

Ms. Saunders discussed the review by the Technical Review Group (TRG) and discussed the existing encroachment of the campground area and the stockpile and trailer parking area being very close to the wetlands. Ms. Saunders stated that the Campground file is very thin, but plans were located with the campsites going back to 1991. Ms. Saunders stated that it is determined that the site were proposed and approved. In 2004 and 2005 era plans were found regarding enforcement of the trailer parking area, although the file was incomplete and it was difficult to tell if there was ever an approval letter. Ms. Saunders stated that staff is recommending a note be added to the plan to identify the wetland scientist, indicate the date of the wetlands flagging, and to also add to the plan that there can not be any expansion of these areas without further wetland permits. Ms. Saunders stated that other than those conditions, there were the usual conditions, and staff has recommended approval of the lot line revision.

Mr. Collopy brought it to the board for discussion.

Mark Sullivan asked about the structures located on Map 217 Lot 34 and when the encroachment occurred. Ms. Saunders stated that there was nothing in the file that indicated when those campsites were placed. Mr. Sullivan asked why the applicant needs 14 acres with their lot line revision when there is only a small area of campsites encroaching on the lot line.

Mr. O'Neil stated that there are about two to three acres that the campsites encumber. Mr. O'Neil stated that there are about nine acres of wetlands after the campsites. Mr. O'Neil discussed adjusting the lot line to also include the storage/maintenance area which is approximately two acres.

Mr. Giuliano asked if the applicant could keep the storage/maintenance area on Map 217 Lot 34? Ms. Saunders stated that staff would recommend cross easements incase the properties ever change hands of ownership. Ms. Saunders stated that staff would not recommend that this is the cleanest way to clean up the encroachments.

Mr. Giuliano asked about the encroachment on the Scribner residence located at 33 Four Rod Road. Mr. O'Neil stated that a work order is currently in place to restore that area back to its natural state. Mr. O'Neil stated that Mr. Williams was unaware that it was an encroachment. Giuliano stated that he would like that encroachment addressed for 33 Four Rod Road. Ms. Saunders stated that it can be added as a condition.

Mr. Sullivan asked what the process would be if they decided to expand the campground? Ms. Saunders stated they would have to go before the Zoning Board of Adjustment and request a Special Exception.

Mr. Collopy asked if the work zone area existed before the purchase of the property by Mr. Williams. Mr. O'Neil stated that it was created by a blow down from an ice storm. Mr. Collopy stated that any activity that occurs, other than what is already existing, needs to go through the proper channels and receive the proper approvals. Mr. O'Neil stated that the applicant is in agreement with that condition.

Ms. Dwyer stated that she can't support doing the lot line revision for all 14 acres. Ms. Dwyer stated that she can support doing a lot line revision for just the campsites and the storage area. Ms. Dwyer requests that there be plans in writing of the encroachment being fixed on 33 Four Rod Road.

Mr. Collopy asked if the owner of 33 Four Rod Road was present and wished to speak on the encroachment on her property.

Marilyn Scribner, 33 Four Rod Road, spoke regarding the tote road and how it has been used for some time now. Ms. Scribner discussed her concerns about incorporating the wetlands in the lot line revision and her concerns about what will come of the campground if the lot line revision is approved. Ms. Scribner discussed her concerns about the constant fireworks during the summer months.

Mr. Collopy opened the floor for any additional public comments.

Ms. Ahern reapproached and discussed her concerns about her property being diminished in value.

Mr. Miliner reapproached and discussed the "tote" road and how it was built by Mr. Williams. Mr. Miliner discussed the blow down that occurred to create the storage yard.

Mr. Rice reapproached and discussed the campsites and the storage area and how they were created intentionally. Mr. Rice asked if a timber permit was applied for when creating the storage yard. Mr. Rice urged the board to not approve the lot line revision and to request easements instead.

Mr. Collopy brought the discussion back to the board.

Mr. Hamann stated that he has a problem with the encroachment being mistakenly done on 2-3 acres. Mr. Hamann stated that he would be open to revising the lot line around that piece of land with the campsite and the area for the storage/maintenance yard. Mr. Hamann stated that he can't support the lot line revision for 14 acres.

Mr. Sullivan asked if Mr. Williams could just go to before the Zoning Board of Adjustment and ask for a Special Exception to allow more camp sites. Ms. Saunders stated that would be the process.

Ms. Saunders stated that as long as the lot line adjustment meets the City Ordinance; appropriate frontage and square footage on each lot, and no structures are within the setbacks, then there is no legal reason to stop that lot line adjustment. Ms. Saunders stated that the board could take the position that the encroachments were not done correctly, then require the applicant to go in front of the Zoning Board of Adjustment and the Conservation Commission to get the proper permissions, retroactively. We would then table this item until that is complete and then we can complete the lot line adjustment.

Mr. Collopy stated that a Site Walk could also be conducted before approving the application. Mr. Collopy discussed his concerns about his issues with the 1-2 acres of storage/maintenance area right in next to the wetlands. Mr. Collopy suggested possibly a sky view.

Mr. O'Neil reiterated that the wetlands were delineated by a wetlands scientist and the storage area was the result of the blow down. Mr. O'Neil stated that per the ordinance the applicant is trying to clean up the lot lines and there are no plans for any future expansion of the campground. Mr. O'Neil stated that if there are expansion plans the applicant understands he has to go in front of the ZBA and Conservation Commission.

Mr. Sullivan made a motion to table the application and have the applicant go to for the retroactive Zoning Board of Adjustment Special Exception and Conservation Commission if needed. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

B. Great Woods Development, LLC & William Gregory, Bailey Drive (by Norway Plains Associates, Inc.) Lot Line Revision.
Case# 224 – 324-37&324-38&324-48 – R1 – 22
Public Hearing ACCEPTANCE/FINAL ACTION*

Ms. Dwyer recused.

Joel Runnals, presented on behalf of Great Woods Development and William Gregory. Mr. Runnals stated the subdivision was approved in 2007 and a condition was requested for a 20 foot strip left between the two lots. The applicants are requesting to remove the 20 foot strip between the two lots. Ownership will go back to the abutting lot owners.

Mr. Collopy opened the floor for public input. None seen, brought it back to the board.

Ms. Saunders stated that staff recommendation is to accept the application as complete.

Mr. Hamann made a motion to accept the application as complete. Mr. Bruckner seconded the motion. The motion carried by a unanimous voice vote.

Ms. Saunders stated that this application went through TRG and there were no additional plan notes needed other than final drawings upon approval. Staff understands the request to remove the 20-foot strip as it currently does not connect to anything.

Mr. Bruckner made a motion to approve the lot line revision application. Mr. Giuliano seconded the motion. The motion carried by a unanimous voice vote.

X. Other Business

A. Appointment of Planning Board Member to the Parking Review Group

Mr. Collopy discussed the need for the Planning Board Member, requested by the City Manager, along many other city members to assist in the Parking Review Group.

Ms. Saunders stated that the purpose of the group is to look at the parking study that was completed by the Planning Department last year.

Ms. Dwyer asked if there was a timeline of the Parking Review Group. Ms. Saunders stated there is no timeline this group.

Ms. Dwyer nominated Keith Fitts for the position. Mr. Giuliano seconded the motion.

Mr. Collopy requested someone from the Board volunteer for the Minor Site Plan Committee. Mr. Collopy stated that he would be the alternate.

Ms. Saunders stated that it is a position for the Minor Site Review and Special Downtown Review. The committee meets typically once a month at 2:00 p.m. on Wednesdays. Ms. Saunders stated it is an expediated application process but abutters are still notified so it is a public hearing.

Mr. Bruckner volunteered to serve on the Minor Site Review Committee.

B. Planning Update

Ms. Saunders addressed the continuance on 29 Wadleigh Road. Ms. Saunders stated that the delay involves coordinated third party reviews for sewer, water, and traffic with 19 Old Gonic Road. Ms. Saunders stated to plan to have both projects at one Planning Board meeting.

Ms. Saunders stated the Sofield apartments are coming up for redevelopment. Ms. Saunders stated Sofield coming up for redevelopment brought up the need to look at the aviation overlay district and the airport did draft up an amended overlay district. Ms. Saunders stated that it will be brought to the board for review and recommendation to Council.

Mr. Bruckner discussed the importance of the aviation overlay district and that it is mainly there to protect the people and not the airport. Mr. Bruckner stated he plans to come with a presentation and address to the board why it is so large.

Mr. Giuliano asked if the PDA would be giving their blessing on the aviation overlay before it comes to the Planning Board.

Mr. Hamann asked how much input the board and the Council has.

Ms. Saunders stated that the zone is completely the decision of the board but the ramifications of the decision that would be made needs to be understood.

Mr. Bruckner discussed addressing the requirements of the FAA. Mr. Bruckner stated that our zone may or may not be larger than the requirements.

C. Other

None at this time.

XI. Adjournment

Ms. Dwyer made a motion to adjourn the meeting at 8:22 p.m. Mr. Giuliano seconded the motion. The motion carried by a unanimous voice vote.

Respectfully submitted,

Ashley Greene
Administrative Assistant II

and

Shanna B. Saunders
Director of Planning & Development