

**City of Rochester Planning Board**  
Monday January 9, 2023  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on January 30, 2023)*

**Members Present**

Mark Collopy, *Chair*  
Robert May, *Vice Chair*  
Peter Bruckner  
Keith Fitts  
James Hayden  
Matthew Richardson  
Mark Sullivan  
Dave Walker

**Members Absent**

Don Hamann, *excused*  
Michael McQuade, *excused*

**Alternate Members Present**

Alexander de Geofroy  
Rick Healey

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Ryan O'Connor, *Senior Planner*

(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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**I. Call to Order**

Chair, Mark Collopy called the meeting to order at 6:30 p.m.

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**II. Roll Call**

Senior Planner, Ryan O'Connor conducted roll call.

**III. Seating of Alternates**

Mr. Collopy asked Councilor de Geofroy to vote in place of Councilor Hamann.

**IV. Communications from the Chair**

Mr. Collopy welcomed Rick Healey back to the Board. He said Mr. Healey served on the Board a few years ago and comes with a wealth of information and knowledge.

## **V. Approval of minutes for December 5, 2022**

Ms. Saunders explained staff received a comment from Anne Carter who spoke at the December meeting. She said Ms. Carter requested a change to the minutes to reflect her comment to state she mentioned two subdivisions and that the two lots met various requirements even though the properties are outside of the Blue Hills requirements.

*A motion was made by Mr. Walker and seconded by Mr. de Geofroy to approve the December 5, 2022 meeting minutes with the amendment as stated. The motion carried unanimously.*

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

### **A. Public comment**

Ray Wayman of 55 Ida Circle spoke about drainage issues within the development. He said there is a culvert in front of his house with a manhole cover on top of it which is higher than the dirt around it so the water runs beside it and washes it out. Mr. Wayman said further east in the same ditch is a depression that water sits in rather than running down to where it should run. He said he would like that section of drainage fixed before the road gets accepted as a City Street.

Mr. Wayman said the residence do not have trash removal, the Home Owners Association is supposed to provide trash removal but they don't because the HOA is the development company (it hasn't been turned over to the citizens).

Ms. Saunders said the developer has reached out regarding street acceptance. She said staff is working with the developer on some punch list items before street acceptance can happen.

### **B. Discussion of general planning issues**

There were no general planning issues to discuss.

## **VII. Continued Applications**

### **A. [CEM3 Holdings II, LLC, 146 Old Dover Road](#) (by Berry Surveying) 2-lot subdivision Case# 140 – 72 – R1 – 22**

Joe Berry of Berry Surveying and Engineering presented the application for a minor subdivision and conditional use permit. Mr. Berry explained the lot has frontage on both Old Dover Road and Lowell Street which is depicted on the plan. He said in the summer of 2022 a full boundary and topographic survey was done. Mr. Berry explained the proposed subdivision will front on Old Dover Road and there is a wetland that bisects the entire length of the property from front to back. Mr. Berry explained they require a conditional use permit due to the logging and excavation that has taken place. He said the agent working for the owner was unaware of the buffer boundaries and pulled some stumps and pushed debris into the fifty-foot buffer of the wetland. Mr. Berry went on to explain the reclamation plan they have submitted. He said the Conservation Commission has reviewed the plan and recommended a change to the seeding mix which has been submitted to the Board.

Mr. Collopy opened the public hearing. There was no one from the public present to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders explained the project required an after the fact conditional use permit which has gone to the Conservation Commission for review. She said the Conservation Commission recommended approval with the condition the seed mix used to restore the wetlands contain native species.

Ms. Saunders said staff recommends the application be accepted as complete.

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

Ms. Saunders said staff recommends approval of the CUP and Subdivision with the conditions stated.

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the Conditional Use Permit. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded Mr. Hayden to approve the 2-lot subdivision with the conditions as stated. The motion carried unanimously.*

## **VIII. Extensions**

### **A. Real Estate Advisors, Jeremiah Lane Extension request to meet General and Subsequent conditions Case# 223 – 21 – A – 16**

Mr. Walker asked how many extensions the developer has been granted. Mr. O'Connor said they have received one 12-month extension. Mr. Walker asked if a reason was given for the need for a second extension. Mr. Connor explained the reason given was that market conditions didn't allow for development at this time.

There was a brief discussion regarding the number of extensions the Board would give in the future. Ms. Saunders explained that if the ordinance hasn't changed since the time of the original approval and the conditions around the property is such that the traffic study and drainage study are not outdated there is no reason not to grant an extension.

Hunter Adams, representative for Real Estate Advisors explained the developer has been trying to sell the property but a sale hasn't been worked out. Mr. Adams further explained they have been trying to find a developer who is willing to take on the property.

*A motion was made by Mr. Sullivan and seconded by Mr. Fitts to approve the extension to December 16, 2023 as requested. The motion carried unanimously.*

### **B. Waterstone Rochester, LLC, The Ridge Marketplace Extension request to meet Precedent Conditions Case# 216 – 11 – GRD – 22**

Mr. Walker asked how many extensions have been granted for this project. Mr. O'Connor said this would be the first extension. Mr. Sullivan asked which project this extension is for. Ms. Saunders said this is for the Italian restaurant and retail space.

*A motion was made by Mr. Walker and seconded by Mr. Fitts to approve the extension to April 14, 2023 as requested. The motion carried unanimously.*

### **C. Wesson Realty, LLC, Pickleball Facility, 389 Gonic Road Extension request to meet Precedent Conditions Case# 262 – 73&74 – HC – 22**

*A motion was made by Mr. Walker and seconded by Mr. de Geofroy to approve the extension to July 11, 2023 as requested. The motion carried unanimously.*

## **IX. New Applications**

**A. Timothy & Sally Fontneau, 14 Highland Street & 928,932 Portland Street** (by Berry Surveying) Lot Line Revision Case# 103 – 72,104,105 – NMU – 22

Joe Berry of Berry Surveying and Engineering presented the plan for a lot line revision. Mr. Berry explained the applicant would like to revise the lot lines in order to make the lots more useable. He said lot 34 only has 31 feet of frontage and current property line is right up against the structure. Mr. Berry explained there will be an access easement because the proposed new property line will go down the middle of the existing driveway.

Mr. Berry explained all three lots are currently developed with either single family or multi-family homes and they are requesting a waiver to show utilities within 100 feet of the property site. He said none of the lots have any utilities that will be affect due to the lot line revision.

Mr. Collopy opened the public hearing. There was no one from the public present to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders explained staff recommends a modification to the plan to reflect removal of the shed that is shown before final plans are submitted. She said there would be an added subsequent condition for the shed to be removed by June 30, 2023. Ms. Saunders said draft easement documents must be submitted as part of precedent conditions.

Ms. Saunders said staff recommends the application be accepted as complete.

*A motion was made by Mr. Walker and seconded by Mr. Hayden to accept the application as complete. The motion carried unanimously.*

Ms. Saunders said staff recommends approval of both the waiver and the lot line revision with the changes as stated.

*A motion was made by Mr. Walker and seconded by Mr. de Geofroy to approve the waiver request. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded Mr. de Geofroy to approve the lot line revision with the conditions as stated.*

Mr. Fitts asked why the shed needs to be moved. Ms. Saunders explained with the lot line revision the shed would be within the setback and it needs to be relocated away from the property line.

*The motion for approval carried unanimously.*

**B. Green & Company, Old Gonic Road Townhomes, 19 Old Gonic Road** (by Jones & Beach) Site Plan to construct 174 townhomes. Case# 131 – 10 – R2 – 21

Ms. Saunders explained the applicant has requested a continuance because they are still working on some legal paperwork regarding sewer capacity upgrade. She said they would like to be continued to the January 23, 2023 meeting.

*A motion was made by Mr. Bruckner and seconded by Mr. Walker to continue the application to the January 23, 2023 meeting as requested.*

Mr. Walker recalled during the preliminary review of this application the Board had requested the buildings that abut State Street be moved further away from the property line in order to give the

single family homes more privacy. He said looking at the plans the buildings on the corner are still rather close.

Mr. Hayden expressed concerns about the width of Old Gonic Road and whether or not the road can handle the increase of vehicles.

Ms. Saunders said there is a traffic study and language regarding an off-site exaction included in the packet.

*The motion for continuance carried unanimously.*

## **X. Final Plans Approval**

- A. [Waterstone Rochester, LLC, The Ridge Marketplace](#) Review Completion of Precedent Conditions, Final Decision. Case# 216 – 11 – GRD – 22

Ms. Saunders said this item is to be continued because they were unable to meet the precedent conditions in time for the meeting.

### ***FINAL PLANS APPROVAL/DECISION***

Ms. Saunders explained The Supreme Court made a decision based on the City of Dover that says the Planning Board approval with precedent conditions has a certain amount of time to meet the conditions before returning to the Board to prove they have met the conditions for final approval. Ms. Saunders said staff will put together a memo laying out whether or not the precedent conditions have been met. Once the conditions have been met and the Board gives final approval that is when the appeal clock starts. Ms. Saunders explained going forward projects will have a two-part approval process.

Mr. Sullivan asked if the Board would have to vote a second time. Ms. Saunders said yes, the first vote would approve the project with precedent conditions, the second vote would give final approval after precedent conditions have been met which will start the 30-day appeal clock.

Mr. Hayden asked who has the authority to determine whether a plan change is minor or not. Ms. Saunders said staff would try to make the interpretation with the Boards guidance.

## **XI. Other Business**

### **A. Planning Update**

Ms. Saunders told the Board members she sent an email regarding the Planning Board Retreat meeting which will be held on January 31, 2023 at 7:00pm located at the new Department of Public Works facility on Chestnut Hill Road.

Ms. Saunders let the Board know Ashley Greene is leaving the City to start a new career that offers a little more flexibility and work at home hours.

### **B. Other**

There was no other business to discuss.

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## **IX. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. de Geofroy to adjourn the meeting at 7:15pm. The motion carried unanimously.*

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Respectfully submitted,

Crystal Galloway,  
*Planner I*

and

Shanna B. Saunders,  
*Director of Planning & Development*