

**City of Rochester Planning Board**  
Monday January 30, 2023  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on February 27, 2023)*

*Members Present*

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

*Members Absent*

*Alternate Members Present*

Alexander de Geofroy  
Rick Healey  
Michael McQuade

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**

No alternates were needed.

**IV. Communications from the Chair**

Mr. Collopy announced that item 8 under continued application, Green and Company, 19 Old Gonic Road has requested a continuance to the February 27, 2023 meeting.

## **V. Approval of minutes for January 9, 2023**

*A motion was made by Mr. Walker and seconded by Mr. May to approve the January 9, 2023 meeting minutes with the amendment as stated. The motion carried unanimously.*

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

### **A. Public comment**

Tom Kaczynski of 112 Whitehall Road spoke against the rezoning of the former Department of Public Works site from industrial to residential. He mentioned that there were some issues with the past rezoning process in regard to a lack of minutes. Mr. Kaczynski said the Board reviewed each zone during comprehensive rezoning from 2010 to 2014. He asked why bother to have rezoning if there is going to be ongoing attempts to keep making changes. Mr. Kaczynski asked what is being planned for the parcel. He said if someone wants to construct apartments they should be build them where zoning allows for it.

Susan Rice of 159 Ten Rod Road said there have been four distinct zoning change requests in the last eight months from Economic Development. Ms. Rice read the criteria for the Zoning Ordinance. She said Mr. Scala states the proposal is to match the zoning on the other side of the street. She said directly across from the parcel in question are single family homes and across the street from the Sherwin Williams parcel is a set of condos.

Ms. Rice said there have been ideas for redevelopment of the city, such as creating a trade persons business development, or an incubator business start up business in which bays could be leased or sold as condo units for electricians, plumbers, woodworkers, or mechanics.

Wink Faulkner, CEO of Jager located at 198 Pickering Road told the Board his employees can't find affordable housing unless they drive very far away. He said his business has grown 30 percent in 2022 and 10 percent in 2021. He said his business can't grow because he can't get people. Mr. Faulkner encouraged the Board to consider the fact the city needs to have affordable housing in order to get more people to come to the city to work and help with growth.

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

There were no general planning issues to discuss.

## **VII. Extensions**

- A. [Krzysztof & Renata Kozlowski, Millstone Place, 9 Academy Street](#)** (by Kozbro Development Company) Request for an extension to meet precedent conditions for an approved site plan to construct 2-3 dwelling unit buildings. Case# 125 – 198 – R2 – 22

Ms. Saunders said staff has been working with the applicant to meet the precedent conditions and supports the extension request.

Mr. Walker asked if this is there first extension. Ms. Saunders said yes.

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

## VIII. Continued Applications

- A. [Green & Company, Old Gonic Road Townhomes, 19 Old Gonic Road](#) (by Jones & Beach)  
Site Plan to construct 170 townhomes Case# 131 – 10 – R2 – 21 **Applicant has requested continuance.**

Ms. Saunders said staff is working with the applicant on the conditions that will be put in place. She said they do not have a date for when the applicant will be coming back to the Board but said abutter notices will be sent out.

Mr. Walker asked if this is their first continuance. Ms. Saunders said it was continued from the previous meeting to this meeting. She said they are not seeking a continuance to a date certain, abutter notices will be sent out when they are ready to move forward.

Mr. Bruckner said it would be good to encourage the applicant to look at how close the development is to some of the abutting properties. Mr. Walker said he requested that at the last meeting because they were supposed to move the development further away from the abutters.

## IX. Rezoning Request for Old Dover Road. City Council proposal to rezone six parcels from General Industrial (GI) to Residential-Two (R2).

Mayor Paul Callaghan said he has lived off Old Dover Road for the last 25 years. He said the majority of Old Dover Road is a residential neighborhood. He said when he was elected Mayor the first complaint he ever received was from residents in the Meadow Lane area and Old Dover Road in the area of the Eversource Facility. Mayor Callaghan said they complained that the quality of life was being disturbed by the industrial activities at the Eversource site. He said he agrees there is a need for commercial and industrial properties, but Old Dover Road is not the area for it.

Mayor Callaghan said this is similar to an issue the City of Nashua is having with an asphalt plant that is being built near a residential area. He said the residents are complaining because of the 24/7 smell that is affecting their quality of life. Mayor Callaghan said housing is an urgent need in New Hampshire and Rochester and is in the Governor's plan to provide affordable housing.

Mayor Callaghan said he lives in this area and has spoken to his neighbors, not one of them has said they are opposed to rezoning the former Public Works site.

Mayor Callaghan said the natural resources in the area behind the parcels is the Cocheco River which is a major natural resource. He asked if industrial uses should be expanded along the river?

Mayor Callaghan asked the Board to consider voting in favor of the change because there are compelling reasons more affordable housing is needed in Rochester.

Ms. Saunders explained the City Council referred this to the Planning Board for review and discussion. She said the Board should make a recommendation to the Council for either an approval or denial of the change to zoning.

Mr. Walker asked if the existing businesses would now be non-conforming. Ms. Saunders explained those businesses would be grandfathered in their current state. She said the point of rezoning is to move out the existing businesses to be able to move in whatever is allowed in the new zoning district.

Mr. Sullivan asked if a natural expansion of a non-conforming use is permissible. City Attorney Terence O'Rourke explained if you're intensifying a use to the point where it's changed they would need to go before the Zoning Board for a variance. He further explained if they are staying within the existing footprint and only making slight changes they would not need to go before the Zoning Board.

Mr. Richardson asked how the current property owners of the property feel about the proposed change. Economic Development Director Michael Scala said he has reached out to the two property owners but has only been able to speak with one. He said the property owner supports the change because it allows for future opportunities.

Mr. Hayden expressed his concern about the possibility there could be luxury apartments that rent for \$2500 a month like in Dover. He said he understands the need for more housing but isn't there a way to dictate what kind of apartments are constructed.

Mr. Collopy asked if the property is currently for sale. Mr. Scala said it is not for sale at this time. Mr. Collopy asked if there is any activity going on at the former Public Works site. Mr. Scala explained Public Works had been waiting for the fuel system to be transferred over to the new site which has now been completed.

Mr. McQuade asked if there has been any interest in the property from developers. Ms. Saunders said the Planning Department hasn't received any proposals. Mr. Scala said he has had discussions with a few different entities for both residential and commercial developments.

Mr. Bruckner recalled discussion regarding Eversource moving to the former Public Works site in order to move them away from the residential properties.

Mr. Healey said he was on the Board at the time of comprehensive rezoning which was very extensive. He said we are talking about removing industrial use property to allow for housing. Mr. Healey said there are acres upon acres of residential property but there isn't much industrial property. He asked where new businesses are going to go if industrial property keeps being removed. We need to take other property and make it industrial to make up the difference and that would be a firestorm. He would not be in favor.

Mr. Collopy asked how much land is available for industrial use. Mr. Scala said there is 1500 acres of industrial land in the city. He said of that 1500, the City controls 400 acres of which there is 100 acres available for development.

Mr. Sullivan said there is no denying there's a housing problem. He said he was part of the Board, also, during comprehensive rezoning and looked back at the minutes from all those meetings. He said a study was conducted in 2013 which showed there was 1,433 acres of residential-2 zoned land. Mr. Sullivan said he worked with our current GIS Specialist to run a report that shows there are currently 1,444 acres of residential-2 zoned land. He said during comprehensive rezoning the Board didn't do anything to dramatically improve residential-2 and allow for more multifamily housing. He further explained while reading the minutes there was more discussion about keeping things the same than it was changing things and making them a little more progressive. Mr. Sullivan said industrial land at the time there were three industrial zones that made up 3,780 acres which included the recycling district. Mr. Sullivan said during a presentation to the Board in 2013 the former Economic Development Manager Karen Pollard asked the Board for more multifamily units.

*Mr. Sullivan made a motion to recommend that City Council approve the zone change request as presented, Mr. Hamann seconded.*

Mr. May asked to hear more discussion before voting.

Mr. Collopy said he understands the need for housing however, the Board is on the brink of approving a large project on Old Gonic Road, Wadleigh Road was approved for 52 units, Jeremiah Lane was just granted an extension because they are looking for a developer to purchase the project. Mr. Collopy said the need for housing is apparent. He said Granite Ridge Development district is now a mixed use zone which allows for housing. He is not in favor.

Mr. Hayden asked if there has been any thought in zoning the properties for mixed use so it would allow for housing and commercial uses. Ms. Saunders said staff hadn't looked at doing that, but it was a good suggestion.

Mr. Sullivan said the City could make it a condition in the developer's agreement to ensure the mix of affordable housing.

Mr. Bruckner said he agreed making the properties mixed use makes sense because just up the road is already zoned for mixed use.

Mr. Hamann said he doesn't see there being a problem because just down the road is Bramber Estates which is a smaller parcel that houses condos and it works pretty well. He said he is in favor of the change because as Mr. Sullivan stated the City can add conditions to the Development Agreement.

Mr. deGeofroy said he supports the change because workforce housing is very important right now and he is hearing a lot of compelling arguments for increasing the assessed value of residential versus industrial.

Mr. Collopy called for a roll call vote for the motion made by Mr. Sullivan.

*The motion carried by an 8 to 9 roll call vote. Mr. Collopy opposed.*

**X. Marketplace Blvd, Phase II, 68 Farmington Road. Presentation by the Department of Public Works on proposed City Street**

Mr. O'Rourke explained that typically the City negotiates a Developers Agreement for a phase with the developer, secures the funding, completes the infrastructure within that phase, then repeats the process within the next phase.

Mr. O'Rourke said that in phase 1 of The Ridge, the developer designed and built the public infrastructure with the City funding, then the City accepted it after completion. He went on to explain for Phase 2 the City wants to have more control over how the infrastructure is designed and built. Mr. O'Rourke said the infrastructure will be entirely a City run project by the Department of Public Works. He said the City along with its engineer, HTA Engineering will complete the design and build it itself.

City Engineer Michael Bezanson explained the project has been in development for many years and there is a lot of momentum to move forward in partnership with Waterstone on this plan. He explained as part of the agreement there is a very aggressive schedule and in order to meet the schedule there are a couple parts they need to get through in order to make the project happen. Mr. Bezanson said they are working on wetlands permits through NHDES which have expired for a bridge structure on Marketplace Boulevard, and an extension of a culvert which will run under Route 11. He said they are also working with NHDOT on the driveway permit which requires an updated traffic impact study.

Mr. Bezanson went on to explain there are off-site improvements that need to be made as well within the Route 11 corridor, including improvements on Little Falls Bridge Road.

Senior Transportation Planner Stephen Haas of Hoyle Tanner and Associates presented the Board with a plan and gave an overview.

Mr. Haas explained the extension of Marketplace Boulevard will go through phase 2 and stop along the parcel boundary with Rochester Toyota with the expectation in the future that the road will

extend through the Toyota parcel, behind Northgate apartment complex and connect back onto Route 11.

Mr. Haas explained the off-site improvements along Route 11. He said the goal is to widen the roadway to two travel lanes in each direction, north to south. He said there will also be a raised concrete median in that stretch of Route 11, and at the Crane Drive and Phase 2 entrance there will be a new traffic signal. Mr. Haas said the Little Falls Bridge Road intersection will be upgraded to handle the additional traffic which will result in approximately 500 feet of roadway improvements.

Mr. Hamann asked if the Route 11 improvements were part of the ten-year plan. Mr. Bezanson explained the ten-year plan has two projects which are not part of the what is being presented.

## **XI. Draft Solar Ordinance Presentation.**

Senior Planner Ryan O'Connor explained the ordinance has gone through a third-party review to ensure we were in line with State Statute. He said as a result of the review they suggested a few changes in regards to kilowatt ratings to make sure they were in line with the different conditions the State Statute uses. Mr. O'Connor said they tried to address the concerns the Board brought up at the last meeting. He said ground mounted systems within the R1 & R2 zones, and simplifying the definitions to remove the solar land coverage calculation.

Mr. O'Connor explained they added a minimum lot size of 20,000 square feet or requiring a Special Exception for R1 and R2 zones. He explained approximately 65 percent of the properties in R1 and R2 would require a Special Exception for ground mounted solar.

Mr. Walker asked what type of control the Board would have. Mr. O'Connor said the applicant would have to upgrade the screening and impacts on abutting properties would be reviewed.

Mr. Walker asked if there were setback or height requirements. Mr. O'Connor said the height requirements would be the requirements of the zone, and no part of the solar system, including the panels can be within the setback. Mr. Walker reminded staff the Board had discussed not allowing solar trackers in the front yards. Mr. Sullivan agreed, saying they do not fit well or are aesthetically pleasing to be placed in the front yard.

Ms. Saunders said staff is trying to get as much input as necessary so a public hearing can be held and a recommendation can be made to City Council.

Mr. Fitts asked if it would be better to allow by Special Exception in R1 rather than permitted if over 20,000 square feet. Mr. May agreed, saying the Zoning Board would take into account aesthetics that the Board is worried about.

There was a brief discussion regarding whether or not to allow by Special Exception or permitted by right. Mr. Hamann said he doesn't feel the Board should put more restrictions on property owners. Mr. McQuade agreed, saying if there is no evidence the units reduce the value of other people's property the City shouldn't regulating it.

Mr. O'Connor asked if it would make sense to permit them in the R1 and R2 zones but have an increase 50 foot front setback.

Ms. Saunders asked if there were any other sections of the ordinance staff should be looking at so when it's brought back to the Board all the issues have been resolved.

Mr. O'Connor clarified that the issue is not with residential properties, it is with the larger commercial properties where a large number of solar trackers are being installed.

## **XII. Final Plans Approval**

Ms. Saunders explained the Board needs to grant final approval and authorize staff to sign off on the plans which would start the 30 day appeal window.

- A. [Waterstone Rochester, LLC, The Ridge Marketplace](#). Site Plan. Review Completion of Precedent Conditions, Final Decision. [Conditionally Approved May 16, 2022](#). Case# 216 – 11 – GRD – 22

Mr. O'Connor reviewed the notice of decision and plan revisions made as part of the Planning Board approval.

Ms. Saunders said staff recommends final approval and asked the Board to grant staff permission to sign the final plans.

*A motion was made by Mr. Bruckner and seconded by Mr. Hamann for final approval and grant staff permission to sign the final plans. The motion carried unanimously.*

- B. [Glenn David's Integrity Auto, Inc., 415 No Main Street](#). Site Plan Amendment. Review Completion of Precedent Conditions, Final Decision. [Conditionally Approved November 7, 2022](#). Case# 114 – 4&3 – HC – 22

Mr. O'Connor reviewed both the site plan and lot line revision for Integrity Automotive.

Ms. Saunders said staff recommends final approval and asked the Board to grant staff permission to sign the final plans for both the site plan and lot line revision.

*A motion was made by Mr. Walker and seconded by Mr. Bruckner for final approval and granted staff permission to sign the final plans for the site plan and lot line revision. The motion carried unanimously.*

- C. [Glenn David's Integrity Auto, Inc., 415 No Main Street](#). Lot Line Adjustment. Review Completion of Precedent Conditions, Final Decision. [Conditionally Approved November 7, 2022](#). Case# 114 – 4&5 – HC – 22

### **XIII. Review of inspections and surety for November and December 2022**

The Board reviewed the list of inspections completed for November and December of 2022 with no questions.

Ms. Saunders went through the list of outstanding sureties. She said in addition to what's on the agenda for releases staff has received a number of new surety release requests.

### **XIV. Release of Surety**

- A. D.R. Lemieux Builders, Inc. Bond reduction in the amount of \$27,781.19 for Phase 2 of Apple Ridge Apartments. Map 134 Lot 5

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the surety release of \$27,781.19 as requested. The motion carried unanimously.*

- B. Severino Trucking Co, Inc. Bond reduction in the amount of \$22,758.29 for the Multifamily Development on Norway Plans Road. Map 215 Lot 17

Ms. Saunders explained most of the infrastructure is in which is what the developer is asking for a release on.

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the surety release of \$22,758.29 as requested. The motion carried unanimously.*

- C. Waste Management Bond in the amount of \$35,750.00 for the Storage Container Area. Map 268 Lot 2

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the surety release of \$35,750.00 as requested. The motion carried unanimously.*

- D. Waste Management Bond in the amount of \$140,000 for the Material Recovery Facility. Map 267 Lot 3

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the surety release of \$140,000 as requested. The motion carried unanimously.*

- E. Waste Management Bond in the amount of \$593,260.84 for the TLR-III South Area. Map 267 Lots 2 & 3

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the surety release of \$593,260.84 as requested. The motion carried unanimously.*

## **XV. Other Business**

### **A. Planning Update**

Ms. Saunders informed the Board the Parking Review Group Committee will be holding a Poster Session on February 23<sup>rd</sup> from 6:00pm to 8:00pm at the Rochester Performing Arts Center.

Ms. Saunders said the consultants are moving forward with the Natural Resources and the Historic and Cultural Master Plan Chapters. She said the consultants have coordinated in order to put one website together with two separate survey's for each of the chapters. Ms. Saunders explained staff is working to put final touches on the material this week and hopes to have it out to the public next week.

Mr. O'Connor reminded the Board the retreat meeting will be held on Tuesday January 31, 2023. Ms. Saunders said it will be a two-part event put on by NH Municipal Association. From 7:00pm to 8:00pm ZBA law will be discussed, and 8:00pm to 9:00pm there will be discussion on State Statues that govern Planning Board action items.

### **B. Other**

There was no other business to discuss.

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## **XVI. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn the meeting at 8:22pm. The motion carried unanimously.*

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Respectfully submitted,

Crystal Galloway,  
*Planner I*

and

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