

City of Rochester Planning Board

Monday, February 5, 2024
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on *** ,2023)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Alan Dews
James Hayden
Peter Bruckner

Members Absent

Michael McQuade, *excused*
Donald Hamann, *excused*

Alternate Members Present

Rick Healey
Matthew Richardson

Staff: Shanna Saunders, *Director of Planning & Development*

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting, as well as the meeting's minutes can be found on the Planning Boards Webpage at www.rochesternh.gov/planning-board. Paper minutes may be copied at the Planning & Development Office for a fee.)

I. Call to Order

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

II. Roll Call

Planning Department Director, Shanna B. Saunders, conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Mr. Richardson to vote in place of Mr. Hamann

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A. January 8, 2024

A motion was made by Mr. Bruckner to approve the January 8, 2024, Planning Board meeting minutes and seconded by Mr. May. The motion carried unanimously.

B. January 22, 2024, Retreat

A motion was made by Mr. Bruckner to approve the January 22, 2024, Planning Board meeting minutes and seconded by Mr. May. The motion carried unanimously.

VI. Opening Discussion/Comments

A. Public Comment

There were no comments from the public to discuss.

B. Discussion of general planning issues

Ms. Saunders explained the staff recommendations that were placed in front of Planning Board members.

Ms. Saunders explained that the additional documents presented to the Planning Board were by the request of applicants on the agenda.

Ms. Saunders explained the updated RSA books for Land Use Regulations that each Planning Board member has received.

Ms. Saunders circulated form to update Planning Board members' contact information.

Ms. Saunders introduced Yazmin, a student representative from Spaulding High School who will be the new Student Rep to the Planning Board and may be present in some Planning and Zoning Board meetings to shadow and learn about land use laws and regulations.

Mr. Bruckner asked what major changes may have been included in the new Land Use Regulations Book from last year to the current year. Ms. Saunders explained that there have been many changes and updates to the regulations for this year and that she will send the New Hampshire Municipal Association's updates that they have listed to the Planning Board members.

VII. Extension Applications:

A. [Real Estate Advisors, Jeremiah Lane](#) Extension request to meet General and Subsequent conditions to December 16, 2024, Case# 223 – 21 – A – 16

Mr. Walter Cheney of Real Estate Advisors, LLC explained his request for this additional extension. Mr. Cheney thanked the Planning Board for their efforts in the project. Mr. Cheney explained the changes of roads and lots towards the front of the property. Mr. Cheney explained the units that are approved and the amendment he is seeking for new units, and the complications with updating the intersection outside of the development. Mr. Cheney requested that the Planning Board approve a phase such that the developer may update the intersection and be considered grandfathered for the rest of the subdivision and explained that completing both roadway and intersection updates simultaneously has proven difficult. Mr. Cheney explained his plan for elderly housing within specific units and used a visual site plan for his explanation.

Ms. Saunders explained that this project was originally presented in 2016 and approved in 2018. Ms. Saunders explained that the project was granted an initial extension and later applied for a plan amendment in 2020, which restarted the timeframe of which the project was required to be

complete. Ms. Saunders explained that there have been 2 extensions requested and approved for the amended application in 2020, this is a third request for extension.

Ms. Saunders stated to Mr. Cheney that the grandfathering that he is requesting will require a separate application because the application being reviewed at this time is for an extension request only. Mr. Cheney explained that his intention is to explain his future proposal for the property.

Ms. Saunders explained that the plan presented would require another amendment application and explained that the Planning Board holds the right to determine what is considered substantially complete for projects. If the Board does not decide the state law defaults to 5 years. Ms. Saunders stated that once a project is considered substantially complete, they are considered grandfathered, and the developer can build out for however long their duration to construct is.

Mr. Collopy reviewed the application that was submitted and explained that the language was not beneficial to the Planning Board in their decision making and that is why the application was continued to the current meeting. Mr. Cheney stated that he understood. Mr. Collopy explained that in Mr. Cheney's explanation for future proposals, the language in the extension application was misleading. Mr. Cheney apologize for additional extension requests and stated his appreciation for the Planning Board in their review process of this application as a whole. Mr. Cheney explained the complications that the project has faced.

Mr. Hayden asked if the provided plan was a conceptual layout phase, or if stormwater has been designed, and asked for a status on the engineering design process. Mr. Cheney stated that the plan provided is only conceptual and that only the unit's design is complete. Mr. Cheney also explained his plans for better accessible units for elderly residents.

Mr. Dews stated his recommendation for a 90-day extension and stated his concerns for longer extensions. Ms. Saunders stated that if they needed engineering, 90 days would not be long enough to acquire those designs.

Mr. May asked for clarification on why the extension is appropriate. Ms. Saunders stated that the applicant would have to start from scratch as the application has expired. Mr. May asked if waivers could be requested for the applicant to not have to perform additional studies. Ms. Saunders stated that staff may not recommend the waiver of updated studies. Mr. May stated his support for denying an extension and requiring a new subdivision application and stated his understanding for the extensive complications that the project has brought on.

Mr. Healey stated his support in Mr. May's recommendation to have the application brought to the Planning Board as a new Subdivision application. Mr. Healey asked if additional reviews would be required. Ms. Saunders replied that amendment would only include the changes that Mr. Cheney has explained and show on the presented plan and that only the changes would require possible revised studies rather than the entire project.

Mr. Healey asked if future extensions can be requested under a new amendment. Ms. Saunders replied yes. Mr. Healey stated his support in granting only a 6-month extension.

Mr. Hayden stated his agreement with Mr. Healey and his support for approving a 6-month extension. Mr. Hayden explained his understanding of the different application processes and stated that he would prefer to review the amendment application of what changes are proposed, rather than restart the entire application.

Mr. Richardson asked what the timeframe was for breaking ground on the project. Ms. Saunders explained that the 6-month extension would give the applicant 6 months to provide final plans or provide an amendment to the application and by state statute, the applicant will have 24 months after approved final plans to begin active and substantial development.

Mr. Richardson asked when construction is expected to begin.

A motion was made by Mr. Dews to extend the application 6 months from this Planning Board meeting (August 5, 2024) and to not allow further extensions and seconded by Mr. Richardson.

Mr. Healey asked if the 6-month included additional TRG reviews. Ms. Saunders replied that this extension would not require TRG review.

The motion carried with Mr. May opposing.

- B. [Packy's Investment Properties, LLC, 17 Sterling Drive](#) Extension request to meet General and Subsequent conditions to August 7, 2024 Case# 208 – 18 – GRD – 22

Ms. Saunders reviewed the application and explained that the applicant is requesting additional time to finalize the Alteration of Terrain Permit Application. Ms. Saunders stated noted that the applicant was not present for the meeting but is requesting an extended deadline to August 7, 2024.

Mr. Collopy asked if this request is the first extension request. Ms. Saunders stated that this is the second extension request.

Mr. Healey asked what the delay for the permit application is and if it was through City or the State. Ms. Saunders responded that it was through the state and explained the plan that may have caused the delay.

A motion was made by Mr. May to approve the extension of the application to August 7, 2024, and seconded by Mr. Dews. The motion carried unanimously.

- c. [Ko-Go, LLC, 0 Farmington Road](#) Extension request to meet General and Subsequent conditions to June 30, 2024, Case# 208 – 16 – GRD – 22

The applicant was not present.

Ms. Saunders explained the application and the reasons that were given for the multiple extensions to this project.

Mr. Dews stated that the application expired in September and his concerns that the application has only just been received. Mr. Dews stated that he opposes the extension.

Mr. May noted the requirement on the Extension Application stating that the application must be received before the deadline date and asked if the Planning Department enforces the deadline. Mr. Saunders explained the notification process of expiring applications.

Mr. Dews stated that the application is 5 months past their deadline and that they are not present to explain their reasoning for extension.

Mr. Richardson verified if the extension was for 6 months. Ms. Saunders responded yes.

A motion was made by Mr. Dews to deny the extension application and seconded by Mr. May. The motion failed with a 2 to 4 vote.

A motion was made by Mr. Richardson to approve this as the final extension, to June 30, 2024, and seconded by Mr. Hayden. The motion carried with a 4 to 2 vote.

VIII. New Applications

A. The Beloin Family Trust of 2013, 132 & 134 Rochester Hill Road (Norway Plains/Joel Runnals) Lot-Line Revision Case# 134 – 12&13 – R1 – 23 **Public Hearing/FINAL DECISION***

Mr. Joel Runnals, Norway Plains Associates, presented the project and explained the lot line revision of the 2 lots. Mr. Runnals explained the location of the lots and explained what utilities are used for each lot.

Mr. Collopy opened the Public Hearing. There were no comments from the public.

Ms. Saunders reviewed the staff recommendation and conditions that are recommended, stating that there are no required plan changes and very few conditions and that all conditions are the standard conditions of approval and staff recommend that the application be viewed as complete and approved as presented.

A motion was made by Mr. May to accept the application as complete and seconded by Mr. Dews. The motion carried unanimously.

A motion was made by Mr. Bruckner to approve the application with the conditions as stated and seconded by Mr. May. The motion carried unanimously.

B. Alfred & Cynthia Benton, 585 & 589 Portland Street (Norway Plains/Ashley Rowe) Lot-Line Revision Case# 111/223 – 81/25 – R1 – 23 **Public Hearing/FINAL DECISION***

Mr. Ashley Rowe, Norway Plains Associates, presented the application and explained the revision of the 2 lots. Mr. Rowe explained the access easement to the rear of the property regarding drainage to allow the owner to maintain the lawn. Mr. Rowe reviewed a colored map with the Planning Board and further visually explained the changes proposed.

Mr. Collopy opened the Public Hearing.

Mr. Alfred Benton, property owner and applicant, further explained the purpose of the lot-line revision.

Mr. Benton asked if there was a public hearing for the Jeremiah Lane extension application. Mr. Collopy stated that there have been no changes to that application and if any amendments are applied for, there will be a public hearing for the new application. Mr. Benton stated that he has concerns about the subdivision. Mr. Collopy stated that, at this time, there are no changes to the application and concerns cannot be heard. Mr. Benton asked if abutters would be notified if there is an amendment. Ms. Saunders stated that abutters would be notified.

Mr. Collopy closed the Public Hearing.

Ms. Saunders stated that the application does include a waiver request regarding driveway placement for the property. Ms. Saunders explained the plan changes that would be required if the waiver is denied by the Planning Board. Ms. Saunders reviewed the staff recommendation

and conditions that are recommended, stating that all the remaining conditions are the standard conditions of approval and staff recommend that the application be viewed as complete.

Mr. Rowe further explained the reason for the waiver request.

A motion was made by Mr. Richardson to accept the application as complete and seconded by Mr. Dews. The motion carried unanimously.

Mr. Dews stated that a building was within the setback on the side. Mr. Rowe explained that the side of concern is not being changed and explained the proposed lot line change.

Mr. Healey stated his support for granting the driveway setback waiver.

A motion was made by Mr. Richardson to grant the requested driveway setback waiver and seconded by Mr. Bruckner.

Mr. May asked for confirmation on the part of the driveway that the waiver is being requested for. Ms. Saunders confirmed the section of driveway location. Mr. May stated his support for the waiver.

The motion carried unanimously.

A motion was made by Mr. Bruckner to approve the application with the conditions as stated and seconded by Mr. Richardson. The motion carried unanimously.

C. Northam Survey/Eric Salovitch, 57-59 Cross Road (Northam Survey) 2-Lot Subdivision Case# 205 – 34 – A – 23 *Public Hearing/FINAL DECISION**

Mr. Eric Salovitch, Northam Survey, introduced himself and the property owner, Daniel LaGrange. Mr. Salovitch presented the project and provided details of the requirements for subdividing the lots. Mr. Salovitch stated that the Zoning Board granted the Variance for not meeting the minimum lot size and not meeting the frontage requirements due to the corner lot complications. Mr. Salovitch explained the history of the lot and explained how the new lot was proposed.

Mr. Collopy opened the Public Hearing. There were no comments from the Public.

Ms. Saunders explained the Zoning Board review and approvals. Ms. Saunders reviewed the staff recommendation and conditions that are recommended including the condition to correspond with E911 for addressing purposes and stated that staff recommend that the application be accepted as complete and recommends approval by the Planning Board.

Mr. Richardson requested that the road name typo be corrected from Stacy Road to Stacy Drive. Ms. Saunders stated that would be corrected.

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

Mr. Dews asked about the status of the utilities and requested that utilities be added to the plan.

A motion was made by Mr. Richardson to approve the application with the conditions as stated and additional condition and seconded by Mr. Hayden. The motion carried unanimously.

D. Humoresque, LLC/Paul Delisle, 1 Old Dover Road (Norway Plains) Site Plan to convert commercial office space into 11 residential spaces Case# 132 – 41 – NMU – 23 **Public Hearing/FINAL DECISION***

Mr. Paul Delisle, applicant, provided statistical data regarding housing needs within the City of Rochester and explained possible ideas for increasing housing.

Mr. Collopy opened the Public Hearing.

Mr. Vasant Das, 14 Old Dover Road, stated his previous concern regarding traffic increases, but has spoken with Mr. Delisle and withdraws his concerns and supports the proposal of more housing.

Mr. Collopy closed the Public Hearing.

Ms. Saunders stated the correction to the agenda, that this proposal is for 11 residential units, not the stated 13. Ms. Saunders explained the application review process for this proposed project. Ms. Saunders reviewed the staff recommendation and conditions that are recommended including the condition by the Department of Public Works to have a cross-connection survey completed to confirm what backflow devices currently exist and if there are any needs for upgrading. Mr. Saunders explained how the project has been defined as an active and substantial development. Ms. Saunders explained the requirements for grandfathering of the project. Ms. Saunders stated that staff recommend that the application be accepted as complete and approved by the Planning Board.

Mr. Bruckner stated his concerns with the submitted plans. As the plan is laid out, 2 units do not have any windows as they are designed up against the adjoining bank. Mr. Bruckner stated that he feels that the plan is not a standard plan and does not meet many of the requirements for residential plans. Mr. Bruckner stated that the plans don't show windows and doorways and there is a set of stairs within one of the units – that doesn't work. The plans need to be edited and recommended that they be reviewed by an architect before the Planning Board decides on the project. He does not feel the plans submitted are sufficient enough for the board to make an informed decision.

Ms. Saunders explained the GIS plot plan that was provided to show how the lots are divided.

Mr. Bruckner stated his concerns for the square footage of the units ranging from 400 sf to 1400 sq feet yet we are being told they are all one bedrooms. and again recommended the applicant seek out the review of an architect. Mr. Bruckner said he supports more housing but needs a more detailed floor layout plan.

Ms. Saunders asked if Mr. Bruckner was looking for architectural-stamped plans. Mr. Bruckner responded no that he would prefer conceptual or even preliminary design plans by an architect to better show the building concepts. Mr. Bruckner also recommended that the applicant review and provide some outside space or amenities to the residents. Mr. Bruckner also stated his concerns with how the parking and shared spaces with the bank will be considered as the buildings are adjoined.

Mr. Dews asked if it was unit 6 Mr. Bruckner was concerned would have no windows. Mr. Bruckner responded yes and recommended that he recommends the layout be better shown in the plans.

A motion was made by Mr. May to accept the application as complete.

Ms. Saunders explained that the Planning Board can request more information and not accept the application as complete just yet.

Mr. May withdrew his motion.

Mr. Hayden asked when the site was first constructed. Ms. Saunders stated that she does not know at this time but can research. Mr. Hayden explained that he noticed catch basins and drainage that may connect to the drainage structure. Mr. Delisle stated that the drainage was upgraded in the early 1980s.

Mr. May stated that he appreciates the building and supports Mr. Bruckner's request for more information on the plans and stated his concern for approving an apartment with no windows. Mr. May asked if traffic had been reviewed. Ms. Saunders replied that a traffic review was not recommended.

Mr. Collopy reviewed concerns that have been raised and stated his recommendations for updates to the property for amenities or greenspace. Mr. Collopy also hoped the parking and drive aisle would be properly marked on the pavement, as well for safety purposes.

Mr. Dews asked about the lighting around the facility. Mr. Delisle responded that there is significant lighting around the building. Ms. Saunders asked Mr. Delisle if there were lights present along Old Dover Road.

Mr. Delisle stated his understanding of gaining Planning Board approval for as many units as can fit in the building. Mr. Delisle stated that originally 13 units were preferred and after further review, the Technical Review Group recommended 11 units. Mr. Delisle explained that he intends to provide more detailed plans after approval. Mr. Delisle stated that only one of the apartments would not have windows. Mr. Delisle explained the current planned layout and how changes can be applied. He is hoping to get approval and then provide plans at the building permit stage. They can make field changes if they realize they don't have windows.

Mr. Collopy stated that the Planning Board prefers more comprehensive plans and explained that the Planning Board reviews plans for current uses and holds the future in mind when giving approvals. Mr. Collopy stated that a plan showing windows and egress for apartments is preferred.

Mr. Healey stated that the apartment with no window would not meet city codes. Ms. Saunders explained the building inspector would review those plans and information.

Mr. Hayden asked if parking would be labeled specifically for residents. Mr. Delisle stated that he didn't feel there was a need for specified parking. Dumpsters were

A motion was made by Mr. Dews to deny the application as complete and require the following information be submitted:

- 1. Please submit more detailed floor plans showing proper locations of kitchens, bedrooms, doors, windows and stairways, connection to commercial space and exterior doors.*
- 2. Please try to incorporate some outside amenity space or greenspace for the new residents.*

and seconded by Mr. Bruckner. The motion carried unanimously.

IX. Other Business

A. Planning Update

Ms. Saunders stated that the Planning Department has a new Senior Planner, Tracy Gora, who will be at future meetings.

Ms. Saunders stated that there will be no Planning Board Workshop meeting in February.

B. Other

There was no other business.

C. Elections

Mr. Bruckner nominated Mark Collopy as Chair of the Planning Board and Mr. May seconded. The Planning Board members unanimously voted Mr. Collopy as the Planning Board Chair.

Mr. Dews nominated Robert May as Vice Chair of the Planning Board and Mr. Bruckner seconded. The Planning Board members unanimously voted Mr. May as the Planning Board Vice Chair.

XII. Adjournment

A motion was made by Mr. Bruckner and seconded by Mr. May to adjourn the meeting at 7:51pm. The motion carried unanimously.

Respectfully submitted,

Jaclyn Millard,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development