**City of Rochester Planning Board**

Monday April 6, 2015

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on April 20, 2015)*

*Members Present*

Nel Sylvain, *Chair*

Rick Healey, Vice Chair

Matthew Kozinski, Secretary

Charles Grassie, Jr.(left meeting at 8:00pm)

James Gray

Robert Jaffin

Mark Sullivan

Dave Walker

Tom Willis

*Members Absent*

Tim Fontneau, excused

*Alternate Members Present*

Fred Leonard

Robert May

Staff: James Campbell, Director of Planning & Development

 Crystal DeButts, Planning Secretary

(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. Healey called the meeting to order at 7:00 p.m.

The Planning Secretary conducted the roll call.

**III. Seating of Alternates**

Mr. Leonard voted in place of Mr. Fontneau and Mr. May voted in place of Mr. Grassie.

**IV. Communications from the Chair**

Mr. Sylvain reminded the Board registration for the Spring Conference is now open and anyone that would like to attend should contact the Planning Secretary.

**V. Release of surety for Norway Plains Road, Map 215 Lot 8-13**

Jennifer Hale, City Engineer informed the Board she met with Tom Severino to review the Norway Plains Road project. She said they will be posting a new bond in the amount of $754,234.20 for the remaining on-site work in Phases 1b, 2 and 3. Ms. Hale went on to say she would recommend releasing the current bond for Phase 1 in the amount of $170,000.

Mr. Walker asked if all the departments have signed off. Mr. Campbell said the Planning Department and Public Works were satisfied.

The Board went into a short discussion on the need for having all the departments sign off before releasing surety.

Mr. Sylvain told Ms. Hale to get all the sign offs and paperwork together and come back to the April 20th meeting, but to get things moving for the replacement bond.

**VI. Aquifer Protection update**

Seth Creighton, Chief Planner gave the Board a recap of the last time the Aquifer Protection presentation was given. He said they have gone before the Codes & Ordinances Committee and they are happy with the document. Mr. Creighton went on to say the draft they have may be final and it would need to be wrapped up by June.

Kyle Pimental, Senior Planner with Strafford Regional Planning said the first change is the inclusion of performance standards, the second change is an updated list of prohibited uses, and the third change is the inclusion of conditional uses. Mr. Pimental pointed out to the Board a section under conditional uses regarding rock blasting activities.

Mr. Pimental said the three other big changes would be the inclusion of existing nonconforming uses, the inclusion of exemptions, and the inclusion of maintenance and inspection requirements.

Mr. Walker clarified with Mr. Creighton and Mr. Pimental that this will not be affecting any home owners, and also asked if there is a map of any junk yards or non conforming uses. Mr. Creighton said this should not affect home owners, and they currently do not have a map showing any junk yards or non conforming uses.

The Board discussed rock blasting and the need to specify 5,000 cubic yards within a 1,000 square foot radius and the language needs to be added to reflect cumulative in the ordinance.

Mr. Leonard asked if there will be any protection added to the border of Farmington. Mr. Pimental explained they have received the same grant this year to work with Farmington. He went on to say it will be their recommendation that they be good neighbors and protect the area.

The Board went on to discuss maintenance and inspection procedures. Mr. Leonard asked if the City has staff to conduct the inspections. Mr. Pimental said no one has been designated yet; however it may be possible to have the Compliance Officer do the inspections.

Mr. Sullivan said he is concerned with the document going from one page to now six pages as there may be issues with maintenance and compliance. He went on to say item 13(d) is hard to interpret as its written to be flexible due to the word “may” being used. Mr. Creighton add they had discussed this issue at one of the meetings and outcome was the word “may” is open ended; the City may charge an inspection fee or they may not.

Mr. Sylvain asked who would determine the fee schedule. Mr. Campbell said we could set it up the same way the City does its inspections.

The Board had a brief discussion regarding replacing the word “may” with “shall”, ending with Mr. Sylvain telling Mr. Pimental and Mr. Creighton to change the word “may” to “shall”.

Next the Board discussed the importance of having an annual or semiannual report submitted. Mr. Gray suggested that as long as the report is filed annually the property owner shouldn’t have to pay for an inspection fee. He went on to say the fee should only be charged if the report is not submitted and the Compliance Officer needs to go out for an inspection.

Mr. Sylvain said the City needs to be vigilant when it comes to drinking water as there will be some businesses that will push the limits, such as automotive shops and junk yards.

The Board informed Mr. Pimental and Mr. Creighton they would like to see the final draft when it is complete.

Mr. Sylvain called a recess at 8:00pm

Mr. Sylvain called the meeting back to order at 8:08pm

**VII. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve the March 16, 2015 meeting minutes. The motion carried unanimously.*

**VIII. New Applications**

 **A. Kelley’s Flooring, 27 Hancock Street**

Fenton Groen of IHT, LLC explained to the Board his company purchased the building located at 27 Hancock Street which was the former Wonder Bread store. He stated they were before the Board with the first tenant a couple months before and they are now here for Kelley’s Flooring. Mr. Groen went on to say they will be using the space as a warehouse for now, however in the future they would like to use it for retail as well.

Mr. Campbell informed the Board staff recommends they accept the application as complete. He went on to say the application is for a site plan and conditional use, saying retail is allowed, however a warehouse is not.

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

Mr. Sylvain opened the public hearing. There was no one present to speak.

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the site plan and conditional use application. The motion carried unanimously.*

**B. Jane Forrest & Nicholas Marcotte, 165 Charles Street & 663 Columbus Avenue**

Joel Runnels of Norway Plains Associates explained the proposed lot line revision would be to add more parking area to Collins Sport Center from the abutting medical office.

Mr. Campbell informed the Board that staff doesn’t have any issues and he would recommend they accept the application as complete.

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

Mr. Sylvain opened the public hearing.

David Carigan of 19 Wilson Street asked if they will be installing lighting for the parking lot. Mr. Runnels informed Mr. Carigan they are not proposing any lighting at this time, however if they do in the future they will have to follow the current lighting regulations.

Mr. Walker asked if there will be access between the two lots. Mr. Runnels said there will be some type of fencing between them.

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve the lot line revision and conditional use application. The motion carried unanimously.*

 **C. OCW-Retail Rochester, LLC, 160 Washington Street**

Kelli Burke of the Wilder Company said they seeking approval for a modification for the lighting to IHOP restaurant. She went on to say they are looking for relief of the illuminating aspects. She said they are sensitive to adjacent properties; however they don’t feel it would be an issue as the restaurant sits up on a hill above the roadway.

Lee Mehler of National Restaurant Design explained they would like to use up lights instead of down lights for the project. He said the fixtures will be in the ground and the light source would not be seen.

Mr. Sylvain asked what the hours of operations would be. Mr. Mehler said they would be Sunday thru Thursday 7:00 am to 10:00 pm and Friday and Saturday 7:00 am to 12:00 am.

Mr. Campbell said believes the application is complete, however Staff does not support the waiver request.

Mr. Walker asked if the lighting was part of the original approval. Mr. Willis explained IHOP did not come before the Board as the restaurant was part of the overall complex site plan.

Mr. Campbell explained the general renderings came into Planning; however Staff was not comfortable approving the lighting.

Mr. Sylvain suggested using down light canisters. Mr. Mehler said they could, it just isn’t part of their aesthetics. Mr. Leonard asked what the color of the lights would be. Mr. Mehler said they would be a warm tone LED.

The Board discussed lighting that already exists in the complex and debated whether or not the up lighting from IHOP would make a substantial difference.

Mr. Walker said is concerned about setting precedents. Mr. Campbell said Staff always asks if an approval will set precedents.

*A motion was made by Mr. Jaffin and seconded by Mr. Leonard to approve the modification. The motion carried by a 5 – 4 roll call vote.*

**IX. Other Business**

Mr. Jaffin informed the Board NHDOT announced the Tiger Grants.

Mr. Campbell said he and Ms. Mears met regarding the updating the land use chapter of the Master Plan. He said Ms. Mears will recommend sending out an RFP for the downtown chapter.

Mr. Gray asked if the RFP will be coming out of this fiscal years funds. Mr. Campbell said yes, and funds have been set aside for the Master Plan.

Mr. Jaffin suggested getting the Transportation chapter done first as it may better serve the Downtown chapter.

It was the consensus of the Board to have the Transportation chapter completed first.

**X.** **Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Willis to adjourn at 9:14 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal DeButts,

Planning Secretary