**City of Rochester Planning Board**

Monday February 27, 2017

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on March 6,2017)*

*Members Present*

Nel Sylvain, *Chair*

Dave Walker, *Vice Chair*

Matthew Kozinski, *Secretary*

Tim Fontneau

Rick Healey

Robert Jaffin

Mark Sullivan

Tom Willis

*Members Absent*

Deborah Shigo, excused

Robert May, excused

*Alternate Members Present*

James Gray

Jeremy Hutchinson

Staff: James Campbell, *Director of Planning & Development*

 Crystal Galloway, *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. Sylvain called the meeting to order at 7:00p.m.

The Planning Secretary conducted the roll call.

**III. Seating of Alternates**

Mr. Hutchinson to vote for Mr. May.

**IV. Communications from the Chair**

Mr. Sylvain held a moment of silence for Jim McManus. He said Mr. McManus served the City of Rochester for 27 years between the City Council, Police Commission and the Planning Board.

Mr. Sylvain welcomed Jeremy Hutchinson to the Board as the new alternate member.

**V. Opening Discussion/Comments**

 **A. Public Comment**

Cliff Newton of 168 Old Dover Road thanked to Board for their due diligence with an ongoing issue on Laura Drive. He asked that the next time the applicant comes before the Board schedule a site visit.

Mr. Newton said he is drafting a letter to the Director of Codes & Ordinances to ask for an administrative decision on some of the questions dealing with lot 23 and Laura Drive to see who’s responsible.

Lionel Lachapelle of 10 Lagasse Street spoke regarding the Entertainment Overlay District. He asked why Lagasse Street is part of it and not Chestnut Street. He said his second concern is indoor recreation and outdoor recreation but says nothing as to what the individuals plan to do. He said he went on the internet and looked at what other towns have done and it’s very explicit. Mr. Lachapelle said he hopes the Board will hold another meeting on this subject and be a little more explicit of what will be allowed and what won’t be.

Sandie Averill of 97 Maple Street said she is concerned about the new Entertainment Overlay District. She said she has been looking at the Master Plan and the Zoning Ordinances. Ms. Averill said in the information they were given it says theaters and up to a five story building would be allowed. She said it’s a very small neighborhood and having a building that’s five stories high wouldn’t be harmonious and would be devastating to anything else that’s going on it that area.

Ms. Averill said its mind boggling how helping out the fairgrounds to be able to have more continual events became the Entertainment Overlay District. She added that nobody understands what the plan is for this overlay district.

Nancy Gilbert of 10 Hoover Street asked how the fair is able to be responsible for changing the neighborhood and creating an overlay district. She said the mayor told homeowners the committee looked at other cities, Ms. Gilbert said Rochester is not like other cities; its not geared to have anything larger than having the fair and other events on occasion.

Gregg DeNobile of Chesley Hill Road asked if the Entertainment Overlay District is ready to be accepted by the City Council, and if not he asked if the Planning Board knew when the next action would happen.

Mr. Gray said the Mayor stated there wouldn’t be any further discussion until at least the April Council meeting. There was some discussion whether or not this could come back to the Planning Board to be worked out.

Mr. Kozinski who was on the overlay district committee clarified, saying someone had asked about adult entertainment. He said that is something different from indoor/outdoor recreation and would not be allowed. He added the reason the Planning Board decided to go with an overlay was because the zoning still applies; this is just an overlay of uses. He said as far as any proposals for new buildings would have to come to the Board for approval.

There was a brief discussion with the abutters regarding the trust for the fairgrounds.

**VI. Approval of minutes**

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve the February6, 2017 meeting minutes. The motion carried unanimously.*

**VII. Continued Applications**

 **A. SDJ Development of Rochester, LLC, 183 Washington Street**

Matthew Peterson of Hillside Design Group said they have been working with staff and the abutters for about six months and he believes the new plan addresses the majority of concerns that were raised. He said they submitted a package in January that outlines everything that has been discussed to date. Mr. Peterson explained the changes to the number of units and the difference between the 2002 plan and the current plan.

He said after hearing comments from the Board about a lot of the features of the PUD being removed, they decided to put them back. He went on to say they have worked with Public Works and Fire and they have signed off on the second access. Mr. Peterson said they have added a cul-de-sac to Hussey Hill Road which will have two gates for emergency access; and has sign offs from both Public Works and the Fire Department.

Mr. Sylvain opened the public hearing, he said after checking with the City Attorney, there would be a three minute limit to speak.

Joseph Boudreau of 20 Pierce Drive thanked the Board for listening to the residents’ concerns. He said the Board can place requirements on the developer through the notice of decision before the amendments to the master plan are granted. He said the developer said there is now a second entrance, however it’s not really a second entrance, it’s an emergency entrance. Mr. Boudreau said he has a few requirements he would like the Board to consider. 1) remove the mountains of material at the top of Fillmore Drive 2) the roads for Fillmore Drive and Pierce Drive be accepted by the City 3) additional lighting be installed according to the City Ordinances 4) completion of trees and shrubs between the sidewalk and road way be completed 5) the Planning Board to place a condition a percent of the total planned single family homes be at least 50% completed before any further apartments be approved 6) the Board place specific time frames and that the actions are completed before approval is granted for this amendment.

Gregg DeNobile of Chesley Hill Road asked if there are plans in place to enforce no parking in front of the emergency access. He also asked if there is a formal memo from the City Attorney in regards to the law he was reciting for allowing time limits on public input.

There was no one further from the public present to speak; Mr. Sylvain brought the discussion back to the Board.

Mr. Campbell said the Board needs to determine if the intent of the plan goes with the planned unit development. He said other than that staff supports the request to amend the notice of decision other than the proposed parking.

Mr. Walker said he’s not in agreement with the placement of the apartments; saying there are safety issues. Mr. Campbell said to keep in mind the original plan allowed for more units in the same area. Mr. Fontneau asked what the number of units is the original plan was compared to now. Mr. Peterson said there were 118 plus store fronts originally and now there are 174 units.

Mr. Sylvain asked what the phase would be if the amendment were approved. Mr. Peterson it would be constructing the apartments and they would be able to use the fill at the top of Fillmore Boulevard. Mr. Sylvain added that there would be a stipulation in the notice of decision that the material at the top of Fillmore Boulevard has to be removed before any CO is given.

Mr. Fontneau said he wants to see that Fillmore Boulevard and Pierce Drive are accepted before any CO’s are given for the apartments.

*A motion was made by Mr. Fontneau and seconded by Mr. Sullivan to approve the amendment to the planned unit development with stipulations as stated when a site plan comes forward. The motion carried. Mr. Walker opposed.*

 **B. Anna Fazekas Trust & Ervin Fazekas Trust, Flat Rock Bridge Road**

Christopher Berry of Berry Surveying & Engineering said they have made the necessary changes to the plan and have satisfied staffs comments and they are looking for final approval.

Mr. Sylvain opened the public hearing. No one was present to speak so he brought the discussion back to the Board.

Mr. Campbell reminded the Board they have already accepted the application. He went on to say the applicant was requesting three waivers; 1) site plan regulation article III section 5(E)(11) requires a four foot planter strip be between the foundations and parking lot; 2) site plan regulation article III section 6(E)(6) prohibits lighting fixtures in this zone from exceeding 15 feet tall; 3) site plan regulation article III section 15(D)(1) states that all utilities be underground. Mr. Campbell said staff supports all three waiver requests.

There was a brief discussion of where the pole would be place.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the waiver requests. The motion carried. Mr. Jaffin opposed.*

*A motion was made by Mr. Walker and seconded by Mr. Willis to close the public hearing. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Healey to approve the site plan. The motion carried unanimously.*

**VIII. New Applications**

 **A. Makris R.E. Development, LLC, Chesley Hill Road & Donald Street**

Mr. Campbell informed the Board that the applicant submitted a postponement request.

*A motion was made by Mr. Walker and seconded by Mr. Jaffin to postpone the application to the March 6, 2017 meeting. The motion carried unanimously.*

**IX. Review of January 2017 Surety and Inspection Information**

Mr. Campbell told the Board there hasn’t been any changes to the surety. No one from the Board had any questions or comments.

**X. Other Business**

 **A. Proposed Amendment to Zoning Ordinance definition of “Tavern”**

Mr. Campbell reminded the Board this was brought to them at the last meeting and they had questions. He said Mr. Creighton addressed those issues and read through the concerns and the responses.

Mr. Sullivan asked why the Planning Board is looking at this. Mr. Campbell said it would allow a brew pub to have carry out.

*A motion was made by Mr. Fontneau and seconded by Mr. Healey to give endorsement and move to the City Council. The motion carried unanimously.*

**B. Discussion of Surety for The Village at Clark Brook**

Mr. Campbell said we received a request to allow a 10% reduction in the bond for the Village at Clark Brook. He went on to say that Public Works does not support this because 1) if the work is less than one year old, the site conditions after winter have yet to be assessed; 2) part way through a project portions of a site may still be disturbed and in an un-stabilized condition which would require a large effort to re-stabilized if needed 3) the site is not yet completed so there are often no detailed as-builts yet submitted; 4) When CO permits are requested by the developer, 110% of the remaining work on the entire project will need to be bonded. Premature partial releases of surety only hinder this process.

Mr. Walker agreed with comments from Public Works and added that that’s how the City has gotten into trouble in the past.

It was the consensus of the Board to leave the surety as is.

 **C. Other**

Mr. Fontneau said he thinks there is a lot of confusion regarding the Entertainment Overlay District. Mr. Sylvain agreed and said he would like to see it come back to the Board for discussion and to get people within the neighborhood involved.

Mr. Walker said the Board should take care not to devalue the work the committee has done.

Mr. Sylvain asked Mr. Campbell to draft a letter to the City Council to have the Entertainment Overlay District come back to the Planning Board for public input.

**XI. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Kozinski to adjourn at 8:51 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal Galloway,

*Planning Secretary*