

City of Rochester Planning Board
Monday September 11, 2017
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on September 18, 2017)

Members Present

Nel Sylvain, *Chair*
Dave Walker, *Vice Chair*
Matthew Kozinski, *Secretary*
Tim Fontneau
Robert May
Mark Sullivan
Tom Willis

Members Absent

Jeremy Hutchinson, excused
Terry Dwyer, excused

Alternate Members Present

James Gray
Kyle Starkweather

Staff: James B. 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 7:00 p.m.

The Planning Secretary conducted the roll call.

III. Seating of Alternates

Mr. Starkweather voted for one of the vacant regular member positions.

IV. Communications from the Chair

Mr. Sylvain announced that item VII A, B, & C would all be continued to the October 2nd meeting due to the third party reviews.

Alan Dews of Chesley Hill Road asked if the abutters would get a new plan to see all the changes and if they would be re-notified of the meeting because the project has been continued so much. Mr. Sylvain said yes, they would. Gregg DeNobile of Chesley Hill Road asked if the material from the third party review would be available for the abutters to review and if it would be available online. Mr. Campbell said it would be available for review in the Planning Department. Paul Martin of Brenda Lane said the item on the agenda states it's a public hearing. Mr. Sylvain said not when the project has been continued to another meeting, he said at that time it will be a public hearing. Al Benton of Portland Street read the definition of a public hearing on the agenda. He said he has some questions that he'd like to know the answer to before the applicant proceeds with the application. Mr. Benton said he is concerned with his family's ROW. Mr. Sylvain said that is one reason for the third party review, because of his concerns with the ROW. Mr. Benton said he is concerned with

the new set of plans that is 99 pages long; he said they are proposing that 30 feet of the ROW be used for frontage. Mr. Sylvain again said that is one of the reasons for the third party review. Mr. Sylvain said there will be another public hearing and everyone will get re-notified for both Jeremiah Lane and Chesley Hill Road.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Willis to approve the August 21, 2017 workshop meeting minutes. The motion carried unanimously.

VI. Extensions/New Applications:

A. Anna Fazekas Rev Trust & Ervin Fazekas Rev Trust – Flat Rock Bridge Road & Milton Road

Christopher Berry of Berry Surveying & Engineering said the project was approved six months ago and they are seeking a six month extension to meet the precedent conditions in order to set State permits.

Mr. Willis asked when SUR will be finished using the lot for a staging area. Mr. Berry said they have already started clearing the lot as the Salmon Falls Road project is finishing up.

A motion was made by Mr. Walker and seconded by Mr. Willis to approve the extension to February 27, 2018 as requested. The motion carried unanimously.

B. Larry Boire – 301 Washington Street

Mr. Boire said he is seeking an amendment to a plan that was approved in 2008 for a conditional use. He said the proposal is to allow wetland and wetland buffer impacts for a 170 square foot septic pipe line for a house that is not built yet.

Mr. Campbell said the applicant was before the Conservation Commission in August and they approved the application.

Mr. Sylvain opened the public hearing. No one from the public was present to speak.

Mr. Willis asked if the septic has been approved by DES. Mr. Boire said it has.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to accept the application as complete and approve the conditional use permit. The motion carried unanimously.

C. Abuquiu, LLC – 664 Columbus Avenue

Paul Delisle said he has a tenant that would like to have a yoga studio and it would require a conditional use permit.

Mr. Campbell said the yoga studio would be a health club use and is only permitted by conditional use permit in the neighborhood mixed use zone.

Mr. Sylvain opened the public hearing. No one from the public was present to speak.

Mr. Walker asked if there is adequate parking. Mr. Campbell said there was. Mr. Willis asked if there will be a shower facility. Mr. Delisle said there will not be showers just a changing room.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to accept the application as complete and approve the conditional use permit. The motion carried unanimously.

D. LAARS Heating Systems Co. – 20 Industrial Way

Rick Lundborn of CLD Consulting Engineers said during the fall of last year there was an erosive event and when it happened it blew through the silt fencing and ended up connecting the two wetlands.

Mr. Lundborn said they are seeking a conditional use permit and site plan amendment after the fact to take care of the issue.

Mr. Campbell said the applicant went before the Conservation Commission in August and they support the conditional use permit. He said staff recommends accepting the application and approval.

Mr. Sylvain opened the public hearing. No one from the public was present to speak.

Mr. Willis asked if the site is 100% stabilized now. Mr. Lundborn said it is and added he was out there just the other day.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to accept the application as complete and approve the conditional use permit. The motion carried unanimously.

E. RIGZ Enterprises, LLC – 17 Signal Street

Mr. Lundborn presented the plans to remodel the former Cocheco Equipment building. He said the applicant currently owns and operates Signal Street Variety store however they are rebranding and will be renaming the store to City Beverage. He said they are proposing a 1,000 square foot addition to the existing building along with a loading dock. He explained they will delineate and stripe the parking lot. Mr. Lundborn said Fire and Police have requested a “no thru trucks” sign be posted on Olde Farm Lane. He went on to explain drainage for the site.

Mr. Lundborn said they received a letter on September 5th with a series of notes from the Planning Department and are currently reviewing it. He said they are waiting to have a discussion on whether or not the property will require a variance for the building to be added on. He said the downtown commercial zone doesn’t have a rear and side setback unless the property is abutting a residential home.

Mr. Campbell said staff is working with the applicant to address the comments from TRG. He said they are requesting three waivers; the first is for foundation plantings, Site Plan Regulations Article III, Section 5(E)(11); the second is a waiver for the location of the dumpster, Site Plan Regulations Article III, Section 9(D)(3); and the third would be from Chapter 50 and Site Plan Regulations Article III, Section 13 due to the minor increase in stormwater. Mr. Campbell said staff recommends the first two waivers be granted by that the Board not vote on the third waiver until further calculations have been completed. He went on to say the Board should discuss whether they will require a stockade fence or a chain link fence with vertical slats as proposed by the applicant.

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

Mr. Sylvain opened the public hearing. No one from the public was present to speak.

Mr. Willis said he is concerned about maneuverability for the delivery trucks because it looks tight and he said he’s also concerned with the trucks leaving and going down Olde Farm Lane. Mr. Lundborn said that has been addressed with public safety and signs will be posted.

Mr. Starkweather asked what type of fence is proposed. Mr. Lundborn said a chain link fence with slats.

A motion was made by Mr. Willis and seconded by Mr. Walker for powder coated black chain link fencing with vinyl coated slats be used. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the waivers for foundation plantings and the dumpster. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the September 18th meeting. The motion carried unanimously.

F. Fidae Azouri & Suzie Fakhoury – 172 Milton Road

Christopher Berry of Berry Surveying & Engineering presented the 2-Lot subdivision plans. He said currently there is a single family home and two commercial buildings and they are proposing to subdivide so the single family home is on its own lot. Mr. Berry said he has met with staff to discuss what would be needed if the convenience store and gas station were to reopen.

Mr. Campbell said he met with Mr. Berry earlier in the day to discuss a few points; one being the cars from the non-permitted junkyard would need to be removed from behind the house; there are concerns with the cross easements that are needed for ingress/egress; staff requests all commercial lighting be removed from the single family house lot; there is a shed on the back corner of the lot that would need to be removed. Mr. Campbell said staff would recommend the application be accepted as complete and continued to the September 18th meeting.

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

Mr. Sylvain opened the public hearing. No one from the public was present to speak.

Mr. Fontneau asked if the garage on the single family lot would be in the setbacks. Mr. Berry and Mr. Campbell said it's an existing condition but they couldn't make more non conforming. Mr. Walker agreed that it would be non conforming that's grandfathered in.

Mr. Willis said he received an email from a resident with two concerns. He said the first is the sign just to the right of the paved north entrance; saying it's an impediment to the line of sight of traffic. Mr. Campbell said there is nothing showing on pictometry but if there is something within the ROW it can't be there. Mr. Willis said the second item of concern is the north entrance. Mr. Campbell said the entrance the resident is referring to is not an entrance and will be loamed and seeded.

There was discussion regarding the service and car sales business located on the commercial lot.

A motion was made by Mr. Fontneau and seconded by Mr. Willis to continue the application to the September 18th meeting. The motion carried unanimously.

G. Casaccio RE Holdings, LLC – 48 & 58 Farmington Road

Mr. Berry presented the preliminary site plan for design review. He said in 2008 they were approved for an expansion off the front of the building which was a huge improvement to the site. Since then he said the zoning has changed and they would like to have a discussion because there will be a number of items that will be non compliant. Mr. Berry said they have put together a rendering for the building and would like to go over it with the Board.

Mr. Berry explained currently there are two separate lots of record however the applicant is willing to merge the lots if necessary.

He went on to explain the current layout of the development and explained there are no proposed changes to the current building. Next Mr. Berry explained the proposed expansion and said it's necessary because vehicles are getting larger and it is needed to be able to work more efficiently. He said they are not proposing

any additional pole lights just wall pack lighting. Mr. Berry added they may connect to The Ridge in the future but there are no proposed changes to the wood line at this time.

Mr. Gray said he would like to see a connection considered because it is increasingly more difficult to get out onto Route 11.

There was discussion regarding the Granite Ridge Development zone and the requirements.

Mr. Sylvain asked for a more detailed rendering of the architectural plan. Mr. Willis suggested putting an excerpt from the CLD report into the packets.

A motion was made by Mr. Walker and seconded by Mr. Kozinski to close the design review. The motion carried unanimously.

VII. Continued Applications:

A. Real Estate Advisors, Inc. – 24 Jeremiah Lane

The applicant requested a continuance to the October 2nd meeting.

B. & C. Makris R. E. Development, LLC – Chesley Hill Road & Donald Street – Subdivision & Lot Line Revision

The applicant requested a continuance to the October 2nd meeting.

VIII. Other Business

Mr. Sullivan said he was resigning from TRG. He said he doesn't have enough time to be able to give to it. The Board discussed if it is appropriate or not to have a Planning Board member be part of it. They determined a representative is no longer needed as part of the TRG.

IX. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Willis to adjourn at 9:03 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary