

City of Rochester Planning Board
Monday August 7, 2017
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on August 21, 2017)

Members Present

Nel Sylvain, *Chair*
Dave Walker, *Vice Chair*
Rick Healey
Robert Jaffin
Robert May
Mark Sullivan
Tom Willis

Members Absent

Kyle Starkweather, absent
Matthew Kozinski, excused
Tim Fontneau, excused
Terry Dwyer, excused

Alternate Members Present

James Gray
Jeremy Hutchinson

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. Hutchinson voted for Mr. Kozinski.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Hutchinson to approve the July 10, 2017 workshop meeting minutes. The motion carried unanimously.

VI. Continued Applications:

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

Scott Cole, Senior Project Manager from Beals Associates presented saying they believe they are close to wrapping up the project. He said they received the report from the third party review and will hopefully have responses for the next meeting.

Mr. Cole said they would like to receive acceptance of the sidewalk design and will give a brief update of the NHDOT meetings and the Chesley Hill intersection.

Starting with the sidewalk discussion Mr. Cole said at the last meeting the horizontal design was basically accepted by the Board; however there was one location within the paper street connection from Norman Street to the new proposed road. He said it was originally proposed as a straight shot with a 9.3% in grade but the Board thought that was excessive and was asked to do a serpentine design which makes the sidewalk a little longer and reduces the grade. Mr. Cole said they have added some switchbacks to the sidewalk and provided a 20 foot wide resting area in the midpoint of the sidewalk and said the grade now is at 8.3%.

Scott Thorton, Traffic Engineer of Viness & Associates gave an update regarding traffic. He said they have had preliminary discussions with NHDOT and have done traffic counts. He said the project will not change the need for an additional traffic signal. He said they will be collecting traffic counts at the three intersections on Route 125.

Mr. Campbell said Mr. Thorton emailed DOT on August 2nd but hasn't received a response yet. He said he would be happy to contact them to see if they could move things along a little quicker.

Mr. Sylvain opened the public hearing.

Gregg DeNobile of 146 Chesley Hill Road said he has lots of questions in regards to the project. He said in regard to the sidewalks he is concerned about the cost for upkeep, safety issues and perhaps the fact that the sidewalk may never be used. He said if word gets out that this is a new hangout it's going to get replaced with people from Water Street behind Congress Street.

Mr. DeNobile said he read in the paper about the project for Jeremiah Lane trying to have the requirement for sidewalks waived. He said the city should show some consistency.

Mr. DeNobile asked if they have looked at Highfield Commons when doing the traffic study because as that project develops traffic will come down Chesley Hill Road.

He said the pothole at the bottom of Chesley Hill Road and Route 202 has been filled in but it is starting to wash away and asked when it will be fixed. Mr. Sylvain told Mr. DeNobile to attend the Public Works Committee meeting to inform them of the problem.

Mr. DeNobile asked what there will be for off-site improvements because there are no impact fees. He asked if there will be a left hand turn signal for Chesley Hill Road and Route 125.

Mr. DeNobile went on to talk about the drainage discussion; he said last he knew they were going to go back two years. He said he had commented about the 2006 Mother's Day flood that washed out the bridge at the bottom of Chesley Hill Road near Route 202; he suggested that no drainage study be considered that doesn't go back at least 50 years.

Lou Archambault of 224 Chesley Hill Road asked how the people at the bottom of the hill be affected by the serpentine design and resting area of the sidewalk.

He asked if there will be another traffic study done after the project is complete; and said it didn't include the amount of trucks turning and entering to support a business on Oak Street.

Mr. Archambault said he's getting disgusted at the lack of forethought for the neighborhood residents; he said Chesley Hill Road was repaved and there is already sink holes forming. He said it was supposed to have another coat but there was never any follow up on what.

Mr. Archambault said in the beginning there were 150 houses proposed and they are now down to 50, only after there was a seemingly less resistance to the proposal. He said he's sure there are plenty of people in this town that are overwhelmed with addressing and wanting 150 houses in the 80 acre parcel; saying it will look like a trailer park in the Midwest to anybody entering Rochester. More bureaucratic entanglements is what

we're ending up with he said particularly with the one with being concerned with procedural correctness at the expense of people's needs. He said there isn't a semblance of a clear objective and standards; using Jeremiah Lane as an example.

Mr. Archambault said the issue of highway traffic and pollution arose and the developer's representative said buyers knew what they were getting when they bought there; adding that's right up there with the phrase buying a pig in a poke, and should be included in the brochure.

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

Mr. Campbell said he suggests the Board continue the application to the September 11th meeting to allow time to work with the applicant on drainage as well as DOT.

Alexis Makris of Makris R.E. Development said they came with an alternative sidewalk design and would like to have it accepted. She said she anticipated more of a discussion and questions from the Board so they could move forward.

Mr. Campbell said what they proposed at tonight's meeting is more in line with what Staff and the Board was looking for.

There was a brief discussion regarding submitting a plan for the changes to the sidewalk.

A motion was made by Mr. Walker and seconded by Mr. Healey to continue the application to the September 11, 2017 meeting. The motion carried unanimously.

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

A motion was made by Mr. Walker and seconded by Mr. Willis to continue the application to the September 11, 2017 meeting. The motion carried unanimously.

C. Real Estate Advisors Inc. – 24 Jeremiah Lane - Subdivision

Mr. Campbell told the Board the two third party reviews are being conducted so Staff would recommend continuing the application to the first meeting in September.

A motion was made by Mr. Walker and seconded by Mr. Willis to continue the application to the September 11, 2017 meeting. The motion carried unanimously.

D. Harold & Dorothy Caler & Real Estate Advisors, Inc. – 151 Franklin Street & 24 Jeremiah Lane

Christopher Berry of Berry Surveying & Engineering said this item has been on the agenda for a number of months as it goes along with the Jeremiah Lane project and said he believes it's in a position that the Board can approve the lot line revision. Mr. Berry said this lot line revision would generate the intersection for Franklin Street and Portland Street that the Board had asked to tee up.

Mr. Campbell said Staff doesn't have any issues with the lot line revision. It does require a Conditional Use Permit because of the frontage issue. He said the home will get its frontage off from Evelyn Drive but would like to keep the driveway located off from Franklin Street which Staff supports. Mr. Campbell added that an approval of the lot line revision will be contingent on the approval of the major subdivision for Jeremiah Lane.

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

Mr. Campbell said the application was accepted as complete in September 2016.

A motion was made by Mr. Walker and seconded by Mr. Sullivan to approve the Conditional Use Permit. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the lot line revision contingent on the approval of the major subdivision for Jeremiah Lane. The motion carried unanimously.

E. Lois Erickson & Real Estate Advisors Inc. – 603 Portland Street & 24 Jeremiah Lane

Mr. Berry said the lot line revision would provide access for a loop road to the Jeremiah Lane subdivision.

Mr. Campbell said the Board accepted the application as complete at the June 5th meeting. He said based on the information on file Staff recommends approval.

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

A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the lot line revision contingent on the approval of the major subdivision for Jeremiah Lane. The motion carried unanimously.

Mr. Sylvain called a recess at 7:49pm

Mr. Sylvain called the meeting back to order at 7:54pm

VII. New Applications:

A. Edward Duclos – 54 Allen Street

Mr. Duclos said he has met with TRG and has had a third party fire review which showed no major issues. He said he has been in business in Dover for the past 10 years. Mr. Duclos said he has addressed the concerns of the TRG regarding snow removal and screening for the dumpster.

Mr. Campbell told the Board Red Alert is asking for a parking waiver because they would be required to have 16 parking spaces. He said Staff is comfortable granting the waiver and would recommend accepting the application as complete.

Mr. Sylvain opened the public hearing.

Julian Long, Community Development Specialist said there has been an expressed need for youth activities in the City and said the indoor skate park will be a great addition.

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

Mr. Willis asked if this will be both an indoor and outdoor facility. Mr. Duclos said it will only be indoor; there will no skateboard signs posted outside.

Mr. Willis asked what the hours of operation will be. Mr. Duclos said 12:00pm to 9:00pm, Monday thru Friday; 11:00am to 9:00pm, Saturday; and 11:00am to 7:00pm on Sunday.

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

B. John & Cheryl Huckins – 60 Huckins Lane

Mr. Huckins presented the application for the 2-Lot subdivision. He said the parcel is located in both Barrington and Rochester.

Mr. Campbell said Barrington has approved their part of the subdivision. Staff doesn't have any issues and would recommend accepting the application as complete and approving.

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

Mr. Campbell said there are a few minor plan modifications needed.

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

A motion was made by Mr. Walker and seconded by Mr. Jaffin to approve the subdivision with the plan modifications. The motion carried unanimously.

C. McDonald's USA, LLC – 291 North Main Street

Bill Lucas of Bohler Engineering presented the plan for renovating McDonald's restaurant. He said they are introducing a side-by-side drive-thru ordering with a digital ordering board. Mr. Lucas said there will be a reduction of 9 parking spaces, leaving 38 parking spaces which still meet parking requirements. He presented the architectural plan for the building and ADA compliance plan.

Mr. Sylvain opened the public hearing.

Jason Parker of 6 Claire Street said he wanted to thank McDonald's for working with the neighborhood in the past. He said there have been just a few issues that have come up such as along the back of the fence he said he could take approximately four bags of trash from the area; portions of the fence along the side is missing; the volume of the speaker for the drive-thru; there is no deflection for the lighting on the site; he asked to have speed bumps put in; the hours that the delivery trucks show up in the morning.

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

Mr. Campbell said staff recommends accepting the application as complete and approving. He said the Board can discuss the precedent conditions.

Mr. Sylvain asked what can be done about the delivery trucks that are waiting in the parking lot early in the morning. Robert McDougal, Vice Chair of the Franchise Holders Group for McDonald's said they normally get deliveries between 7:00am and 10:00am. He said he's not sure which instance Mr. Parker is talking about but he will look into it.

Mr. Willis asked what the hours of operation are. Mr. McDougal said the current hours of operation are 5:00am to 12:00am seven days a week.

The Board discussed shielding for the lights, hours of operation for the restaurant and the fence along the residences.

A motion was made by Mr. Willis and seconded by Mr. Hutchinson to continue the application to the August 21, 2017 meeting. The motion carried. Mr. Walker and Mr. Sullivan opposed.

D. Farmington Associates, LLC – 60 Farmington Road

Ken Mavrogeorge of Tighe & Bond presented the plans for an amendment to phase two of The Ridge Marketplace and add that it is very similar to what was approved in 2016. Mr. Mavrogeorge said back in December they were before the Board for tree clearing and phasing for the project. He said phase I was tree clearing; phase II is excavation, which they got approval for in January and are working on the precedent conditions. He said in January there was an effort to speed up the wetland process and at this time the wetlands permit is pending. Mr. Mavrogeorge said they had to scale back the development that was originally proposed because of the wetland permitting process. The plan they are proposing now is roughly 9,000 sq ft less of wetland impacts and have avoided impacting within the 100 foot buffer of the existing stream that runs through the site.

Mr. Mavrogeorge went through the plan and explained all the changes. He said there is a significant reduction in building square footage, the open space has increased from 47% to 49%, and a decrease of a few thousand feet in buffer impacts.

Mr. Mavrogeorge said even though the site has changed it still feels and looks much the same. He went on to say the future Marketplace Boulevard would continue through the property and connect to the Toyota dealership property at a more perpendicular angle; adding that it makes better use of Toyota's property should they want to expand in the future.

Mr. Mavrogeorge said with the decrease in retail space the applicant is looking at different avenues for the future including residential units.

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

Mr. Campbell said staff recommends continuing the application to the August 21st meeting in order to get the additional information that was requested.

There was discussion regarding connecting to the Toyota dealership parcel. Mr. Campbell said originally there was one connection proposed and now there are two.

Mr. Mavrogeorge said they are hoping to get a conditional approval for the amendment to keep the project moving forward with the idea that they still have to submit and get all State approvals. He said if they get approval with AOT the applicant would like to get in the ground as soon as possible.

Mr. Sylvain asked if this was something that can be done. Mr. Campbell said he isn't prepared to give an approval but if the Board wishes to they can.

Mr. Sylvain asked for clarification to what they are exactly looking for approval on. Mr. Mavrogeorge said the Board approved the excavation of about 6 acres; they are just waiting for AOT to approve. He said they are hoping to get approval for the development presented in order to start excavating beyond the 6 acres, essentially the entire site.

Mr. Willis clarified that they have a conditional wetlands permit, AOT's been submitted based on this approval. Mr. Mavrogeorge said they will be submitting the AOT later in the week pending approval of the layout from the Board. Mr. Willis asked if they envision any significant changes following AOT. Mr. Mavrogeorge said they don't anticipate any.

Mr. Campbell asked what an approval of the layout do. Mr. Mavrogeorge said they would be able to continue moving forward with the project. Mr. Sylvain clarified there wouldn't be any infrastructure done. Mr. Mavrogeorge said that is correct.

A motion was made by Mr. Walker and seconded by Mr. Healey to approve the layout as submitted. The motion carried unanimously.

Mr. Sylvain told the applicant they are only allowed to start on the first 6 acres. The rest is not to be touched until approval by AOT is received.

VIII. Request for Zoning Changes by REDC and possible amendment to the Granite Ridge District

Karen Pollard, Economic Development Manager said the REDC was not only supportive of the zoning of the Granite Ridge Development district but also helped write a lot of the text that was approved. She said zoning should not be static but should live and grow as the community changes.

Ms. Pollard said the REDC has had many discussions with developers who are interested in further development on Route 11. She said one of the things discussed is additional uses such as potential addition of residential apartments behind commercial developments. Ms. Pollard said right now residential uses are not permitted and reminded the Board the Granite Ridge Development district is part of the TIF district. She went on to say looking at adding a mixed use development, which she added is very popular with Millennials as they enjoy this kind of living.

Ms. Pollard said one of the challenges her office has had recently is finding where workforce housing can be added in the community. She said they had the discussion at the REDC and decided they should be looking to supplement this commercial district which is so successful with potentially some housing.

Ms. Pollard said while in discussion with Waterstone they asked how their Portsmouth development was going where they have a mix of residential and commercial uses. She said the response was its going very well and looks to be very popular.

She went on to say it was the REDC's opinion that if housing were to be allowed it should be 50% or less and would not be built on Route 11.

Mr. Sylvain asked if the City Council has seen the proposal. Ms. Pollard said she presented it to them at the workshop meeting.

Mr. Walker said it sounds similar to a PUD. He added that the State won't let the City put sidewalks on Route 11 nor do they want people walking up and down Route 11; he went on to say he doesn't see residential uses as a viable option for Route 11.

Mr. Sullivan asked out of the 70 or so parcels along Route 11 how many of them can be developed with residential/commercial uses. Ms. Pollard said there are several parcels that meet the criteria.

Mr. Hutchinson said he grew up in Portsmouth and thinks the concept is great but thinks getting it to work for the City is going to be a challenge because the sidewalks are going to be a huge issue.

Mr. Gray said he would prefer if a Conditional Use Permit were needed instead of being an allowed use.

Ms. Pollard went on to talk about the Rochester Country Club. She said the REDC had several discussions with some of the management and owners of the country club. She said something that has worked very well in other communities as far as upscale housing is to have it tied to recreational amenities such as golf courses. Currently the golf course is zoned agricultural and the REDC is requesting a change to residential 2 for the front half of the property to allow for multifamily housing. Ms Pollard said the only other request is that golf course be made a conditional use in the residential 2 zone because currently they are not allowed. She said she has done a lot of research on the surrounding communities and Rochester has built a lot less housing in the last 10 years than the communities immediately to our south.

Mr. Sylvain said the Board has approved a number of units. He said his concern is the Board approves this and all of a sudden it turns into something else such as Encore Shoe or Wyndotte Falls.

Ms. Pollard went on to say during rezoning Gonic didn't generate a lot of conversation and a lot of the zoning stayed pretty much the same. She said the REDC looked at the neighborhood mixed use zone along Route 125. Ms. Pollard said it was suggested converting a eleven properties that front Route 125 to highway commercial. She also said there are three parcels that could be changed from highway commercial to industrial; one of them being the parcel for Easy Street Shoes, which would make them a conforming lot instead of a non conforming lot.

Ms. Pollard said it would make sense to have the same density and setback requirements as in the downtown commercial zone because the main street in both Gonic and downtown Rochester are very similar.

Mr. Campbell said he will continue working on the draft language and upgrading the map and will bring it back for the workshop meeting on August 21st.

IX. Other Business

Mr. Sylvain announced the resignations of Mr. Healey and Mr. Jaffin. Mr. Healey has been a member of the Planning Board for 17 years and Mr. Jaffin for 6 years.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Willis to adjourn at 10:16 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary