

**City of Rochester Planning Board**  
Monday May 7, 2018  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on June 4, 2018)

Members Present

Nel Sylvain, *Chair*  
Dave Walker, *Vice Chair*  
Matthew Kozinski, *Secretary*  
Mark Collopy . arrived at 7:54pm  
Robert May  
Mark Sullivan

Members Absent

A. Terese Dwyer, excused  
Tim Fontneau, excused  
Kyle Starkweather, absent

Alternate Members Present

Joyce Bruckner  
James Gray  
Donald Hamann

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.)

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Mr. Walker called the meeting to order at 7:00 p.m.

The Planning Secretary conducted the roll call.

**III. Seating of Alternates**

Ms. Bruckner voted in place of Mr. Fontneau and Mr. Hamann voted in place of Ms. Dwyer.

**IV. Communications from the Chair**

There were no communications from the Chair.

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**V. Approval of Minutes**

Mr. May mentioned that his name was left off from the April 19, 2018 meeting minutes.

*A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the April 19, 2018 meeting minutes with correction. The motion carried unanimously.*

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## **VI. Consent Agenda**

### **A. Waste Management of NH, 90 Rochester Neck Rd. & 214 Isinglass Dr.**

Mr. Walker asked when they are requesting the extension to. Mr. Campbell said March 4, 2019.

*A motion was made by Mr. Walker and seconded by Mr. May to approve the extension as requested. The motion carried unanimously.*

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## **VII. New Applications:**

### **A. Kincora Development, 400 North Main Street**

Ken Mavrogeorge of Tighe & Bond explained the preliminary site plan. He said it is approximately 42,400 square feet of commercial to include approximately 32,000 square feet of retail, a 3,800 square foot gas station/convenient store, a 5,700 square foot sit down restaurant, and 2,700 square foot fast food restaurant with drive-thru. Mr. Mavrogeorge said as part of the project they are proposing a significant stormwater management plan because the project includes disturbance of over 100,000 square feet of area and they are required to get an alteration of terrain approval from NHDES. He went on to explain the proposed drainage and lighting plans.

Mr. Mavrogeorge said they are coordinating with NHDOT because they are proposing a traffic signal on North Main Street.

He went on to say there is a flood zone on the property that is mapped by FEMA and they intend on working with City Staff to prepare the necessary variance application to modify the area. He said their Wetland Scientists have mapped an existing wetland and drainage swale on the southern portion of the property and there are approximately 2,300 square feet of wetland impacts.

Mr. Campbell said the application is a preliminary conceptual consultation and whatever is discussed between the Board and the applicant is not binding.

Mr. May asked what the plans are for sidewalks and footpaths. Mr. Mavrogeorge explained they are proposing a sidewalk on the frontage of the southern subdivided lot from the existing Planet Fitness plaza to the new subdivision line between the two lots and internally there will be sidewalks that connect the businesses to one another so it is as pedestrian friendly as possible.

Mr. Kozinski said the Poulin dealership across the street has two entrances and asked if people exiting the service center will be able to make a left turn out onto North Main Street. Mr. Mavrogeorge said that is the intent however, there were some comments from the TRG staff regarding traffic movement on North Main Street. Traffic Engineer Heather Monacup said they are working with the police department to look at the collision data for the area of Dunkin Donuts and Spaulding Commons.

Mr. Sylvain asked if the frontage sidewalk can be incorporated into the Planet Fitness parking lot. Mr. Mavrogeorge said they will take it into consideration.

### **B. Waste Management of NH, 36 Rochester Neck Road**

Anne Reichert of Waste Management explained that the recent expansion approval caused an issue with the Hauling Company facility so they need to relocate it. She said they are looking to begin construction in late 2018 and complete the relocation by July of 2019.

Ms. Reichert went on to explain the proposed layout of the site and building and explained how the drainage will work.

She said the facility is being designed to allow for future expansion and explained they will have compressed natural gas (CNG) capability; she further explained what that meant and how it would work.

Ms. Reichert said they are requesting two waivers; the first is from Site Plan Regulations Article II, Section 5(3) to require a mylar plan; the second is from Site Plan Regulations Article III, Section 10(A) that would require a total of 56 parking spaces for the proposed facility.

Mr. Sylvain opened the public hearing.

Katherine Brown of 470 Pickering Road said she reviewed the plans for the expansion and asked if there will be more hearings regarding the wetlands. She said she has noticed that the end of England Road has been widened and heard that Waste Management will be using the road once the expansion of the landfill is complete. Ms. Brown went on to say there is an ongoing issue with the odor in the area and asked if the applicant is able to do anything about it.

Taryn Decken of 162 Old Dover Road said she went outside at 2:00am and the odor was overwhelming. She asked that Waste Management make it known who to make complaints too.

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

Mr. Campbell said staff would recommend the Board discuss the project and possible vote on the waivers and completeness of the application but continue it to the June 4<sup>th</sup> meeting.

Mr. May asked about the CNG safety. Ms. Reichert explained the process for compressed gas and said they are working closely with the fire department.

Speaking to the concerns of the abutter Ms. Reichert said Waste Management has no plans to connect from England Road. Operations Manager Bob Magnusson said there was some ongoing work that caused an issue with the odor but they are trying to fix it.

Mr. Sylvain asked that if there's going to be an issue with the odor to have a way to get the word out to the public.

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

*A motion was made Mr. Walker and seconded by Mr. May to grant the waiver of Site Plan Regulations Article II, Section 5(3) because the applicant has provided an electronic copy of the plans, the use of a mylar site plan is outdated, and the waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Hamann to grant the waiver of Site Plan Regulations Article III, Section 10(A) because these facilities (office and vehicle repair) are not open to the public and thus there will be little demand for parking. Additionally, there are 163 parking spaces proposed (107 spaces for garbage trucks and 56 regular spaces). This is a unique use (parking and repair associated with a solid waste facility) and thus the general parking calculations are not appropriate to this specialized use. Therefore, specific circumstances relative to the site plan indicate that the waiver will properly carry out the spirit and intent to the regulations. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Kozinski to continue the application to the June 4, 2018 meeting. The motion carried unanimously.*

Mr. Sylvain called a recess at 8:00pm

Mr. Sylvain called the meeting back to order at 8:07pm

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## VIII. Continued Applications:

### A. J & L Terra Holdings, Inc. – 685 Salmon Falls Road

Attorney Justin Pasay speaking on behalf of the applicant said the two issues from the April meeting was the number of lots and sizes and drainage. He said from a legal standpoint the applicant has a right to know exactly what they need to do to obtain an approval from the City's Planning Board. Mr. Pasay said they are squarely within Rochester's Subdivision Regulations for an approval. He said they are down from 65 lots at the preliminary meeting to 33 lots and have taken away the two additional curb cuts along Salmon Falls Road.

Christian Smith of Beals Associates presented the revised subdivision plan. He said they discussed the drainage system again with the Assistant City Engineer regarding the size of the swale and the amount of flow within them. Next Mr. Smith discussed the phasing plan and what would constitute active and substantial development and substantial completion.

Mr. Sylvain opened the public hearing.

Ray Collins of 126 Chamberlain Street said he has an issue with the drainage system emptying into the wetlands at the rear of the parcel. He said he is also concerned with possible contamination of neighboring wells due to the runoff.

Edward Cote of 706 Salmon Falls Road asked if the retention ponds will have a liner or if it's an earth berm pond. He asked if there will be any fencing around the retention ponds for safety. Mr. Cote said he has witnessed issues lately with the pump house for Tara Estates and believes it's on the verge of failing. He asked if there will be a bus stop shelter for the kids. Lastly, he asked if the homes will have perimeter drains so they don't have water in the basements.

Heather Williams, Manager for Tara Estates informed Mr. Cote they are not on the verge of a failed system. She asked if the entrance is still aligned with the entrance for Tara Estates.

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

Mr. Smith said the retention ponds will be earth berm and they are not proposing any fencing at this time. He said Public Works would prefer to maintain the drainage system so they know it is getting done. He said they were told the pump house is at 60 percent capacity. Finally, Mr. Smith said yes, the road is still aligned with Eagle Drive though there have been slight modifications.

Mr. Sylvain asked if the homes will have perimeter drains. Mr. Smith said they will have to look at it on a house to house basis.

Mr. Sullivan asked for clarity on the phasing of the project and suggested extra review when it comes time to collect surety.

Mr. Gray asked to make sure the notice of decision speaks to the retention ponds and easements.

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

*A motion was made by Mr. Walker and seconded by Mr. Hamann to grant the requested waiver from Subdivision Regulation Section 5.2.5 because the four lots at the rear of the subdivision will appear to be similar in nature the rest of the lots; this configuration will allow the rearward land to be undeveloped and these lots will not be an oddity because there are existing nearby and abutting lots that are similarly shaped and the waiver will properly carryout the spirit and intent of the regulations. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Hamann to grant the requested waiver from Subdivision Regulation Section 4.3 because there is no development proposed in the areas where topography/soils aren't shown and because Staff has used other data sources to determine topography and soil/wetland complexes within this area, and the waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Hamann to grant the requested waiver from Subdivision Regulation Section 5.4.1 and Chapter 50 (section 50.7(c)3) because there are no known associated flooding issues in this downstream watershed, existing culverts are sufficient, proposed increase is minimal, there is no undue burden or risk associated with this system, and the waiver will properly carry out the spirit and intent of the regulations. The motion carried unanimously.*

Mr. Campbell said staff would recommend defining active and substantial development as putting in the road and utilities; and define substantial completion as when phase I of the development is complete. The Board agreed.

*A motion was made by Mr. Walker and seconded by Mr. May to approve the subdivision. The motion carried unanimously.*

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## **IX. Other Business**

Mr. Campbell told the Board the consultants from Bendon Adams will be here at the end of May and would like to have a meeting with the Board.

Mr. Campbell informed the Board he is putting together a committee for the transportation master plan and he is looking for a couple volunteers from the Board to be on it.

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## **X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Kozinski to adjourn at 9:01 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal Galloway,  
Planning Secretary