

**City of Rochester Planning Board**  
Monday July 9, 2018  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on August 6, 2018)*

**Members Present**

Nel Sylvain, *Chair*  
Dave Walker, *Vice Chair*  
Matthew Kozinski, *Secretary*  
Mark Collopy  
A. Terese Dwyer  
Tim Fontneau  
Robert May  
Mark Sullivan

**Members Absent**

Kyle Starkweather, excused

**Alternate Members Present**

Joyce Bruckner  
James Gray  
Donald Hamann

Staff: Seth Creighton, *Chief Planner*  
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. Sylvain 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. Starkweather.

**IV. Communications from the Chair**

There were no communications from the Chair.

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**V. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the June 18, 2018 meeting minutes. The motion carried unanimously.*

## **VI. New Applications**

### **A. M3 Development, LLC, 4 Main Street**

Mr. Fontneau recused himself.

Christopher Berry of Berry Surveying & Engineering explained the minor two-lot subdivision. He said the parcel is located in the R2 zone and has a single family home and garage/shed on it. Mr. Berry went on to briefly discuss the soils and the setbacks to the existing structures.

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

Mr. Creighton said City Staff didn't have any concerns regarding the subdivision.

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

### **B. Loretta Flynn, 62 Meaderboro Road**

Mr. Berry presented the proposed subdivision of one lot into two. He said it is located in the Agricultural zone and that his client is looking to sell the parcel to a family member.

Mr. Berry told the Board they found a wetland located at the front of the site but had found a suitable location for a home to be built along with a well and septic system.

He went on to say they are requesting a partial waiver from Subdivision Regulation section 5.13 that requires the entire parcel be surveyed for topography and wetlands. Mr. Berry said he felt the waiver is warranted because the areas for development have been evaluated/delineated and there is enough data submitted to prove conformance.

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

Mr. Creighton said staff didn't have any concerns and supports the waiver request.

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

*A motion was made by Mr. Walker and seconded by Mr. Kozinski to approve the waiver request. The motion carried unanimously.*

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

### **C. Edith Holley Revocable Trust, 626 Pickering Road**

Attorney FX Bruton presented the two lot subdivision plan. He said the entire parcel is 146 acres that is located in both Rochester and Dover and said mostly in a conservation easement.

Mr. Bruton explained the applicant is looking to subdivide the existing 37 acres into one 2 acre lot leaving 35 acres remaining. He said the existing property contains a single family home, two barns, and a garage and added one of the barns is located within building setbacks. Mr. Bruton told the Board staff is recommending his client seek a variance to allow one of the barns to remain on the proposed subdivided lot however, he didn't feel that was necessary due to the fact the parcel is located in the agricultural zone and he believes a barn is a primary use within that zone.

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

Mr. Creighton said staff suggests the Board accept the application as complete but continue the application to the August 6<sup>th</sup> meeting in order to give the applicant time to figure out what they will do with the barn. He said the barn on its own lot would be non-conforming use and sighted Subdivision Regulation 5.1.2.

The Board discussed the barn in question and zoning issue. They also discussed continuing the application to the workshop meeting to allow the applicant time to seek a variance.

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

*A motion was made by Mr. Fontneau and seconded by Ms. Dwyer to continue the application to the August 20, 2018 workshop meeting. The motion carried unanimously.*

#### **D. 174 Milton Road, LLC, 174 Milton Road**

Christopher Berry of Berry Surveying & Engineering presented the plans to re-open a vacant gas station and auto sales/repair facility. He said the site was originally approved in 2003 and he has been working with Planning Staff to make the modifications needed.

Mr. Berry reminded the Board of the subdivision that was done with in the last year to allow the single family home to be on its own lot and went on to explain the layout and changes that are proposed.

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

Mr. Creighton said staff recommends accepting the application as complete. He told the Board a septic report would be needed for the lot and said the Board should reserve the right to require a new light pole be added if needed for safety.

Mr. Collopy asked who has ownership over the entrance to the private residence and asked who would be liable if something should happen. Mr. Berry explained there's an easement that speaks to the liabilities and egress. He went on to say they have been working with staff to find another way out of the site but are trying to come up with a way to direct traffic and the answer they came up with was lighting. The main entrance to the site will be lit but the entrance to the private residence will not be.

Mr. Sylvain asked if there will be vehicles for sale at the gas station/convenience store. Mr. Berry said there will be vehicles for sale at the repair shop that is off to the side of the site but there will not be cars for sale around the gas station.

Mr. Sylvain asked what the hours of operation will be. Mr. Berry said they are not listed and would have to look into what the original approval stated.

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

*A motion was made by Mr. Fontneau and seconded by Mr. Collopy to approve the application. The motion carried unanimously.*

#### **E. Village at Clark Brook, Old Dover Road/Athenian Drive**

Bob Baskerville of Bedford Design gave a brief history of the PUD and presented the plans for the requested amendment. He said they are staying with the same number of bedrooms that were originally approved they are just proposing changing the unit types.

Kate Weiss also of Bedford Design explained the changes saying they are proposing removing the single-family homes and adding more apartments. She said by doing these changes, it will save more of the trees

and there will be fewer children because they are removing the single-family homes. Ms. Weiss added the main thing that will change is the density.

Mr. Sylvain opened the public hearing.

John Norris of 404 Old Dover Road said the traffic and noise has increased substantially since the development has opened and thinks it is very unacceptable. He said he believes his rights as a home owner are being infringed upon.

Kevin Grondin of Hampton said he owns an abutting parcel and it has gone from high value to very little value. He said the developer shouldn't be allowed to change the number of units midway through the project.

Christine Norris of 404 Old Dover Road said she lives across from the entrance to the development and walks the neighborhood and has spoken with people that live there. She said they have said the walls are paper thin and there aren't any surveillance cameras and people have had property damage.

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

Mr. Creighton read an email from Martin and Mary Couture of 400 Blackwater Road. It said they have a concern about their well being contaminated. They are also concerned with the increase in traffic at the already dangerous intersections of Tebbetts Road and Blackwater Road. The email went on to say they object to additional rentals because they believe it will be an invitation from the proposed walking trails into their backyard and a possible rise in crime.

The developer Dick Anagost said the infrastructure is already in so there shouldn't be any contamination to the abutters wells due to more blasting and tree cutting.

Mr. Anagost went on to say one of the things to attract business is different types of housing including rental units. He said there will be more greenspace and less impact on the environment and significantly less infrastructure and detention ponds that the town would need to maintain.

Mr. Creighton reminded the Board this is an amendment to the PUD master plan and not a site plan.

Ms. Dwyer said a PUD is supposed to have a commercial aspect to it. Ms. Weiss showed on the where the three existing proposed commercial spaces are located along with two additional spaces.

Mr. Sylvain asked about taking some of the bedrooms from Little Quarry. Ms. Weiss told the Board there are a couple lots that are small and hard to build on so they were thinking about consolidating.

Mr. May said he supports the amendment over the 2012 plan. He said New Hampshire trends are going toward what is being proposed. However, he said he is concerned with added traffic and safety.

Mr. Walker said a traffic study would need to be conducted.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the amendment to the PUD Master Plan to allow the conversion from single family homes to apartments; reverting back to the total number of units to 262; keeping the total number of bedrooms and are not to be incorporated from Little Quarry; the Board reserves the right to implement security and traffic studies. The motion carried unanimously*

*A motion was made by Mr. Sullivan to amend the number of units to 280. No one seconded the motion.*

Mr. Sylvain called a recess at 8:53pm

Mr. Sylvain called the meeting back to order at 9:01pm

## **F. SDJ Development of Rochester, LLC, Fillmore Boulevard**

Ms. Dwyer recused herself.

Matt Peterson of Hillside Design Group explained the phases of the project that was approved about a year ago to the Board. He said they have been working with City Staff to get the plans going and went on to explain the proposed plan for phase 1B.

Mr. Peterson said the lot sizes are very similar to Fillmore Boulevard and Pierce Drive of 10,000 s.f. He went on to say because the lots are small they wanted to make sure they did sight grading and drainage and said they will put the drainage swale along the back side of the lots to eliminate easements and to make sure the homeowner doesn't fill them in.

Mr. Sylvain opened the public hearing.

Gary Hussey of 24 Hussey Hill Road said he keeps getting promises that the developer will do something for him but hasn't seen anything. He said there is a dirt pile in the back of his property and now it looks like they're putting a retention pond beside him. Mr. Hussey said he wants a fence put up to stop people from coming on his property.

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

Mr. Creighton said the Board granted an amendment to the Master Plan in the last year. He said staff recommends accepting the application as complete but continuing the applicant to the August meeting in order to give time for staff and the applicant to work through the three pages of comments for technical data.

Mr. Creighton said the Board should start the conversation about an emergency access to Hussey Hill Road.

There was a brief discussion regarding the stockpile and why it's not shown on the plans.

Mr. Creighton read an email from abutter Joe Boudreau of 20 Pierce Drive. Mr. Boudreau is requesting that Hussey Hill Road be opened now for construction vehicles so that Fillmore Boulevard can be accepted by the City.

Mr. Sylvain said they are asking for problems is they open Hussey Hill Road to construction vehicles; one because the road isn't set up for construction vehicles, and two because the line of sight pulling out onto Washington Street is terrible.

Mr. Peterson said Hussey Hill has always been a secondary access for emergency vehicles.

Mr. May asked when the second access would be put in. Mr. Peterson said he always felt it would be installed when the apartments gone in.

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

*A motion was made by Mr. Walker and seconded by Mr. Collopy to continue the application to the August 6, 2018 meeting. The motion carried unanimously.*

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## **VII. Other Business**

Mr. Creighton reminded the Board the deadline to get comments to BendonAdams on the downtown density review is July 15<sup>th</sup>.

Mr. Creighton said there was a proposal to expand the Downtown Commercial district from the North Main Street bridge to Strafford Square on North Main Street.

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to recommend extending the Downtown Commercial Zone from the North Main Street bridge to Strafford Square. The motion carried by a unanimous roll call vote.*

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## **VIII. Adjournment**

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to adjourn at 9:53 p.m. The motion carried unanimously.*

Respectfully submitted,

Crystal Galloway,  
*Planning Secretary*