

City of Rochester Planning Board
Monday August 20, 2018
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on September 10, 2018)

Members Present

Nel Sylvain, *Chair*
Dave Walker, *Vice Chair*
Terry Dwyer
Tim Fontneau
Robert May
Mark Sullivan
Kyle Starkweather

Members Absent

Matthew Kozinski, excused
Mark Collopy, excused
Terry Dwyer, 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.)

Mr. Sylvain called the meeting to order at 7:03 p.m.

The Planning Secretary conducted the roll call.

III. Seating of Alternates

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

IV. Communications from the Chair

Mr. Sylvain announced that Mr. Starkweather submitted his letter of resignation due to work and family obligations.

V. Discussion on Historic District Design Guidelines Suggestions

Sara Adams from the firm BendonAdams in Colorado called in to give the Board an update on the work they have been doing on the Historic District Design Guidelines. She said the project was funded in part by a grant

from the New Hampshire Division of Historical Resources. Ms. Adams went on to say in 1983 National Parks Service designated Rochester's commercial and industrial historic district to the National Register and added that it's a high honor that is reserved for places that have important buildings from a defined period of significant's. She said historic preservation happens at the local level and each community gets to decide what's appropriate for their specific community for their buildings and what type of development they want to see.

Ms. Adams said some of the goals that came out of the meetings they held with the community were to have direct rehabilitation options, to inform new development on ideas that would be appropriate, to clearly explain expectations to owners and applicants, and to encourage rehabilitation to encourage addition and new buildings that relate to the context.

She showed the Board an example of a two page manual that explains to owners and contractors how to preserved certain details if you have a landmark. Ms. Adams went on to say in addition to feedback from the community they based the design guidelines off from the federal guidelines. She said they are very user friendly and are meant to be used by owners, developers, contractors and renters and added it's not meant to be a barrier to development, it's a way to give design suggestions and offer a way to help projects get through the process easier.

Ms. Adams went on to talk about signage, saying a range of signage throughout the district is encouraged because it's about vitality and having interest downtown. She finished her presentation by saying the goal for the design guidelines is to provide a clear framework for property owners, developers, City Staff, and the Historic District Commission.

Mr. Fontneau asked if the intent is to replace the existing Historic District Ordinance or be in addition to. Chair of the Historic District Commission Molly Meulenbroek said the guidelines are to be used in conjunction with the ordinance in order to make decision making clearer for the applicant.

Mr. Sylvain asked if there is a project that requires a site plan will there be coordination between the Planning Board and the Historic District Commission. Ms. Adams said it has been done and is common on larger projects.

Mr. Fontneau asked if the HDC endorsed the guidelines. Ms. Meulenbroek responded by saying yes, the HDC fully and unanimously endorsing the guidelines.

Mr. Sylvain called a recess at 7:25pm

Mr. Sylvain called the meeting back to order at 7:33pm

VI. Opening Discussion/Comments

A. Public Comment

Julian Long, Community Development Coordinator / Grants Manager informed the Board that there will be a housing discussion workshop in September and invited them to join. He said it will be held on Wednesday September 26th at 2:00pm located at the Rochester Performing Arts Center. Mr. Long said on September 28th the design team will be working on designs for the space and at 6:00pm there will be a public reveal of the designs.

B. Discussion of general planning issues

There were no issues to be discussed.

VII. Approval of minutes

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the August 6, 2018 meeting minutes. The motion carried unanimously.

VIII. Consent Agenda

A. Farmington Associates, LLC, 60 Farmington Road

Mr. Creighton said the applicant is still working on obtaining state permits and developer's agreements and they are requesting a six month extension.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the extension to February 22, 2019 as requested. The motion carried unanimously.

IX. Continued Applications

A. Edith Holley Revocable Trust, 626 Pickering Road

Mr. Creighton informed the Board that the applicant submitted a letter withdrawing the application.

B. Stillwater Kennels & Training Inc., 100 Meaderboro Road

Scott Lawler of Norway Plains Associates said they were before the Board at the August 6th meeting for the proposed expansion. He showed the Board an aerial photo of the applicant's property as well as the neighboring properties and said the neighbor's home is about 185 feet away from the property line. Mr. Lawler said the applicant has adjusted the time to 6:30am for letting the dogs out in the morning and they are proposing a board on board stockade fence and planting eight cedar trees to cut down on the sound of the dogs barking. He said they are looking at sound proofing panels for inside the existing structure.

Mr. Sylvain opened the public hearing.

Erika Elliott of 96 Meaderboro Road said they did meet with Mr. Lawler and Mr. Abbey and still has some concerns. She said the daycare hasn't been as much of an annoyance, it's the kennel that creates the most noise. Ms. Elliott said the noise has been better on several days since the meeting however, there are still days they are being woken up at 5:30 in the morning and the dogs bark for 20 to 40 minutes. She said she spoke to Mr. Abbey but he didn't hear anything because he wears ear plugs. Ms. Elliott said she got the sense that the fencing would be a priority for Mr. Abbey but said soundproofing the kennel is a priority for her as an abutter.

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

Mr. Abbey said he met with people in regards to sound buffering panels and will be ordering some immediately to buffer the sound of the dogs barking.

Mr. Creighton said he put together a packet for the Board showing the history of this project which goes back to 1988. He went on to show an aerial view of the property and pointed out there isn't very much year round vegetation to help take up some of the sound.

There was discussion on soundproofing the kennel and what areas should be done to limit the sound for the abutting property. Mr. Creighton suggests the applicant have a sound expert assess the property and submit the report for review.

Mr. Fontneau said reading through the past approvals raised a lot of questions. He asked if there was a limit on the number of animals. Mr. Creighton said it was never mentioned in an application or approval. He said the previous applicant stated there were 12 dogs plus his personal 6. Mr. Fontneau ask when the number of dogs changed to allow 20 dogs in the kennel plus the daycare. He also asked when was the daycare added and did it go through an approval process. Mr. Creighton said the minutes weren't clear and he couldn't find when the daycare was added. He said sometime between 1988 and when Mr. Abbey purchased the property more was added than what was approved.

Mr. Fontneau said the approval needs to have a clear limit to the number of dogs allowed so there isn't any confusion in the future and there needs to be a detail of what is existing on the property. Mr. Sylvain agreed and added soundproofing be added to the wall and gable that faces the abutting property is to be done before a Certificate of Occupancy is given.

Mr. Hamann asked what the max number of dogs for the daycare were. Mr. Abbey responded 15 in the day care and 20 in the kennel, and then later changed the number to 25 for daycare and 32 for the kennel after further discussion. Mr. Sylvain asked for clarification again because earlier the number of dogs for kenneling was 20. Mr. Lawler said that 20 dogs for kenneling is what DES limits them too.

Mr. Creighton said the items that should be captured in the notice of decision are the number of dogs allowed, adding the fence and the trees, the hours of operation for the daycare, the time for when the dogs are allowed their first break, and soundproofing be complete before a CO is given.

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

A motion was made by Mr. Walker and seconded by Mr. May approve the waiver request from Site Plan Regulation Section 10(A) for number of parking spaces. The motion carries unanimously.

The Board went on to discuss the conditions of approval. Mr. Creighton said the maximum number of dogs for the kennel would be maxed out at 20, the maximum number for daycare would be 25; a soundproofing report with suggestions to limit the sound toward the Elliott's property as a precedent condition and executed before a CO is given and sound proofing of the new building.

Hours of operation for the daycare are 7:00am to 6:30pm with break times starting at 6:30am.

Mr. Abbey again changed the number of dogs saying the approval is for 20 kennels not 20 dogs. He said he can't run a business with 20 dogs; each kennel can support 2 dogs per kennel.

Mr. Sylvain asked again, what the number of animals starting at 7:00am to 6:30pm would be on the site. Mr. Abbey said during the summer it could be up to 35.

Mr. Creighton changed the number of allowed dogs in the kennel from 20 to 32 and the number of dogs for the daycare to 25 after Mr. Abbey's clarification.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the application with the conditions as stated. The motion carried. Mr. Sylvain and Mr. Fontneau opposed.

X. D.R. Lemieux Builders, 114 Rochester Hill Road

Mr. Lawler said the plans were presented and approved in the spring of 2016 and one condition of approval dealt with the state permits and the need to update the Board on any requirements. He said one of the conditions from NHDOT was to provide a 10 foot widened shoulder on the southbound lane of Rochester Hill Road (Route 108).

Mr. Walker asked if they required anything for the project side. Mr. Lawler said the right turn lane wants were not met so NHDOT is not requiring anything be done.

XI. Review of July 2018 Surety and Inspections

Mr. Creighton said the inspections were split between Mr. Friend-Gray and himself.

There was a brief discussion regarding the Kelmar subdivision and the issues they are having with not having a street sign. Mr. Creighton said he will have the E911 committee review the issue and give a recommendation.

XII. Other Business

Mr. Creighton said there's been discussion between Zoning Board members and staff about home occupations and permitting. He said they are recommending the applicant's renew their approval every one to five years so the City is able to track them better.

Mr. Creighton said the citizen petition to rezone Wakefield Street has been made twice and was not supported. He said the applicant went to City Council a third time and they stopped it there. Mr. Creighton said it's been asked by the City Manager if there is any benefit to rezoning it. The Board was in agreement that there wouldn't be a benefit to rezoning it.

There was a brief discussion regarding replacing Mr. Starkweather as a regular Board member. The Board decided to wait until everyone is present before voting on the recommendations.

XIII. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Fontneau to adjourn at 9:23 p.m. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planning Secretary