

CITY OF ROCHESTER
Planning Board
Monday, March 16, 2009 at 7:00 p.m. (workshop)
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved April 6, 2009)

Members Present

A. Terese Desjardins, *Chair*
Tim Fontneau, *Vice Chair* (arrived at 7:03 pm)
Nel Sylvain, *Secretary*
Tom Abbott
Richard Groat
Rick Healey
Eugene McCarthy
John David Meader
Derek Peters

Alternates Present

Gloria Larochele
Ray Varney

Staff: Kenn Ortmann, Planning Director
Madeleine Carter, Secretary

(These minutes are the legal record of the meeting and are in the format of an overview of the meeting. It is neither represented nor intended to be a true transcription 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).

Ms. Desjardins called the meeting to order at 7:00 p.m. The secretary conducted roll call.

Communications from the Chair

Ms. Desjardins welcomed Gloria Larochele as a newly appointed alternate to the Planning Board.

Ms. Desjardins appointed Ms. Larochele as voting member for Mr. Fontneau until he arrives.

Opening Discussion/comments (up to 30 minutes)

- A. Public Comments**
- B. Discussion of general planning issues**

Ms. Desjardins opened the meeting for comments and discussions. No one came forward.

Approval of minutes for February 23, 2009

A motion was made by the Mr. Abbott and seconded by Mr. Meader to approve the minutes of February 23, 2009. Motion carried unanimously.

Consent Agenda:

Proposed amendments to Zoning Ordinance:

Section 42.33 – Rochester Historic District RECOMMENDATION FOR ADOPTION

A motion was made Mr. Healey and seconded by Mr. McCarthy to accept the proposed amendments to the Zoning Ordinance. Motion carried unanimously.

Applications:

- A. 397 Portland Street Rochester, LLC (Bayonne Construction, original applicant), Portland Street & Morrill Court.** Extension to (3/10/2010) meet precedent conditions for lot line revision. Case # 117-165, 165-1-R2-07

Ms. Desjardins asked if anyone was there to represent the applicant. No one was present.

Mr. Ortmann stated no additional information has been added. He gave a brief history of the application. He stated Mr. Behrendt had suggested continuing this application if there were questions.

Board members discussed the length of time requested by the applicant. A suggestion was made that 6 months should be adequate, and that one request had previously been granted.

A motion was made Mr. Sylvain and seconded by Mr. Groat to continue this application to the April 6, 2009 meeting. Motion carried unanimously.

- B. Public Service Company of NH, 103 Walnut Street.** (by T.F. Moran, Inc.).

Site plan to expand existing substation to 1,620 square foot building which also includes new transformer at the Rochester Substation for new transformer. Case # 122-93-12-09

Nick Golon, Project Manager, discussed the plans that were being viewed on the screen that included the overall plan, Walnut Street area, the access drive, the existing and proposed substation, the steep terrain, and the wetlands. He discussed the colored plans that were being viewed on the screen that included the wetlands, the transmission lines, 5 acres of impact, the drainage ditch, the temporary and permanent wetlands impact, the conditional use permit which was granted, the recharge basin, the 25 and 50 foot buffers, and 2 variances which were granted by the Zoning Board of Adjustment on March 11, 2009. He stated he believed all conditions have been satisfied per the Public Works Department.

Mr. Ortmann stated the Conservation Commission did meet with the applicant. The Commission does believe this project as proposed is reasonable and voted to recommend the condition use, also voted was to correspond with the Zoning Board of Adjustment concerning the 25 foot inner buffer which was a reasonable variance to be granted. He stated the variance was granted however the packets went out before the meeting took place. He stated the conditions of approval have not been written up because the policy has always been to get feed back from the Planning Board before putting conditions in the documents. He stated Staff has recommended acceptance as complete.

Board members, and Mr. Golon discussed needing sign off from the department heads before this could be approved, needing a culvert on Walnut Street for the runoff, the surface under the transmission lines, getting information on how the turnpike expansion would be affected, getting the City Engineer's comments about the culvert, and other items.

A motion was made Mr. Fontneau and seconded by Mr. Healey to accept the application as complete.

Mr. Fontneau and Mr. Healey retracted their motion to give the public a chance to speak.

Ms. Desjardins opened the public hearing. No one came forward.

A motion was made Mr. Fontneau and seconded by Mr. Healey to close the public hearing, accept the application as complete, and to continue to the April 6, 2009 meeting. Motion carried unanimously.

C. McDonald's USA, LLC, 161 Wakefield Street. (by Bohler Engineering, Matt Brook).
Site plan to raze existing building and rebuild McDonald's restaurant. Case # 113-49-B2/R2-09

John Kucich, Bohler Engineering, discussed the plans that were being viewed on the screen that included razing the existing building, the surrounding area, the square footage of the existing building, the 2 curb cuts, the parking spaces, the new building to be approximately 4,000 square feet which would be down from the existing 5,000 square feet, the proposed 53 parking spaces, the pavement, re-circulation lane, improvement to the drive flow, having 2 menu boards to speed up the wait time for customers, the utilities and sewer, the landscaping. He stated they have had comments from two TRC meetings. He passed around a colored version on what the proposed building would look like. He stated there would be a vinyl fence, and they are requesting 2 waivers. He discussed the buffers and other items.

Mr. Ortmann discussed the Staff's recommendations. He discussed the catch basins, the requested waivers, lighting and other items.

Board members, and Mr. Kucich discussed the foot-candle near the residential property line, which is not to exceed ½ foot-candle. Also discussed were the windows, the location of the dumpster, odor from the dumpster, leaving the dumpster where it is, landscaping and other items.

Board members, and Mr. Ortmann discussed the landscape, adding greenery, planting low ground shrubbery by the entrance and exit, and adding a picnic area, signage, the turn back lane, traffic, and other items.

Tim Doyle, Vice President of Operations for McDonalds, discussed the plans that were being viewed on the screen that included the dumpster, compacting the trash, trying to keep the area picked up of any trash that blows away, and other items.

It was the sense of the Board to leave the dumpster at its originally proposed area.

Mr. Kucich stated it is their intent to start the project in June with about a 100-day process.

Ms. Desjardins opened the public hearing.

Erv Fazekas, abutter, stated these people have been great neighbors. He stated he would like to leave the lines between McDonald's and his business open and clear by cutting the shrubs back a bit for safety sake.

A motion was made Mr. McCarthy and seconded by Mr. Healey to close the public hearing. Motion carried unanimously.

Mr. Kucich stated he would prune the shrubs back.

A motion was made Mr. Fontneau and seconded by Mr. Healey to continue this application to the April 6, 2009 meeting. Motion carried unanimously.

D. Highfield Commons Planned Unit Development, Route 202. Definition of substantial commencement as part of modification to establish construction phases for Phase 1 subdivision. Case #237-3,5,6,8-A-02.

Mr. Ortmann stated the applicant is out of the country and has authorized the Planning Board to go ahead with the application.

Mr. Varney stated he believes the Attorney General approves subdivisions, and would not approve a subdivision without surety in place. He stated in retrospect the Board should not have approved that. He discussed other issues concerning surety.

Board members, and Mr. Ortmann discussed surety, allowing recording of the plat at the last meeting without surety, and reconsidering the motion from the last meeting to allow recording of the plat without surety.

A motion was made Mr. Sylvain and seconded by Mr. Healey to reconsider allowing recording of the plat without surety.

Board members discussed getting more accurate information and clarification to make a better decision, and other items and issues.

Motion carried unanimously.

Board members discussed postponing this application until such time the applicant can get more information to the Board, and with enough time for members to read the information. This application was postponed without any recourse of problems for the developer. Board members discussed if the applicant is or should be paying fees for the modification. Fees have been in place about a month. Staff to check to see if the applicant should pay any fees, and get clarification on that to go into the next packet.

Ms. Desjardins stated this would come back on the agenda when all the information is into make an informed decision with no penalty to the developer.

Proposed amendments to Zoning Ordinance: Section 42.8 Signs regarding Electronic Message Signs

Mr. Sylvain stated members of the Subcommittee could not come together as far as the flashing signs are concerned. He stated this could be tweaked more before they could go forward.

Discussions included but not limited to:

- The Subcommittee continuing their meetings
- Sending this to the City Council for any changes
- Not addressing the problem and continuing with the same thing
- The sign ordinance
- Not being able to enforce the ordinance
- The flashing and scrolling signs
- City Council having the last word
- Comments from the sign and business owners

A motion was made Mr. Peters and seconded by Mr. Healey to send this to the City Council for their recommendations and guidance.

Ms. Desjardins thanked the City Council for giving this back to the Board and allowing the Board to open this up and invite business owners to be part of this process. She also thanked Laura Ring and the Chamber of Commerce, for sending out a survey to the business owners asking for information for the Subcommittee.

Board members discussed the process, having no definition for flashing lights / signs, ordinance hard to enforce, and other items.

Ms. Desjardins stated if the City Council approves this ordinance and finds it is not working, changes could be made to it. Nothing is carved in stone; we are not going to know if it is going to work unless we try it. It is much better than not having anything at all.

Motion carried unanimously.

Ms. Desjardins thanked the Subcommittee members for the time they have put into this project.

Ms. Desjardins called a recess at 8:25, meeting resumed at 8:35 pm.

New Hampshire Shoreland Protection Act. Application by City of Rochester for Exemption for Urbanized Areas under RSA 483-B: 12

Mr. Ortmann explained the request for the exemption.

Discussions included but not limited to:

- Needing more details on the map
- Exemption of the different zones
- Defining the map
- Commercial and residential buildings
- Mobile Home parks and Condominium Associations
- Dense residential areas
- Generating a map just for businesses, industrial and existing mobile home park zones
- Getting the information to the City Council no later than the end of May

Ms. Desjardins asked members to email comments to Mr. Ortmann and Mr. Behrendt to be incorporated into the next packets.

Other Business:

Discussion included:

- Staff giving extensions to conditions of approval
 - Any changes on conditions should go before the Board
 - The South Main Street project (specifically Benedict's)
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Adjournment:

A motion was made Mr. Healey and seconded by Mr. Abbott to adjourn at 8:53 p.m. Motion carried unanimously.

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)