

**CITY OF ROCHESTER**  
**Planning Board**  
Monday, May 18, 2009 at 7:00 p.m. (workshop)  
**City Council Chambers**  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on June 1, 2009)*

Members Present

A. Terese Desjardins, *Chair*  
Tim Fontneau, *Vice Chair*  
Nel Sylvain, *Secretary*  
Tom Abbott  
Rick Healey  
John David Meader  
Derek Peters

Members Absent

Richard Groat (Excused)  
Eugene McCarthy (Excused)

Alternates Present

Gloria Larochelle  
Ray Varney

Staff: Michael Behrendt, Chief Planner  
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.

Ms. Desjardins appointed Ms. Larochelle as voting member for Mr. McCarthy.

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**Communications from the Chair**

No communication.

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**Opening Discussion/Comments** (up to 30 minutes)

**A. Public Comment**

Anthony Ejarque, one of the proprietors of the Governor's Inn (map, lot & zone, 116-157-B2) stated they would like to add a patio and a pergola (open air trellis) in front of the addition.

Mr. Ejarque discussed the addition, finishing up some minor details, and whether or not it would require a Minor Site Review.

Mr. Behrendt asked if the current project would require a Site Review. He discussed improvements to the lot. He stated Staff believes this should be exempt from review for several reasons as described in his email. He stated he is asking guidance from the Board on how this should be processed. They have gotten approval for the addition, which is on the left side of the Governors Inn, and are now before the Historic District Commission for the design. He stated there are no particular issues, and he would ask the Public Works Department if they see any problems with this.

Mr. Ejarque stated it would be a 16 X 16 area with approximate seating for 12 people with a couple of tables out there.

Board members and Mr. Behrendt discussed the terrace area, adding this as an amendment to the Minor Site Review and approval at the Staff level with attachments to the drawings that have been submitted.

Board members and Mr. Ejarque discussed parking, seating, and the pergola that would be no bigger than 16 X 16 with no roof.

Sense of the Board is they are comfortable with the amendment as stated for Staff to process.

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## **B. Discussion of general planning issues**

No discussion.

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## **Approval of minutes for May 4, 2009**

*A motion was made by Mr. Peters and seconded by Mr. Healey to approve the minutes of May 4, 2009. Motion carried unanimously.*

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## **Recognition of Lance Powers for Years of Service to the Planning Board**

Ms. Desjardins presented a plaque in honor of time served to former Planning Board member Lance Powers, which read "The Planning Board expresses its appreciation to Lance Powers for his outstanding service to the City of Rochester as Board Member, Vice Chair, and Secretary from April 3, 2003 to January 2, 2009".

Mr. Powers thanked the Board as a whole; Michael Behrendt, Chief Planner; Kenn Ortmann, Director of Planning; the Appointments Review Committee; the Council as a whole for appointing him to the Planning Board; and most importantly he thanked his wife "Debbie" for putting up with all the time he spent on the Board and all the other things he is involved in.

Everyone gave him a standing ovation.

## Consent Agenda:

**A. J & T Trust, 25 Norway Plains Road.** (by Norway Plains Associates). Extension to (June 5,2009) meet precedent conditions on 3-lot subdivision. Case # 215-15-R2-08

**B. Rochester Pinewood R. E., Ten Rod Road,** (by Norway Plains Associates). Extension to (August 14, 2009) meet precedent conditions on Lot Line Revision. Case # 221-49 & 48-57-R1-08.

Mr. Healey stated he would like to make a comment concerning this request. He stated this is their second request for an extension and would like it on record that this be their last.

**C. Jeremiah Stuart, 24 Jeremiah Lane** (by Berry Surveying & Engineering). Extension to (August 6, 2009) meet precedent conditions for Lot Line Adjustment and road layout. Case # 223-21-A-08

*A motion was made by Mr. Abbott and seconded by Mr. Sylvain to approve items A, B, and C extensions. Motion carried unanimously.*

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## Application for reconstruction of Salmon Falls Road

Mr. Fontneau stated he travels this road 3 or 4 times a day and he wholeheartedly supports the reconstruction.

Ms. Larochelle stated she would endorse this because it is crucial to get the road fixed it is long overdue.

Board members discussed the time frame, reconstructing the whole length of the road, and other items.

Ms. Desjardins called for a roll call vote to endorse the project.

The vote was unanimous (8 to 0).

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## Draft Capital Improvements Program (CIP)

Ms. Desjardins stated the CIP is looking for recommendations from the Planning Board. She stated the Board has up until June 9<sup>th</sup> to get any formal suggestions up to the City Council. She stated this would be up for further discussion and further additions at the next meeting.

Board members discussed the following items:

- Page 37, public buildings
- Page 43, FY 2014 public restrooms / concession stand
- Page 67, sidewalk replacement program
- Page 73, street drainage improvement program
- Page 75, Brock Street reconstruction
- Page 95, water and sewer projects
- Page 107, school food service

Mr. Varney asked the Board to endorse moving items on pages 95 (water & sewer projects, 185 (Salmon Falls Road Reconstruction (Phase I) FY 2014), and 227 (Salmon Falls Road Reconstruction (Phase I) FY 2015), up to FY 2010.

*A motion was made by Mr. Peters and seconded by Mr. Meader to endorse moving items on pages 95, 185, and 227 up to FY 2010. Motion carried unanimously.*

Mr. Behrendt stated he would convey the motion to the City Manager.

Board members agreed having further discussions at the June 1<sup>st</sup> meeting.

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## **Other Business**

### **Cleary Cleaning, extension to meet precedent conditions. Case # 132-47-B2-08**

Mr. Behrendt discussed the Notice of Decision, which should have been completed by July 31, 2008. He discussed his conversations with the Cleary's, the handicap parking and access ramp, striping the front of the building, installing a do not enter sign, and extending their conditions to July 31<sup>st</sup> 2009.

Board members and Mr. Behrendt discussed what happens when August 1<sup>st</sup> comes around and these conditions are not completed.

Mr. Behrendt stated they would either ask for, and the Planning Board grants, another extension or it would probably be turned over the City Attorney at that point.

Mr. Fontneau asked if Cleary ever offered any reasons why the conditions were not met. Mr. Behrendt replied no explanation that he could recall.

Ms. Desjardins stated it is her opinion she would be willing to grant this extension as long as the first portion to be completed by May 31<sup>st</sup> of 2009 the ADA steps to get into the building and the rest to be completed by July 31<sup>st</sup> 2009. No further extensions would be given at that point and would be turned over to the City Attorney.

Mr. Abbott asked if the ADA is not complete by May 31<sup>st</sup> the balance of the agreement is null and void it would then go to the City Attorney. Ms. Desjardins replied, exactly, because they have committed themselves with that timeframe.

*A motion was made by Ms. Desjardins and seconded by Mr. Healey to grant Cleary Cleaners the extensions and the timeframe they have stated in their request. May 31<sup>st</sup> to meet condition # 3. July 31<sup>st</sup> 2009 for conditions # 2, 6, and 7. If it is not met by the 31<sup>st</sup> of July 2009 the process would be a letter sent to the City Manager; he would then follow the policies and procedures he has established.*

Board members and Mr. Behrendt discussed the handicap entrance.

*Motion carried unanimously.*

Ms. Desjardins stated Mr. Behrendt would be sending a letter to Cleary Cleaners and personally calling them. Mr. Behrendt replied yes.

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## **Joint Comprehensive Rezoning Committee**

Ms. Desjardins suggested giving Board members an electronic copy for those who have that access, or if they want, put on a disk, for those who do not have access for either of those they could get a hard copy.

Board members discussed getting a disk instead of an electronic copy, and a hard copy for those who need a hard copy.

Ms. Desjardins stated after you receive these copies please start going through them and start making notations so that when it comes on the agenda we could be very efficient and start looking at them methodically page by page.

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Other discussions included:

- Seeing projects from the City to make sure they get done correctly
- North Main Street Rochester Tire accessory use
- Automotive sales that are not allowed in the B1 zone
- Skirting the Zoning ordinance
- Special Downtown ordinance

*A motion was made by Mr. Healey and seconded by Mr. Abbott to have the Planning Board review "accessory uses for Rochester Tire". Motion carried unanimously.*

Board members and Mr. Behrendt discussed how many cars could be sold, getting a variance, dealers license to sell cars, bumping up to full board review, and other issues.

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## **Adjournment**

*A motion was made Mr. Fontneau and seconded by Mr. Peters to adjourn at 8:03 p.m. Motion carried unanimously.*

Respectfully submitted,

Madeleine Carter, Secretary  
(These minutes were transcribed from notes)