

**CITY OF ROCHESTER**  
**Planning Board**  
Monday, July 6, 2009 at 7:00 p.m. (regular meeting)  
**City Council Chambers**  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved July 20, 2009)*

Members Present

Tim Fontneau, *Vice Chair*  
Nel Sylvain, *Secretary*  
Tom Abbott  
Richard Groat  
John David Meader  
Derek Peters

Members Absent

A. Terese Desjardins, *Chair* (Excused)  
Rick Healey  
Eugene McCarthy

Alternates Present

Gloria Larochele  
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).

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

Mr. Fontneau appointed Mr. Varney as voting member for Mr. Healey and Ms. Larochele as voting member for Ms. Desjardins.

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**Communications from the Chair**

No communications from the Chair.

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**Approval of minutes for June 15, 2009**

*A motion was made by Mr. Sylvain and seconded by Mr. Meader to approve the workshop minutes of June 15, 2009. Motion carried unanimously.*

Mr. Behrendt explained how the consent agenda is put together. He stated this is a public hearing if anyone would like to speak to come forward.

No one came forward.

### **Consent Agenda:**

**Free Trade, Inc., 3, 11 & 17 Angela Lane.** (by Norway Plains Associates) Lot Line Revision among three lots. Case # 253-86-5, 6 & 7-R1-09 (PH)

Art Nickless, Norway Plains Associates, discussed the septic system, the corner lot, and a variance for the last lot.

*A motion was made by the Mr. Meader and seconded by Mr. Sylvain to approve this application as stated in the recommendations. Motion carried unanimously.*

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### **Continued Application:**

**James Stock Jr., 11 Jarvis Avenue** (by Norway Plains Associates). Site plan for three mini-storage buildings (total of 9,100 square feet). Case # 215-62-12-08 (PH - closed)

Art Nickless, Norway Plains Associates discussed getting the City Engineers comments, submitting a letter to the Wetlands Bureau concerning the wetlands, fencing, a gate, and other items.

Board members discussed the fenced area.

Board members and Mr. Nickless discussed the plans that were being viewed on the screen that included the guardrail, the fenced area, lighting, the utility pole, underground utilities and other items.

Art discussed altering or eliminating item 1d in the recommendations.

Board members, Mr. Behrendt, and Mr. Nickless discussed the Certificate of Occupancy, landscaping, fencing, and other items.

Mr. Behrendt stated Staff has recommended approval of this application as stated in the recommendations. He discussed the Conservation Commission comments, and showing the chain link fence on the final plans.

*A motion was made by Mr. Sylvain and seconded by Mr. Meader to approve this application as stated to include showing the chain link fence on the final plans and to modify item 1d. Motion carried unanimously.*

### **New Application:**

**A. Robert L. Higgins, 387 Washington Street** (by Norway Plains Associates) Amendment to approved site plan to change location of 5,000 square foot warehouse and create new driveway for business. Case # 250-32-1-A-08 (PH)

Art Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included the location of the building, separating the driveway, configuration of the driveway, a letter from DOT stating he had one more driveway, work on the road to increase the sight distance, and other items.

Board members and Mr. Nickless discussed the plans that were being viewed on the screen that included the existing and new driveway, and the parking spaces.

Mr. Nickless stated they had more engineering to do. He discussed possibly increasing the size of the building.

This application was continued to August 17, 2009.

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**B. Greendeck, LLC, 122, 126 Washington Street.** (by Norway Plains Associates) Site Plan for retail sale of landscaping supplies Case # 123-66 & 67-1-B1-09 (PH)

Mr. Nickless, Norway Plains Associates, discussed the plans that were being viewed on the screen that included the site itself, the different types of landscaping material, the run off from the site, and the tree line. He stated the area is well-drained sandy soil, and there is no erosion. He stated the use of the area is seasonal. He discussed fencing, slight 50-foot encroachment of the buffer, the conditional use application and the portable structures.

Board members and Mr. Nickless discussed moving the temporary / portable structure.

Bryan Begin, applicant, discussed the plans that were being viewed on the screen; why and where he put the portable structure, and the different types of material that would be stored.

Board members asked if there would be any treated material. Mr. Begin replied it would be mostly stone.

Board members and Mr. Nickless discussed the plans that were being viewed on the screen that included the location of the chain link fence, the gate, the bins that would go all the way to the back, and the proposed planters.

Mr. Behrendt stated this is a prime commercial location, and it is unlikely this use would remain long term. He discussed comments in the Staff's recommendations.

Board members discussed turning the site into a permanent location, the City's best interest, minimizing the requirement of the project, a time frame, and other items.

This application was continued to July 20, 2009.

**C. SUR Construction, Inc., 20-24 Farmington Road.** (by Norway Plains Associates) Site plan for excavation permit to remove existing ledge and overburden. Case # 216-1, 2, 3-B2-09 (PH)

Art Nickless, Norway Plains Associates, stated the application would be providing crushed stone for the turnpike project. He discussed the plans that were being viewed on the screen that included the location of Robert Beranger's (applicant) house lot. He stated they received a special exception form the Zoning Board of Adjustment.

Board members and Mr. Nickless discussed the plans that were being viewed on the screen that included the entrance and exit for the trucks, and there being no issues of drainage.

Mr. Behrendt asked Mr. Nickless to bring in as much detail as possible to the next meeting.

Mr. Nickless discussed requirements of insurance companies concerning any problems that might occur with blasting in the area.

Board members discussed the traffic, the traffic pattern, and other items.

This application was continued to August 3, 2009.

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**Other Projects:**

**A. Trinity Conservation, LLC, Flagg Road** (by Norway Plains Associates). Informal discussion about re-subdividing approved project to allow placement of each duplex unit on its own lot. Cluster subdivision for 57 lots with 114 total duplex units was approved June 19, 2006. Case # 259-36 & 38-A-05.

Mr. Nickless, Norway Plains Associates discussed the possibility of eliminating every other lot line, which meets FHA requirement. He discussed the current rules and regulations, the ordinance for a cluster family project, certification process, and other items.

Board members and Mr. Nickless discussed eliminating the lot lines.

Mr. Behrendt discussed the process of combining lots. He stated there is a policy that does allow the staff to bump this up to full Planning Board if there are any concerns. He stated there might be multiple lots, possibly several phases, cluster subdivision, and duplexes. He stated he would want the Boards blessing if this were to be done administratively.

Board members and Mr. Nickless discussed drawing up a plan with a listing for the number of lot lines to be eliminated for the Board's approval.

Board members and Mr. Behrendt discussed getting input from the other department heads.

This project was continued to July 20, 2009.

**B. Tana Properties & Norbert Therrien, Milton Road** (by Norway Plains Associates).  
Review of draft conservation easement for lot 58-1. Precedent condition for 3-lot subdivision approved October 6, 2008. Case # 215-58&58-1-I2, I3-A-08

Mr. Nickless, Norway Plains Associates, discussed the Conservancy Deed, the description of the parcel, and other items.

Board members discussed preserving the wetlands, the conservation easement, and other items.

Mr. Behrendt stated this is fairly straightforward. He discussed the conservation easement, being conveyed fee simple, the Conservancy Foundation organization, reviewing the deed with the City Attorney, and the Staff's recommendations.

*A motion was made by the Mr. Varney and seconded by Mr. Peters to accept the Conservation Easement as presented. Motion carried unanimously.*

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**Proposed Amendments to City of Rochester Sign Ordinance, Section 42.8, Regarding Electronic Message Signs**

Board members and Mr. Behrendt discussed the following items:

- Banning language
- Compromise
- Status of the ordinance
- Regulating the existing signs
- Banning new electronic signs
- Time and temperature display only
- Public hearing meeting
- Cost and resources for enforcing the ordinance
- Banning the signs altogether
- Endorsing the change
- Getting the public's input
- Working with the Codes Committee
- Notification of the Codes Committee meeting
- Not banning the Historic area

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**Other Business:**

Board members and Mr. Behrendt discussed the issues with the extension dates, the denial of the handicap ramp, and other items concerning Cleary Cleaning, 185 Charles St. Case #132-47-B2-08.

Mr. Behrendt stated he would be getting together with the City Attorney to discuss how to proceed.

Board members discussed a second hand store on Rte. 11 (map 216, lot 5) which they seem to be having a giant yard sale on the weekends, there being a safety hazard, traffic problems, parking in the break down lane, items being displayed on the side of the road, ordinance for out side display, and other issues.

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**Adjournment:**

*A motion was made Mr. Sylvain and seconded by Mr. Peters to adjourn at 8:50 p.m.  
Motion carried unanimously.*

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)