

**CITY OF ROCHESTER
Planning Board**

Monday, July 20, 2009 at 7:00 p.m. (workshop)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved August 3, 2009)

Members Present

A. Terese Desjardins, *Chair*

Tim Fontneau, *Vice Chair*

Nel Sylvain, *Secretary*

Tom Abbott

Richard Groat

Eugene McCarthy

John David Meader

Derek Peters

Members Absent

Rick Healey (Excused)

Alternates Present

Gloria Larochele

Stephen Martineau (arrived 7:02)

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.

Communications from the Chair

Ms. Desjardins appointed Mr. Varney as voting member for Mr. Healey.

Ms. Desjardins welcomed Stephen Martineau as the new Planning Board alternate member.

Public Comment

Discussion of general planning issues

No comments or discussions.

Approval of minutes for July 6, 2009

A motion was made by Mr. Abbott and seconded by Mr. Meader to approve the minutes of July 6, 2009. Motion carried unanimously.

Request from Thomas and Tammy Munroe of 127 Flagg Road (Lot 259-32) for clarification about installation of a fence screening their property from the Trinity Conservation cluster subdivision. The subdivision was approved for 57-lots with 114 total duplex units on June 19, 2006. Case # 259-36 & 38-A-05.

Tammy & Tom Munroe, Flagg Road, gave a brief history of the approval. Mrs. Munroe discussed the living fence that was to be put up for screening their property. She stated Art Nickless told them if they wanted a living fence they would have to pay for it. She stated a stockade fence was put up which is something they do not want. She stated the trees were also removed.

Mr. Behrendt stated he sympathizes with the Munroe. He stated the Munroe have two concerns one of which is they do not want to maintain the stockade fence and they want a living fence. He stated there is no living fence mentioned in the Notice of Decision. He discussed the comments from the Staff recommendations and stated he believes the Notice of Decision was executed properly. He stated the Munroe should maintain the fence if they do not want the fence perhaps it should be removed.

Board members discussed the fact that no one has to maintain the fence, and whether or not there are any comments in any of the minutes that talk about putting up a living fence. Also discussed was taking a look at the taped minutes, getting a list of the meetings when this project was discussed, and other items.

Ms. Desjardins stated this could come back in September when some research has been done. She asked Mr. Behrendt to contact the Munroe when they should come back.

Mr. Nickless stated he does not have any authority to make deals. He stated he does what he is told by his client. He stated the developer did not want to do anything.

CONTINUED APPLICATIONS:

A. Trinity Conservation, LLC, Flagg Road (by Norway Plains Associates). Request to combine pairs of lots within cluster subdivision that was approved for 57 lots with 114 total duplex units. Resultant lots would have four dwelling units within two duplex buildings. Selected pairs of lots would be combined administratively once endorsed by the board. Case # 259-36 & 38-A-05.

This item was removed from agenda.

B. Joel Thone, 201 South Main Street (by Norway Plains Associates).

Site plan to expand parking area for Chiropractic Office. Case # 126-97 & 98-R1-09 (PH)

Art Nickless, Norway Plains Associates, stated the City Council authorized the City Manager to approve a lease to Dr. Thone to use a portion of the City's property. He discussed the plans that were being viewed on the screen and stated there has been no activity on the site.

Mr. Behrendt discussed screening the back of the property, discussions with Mr. Weismantel, abutter, about the parking spaces. He stated there was disturbance to Mr. Weismantel's property. He suggested doing a site review / walk of the property.

Board members and Mr. Nickless discussed drainage, fencing, the width of the path, and other items.

Ms. Desjardins opened the public hearing.

Glenn Weismantel, abutter, gave a brief history of Dr. Thone, the City, and his property. He discussed his concern with the fence, the parking spaces, the buffer, headlights shining in his living room, exhaust from the cars, and other items. He passed around a drawing of the proposed parking and discussed another alternative as to where the parking could go.

Mr. Nickless stated he would look at Mr. Weismantel's recommendations. He discussed the plans that were being viewed on the screen that included the access, parking area, the pump station, and other items.

This application was continued to August 3, if the applicant is not ready at that time this would be continued to the August 17th meeting.

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)

Art Nickless, Norway Plains Associates, stated he gave the applicant instructions as to what needed to be done. He discussed the proposed sign location. He stated there was a question of a bathroom facility; he stated the applicant would be using his home for that. He discussed putting a limited time frame for the operation of the business.

Mr. Behrendt discussed the size of the sign and putting it in the Notice of Decision as a subsequent condition to bring that back to the Board for approval. He stated in place of subsequent 1 to simply say the signage may not exceed 32 square feet per side, and be non-illuminated.

A motion was made by Mr. Sylvain and seconded by Mr. Groat to approve this application for 3-years.

Board members discussed a list of waivers from Mr. Nickless, giving the applicant a 3-year time frame instead of 5, the applicant applying for an extension if needed when the expiration is near, approving this business for this applicant only, and other items.

Ms. Desjardins opened the public hearing.

The motion was not valid because the public hearing was not acknowledged.

Bryan Begin, applicant, stated he had no problem with putting in the Notice of Decision that the approval would just be for him.

Board members and Mr. Behrendt discussed waivers, leasing, setting precedent conditions, and other items.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to approve this application for 3-years from this date (July 20, 2012), change subsequent condition #1 to say signage may not be more than 32 square feet, non illuminated, and the applicant may come back with an extension if more time is needed.

A motion was made by Mr. Varney and seconded by Mr. Fontneau to add a subsequent condition #7 to include no parking on Washington Street or in the entryway to the lot.

Motion carried unanimously.

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

Mr. Behrendt discussed Staff's recommendations.

Board members discussed when the next City Council meeting would be to hear the public's input, getting the public's input then looking at the ordinance, discussions from the Codes & Ordinance meeting, the subcommittee (that was put together in December 2008 that came up with a draft ordinance which was discussed by the Board then sent to the City Council for their input), and other issues and items.

Mr. Varney stated the Council defeated the first proposal, read a second one for the first time as the Council wanted something in effect when the public hearing was advertised. Rather than let that go inactive for a period of time and have a rush of new signs coming in with no regulations, Council decided to read a modified version of that ordinance so the process could be started. He stated the public would not comment on this at the City Council if the Board does not look at this because the public would not know about it.

Board members and Mr. Behrendt discussed the public hearing's input, the City Council meeting public hearing, prohibiting the signs, subcommittee meetings, Codes & Ordinance meeting, and other issues and items.

Mr. Varney explained the discussions of the Codes & Ordinance meeting.

Board members discussed not eliminating the signs entirely, enforcement issues, getting input from residents and businesses, and other items.

The consensus of the Board was to hear the public's input to have a more informed discussion.

A motion was made by Mr. Varney and seconded by Mr. McCarthy to not support the ordinance as presented today.

Some Board members stated they did not get the version (on the last page that says "first reading 7/7, public hearing 8/6, and second reading 9/1") in their packet.

Ms. Desjardins stated there are 3 members that do not have that version so they are at a disadvantage for discussion.

Mr. Abbott discussed the enforcement issues, and other issues and items.

Ms. Desjardins asked for a showing of hands.

In favor were: Mr. Groat, Mr. Abbott, Mr. McCarthy, and Mr. Varney.

Opposed: Mr. Fontneau, Mr. Sylvain, Mr. Meader, Mr. Peters, and Ms. Desjardins.

Discussion of the proposed amendments was continued to the August 3rd meeting.

Other Business

Other business included discussion concerning people living on Channing Lane (Trinity Conservation, LLC.) where the City has not accepted the road. Making sure the residents don't have to fend for themselves, and being mindful and responsible when those kinds of projects come up.

Adjournment

A motion was made by Mr. Fontneau and seconded by Mr. Peters to adjourn at 8:27 p.m. Motion carried unanimously.

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)