

**CITY OF ROCHESTER  
Planning Board**

Monday, August 3, 2009 at 7:00 p.m. (regular meeting)

**City Council Chambers**

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved August 17, 2009)*

*Members Present*

A. Terese Desjardins, *Chair*

Tim Fontneau, *Vice Chair*

Nel Sylvain, *Secretary*

Tom Abbott

Richard Groat

Rick Healey

Eugene McCarthy

John David Meader

Derek Peters

*Alternates Present*

Gloria Larochele

Stephen Martineau

Ray Varney

Staff: Michael Behrendt, Chief Planner

(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.

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**Communications from the Chair**

Ms. Desjardins asked Mr. Behrendt what is going on with the Getty gas stations.

Mr. Behrendt stated there are three Getty gas stations in Rochester that are being changed to BP gas stations (3 Ten Rod Road/115-37, 129 South Main St./125-126, and 74 Hancock Street/128-218). PB is proposing to change the Getty red color to the basic PB colors, which include the buildings, canopies, signs, and pumps. He stated there are no additions or significant changes to the configuration of the buildings. He discussed the Architectural Regulations, and the Getty station next to the Commons would retain the wood siding for the canopy. He asked the Board if they feel this would need a site review or would BP be exempt from that. He discussed the plans that were being viewed on the screen that included the color scheme between the red Getty and the Green PB stations.

Board members agreed this would not require Board approval.

## **Approval of minutes for July 20, 2009.**

*A motion was made by Mr. Sylvain and seconded by Mr. Peters to approve the minutes of July 20. Motion carried unanimously.*

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## **Discussion of Development of Recreation Chapter of the Master Plan**

Ms. Desjardins stated the Board would be looking over this plan.

Anne May, Recreation Department, briefly addressed the Board on how and when this project would be going forward. She stated the committee is looking to be finished up by June 2010.

It was the sense of the Board that this proposed process was fine.

Ms. Desjardins asked for two volunteers to be a part of their committee. Mr. Martineau and Mr. Peters volunteered to serve. She stated the Board would get a summary of what is happening at those meetings as soon as they become available.

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## **Consent Agenda:**

- A. Russell C. Howard, Dry Hill Road (by Norway Plains Associates). Lot Line Revision. Case # 247-20-1, 2, 3-A-09 (PH)
- B. Robert L. Higgins, 387 Washington Street (by Norway Plains Associates). Extension to meet precedent conditions for approved site plan for 5,000 square foot warehouse. Case # 250-32-1-A-08

*A motion was made by Mr. Healey and seconded by Mr. Fontneau to approve the Consent Agenda. Motion carried unanimously.*

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## **Continued Applications:**

- A. 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, briefly discussed flipping the parking spaces. He stated Dr. Thone would rather keep the parking as is. He discussed the plans that were being viewed on the screen that included buffering Mr. Weismantel's house and other items.

Mr. Behrendt briefly discussed the email from Mike Mondou, Building Contractor, Rochester, NH whom Mr. Weismantel asked to check out the space between his house and the proposed parking lot to see if there was enough space to maintain his home. He discussed putting a sign on the fence for parking, some landscaping, removing the guardrail, installing a stockade fence with steel post 6 feet from Mr. Weismantel's house, and other items.

Mr. Nickless discussed the plans that were being viewed on the screen that included the back corner of the house to the pavement and stated 6 ½ feet would be workable.

Board members discussed whether there would be a safety issue if there were only 6 feet there.

Mr. Nickless stated there are multiple ways to access the roof besides a ladder.

Board members discussed putting up a vinyl fence, and whether a 4-foot vs. a 6-foot fence would be adequate. Also discussed was pedestrian issues, and keeping the guardrail.

Ms. Desjardins opened the public hearing.

Glenn Weismantel, abutter, discussed the distance between the guardrail and his house. He discussed having a 6 or 8-foot high fence for buffering, removing the guardrail, and other issues and items.

Board members and Mr. Nickless discussed the fact that one could not have an 8-foot fence in Rochester, the fence post, the distance between the fence and Mr. Weismantel's property, placement of the guardrail, and other issues and items.

*A motion was made by Mr. Peters and seconded by Mr. Meader to close the public hearing.*

Board members discussed closing the public hearing. The motion was disallowed because the application had not been accepted as complete yet.

Mr. Nickless discussed the guardrail and stated Dr. Thone would prefer installing a stockade cedar wood fence.

Board members agreed cedar wood would be used for the fence.

Mr. Peters stated he would like to see a fence 6 feet away from the house with a guardrail right against the fence to protect the fence and Mr. Weismantel's property, and not installing any curbing.

Board members and Mr. Nickless discussed the amount of space between the fence, the post and the guardrail, removing the guardrail and other items and issues.

Mr. Nickless stated if there were enough room, the guardrail could be put on the other side of the fence as long as all the post were on Dr. Thone's side of the fence. He stated it is his understanding the Board would like the fence to be 6 feet away from Mr. Weismantel's foundation, not have any parts of the guardrail whether they are post or metal on Mr. Weismantel's side of the fence. He asked the Board if they would have any objections if Dr. Thone moves the guardrail so it would be on his side of fence to provide protection for the other side of the fence.

The sense of the Board is that would not be an issue moving the guardrail. If no guardrail is used the fence should have steel posts set into concrete.

*A motion was made by Mr. Peters and seconded by Mr. Healey to place the fence 6 feet away from Mr. Weismantel's foundation uninterrupted all the way down and if Dr. Thone wants to put a guardrail up on his side he is welcomed to do that. Motion carried unanimously.*

*A motion to amend the motion was made by Mr. Fontneau and seconded by Mr. Healey to accept this application as complete. Motion carried. One opposed Mr. McCarthy.*

Board members discussed installing a wood stockade fence "not pine wood", and maintaining the fence at all times.

Board members agreed putting in the motion the fence would not be "pine" and maintaining the fence at all times.

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

A motion was made by Mr. Fontneau and seconded by Mr. Peters to postpone this application to August 17, 2009. Motion carried unanimously.

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Ms. Desjardins called a recess at 7:50 pm. Ms. Desjardins left the meeting at 7:55 pm.

Mr. Fontneau, Vice Chair, resumed the meeting at 7:55 pm.

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**New Application:**

Dennis Sr. & Dennis Jr. Freeman, Route 125 & Jonathan Avenue (by Eric C. Mitchell & Associates) Site plan for oil retail and commercial office. Case # 267-8-1, 8-2-A/B2-09 (PH)

Jiri Hajek, Eric C. Mitchell & Associates, discussed the plans that were being viewed on the screen that included the summary of the concept, relocating lots 8-1 to 8-2, the existing foundation, office and retail space, the well and septic system which are their own, the existing driveway on Jonathan Avenue, proposal to construct 5,000 square foot building on the smaller lot, joint parking, construction a new septic and drainage system. He discussed where the trucks would park, reconstruction of the existing driveway, the interior and exterior of the building; the existing sign would stay in place, and other items. He stated there are no plans for onsite storage tanks.

Board members discussed the existing gas pumps. Mr. Hajek stated they would be eliminated.

Board members and Mr. Hajek discussed the access, and the probability of having to get a variance for the sign.

Mr. Behrendt discussed the parking spaces, the Public Works department would do the review in house, getting in touch with the Isinglass River Local Advisory Committee for their comments, sloped granite curbing, checking with the State on curbing, and other comments from the Staff recommendations.

Mr. Fontneau opened the public hearing. No one came forward.

This application was continued to September 14, 2009.

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### **Status of Cleary Cleaners site plan, 185 Charles Street. Case #132-47-B2-08**

Mr. Behrendt discussed the most recent deadlines for completion of outstanding items, striping and marking a handicap space, parallel parking, modification for locating the handicap access, the dates of the original approval, and the extension. He briefly discussed some of the comments in the Staff's recommendations.

Jay Cleary, applicant, stated they have tried to do the work on their own. He discussed putting in a full service counter at the back door, the handicap accessibility, and other items.

Board members stated they have felt ignored because none of the conditions were being addressed.

Mr. Cleary gave several reasons as to why the work did not get done. He discussed the striping, signage, and the handicap ramp. He stated they should have shown good faith by doing some of the conditions and letting the Board know what was going on and apologized for that.

Board members discussed the fact they were told a handicap ramp had been on back order.

Mr. Cleary stated he has not been involved with the project before this and was not aware of ordering the steps. He stated there was a \$2,000 dollar deposit that was going towards the plans for the steps to give the building inspector for their approval. He stated that was part of a \$10,000 dollar package for the work. He stated whoever said they ordered the steps should not have done that if they did.

Board members and Mr. Cleary discussed the applicant putting in an application of modification to move the handicap entrance to the side of the building on Wilson Street, putting a full service counter by the back door, and seeing good faith from the applicant.

Board members asked if the contractor was ready to go to Codes to submit a permit. Mr. Cleary replied the contractor is ready to apply for a permit.

Mr. Behrendt discussed the plans that were being viewed on the screen that included the original approval for the location of the handicap ramp, modification of the handicap ramp, striping the parking spaces, patching up the road on Wilson Street, and other items.

Board members and Mr. Behrendt discussed the need to get the application on the next City Council agenda.

Board members agreed the need to see some good faith from the applicant before moving this along.

*A motion was made by Mr. Healey and seconded by Mr. Sylvain to waive the \$100.00 fee for the modification application. Motion carried unanimously.*

This application was continued to August 17, 2009.

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

Board members discussed the following items:

- The next City Council meeting
- Controlling the tone of the signs
- No signs downtown
- The City Council making multiple changes
- Not endorsing these changes
- Proposing other revisions
- Requesting an extension from the City Council
- Not endorsing this latest version

*A motion was made by Mr. Sylvain and seconded by Mr. McCarthy to ask the City Council for a 45-day extension. Motion carried unanimously.*

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### **Other Business:**

No other business was discussed.

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### **Adjournment:**

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

Respectfully submitted,

Madeleine Carter, Secretary

(These minutes were transcribed from notes)