

**CITY OF ROCHESTER
Planning Board**

Monday, April 5, 2010 at 7:00 p.m.

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(Approved April 19, 2010)

Members Present

A. Terese Desjardins, *Chair*

Tim Fontneau, *Vice Chair*

Derek Peters, *Secretary*

Tom Abbott

Richard Groat

John David Meader

Nel Sylvain

Ray Varney *arrived at 7:57p.m.*

Rick Healey

Alternates Present

Gloria Larochele

Stephen Martineau

Staff: Michael Behrendt, Chief Planner

Marcia Gasses, Secretary

Kelly Walters, Deputy City Clerk

(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 Deputy City Clerk conducted roll call.

Communications from the Chair

Ms. Desjardins welcomed the new Planning Department Secretary, Marcia Gasses.

Ms. Desjardins brought forward an invitation from The Rochester Economic Development Commission for board members to attend a presentation on Tax Increment Financing. The presentation will take place Thursday, April 8, 2010 in the City Hall Conference Room. She asked that members let her know if they plan to attend.

Approval of minutes for March 15, 2010

A motion was made by the Mr. Healy and seconded by Mr. Sylvain to approve the minutes of February 22, 2010 as written. Motion carried unanimously.

Consent Agenda:

- A. **Jeremiah Stuart, 24 Jeremiah Lane** (Berry Surveying & Engineering). Modification of corner of road right of way, for lot line adjustment and road layout. Case # 223-21-A-08
- B. **Amendment: Rose Realty, LLC Chesley Hill Estates, Chesely Hill Road** (by Berry Surveying). Amendment to approved 2003 33-lot subdivision to change drainage patterns. Case #246-32-R1-02
- C. **162 Portland Street, Antoneil Banton, 162 Portland Street.** Conversion of 3 existing apartments into 5 apartments. Case #120-376-B1-10 **Public Hearing WITHDRAWN**

A motion was made by Mr. Fontneau and seconded by Mr. Peters to accept the postponement of items "A and B", to May 3, 2010 and the withdrawal of item "C". Motion carried unanimously.

Continued Applications/Extensions

Tree Health Co. Inc. 119A Walnut Street (by Norway Plains Associates). Site plan for new office and storage building. Case #122-92-A/ I2-10. Public Hearing

The public hearing was opened.

Art Nickless, Urban Tree Service, discussed that this application had all the department sign-offs and was looking for final approval tonight.

Board member Tom Abbott asked for a clarification on the need for a variance. Mr. Behrendt explained that the variance granted by the ZBA covered the set backs for a storage shed in the I2 zone.

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

A motion was made by Mr. Sylvain and seconded by Mr. Peters approve the application. Motion passed unanimously.

The Homemakers of Strafford County, 215 Rochester Hill Road. Extension to commence work for approved Planned Unit Development (PUD).

Mr. Peters is a member of the board of The Homemakers of Strafford County and recused himself, therefore the chair appointed Mr. Martineau as voting member for Mr. Peters.

Jeff Taylor representing The Homemakers of Strafford County, briefly discussed the need for the extension do to the economy.

Mr. Behrendt recommended approval of the extension to June 2, 2013. A significant investment has been made in the extension of the sewer line.

Board members discussed the need to see plans before making a decision where the application dates back to 2003.

Jeff Taylor agreed to come back on April 19, 2010.

New Applications:

Robert E. Cadorette Revocable Trust, 54 Hancock Street (by Norway Plains Associates). 2 lot subdivision. Case #128-73-R2-10. Public Hearing

Art Nickless, Norway Plains Associates, discussed the purpose of the application was to place each building on it's own lot. Both buildings are serviced by municipal water and sewer service. An easement will exist for the occupants of the house to access parking in the rear of the lot.

Mr. Behrendt suggested a precedent condition should be added that the dumpster if it were to remain be enclosed with a 6' high opaque fence on four sides.

Board members discussed whether the house was currently a single-family dwelling or a duplex. The tax card listed the building as a single-family home.

Mr. Peters asked why we were creating additional parking for a single family home.

Mr. Nickless discussed how the site lends itself to a home occupation and would make the parcel more marketable.

Mr. Martineau asked whether it made a difference if the building housed a home occupation in the future.

Mr. Behrendt explained that it would be a separate application.

Discussion continued on whether the building was a single family or duplex.

Ms. Desjardins asked that if there is one meter, one connection, does the board need to wait on this application where the house cannot be legally rented as a duplex.

Mr. Peters moved and seconded by Mr. Meader to approve the application with the conditions as stated. The shed must be removed. If the dumpster is to remain or a dumpster is installed in the future, it must be enclosed with a 6' high opaque fence on four sides. The house must remain single-family. Motion passed unanimously.

21 Elmo Lane, Stephen Pierce & Elaine Kuketz, 21 Elmo Lane. Preliminary (conceptual) 2-lot subdivision. Public Hearing *Preliminary*

Stephen Pierce, the owner, introduced himself.

Mr. Behrendt explained to the board that he had suggested the Stephens appear for a preliminary hearing where the proposed subdivision is on a Class VI road. He went on to say that it is probably the best Class VI road we have in the City. The residents maintain the road and the lot appears level and dry. The applicants are looking for one additional lot.

Discussion took place regarding the expectation of City services by future owners. Ms. Desjardins explained it is "buyer beware". The City is not responsible for upgrades or services on the road.

Ms. Desjardins asked if there were any strong objections. There were none.

Proposed Zoning Amendment regarding Outdoor Wood-fired Hydronic Heaters.

Mr. Behrendt explained the board is only voting on amendment #4 tonight. The amendment requires a 100' setback from any lot line.

Mr. Peters stated he would be voting against the amendment tonight. He feels the heaters should be allowed in the R1 and R2 zones also.

Mr. Sylvain would also be voting no.

Mr. Fontneau explained he would be voting no. He found the requirement that the heater be 25' from the structure it is serving, confusing.

Mr. Peters explained that if the board voted the amendment down tonight, it would need a 2/3 vote from the Council to pass.

A motion was made by Mr. Peters and seconded by Mr. Healey to reject amendment #4. The motion carried unanimously.

Nominations to Strafford Regional Planning Commission

A motion was made by Ms. Desjardins and seconded by Mr. Peters to reappoint Planning Director Kenneth Ortmann and Councilor Sandra Keans to The Strafford Regional Planning Commission. The motion carried unanimously.

Other Business:

Discussion included:

The process involved with the Zoning Amendment regarding Outdoor Wood-fired Hydronic Heaters.

Ms. Desjardins discussed with the board that the CD's for Comprehensive Rezoning were on their desks and that they would be going through section by section. She did not anticipate dragging this process out and they would be spending about one hour per meeting on the topic. Hard copies will be available for the April 19th meeting.

Mr. Peters informed the board that he did not think the Recreation Master Plan Committee would make their June deadline.

Mr. Peters also wanted to know if the board would like to schedule two retreats. He would like to put together dates and include the ZBA at one of the two retreats.

Mr. Behrendt brought to the attention of the board an issue with mail delivery in the Trinity Subdivision. The Post Office would like ganged mailboxes and he will be contacting the Postmaster over the issue and update the members by Friday.

Adjournment:

*A motion was made Mr. Sylvain and seconded by Mr. Healey to adjourn at 8:05 p.m.
Motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses, Secretary
(These minutes were transcribed from notes)