

CITY OF ROCHESTER

Planning Board

Monday, May 3, 2010 at 7:00 p.m. (regular meeting)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved May 17, 2010)

Members Present

A. Terese Desjardins, *Chair*

Tim Fontneau, *Vice Chair*

Derek Peters, *Secretary*

Richard Groat

John David Meader

Nel Sylvain

Ray Varney

Alternates Present

Gloria Larochele

Stephen Martineau

Members Excused

Tom Abbott

Rick Healey

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, 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 Mr. Martineau to vote for Mr. Healey.

Communications from the Chair

Ms. Desjardins deferred to Mr. Peters who is looking for input from board members in setting a date for a retreat. Members will be e-mailed a couple of dates and are asked to respond with their availability.

Approval of minutes for April 19, 2010 meetings:

A motion was made by Mr. Martineau and seconded by Mr. Meader to approve the minutes of April 19, 2010. Motion carried unanimously.

Consent Agenda:

- A. **Jeremiah Stuart, 24 Jeremiah Lane** (by Berry Surveying & Engineering). Modification of corner of road right of way for approved lot line adjustment and road layout. Case # 223- 21-A-08
- B. **William D. and Natalie S. Vickery Revocable Trust & Carol H. Bohnert Revocable Trust, 83 & 100 Meaderboro Road** (by Norway Plains Associates). Lot line adjustment. Case #232-10&12-A-10. Public Hearing

Item "B" was removed from the Consent Agenda.

A motion was made by Mr. Martineau and seconded by Mr. Fontneau to approve item "A". Motion carried unanimously.

Ms. Desjardins opened the public hearing on item "B".

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

A motion was made by Mr. Varney and seconded by Mr. Peters to approve item "B". Motion carried unanimously.

Extensions:

Free Trade, Inc., 3, 11, & 17 Angela Lane (by Norway Plains Associates). Extension and waiver from Subdivision Regulations to record a plat for approved lot line adjustment among three lots after two calendar months beyond approval. Case # 253-86-5, 6 & 7-R1-09

Mr. Arthur Nickless of Norway Plains Associates explained that although the plans had been signed there had been a delay in the recording of the plat. The applicant would like to have until July 1, 2010 to complete the recording.

A motion as made by Mr. Peters and seconded by Mr. Meader to approve the extension to July 1, 2010. Motion carried unanimously.

Studley Home Inc., 16 Eastern Avenue. Extension and waiver from Site Plan Regulations to obtain building permit for approved addition to existing elderly group home after 12 months beyond approval. Case # 117-41-R2/B2-04.

Carol Doyon, the applicant, explained that although they had obtained all necessary approvals they had been unable to move forward due to unrelated circumstances. Currently they are busting at the seams and would like to move forward with the original plan.

Mr. Behrendt explained to the board that although this is the longest extension in recent history, there was nothing tricky on the original application but possibly the board would want to continue to the May 17, 2010 meeting.

Mr. Fontneau would like a confirmation that the application meets all current regulations.

Mr. Peters inquired whether all precedent conditions had been met.

Mr. Behrendt explained the NOD had been very straightforward and the plans had been signed. The applicant had failed to apply for a building permit within twelve months.

Mr. Sylvain would like to see the original plans, application, and NOD.

Mr. Behrendt thought it might be wise to notify the abutters and that notices could be ready by Friday.

Mr. Peters would also like to have new department sign-offs for the application.

Mr. Behrendt advised the board to have the applicant return on the June 7, 2010 meeting.

Continued application:

Rose Realty, LLC, Chesley Hill Estates, Chesley Hill Road (by Berry Surveying & Engineering). Amendment to approved 2003 33-lot subdivision to change drainage patterns. Case # 246-32-R1-02. Applicant is seeking a postponement.

A motion was made by Mr. Sylvain to grant a postponement to June 7, 2010 and seconded by Mr. Groat.

Mr. Peters questioned whether the public should be notified.

Mr. Martineau added it was the third postponement request of the applicant.

Mr. Behrendt informed the board that there is an abutter who may be hiring an engineer to review the application.

Mr. Fontneau was not sure that the board needed to put June 7, 2010 as a final date.

Mr. Varney urged the board to leave the date open.

Mr. Sylvain withdrew his motion to postpone to June 7, 2010 and Mr. Groat removed his second.

Mr. Varney informed the board he would not be staying for the review of draft Comprehensive Rezoning Ordinance and asked that the board move up items XI and X on the agenda.

Ms. Desjardins with agreement from the board proceeded with discussion on agenda item XI.

Other Business:

Mr. Varney brought up the issue of the fence along the Munroe property at Trinity subdivision. He suggested that it would be useful for the Munroes to decide whether they want to keep the fence or not. Mr. Behrendt agreed saying their options appear to be either

keeping it as it is or the City asking the developer to remove it. He had told Mr. Behrendt that he would be willing to remove the fence if that was preferred.

Mr. Sylvain raised the issue of the board waiving fees charged for filing extensions. Mr. Behrendt clarified that typically the fees are only charged if the applicant is late in filing for an extension. Discussion ensued regarding the length of time applications are sitting without action and why do we have the applicant file plans. Other discussion by the board involved why fees are waived and the determination for the waiver. Mr. Peters suggested this topic be discussed at a retreat.

Proposed amendments to City of Rochester Subdivision Regulations to set criteria for when to require sidewalks.

Mr. Behrendt explained the Regulations Committee has worked with Planning Staff to develop proposed criteria for sidewalks. Once the comprehensive rezoning passes it would need to be updated to match with new zoning districts. The criteria listed below were presented.

Standards for when to require sidewalks within new subdivisions

- A) Urban areas. Sidewalks *will be required* in the following areas unless the Planning Board determines that they are not appropriate based upon the criteria in D), below:
- 1) Residence 2 zoning districts
 - 2) Within one mile radius of any City school where there is a practical route to walk from the subdivision to the school
 - 3) As shown on the "Sidewalk Map"
- B) Suburban areas. Sidewalks *may or may not* be required in the Residence -1 zone Depending upon an examination of the criteria in D).
- C) Rural areas and outlying commercial areas. Sidewalks *will not be* required in the Agricultural or Commercial or Industrial districts - except for any areas that fall within the area delineated in A) - unless the Planning Board determines that they are appropriate based upon the criteria in D).
- D) Criteria. Criteria for determining whether sidewalks are appropriate include the following:
- (a) density - with higher density sidewalks are more appropriate
 - (b) size of the subdivision - with a larger subdivision sidewalks are more appropriate
 - (c) street design - with a narrower street width sidewalks are more appropriate
 - (d) projected traffic and design speed - with higher traffic volumes and speeds sidewalks are more appropriate
 - (e) drainage characteristics - sidewalks are easier to build with closed drainage
 - (f) whether or not curbing is used - sidewalks are easier to build with curbing

- (g) other provisions for pedestrians and bicycles - there is less need for sidewalks if there are bicycle lanes/paths and pedestrian trails
- (h) whether the sidewalk could connect with existing neighboring sidewalks - a sidewalk is more valuable if it can connect with other existing sidewalks
- (i) proximity to a school - sidewalks are more beneficial if located close to a school or other institution
- (j) proximity to a commercial area or other services for residents - sidewalks are more beneficial if they provide access to a destination
- (k) whether or not it is more appropriate to stipulate off site sidewalks - sidewalks should not be required on site if they are going to be required off site
- (l) practical issues including maintenance of the sidewalk - snowplowing is a significant constraint; sidewalks should not be built where they are located far from other sidewalks thereby necessitating more travel for the sidewalk plow

Discussion by the board followed. Mr. Behrendt explained to the board that the regulations mainly deal with new subdivisions and those areas within one mile of a school. Those areas falling under "A" will be required to have sidewalks. Those areas falling under "B" that are primarily suburban may, depending on how they meet the criteria. Those areas falling under "C", which are primarily rural and commercial, will not be required unless there is a need shown. The board may decide the applicant needs to do so.

Mr. Varney did not believe that speed or drainage were criteria and felt that a, b, c, d, e, f, and g could be eliminated.

Mr. Peters asked if comp rezoning was taken into consideration on the map. Mr. Behrendt explained that we would have to go back and make changes if the zoning is adopted.

Mr. Sylvain asked if approved projects with off site improvements could the developer come back to council for a modification. Mr. Behrendt explained that all modifications are made at the Planning Board. Mr. Sylvain also expressed a need to discuss maintenance when requiring sidewalks.

Mr. Fontneau felt that the proposed regulations do give guidance and that it is a good start. Possibly, Mr. Behrendt should have the designated areas expand from following streets. Mr. Peters would like to see "A", "B", and "C" defined on the map along with the one-mile radius around each school identified.

Mr. Sylvain expressed concern with the cost to developers. He does not think we need sidewalks in urban or rural areas and does not want to see developers paying for unnecessary costs. Mr. Martineau would like to keep the sidewalks in and part of the boards discussion as to whether they are needed. Ms. Desjardins felt that developers who currently have sidewalks within a development may like to see the sidewalk continued within the development. Mr. Groat added that sidewalks off-site to a collector road would no longer be required and that it is left up to the discretion of the Planning Board.

Mr. Fontneau explained that Norway Plains Road has 106 houses within walking distance to school and shopping and that it is good to have the ability to have the sidewalk requirement.

Mr. Peters expressed concern that the TRC may make recommendations contrary to what the Planning Board would and that the applicant would go before the TRC first.

Ms. Desjardins would like to see the expectations more black and white and Mr. Martineau feels, as it stands it is ambiguous. Ms. Desjardins feels this is a starting point, leaving h, l, j, k, and l but eliminate "a-g".

Mr. Varney would like to see the proposed criteria applied to the last five subdivisions that included over ten lots, as part of the boards review process.

Mr. Behrendt clarified that in his opinion "a-g" are what defines criteria that defines design. Ms. Desjardins would like the criteria more objectively worded and would like to see the proposed regulations come back to the board on June 7, 2010. Mr. Fontneau would like to see the different areas; A, B, C, in color on the map and each school pinpointed in addition to looking at the last five subdivisions over ten lots and how the regulations would have applied to them.

At this point in the meeting Councilor Varney left the meeting.

Review of draft Comprehensive Rezoning Ordinance: Review of Draft

A. Article I - General Provisions

Ms. Desjardins opened the discussion by informing board members that at the May 17, 2010 meeting the board would be reviewing chapters 3, 4, and 5. The board will look at each item and there will be a vote on each, that item will then be put to rest. If board members will not be here for a meeting, please e-mail concerns to Ms. Desjardins and Mr. Behrendt.

Ms. Desjardins asked that the board start review with sections I-1, A and B

Section A - no objections
Section B - no objections
Section C - no objections
Sections D through P - no objections

A motion was made by Mr. Martineau and seconded by Mr. Peters to accept Chapter I as presented. Motion carried unanimously.

B. Article II - Definitions and Terminology

Section A - General Provisions

Section A - 1,2,3, no objections

Section A - 4 Mr. Sylvain questioned whether we needed #4. Mr. Martineau asked what would happen if we did not include it. Mr. Behrendt feels it is better to keep #4, so it is clear what Dictionary to use on that one item in ten years when the conflict happens.

A motion was made by Mr. Sylvain and seconded by Mr. Martineau to eliminate #4. The motion failed 1-7. Mr. Sylvain was in favor.

A motion was made by Ms. Desjardins and seconded by Mr. Groat to accept #4, 5, 6 and 7 with #4 to read:

The Zoning Administrator shall have the authority to interpret or define words, terms, and phrases used in this chapter that are not defined in this article. In case of conflicting definitions from various general dictionaries the definitions given in the Random House Webster's Unabridged Dictionary shall be determining.

Motion carried 7-1. Mr. Sylvain opposed.

B. Definitions

Ms. Desjardins explained that the board would be voting after reviewing the items listed under each letter.

A motion was made by Mr. Sylvain and seconded by Mr. Peters to add "water tower" to Alternative Tower Structures. The motion carried unanimously.

A motion was made by Mr. Martineau and seconded by Mr. Fontneau to accept definitions under "A". Motion carried unanimously.

Discussion ensued regarding the definition of bedroom.

A motion was made by Mr. Martineau and seconded by Mr. Peters to define a "bedroom" as a room in a dwelling used or intended for sleeping. Motion carried unanimously.

Mr. Fontneau asked if there are different regulations for the boathouses.

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept all of "B" with the exception of Boat House. Motion carried unanimously.

It was the consensus of the board that Mr. Behrendt could make grammatical corrections to the document.

A motion was made by Mr. Fontneau and seconded by Mr. Peters to take "heavy" out of the definition for "Contractor Storage Yard". Motion carried unanimously.

Discussion ensued over the definition of convenience store.

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "C" as amended without convenience store. Motion carried unanimously.

Discussion continued on the definition of convenience store. Board members agreed that the definition was adequate after reviewing the definition for retail.

A motion was made by Mr. Peters and seconded by Mr. Martineau to include the definition for "convenience store". Motion carried unanimously.

The board would like Mr. Behrendt to review the definitions for the three types of daycare establishments and make sure that they align with current RSA's.

A motion was made by Mr. Fontneau and seconded by Mr. Sylvain to eliminate "individuals" from the density definition. Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "D" with the exception of Daycare - 3, Day Care - Family, and Day Care Residence until after RSA clarification. Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept all of "E". Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "F" as is. Motion carried unanimously.

Mr. Peters discussed adding a definition for "garage" to "G".

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "G" with the inclusion of "Garage", defined as a building or other shelter for vehicles.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept "H". Motion carried unanimously.

A motion was made by Mr. Sylvain and seconded by Mr. Meader to accept "I". Motion carried unanimously.

The board discussed the definition for "in-law apartment" and would like to have clarification regarding the restriction on a separate exterior access.

A motion was made by Mr. Sylvain and seconded by Mr. Meader to accept "I" with the exception of "in-law apartment". Motion carried unanimously.

The board would like a clarification and review of the RSA on "Junkyard".

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "K". Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept "L". Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Martineau to eliminate "Manufactured Home Development". Motion carried 8 to 1, with Ms. Desjardins opposed.

The board discussed changing "Manufactured Housing Community" to "Manufactured Housing Park".

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept "M" with the change of "Manufactured Housing Community" to "Manufactured Housing Park". Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept "N" with the exception of "Night Club". Motion carried unanimously.

A motion was made by Mr. Sylvain and seconded by Mr. Peters to accept "O" with no changes. Motion carried unanimously.

Ms. Desjardins opened a discussion on developing a single definition of "Porch".

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept "P" without the definition for "Porch". Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "R" without the definition for "Recycling Facility". Motion carried unanimously.

Mr. Martineau would like to see a definition for solar panel added.

A motion was made by Mr. Sylvain and seconded by Mr. Peters to accept "S" without a definition for "Senior Housing" or "Solar Panel". Motion carried 6 to 2 with Mr. Fontneau and Mr. Peters against.

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "T" without "Traditional Neighborhood Development" The motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Meader to accept "V". Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Martineau to accept "W". The motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept "Y" with a definition for "Yard Sale Commercial". Motion carried unanimously.

A motion was made by Mr. Sylvain and seconded by Mr. Peters to accept "Z". Motion carried unanimously.

Ms. Larochelle read the definition of "parking garage". A multi-story car park is a parking structure designed specifically to be for automobile parking and where there are a number of floors or levels on which parking takes place.

Adjournment:

A motion was made Mr. Peters and seconded by Mr. Sylvain to adjourn at 10:40 p.m. Motion carried unanimously.

Respectfully submitted,

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