

**CITY OF ROCHESTER  
Planning Board**

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

**City Council Chambers**

31 Wakefield Street, Rochester, NH 03867

*(Minutes approved on 6/21/2010)*

*Members Present*

Tim Fontneau, *Vice Chair*  
Derek Peters, *Secretary*  
Tom Abbott  
Rick Healey  
John David Meader  
Nel Sylvain  
Ray Varney

*Member Excused*

Richard Groat

*Alternates Present*

James Gray  
Gloria Larochele  
Stephen Martineau (left at 9:45)  
Dave Walker (arrived at 8:45)

Staff: Michael Behrendt, Chief Planner  
Caroline Lewis, 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.

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**Communications from the Chair**

Vice Chair Tim Fontneau announced that Ms. Desjardins has resigned due to family issues. He stated a special election would need to be held to elect a new Chair. The consensus of the Board was for Mr. Fontneau to run the meeting and the election would be held at the end of the meeting.

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**Approval of minutes for May 17, 2010**

*A motion was made by the Mr. Varney and seconded by Mr. Peters to approve the minutes of May 17, 2010. Motion carried unanimously.*

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## Continued Applications:

**A. Studley Home Inc., 15 Eastern Avenue.** Extension and waiver from Site Plan Regulations to obtain building permit for approved addition to existing elderly group home beyond 12 months after approval. Case # 117-41-R2/B2-04.

Carol and Don Doyon, applicants were present. Ms. Doyon addressed the Board. She stated they are back to ask for this extension.

Mr. Fontneau asked if anyone wanted to speak about this case. Mr. Chris Fazekas came forward. He stated he is an abutter and really enjoys being a neighbor to the Studley Home. His concerns were about the windows that face his back yard. The Board, the applicants, and Mr. Fazekas discussed the drawing being shown on the board. They discussed the four windows and possible landscaping screening. After further discussion it was decided that three of the four windows should be frosted, and this will be included in the NOD.

Mr. Peters made a motion to close the public hearing, seconded by Mr. Sylvain.

A motion was made by Mr. Peters to approve an extension to December 1, 2010. Mr. Sylvain seconded the motion. The motion passed unanimously.

**B. Mark Phillips, England Road** (by Norway Plains Associates). Modification to approved 17-lot subdivision to allow for development of lots 263-10-3 and 263-10-16 prior to construction of new road. Case # 263-10-A-07

Mr. Abbott recused himself from this case.

Art Nickless, Norway Plains Associates, addressed the Board. He and the Board members discussed the latest plans with the proposed right of way. Mr. Behrendt recommended approval of this modification with the conditions stated in the staff recommendations.

Mr. Healey made a motion to approve the modification with the conditions listed. Mr. Meader seconded the motion. The motion passed unanimously.

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## New Applications:

**A. ERCH Realty Trust & Fazekas Revocable Trust, 16 Milton Road.** Extension to meet precedent conditions for lot line adjustment. Case #222-88 & 89-13-08

Art Nickless, Norway Plains Associates, and Chris Fazekas, Fazekas Revocable Trust, addressed the Board. They explained there were too many parties involved, and they dropped the ball. All conditions have been met except for the deed transferring the land from one entity to another. Mr. Nickless stated he didn't think they would need a six month extension to take care of this. The Board discussed giving a 3 month extension, or being consistent with granting extensions for a period of six months.

Mr. Martineau made a motion to approve a 6 month extension, seconded by Ms. Larochelle. The motion passed unanimously.

**B. Rochester Housing Authority, Wyandotte Falls Housing Development, 12 Bridge Street.** Application to change outdoor lighting layout. Case #121-28-B1-10

Mr. Otis Perry, Rochester Housing Authority, addressed the Board. He explained the need to change the fixtures, replacing the floodlights and using semi cut off lights. Mr. Perry and the Board discussed the location of the lights, the grade of this property in relation to those around it, LED lights, and other issues. Mr. Peters will check the glare of the LED semi cut off lights, as he anticipates more projects will want to use the LED lights in the future.

Mr. Varney made a motion to accept the lighting plan as presented, with removal of the floodlights. Mr. Healey seconded the motion. The motion passed unanimously,

**C. Waste Management of New Hampshire, Inc., 62 Turnkey Way.** Site Plan Application for Leachate Treatment Systems Upgrades. Case # 267-3-14-10

Mr. Steve Poggi, Manager, WMNH was present; as well as Anne Reichert, P.E., Project Manager, WMNH; Robert Ganley, P.E., O'Brien & Gere; Bill Howard, WMNH; and John Nadeau, WMNH.

Mr. Poggi gave a brief history of the Leachate Treatment site, and the need for upgrades. He stated the upgrades would be done in two stages. They hope to start construction on the 1<sup>st</sup> stage late 2010 into 2011, and be able to treat all wastewater on site.

The 2<sup>nd</sup> stage would be in 2012 – 2013 and give them the ability to treat all wastewater. Mr. Poggie advised the Board most of the activity is out of view of the public.

Ms. Anne Reichert showed the Board plans with the location of plant and the area of upgrades. She explained the addition of 2 storage tanks and another treatment facility. Also discussed were pump stations, earth tone wrapping on the tanks, the treatment being done in batches, the total gallons to be treated per day, and other issues.

The Board asked about chemicals being stored on site, air permits, odors, and spill containment plans. Ms. Reichert advised the Board they have two different spill management plans, with fully trained personnel. There is a low depression area and liner system in place.

Mr. Fontneau stated this was a public hearing, and asked if anyone wanted to speak in regard to this case. No one came forward to speak on this project.

There was more discussion regarding this type of treatment being used in other facilities, environmental impact, DES permits, City reviews, and other issues.

Mr. Behrendt recommended accepting this application as complete, and for them to return on July 12th for final action. The public hearing will be kept open.

Mr. Peters made a motion to accept this application as complete. Mr. Healey seconded the motion. The motion passed unanimously.

Mr. Behrendt asked the Board members to consider if this project has regional impact. The Board discussed the project; the consensus was no regional impact.

Mr. Peters made a motion to consider this project as not having regional impact. Ms. Larochele seconded the motion. The motion passed unanimously.

**D. City of Rochester School Department, Chestnut Hill Road & Hillsdale Street.** Site plan to construct athletic fields. Case # 113-22-27-A-10

Mr. Richard Kalisz, Rochester School Department, addressed the Board. He reminded the Board he had been before them 3 weeks ago. Mr. Kalisz stated he had his permits in place and the Contractor (Serverno) had immediate need for the material to be excavated for the highway project.

The Board members and Mr. Kalisz discussed this being a walking field only, storm water management, fertilization of the playing field, irrigation, a fire hydrant, high water bills, no parking signs, lighting, fencing, water storage tanks, a maintenance building, using the wells versus city water, and other issues.

No one came forward to speak about this project. Mr. Peters moved to close the public hearing, seconded by Ms. Larochele.

Mr. Behrendt suggested the School Department contact the Cochecho Local Advisory Committee if they are within a quarter of a mile of the Cochecho River, and manage any fertilizer being used.

Mr. Kalisz advised the Board that as of right now accessing the wells is not part of the plan, they plan to monitor the amount spent on water, and they do plan to have no parking signs put up. He said he anticipates this will be a practice field, not a regular game field. He said anyone wanting to use the field would go through the Athletic Department scheduling.

The Board had no comments to send to the School Department.

At 8:15 p.m. the Vice Chair called a five-minute recess.  
The meeting re-convened at 8:22 p.m.

**E. Highfield Commons Planned Unit Development (PUD), Washington Street/Route 202.** Various amendments to PUD and approved Phase I subdivision and Phase II multifamily projects regarding overall design, location of lots, allocation of dwelling units, architectural designs, building setbacks, City water, and other elements. Case #237-3,5,6,8-A-02.

Mr. Chris Strickler addressed the Board. With Mr. Stricker were Mr. Douglas Kallfelz, Donald Powers Architects, and Attorney Richard Uchida. Mr. Kailfelt did slide show presentation and explained they were trying to make this a 'green' project.

The slide show was very informative and showed some of the original plans along with changes and improvements that fall under the requested amendments.

The Board and Mr. Skrickler discussed the number of multi family units being reduced and the additional number of single family units, wells, city sewer, ledge, hydrants, sprinkler systems, ponds, rain water harvesting, the walking path, and other issues.

Mr. Strickler spoke to the Board about using geo-thermal wells; one well for each unit. The Board had a number of questions about this and Mr. Strickler agreed to have an expert on these wells come to the next Planning Board meeting to answer any questions the Board members had.

Mr. Fontneau asked if anyone wanted to speak about this project.

Mr. Mike Dubois, 8 Hussey Hill Road, expressed his concerns with having a cluster of wells in that area, and the effect it would have on his well.

Mr. Gary Hussey, 24 Hussey Hill Road, voiced he is concerned about the walking trail planned around this project. He asked what would keep people from going onto his property.

Mr. Martineau made a motion to continue this case to July 21<sup>st</sup> with the understanding the applicant will have an expert on geo-thermal wells come to the meeting, and also have information on the impact of these wells on the groundwater and other wells in that area.

Mr. Peters seconded the motion. The motion passed unanimously.

**F. 119 Flagg Road Development, LLC, 91 Trinity Circle** (by Norway Plains Associates). Lot line adjustment to correct for a foundation being placed too close to the front lot line. Case # 259-36-32-A-10

Mr. Art Nickless, Norway Plains Associates, addressed the Board. He explained that the foundation had been poured without a footing certification, and due to some sort of measuring error, the foundation is 2 and  $\frac{3}{4}$  inches into the front setback. He advised the Board members that most of the houses in this development are placed about 40 feet from the front lot line, and his company had originally set all the pins showing the setback lines on this lot. Someone decided to move the house forward to the 25 foot front setback line and once the hole was dug for the foundation, they ended up being 2 and  $\frac{3}{4}$  inches into the setback.

The Board members and Mr. Nickless discussed how this lot line adjustment would correct this error, front steps, pulling permits, following procedures, other issues with this project involving curbing and fencing, and other issues.

Mr. Behrendt recommended denial of this application; there is no justification to gerrymander the right of way to accommodate this violation.

Mr. Fontneau asked why the applicant doesn't apply for an equitable wavier or variance. He stated that seems like a better way to deal with this, then to do a lot line adjustment.

After more discussion, Mr. Nickless informed the Board he will speak to his client and see if they would like to apply for an equitable wavier or variance. Mr. Peters made a motion to postpone this project until July 19<sup>th</sup>. Mr. Healey seconded the motion. The motion passed unanimously.

**G. DGH Builders, Homemakers Health Services, Rochester Hill Road** (by Norway Plains Associates). Preliminary (conceptual) Site Plan to construct a 40-bed Assisted Living Facility in keeping with the previously approved PUD. Case # 243-39-A-PUD-10

Mr. Peters recused himself from this case.

Mr. Art Nickless, Norway Plains Association, was present along with Mr. Guy Hafford, DGH Builders. Mr. Nickless informed the Board that Guy and Desiree have an assisted living facility on Charles Street in Rochester, and also have one in Farmington.

Mr. Nickless showed the Board plans with the original PUD lodge style building, and where the smaller one story assisted living facility would be located.

The Board and Mr. Nickless discussed the water, sewer, relationship to the Homemakers, parking, the general layout, keeping the roadway private or city, and other issues.

Mr. Behrendt stated it is good to see part of this project moving ahead. He informed Mr. Nickless that flexible parking is allowed in a PUD, and he thinks the best way to handle the street is to maintain it as a private way. He suggested keeping this as a preliminary application.

Mr. Fontneau asked if anyone wanted to speak about this project.

Mr. James McManus, 94 Champlin Ridge Road, came forward. He said this property abuts the common area around the development he lives in on Champlin Ridge. His only concern is to be sure this project is dark sky compliant.

Mr. Nickless advised the Board they still have to go through the process of subdividing this parcel and they have more work to do on the design and elevation of this facility.

This case is continued to July 12<sup>st</sup>.

**H. Poulin Realty Acquisition, 47 Farmington Road** (by Norway Plains Associates). Preliminary (conceptual) Site Plan to construct an 8,670 s.f. tire sales and service facility with a drive-up coffee facility and a possible car rental company. Case # 216-25-B2-A-AP-10

Mr. Art Nickless, Norway Plains Associates, addressed the Board. He explained this project would have Bridgestone Tire Company, Aroma Joe's Coffee, and a rental car under one roof. He stated the applicant is talking with Harley Davidson about linking the two properties with an access road, which fits in with the Granite Ridge Zoning plan to link businesses along Rte 11.

Mr. Nickless and the Board discussed the elevation of the land in respect to the Harley Davidson lot, placement of the dumpster, the width of the tar opposite the canopy area, drainage, proximity to the Cocheco River, ability to extend business zone into the property, and other issues.

Mr. Nickless will try to reduce the pavement, and possibly apply for a variance regarding the two zones on the property. He will return on July 19<sup>th</sup>.

**I. Hope Farm Real Estate Holdings LLC, 36 Peaslee Road** (by Norway Plains Associates). Preliminary (design review) Subdivision Application to discuss a clustered seven building (14 dwelling units) duplex development. Case #253-49-A-10

Mr. Art Nickless, Norway Plains Associates, addressed the Board. He gave a brief history of the property and showed the Board the 'yield' plan and a plan for a 7-lot subdivision. He explained this is to be an over 55 development with sole access off Lowell Street.

The Board and Mr. Nickless discussed open space, common leach fields, drainage, access off Peaslee Road, trash pickup, private verses city road, wetlands, uplands, water lines, cul-de-sacs, emergency vehicles, straight through roadways, test pits, and other issues.

Mr. Fontneau asked if anyone wanted to speak about this project.

Mr. Marcel Pelletier, 11 Hollis Lane, came forward. He stated he is just down the road from this project. He asked why not put the road in off Peaslee Road? He is concerned about the area being so wet and how this project will affect his property.

Mr. Michael Bartlett, 3 Hollis Lane, is concerned with the wetlands and septic systems. He also asked if they could access off Peaslee Road, and said Lowell Street is like a raceway with a lot of traffic.

Mr. Andrew Raynor, 33 Peaslee Road, stated he is in favor of any development, but he is concerned about drainage. He noted that Peaslee Road is a mess and not particularly well maintained. He has had to replace his lawn several times, and questioned who does the improvements and runs water lines.

Mr. Nickless showed the large wetland on the property, but noted there is also a large area of upland. He realizes that drainage is a big issue on this site, and this is a very preliminary plan.

This project is continued to July 19<sup>th</sup>.

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## **Zoning amendment: Proposal to create new Granite Ridge Development (GRD) Zoning District**

Mr. Meader recused himself.

Mr. Rick Lundborn, REDC, and Karen Pollard, Economic Development Director, were present to address the Board.

Mr. Lundborn went over the suggestions made at the last meeting, and Ms. Pollard noted the properties on Little Falls Bridge Road were never really in the Granite Ridge Road, it was a mapping error that has been corrected. The Board and Mr. Lundborn discussed the feed back from the public hearing held last Thursday, and confirmed their suggestions were similar to ones made by the Planning Department last month. The Board had questions about drive-in theaters, mini storage facilities, temporary structures, and the mobile home park being in this new zone.

Mr. Sylvain made a motion to endorse this zoning district with the changes of removing contractor storage sheds and funeral homes, rewording # K and correcting the other typos. Mr. Peters seconded the motion. The motion passed unanimously.

## **Proposed Memorandum of Understanding with NHDOT for Route 11**

Mr. Rick Lundborn, REDC, reminded the Board this was explained and discussed at the last Planning Board meeting.

Mr. Peters made a motion to endorse this MOU. The motion was seconded by Mr. Sylvain. The motion passed unanimously.

**Review of draft Comprehensive Rezoning Ordinance:**

- A. Article III - Administration
- B. Article IV - Zoning Board of Adjustment and Building Code Board of Appeals
- C. Article V - Residential Zoning Districts
- C. Article VI - Commercial Zoning Districts

The consensus of the Board was not to start this review after 11 o'clock in the evening, so it is postponed to June 21<sup>st</sup>.

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**Other Business:**

**Election of officers**

There was discussion about secret ballots, and open or closed meetings for voting. The Board members chose to delay the election until the June 21<sup>st</sup> meeting.

**Recreation Master Plan Chapter**

Mr. Peters reminded everyone there is a public meeting on Thursday, June 10<sup>th</sup> at 7:00 p.m. at the Community Center for input on the Recreation Master Plan. He encouraged all to attend.

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**Adjournment:**

A motion was made Mr Peters and seconded by Mr.Abbott to adjourn at 11:10 p.m. Motion carried unanimously.

Respectfully submitted,

Caroline Lewis, Secretary

(These minutes were transcribed from notes)