

CITY OF ROCHESTER

Planning Board

Monday, July 19, 2010 at 7:00 p.m. (workshop)

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(these minutes were accepted on 8/2/2010)

Members Present

Tim Fontneau, *Chair*

Derek Peters, *Secretary*

Tom Abbott

Richard Groat

Gloria Larochelle

John David Meader

Ray Varney

Alternates Present

James Gray

Stephen Martineau

Dave Walker

Members Excused

Rick Healey

Nel Sylvain, Vice Chair

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).

Mr. Fontneau called the meeting to order at 7:00 p.m. Michael Behrendt, Chief Planner conducted roll call.

Steve Martineau to vote for Nel Sylvain

James Gray to vote for Rick Healey

Communications from the Chair

There were none

Public Comment

Discussion of general planning issues

There were no comments from the public.

Board member Richard Groat read an e-mail from Don Rhodes of Norway Plains Associates to Michael Behrendt, Chief Planner. The e-mail read as follows:

"I looked over the proposed sidewalk criteria (rather belatedly) and wanted to let you know that I think they are very appropriate. I hope the Board adopted (or will adopt) these as regulations. The proposed regulation does a great job identifying the relevant criteria for the Board (and the City staff) to consider when deciding whether or not to require sidewalks."

Mr. Groat discussed how the regulations had come from a committee and that there were many ideas that had been tossed around. The end result should be very helpful to the board.

Approval of minutes for July 12, 2010

A motion was made by Mr. Martineau and seconded by Mr. Peters to approve the minutes of July 12, 2010 with corrections. Motion carried unanimously.

CONTINUED APPLICATIONS:

- A. Metrocast Cablevision of NH LLC, 21 Jarvis Avenue** (by Norway Plains Associates). Site plan for proposed parking expansion. Case # 215 -61-I-2-10.
- B. 119 Flagg Road Development, LLC, 91 Trinity Circle** by (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
- C. 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

A motion was made by Mr. Groat and seconded by Mr. Martineau to postpone all three cases to the August 2, 2010 meeting. The motion carried unanimously.

Proposed amendment to Site Plan Regulations and Subdivision Regulations regarding Fees.

Mr. Fontneau explained the board had looked at the fees in depth at the last meeting and Mr. Behrendt had prepared a list of the proposed changes the board had come up with.

A motion made by Mr. Gray to adopt the proposed amendment and seconded by Ms. Laroche.

Mr. Varney explained he did not support the proposed increase in fees given the current economic climate and the small amount it contributes to the Planning Department budget.

Mr. Peters expressed that he did not support an across the board increase in fees, although he felt that there were some fees that could be increased.

Mr. Gray discussed how the fees have not risen in five years. Following the discussions last week the board did make changes that included, raising just the base fees in some areas and that the fees will need to be raised at sometime.

Mr. Peters felt that to raise the fees at this point is not a good idea. He would be happy to look at the fee schedule again next year.

Mr. Fontneau explained they had tried to keep rates reasonable and it is an attempt to defray some of the administrative costs.

Mr. Martineau expressed that it is never popular to raise fees.

Mr. Meader explained that the fees are passed on to the end consumer.

A roll call vote was taken.

The motion carried 5-4.

James Gray	yes	John Meader	no
Steve Martineau	yes	Derek Peters	no
Richard Groat	yes	Tom Abbott	no
Gloria Larochele	yes	Ray Varney	no
Tim Fontneau	yes		

Review of draft Comprehensive Rezoning Ordinance

Article VI. – Commercial Zoning Districts

C.

1. Mr. Abbott suggested removing the word “inappropriate” from the final paragraph on in under “Zoning Locations”.

Discussion ensued among the board members.

A motion was made by Mr. Varney and seconded by Mr. Meader to remove the entire paragraph. The motion carried unanimously.

Under Development Standards

In i, change “First Floor” to “Residential”.

In i, under Setbacks, change the paragraph to read:

The build to line and build to zone may be altered by conditional use where appropriate, such as for churches and civic type buildings *where it is consistent with prevalent setbacks* wish may warrant a larger front setback and landscaped or hardscaped yard in keeping with their special status or to create special pedestrian orientated amenities such as pocket parks or plazas or upon a finding that the build to line or zone is not practical.

There were no changes to VI-4, VI-5, and VI-6.

Under VI-7, remove under Driveways d. ii. “No curb cut or driveway may exceed 20 feet in width (except for minor turn radiuses at the entry).

Under VI-7, e. ii, change to read, “New buildings must be at least 2 stories, residential in character and harmonious with the surrounding residential properties.

Under VI-8, cross out, “With No Flat Roofs” and “Attractive Architecture” from Figure VI-D.

Mr. Varney express concern about reference to the zone locations, where examples are made it can be confusing.

The board wants references eliminated in G. 1, Zone Locations.

Under objectives, remove “unabashedly”.

Under Development Standards, change “In spite of” to “With it’s”.

A motion was made by Mr. Peters and seconded by Mr. Gray to accept VI-7 with changes. Motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Gray to accept VII as written. The motion carried unanimously.

A motion was made by Mr. Peters and seconded by Mr. Gray to accept VIII as written. The motion carried unanimously.

Mr. Behrendt gave a brief overview of the “Overlay Districts”

Mr. Walker explained that the committee did not look at the “Conservation Overlay District”.

The “Overlay Districts” will stand as is.

A brief discussion took place regarding “scenic road”. Discussion was discontinued as this was not before the board this evening.

A brief discussion took place regarding the need to do some renumbering with the changes that were being made. Mr. Behrendt will prepare a list for the board to vote on. Article XV will say “reserved”.

Article XVIII Use Regulations

Mr. Behrendt explained to the board that defining the tables does not approve the information in the corresponding tables.

A discussion took place regarding the difference between a general “conditional use” and a “conditional use” under the City’s Conservation District.

A comma is to be added in “G” after the words “Article II”.

A motion was made by Mr. Gray and seconded by Mr. Peters to accept Article XVIII with changes. The motion carried unanimously.

Article XIX Dimensional Regulations

Under Building Height – Exceptions – add “unless otherwise allowed in this ordinance to the end of the paragraph”.

Change 4, Building Separation to read “ Except within the DC zone, all buildings or open covered structures situated on the same lot must be separated from one another by a minimum of 10 feet *or as regulated by the State Building & Fire Codes.*

Mr. Varney did not feel “8”, Density/Lot Area – Minimum requirements, belonged.

Mr. Behrendt explained that the definition would change and make it a little bit stricter, adding slopes greater than 25%, nonbuildable land (land with easements) to the definition. Poorly drained jurisdictional wetlands may be counted toward meeting up to 25% of the minimum lot size or density requirements.

Mr. Varney felt that this definition belonged in the Conservation Overlay.

Mr. Walker explained this was put in specifically to govern what you can use to determine minimum lot size.

Mr. Fontneau asked if this could affect lot combinations and lot line adjustments.

Mr. Behrendt explained that under the dimensional table there is a lot coverage percentage.

Mr. Varney added that any wetland issue should be kept in the Conservation District where all the buffer issues etc. are. He is very concerned that if we restrict building on very poorly drained soil that will upset people and be very restrictive. It is a very controversial subject.

Mr. Behrendt explained that the only restriction now is very poorly drained soils.

Mr. Abbott suggested we go with a contiguous piece of upland.

Mr. Peters agreed with the contiguous piece of upland but suggested adding a “conditional use” for a small amount if you need a few hundred feet from another area.

A motion was made by Mr. Varney and seconded by Mr. Peters to remove “8” in its entirety.

Discussion ensued.

Mr. Fontneau explained that if they removed “8” someone at a future date could amend the Conservation Overlay District.

Mr. Varney asked to move the question.

The motion carried with one opposed.

A motion was made by Mr. Varney and seconded by Mr. Peters to remove "16". The motion carried unanimously.

Mr. Abbott asked to have the last sentence in "7" read "The street-side setback shall be the ordinary side setback".

Under 28, Triple Frontage Lots, change the last two sentences to read, "For any side which faces a street the setback shall be the ordinary side setback in the district. The ordinary rear setback shall apply.

A motion was made by Mr. Peters and seconded by Mr. Gray to approve XIX with changes. The motion carried unanimously.

Other Business:

Mr. Martineau asked if a review was going to be done of the traffic situation and its affect on businesses with the closing of the bridge downtown.

Mr. Walker said there would be.

Mr. Varney asked about 68 South Main Street.

Mr. Behrendt explained that they had been before the HDC and there were a few details to be ironed out. The applicant would need an additional variance due to a balcony overhang that was not on the original plan submitted.

The applicant for 68 South Main Street will be meeting with the HDC next week and they should see approval.

Mr. Behrendt asked the board if they would be interested in doing a "drive around" to view prior projects that had been approved by the board and are now in the process of being constructed or have been completed.

The board felt a powerpoint presentation might be useful and easier. Mr. Varney suggest that each member bring in one project that is of concern to them and the board can discuss the project and how they may have done it different. Mr. Varney suggested the members each e-mail the name of the project to Mr. Behrendt.

Adjournment

A motion was made by Mr. Peters and seconded by Mr. Martineau to adjourn at 9:20 p.m. Motion carried unanimously.

Respectfully submitted,

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