

**CITY OF ROCHESTER  
Planning Board**

Monday, September 20, 2010 at 7:00 p.m. (workshop)

**City Council Chambers**

31 Wakefield Street, Rochester, NH 03867

(Approved October 4, 2010)

Members Present

Tim Fontneau, *Chair*

Nel Sylvain, *Vice Chair*

Derek Peters, *Secretary*

Tom Abbott

Richard Groat

Rick Healey

Gloria Larochelle

John David Meader

Alternate Members Present

James Gray

Stephen Martineau

Dave Walker, *Councilor*

Members Absent

Ray Varney, *Councilor*

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, Planning 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 the roll call.

Dave Walker, Councilor to vote for Ray Varney, Councilor

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**Communications from the Chair**

There were none.

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**Opening Discussion/Comments**

## **Public Comment**

There were none.

## **Discussion of General Planning Issues**

There were none.

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## **Cultural Resources Master Plan**

Susan Schwake, Chair of the Arts and Culture Steering Committee presented an overview of the Cultural Resources Master Plan. Ms. Schwake read from the executive summary and described the process which the committee went through in developing the plan. The committee involved the community through a series of focus groups.

Following the presentation Ms. Schwake took questions from the board.

Mr. Martineau inquired whether the committee had ever looked at subsidized housing for the artists and suggested they may want to talk to the Economic Development Committee.

Mr. Fontneau explained that a public hearing would be held on October 4, 2010. The plan has already been endorsed by the City Council.

Mr. Peters asked if there were funds tied to the chapter.

Mr. Behrendt described the plan as containing proposed activities, most of which will not have a cost, but in the future a Commission may ask for funds.

## **Continued Applications**

- A. Casaccio RE Holdings, LLC, Rochester Toyota / Dodge**, 56 Farmington Road (by NCM Management). Amendment for 1,312 addition for new car delivery are to approved site plan for 5,125 square foot addition and renovations to current automobile sales and service facility. Case # 216-6 & 7-B2-08

Christopher Berry, Berry Surveying and Engineering representing the applicant explained the original project had been approved by the board 18 months ago. The Toyota Corporation realized that in the past service and sales were being conducted in the same area. Toyota wanted a separation and has added a new delivery area. In addition the applicant is asking for an additional 12' x 32' addition to be used for storage.

Mr. Sylvain asked if the lighting would be the same as the original proposal.

Mr. Berry indicated the lighting would be the same.

Mr. Behrendt recommends approval as submitted.

Mr. Fontneau opened the public hearing.

No one spoke.

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

*A motion was made by Mr. Walker and seconded by Mr. Peters to approve the application. The motion carried unanimously.*

**B. Rose Realty, LLC, Chesley Hill Estates**, Chesley Hill Road (by Berry Surveying & Engineering). Amendment to approved 2003 33-lot subdivision to change drainage structures and patterns. Case # 26-32-R1-02

Christopher Berry, Berry Surveying and Engineering representing the applicant explained how they had been before the board a week ago. Public Works has now had the opportunity to review the plans and has signed off on them.

Ms. Larochelle recused herself from this application.

Mr. Fontneau opened the public hearing.

No one spoke.

*A motion was made by Mr. Peters and seconded by Mr. Walker to close the public hearing. The motion carried unanimously.*

*A motion was made by Mr. Sylvain and seconded by Mr. Healey to approve the application. The motion carried unanimously.*

Mr. Sylvain asked if he could ask Mr. Diberto to come forward before he left, as he had a question for him.

Mr. Fontneau asked Mr. Diberto to come forward.

Mr. Sylvain asked Mr. Diberto where the 12" line and hydrants were now.

Mr. Diberto did not know.

**C. Irene F. Cafasso**, 665 Portland Street (by Norway Plains Associates). 2 lot subdivision. Case # 109-157-R1-A-10.

Mr. Art Nickless, Norway Plains Associates representing the applicant explained that the concern last week was whether there were two units in the building. The Cafasso's understand that this is only to be a single family home and that if the subdivision goes forward it would remain a single family home.

Mr. Nickless is not opposed to any language that requires the building in the newly created lot to be in the R1 portion of the R1/A lot.

Mr Behrendt clarified that without a variance the primary development will have to occur in the R1 area; parking sheds and garages may be established in the A portion of the lot.

Mr. Nickless stated “he is okay with the language”.

Mr. Fontneau explained the board could put a caveat that the board would not object to application for a variance to build a single family home in the rear (“A” zoned) portion of the lot.

Mr. Behrendt recommended that the board put a precedent condition that the current home be converted to a single family home.

*A motion was made by Mr. Peters and seconded by Mr. Walker to accept the application as compete.*

Mr. Fontneau opened the public hearing.

Christian Bender, 661 Portland Street an abutter to the proposed subdivision, gave a history of the property. Mr. Bender questioned what the guarantees are that the current home will be converted to a single family home.

Mr. Fontneau explained that the existing condition was unknown to the City. It is not an allowed use even in the subdivision; the owners are going to rectify before the plans are certified.

*A motion was made by Mr. Walker and seconded by Mr. Healey to close the public hearing. The motion carried unanimously.*

*A motion was made by Mr. Sylvain and seconded by Mr. Walker to approve the application. The motion carried unanimously.*

**D. DGH Builders, Homemakers Health Services, Rochester Hill Road (by Norway Plains Associates). Site Plan to construct a 40-bed Assisted Living Facility pursuant to previously approved Homemakers Planned Unit Development (PUD). Case # 243-39-A-PUD-10.**

Mr. Peters recused himself from this application.

Mr. Martineau to sit for Mr. Peters

Art Nickless, Norway Plains Associates told the board that if the conditions of approval are ready the applicant is all set. The sign-off from Public Works was received. There are four conditions of approval and one consideraton to be add.

Mr. Behrendt recommended approval. He would like the applicant consider relocating the dumpster to prevent damage during snow removal.

Mr. Fontneau opened the public hearing.

No one spoke.

*A motion was made by Mr. Sylvain and seconded by Mr. Martineau to close the public hearing. The motion carried unanimously.*

*A motion was made by Mr. Sylvain and seconded by Mr. Walker to approve the application. The motion carried unanimously.*

**E. Highfield Commons Planned Unit Development (PUD), Washington Street/Route 202.**

- 1. Amendment to PUD and approved Phase I subdivision** to allow for use of private wells rather than City water and determination of appropriate exaction fee for water booster station. Case # 237-3,5,6,8-A-02
- 2. Modification to approved Phase I subdivision** to change diameter of water lines from 12" to 8".

Chris Strickler asked if the board would take up item E 2 first. The board agreed.

Mr. Strickler explained he is agreeable to the 12" water line coming up Hussey Hill. They will switch to an 8" line to Eisenhower.

Mr. Peters asked if the applicant can not come off the 20" line for Phase III, would the 12" line help.

Mr. Walker told the board that at the Public Works meeting they had really wanted the 12" line and Melodie Esterberg had said she would not sign off unless it was a 12" line.

Mr. Strickler is willing to spend the extra \$20,000 on the 12" line, they need to get moving.

*A motion was made by Mr. Sylvain and seconded by Mr. Peters to approve as stated. The motion carried unanimously.*

**1. Amendment**

Mr. Sylvain asked whether the cost of the pump station included the 12" pipe and hydrants.

Mr. Fontneau felt that if the pipe and hydrants were included in the \$225,000 cost of the pump station that the applicant should be credited for that.

Mr. Strickler agrees to the \$112,000 maximum, with the understanding that he would be reimbursed for the 12' pipe and hydrants if they were found to be included in the pump station cost.

Mr. Walker wants to see the minimum contribution of \$60,000 up front.

Mr. Strickler did not mind paying half the cost of the pump station but felt requiring the payment up front of the \$60,000 was unreasonable.

Mr. Peters is looking at the tax dollars that will be generated.

Mr. Fontneau felt that if Mr. Strickler had not come forward we could be looking at a foreclosure situation.

Mr. Sylvain understands where Mr. Walker is coming from but would like to see a portion up front.

Mr. Behrendt explained that cost is prorated and will be paid off at the issuance of the 103<sup>rd</sup> building permit.

Mr. Walker felt that would be a logistics nightmare.

Mr. Abbott is not concerned with tracking it, the Code Enforcement Office handles these types of things on a regular basis.

*A motion was made by Mr. Sylvain and seconded by Mr. Healey to approve as stated with all inferences. A total cost of \$286,000, \$60,000 minimum contribution to the pump station with a maximum of \$112,500. The cost will be paid starting with the issuance of the 33<sup>rd</sup> permit through the 135<sup>th</sup>.*

Mr. Behrendt brought forward a number of additional conditions that would be included: \$112,500 not \$112,000, if the developer does not put in private wells he would not have to do the indemnification, the Gary Jewell agreement, and the Phase I well water indemnification.

Mr. Fontneau wanted it written in that if they find the cost of the 12" pipe and hydrants was part of the cost of the pump station that the developer would receive either the materials or compensation for the cost of the materials.

*The motion then carried 8-1*

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## **Presentation from Planning Board Regulations Committee**

Mr. Fontneau asked Mr. Groat as chair of the committee to give an overview and on October 18<sup>th</sup> the Planning Board will be holding a workshop.

Mr. Groat explained that the committee had a total of 12 meetings. Six of the meetings were fact finding meetings where the committee had different representatives meet with the committee. The committee met for four hours with representatives from the

Department of Public Works. They also met with a representative from the Planning Department and Councilor Varney.

The committee approached the task as if there were no regulations in place and followed up on each question or recommendation made by the participants and gave equal weight to all testimony received.

One of the subjects they looked at was the Technical Review Group which was formerly called the Technical Review Committee. The primary concern with TRG was maintaining transparency. The TRG now has a Planning Board member take minutes at the meetings and supplies those minutes to the Planning Board.

The group spent much of their deliberation time on AASHTO standards. These standards were recommended by the developers because they are a national standard which uses averages, which gives the developers more flexibility.

Mr. Fontneau asked for questions from the board.

Mr. Sylvain asked the board to take a vote on continuing to send a member to the "TRG" to take notes so that they may continue this process.

Mr. Peters agreed. He finds it nice to review the comments.

*A motion was made by Mr. Sylvain and seconded by Mr. Peters to continue the process for six months. The motion carried unanimously.*

Ms. Larochelle suggested that a member new to the board take the opportunity to take the "TRG" notes. She found it helpful as a new member.

Mr. Walker suggested filming the TRG meetings for board members.

Mr. Behrendt will be checking with the Police Department for rules for pedestrian ways.

Mr. Peters would like a list of approved street trees e-mailed to board members.

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Mr. Varney left the meeting.

## **Review of draft Comprehensive Rezoning Ordinance**

### **A. Article XXIII – Accessory Uses**

Mr. Abbott questioned 3b. What is "numerous".

Discussion ensued regarding "numerous"

Mr. Abbott was concerned with the wording of 11f.

Discussion ensued and the board agreed to delete 11f.

Mr. Abbott had concerns with 17E, these issues are normally handled by DPW and the City Manager.

Mr. Fontneau would like to have Michael check with Public Works.

Mr. Peters would like this checked against the general ordinances.

#18 – needs to be clarified to apply to commercial operations not residential.

#22 – remove “is” after c)

#25 – Mr. Abbott would like an “h”

Discussion ensued regarding the limiting of storage areas.

Mr. Abbott suggested adding “this does not preclude the use in a residential unit during active construction period.

#28 – add “in residential areas”

*A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept with section XXIII with changes. The motion carried unanimously.*

## **B. Section XXIV – Home Occupations**

Discussion ensued regarding Home Occupation – 2 and Home Occupation – 3. Board members asked for clarification on the definitions.

#4 Barn Sales – discussion on the justification for barn sales

Mr. Peters pointed out that the ordinance did not have a definition for Barn Sale.

#4 Change “more than 50 years old” to “built prior to 1960”

*A motion was made by Mr. Peters and seconded by Mr. Sylvain to approve section XXIV as amended. The motion carried unanimously.*

## **C. Section XXVI - Roads and Parking**

Mr. Sylvain inquired whether this is the area to make rules regarding curbing.

Mr. Walker explained that rules regarding curbing would be in the Site and Subdivision Regulations.

Mr. Sylvain suggested that the board look at the Site Review Regulations in the future regarding curbing.



*A motion was made by Mr. Peters and seconded by Mr. Sylvain to accept section XXVI. The motion carried unanimously.*

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## **Other Business**

Mr. Sylvain wished to discuss the notification of abutters.

Mr. Fontneau discussed how they have had a couple of issues with notification.

Mr. Behrendt will be meeting with staff and the City Attorney to review the process.

Mr. Behrendt explained the current process of the applicant providing the names of abutters and the lot numbers. The staff as of September 1 has begun verifying that the abutting lots are all identified; the notices are then prepared and mailed by staff.

The abutter notification process was then discussed with input taken from the Planning secretary.

Ms. Larochelle asked that the process be written down for the board to review.

Mr. Peters felt that the upcoming retreat would be a good time to discuss the abutter notification process. The board is planning an upcoming retreat with the Zoning Board of Adjustment. October 6, 2010 has tentatively be scheduled for the retreat. Mr. Peters will confirm and let the board know.

*A motion was made by Dave Walker and seconded by Mr. Abbott to adjourn the meeting at 10:25 p.m.*

Respectfully submitted,

Marcia J. Gasses  
Planning Secretary

(These minutes were transcribed from notes)

