

**CITY OF ROCHESTER**  
**Planning Board**  
Monday, October 18, 2010  
**City Council Chambers**  
31 Wakefield Street, Rochester, NH 03867

Members Present

Tim Fontneau, *Chair*  
Nel Sylvain, *Vice Chair*  
Derek Peters, *Secretary*  
Rick Healey (*arrived at 7:45 p.m.*)  
Gloria Laroche  
John Meader

Alternate Members Present

James Gray  
Dave Walker

Members Absent

Tom Abbott (*excused*)

Alternate Members Absent

Stephen Martineau (*excused*)

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 planning secretary conducted the roll call.

Mr. Gray to vote for Mr. Healey

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**Communications from the Chair**

There were none.

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**Public Comment**

No one spoke.

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## **Discussion of General Planning Issues**

Mr. Peters discussed briefly the upcoming joint retreat with the Zoning Board of Adjustment, which will be held on October 25, 2010 at 7 p.m. in the Council Chambers.

Mr. Peters explained to the board that he is hoping to have the workshop for the Recreation Master Plan at the November 15, 2010 meeting. The consultant should have an answer to him by the end of the week, on whether he should be available to attend.

Mr. Gray wanted to let the people watching at home know that there will be a resubmission for the application for the Dartmouth Lane subdivision. The application has been modified and will be on the November 1, 2010 agenda.

Ms. Larochelle wanted the board members to consider being an alternate to the Technical Review Group, as Mr. Groat had been the alternate. The TRG meets Tuesdays at 10:00 a.m. 2-3 times per month.

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## **Approval of the minutes for October 4, 2010**

*A motion was made by Mr. Gray and seconded by Mr. Meader to approve the October 4, 2010 minutes as written. The motion carried unanimously.*

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## **Consent Agenda**

- A. D.S. & B. R. Winson Trust, 7 Stewert Court & Chasse Street** (by Norway Plains Associates). Lot line revision. Case # 122-2 & 122-10-R1-10 (PH closed)

This item was postponed to November 1, 2010.

- B. TREE Health Care Facility / Waste Management, 90 Rochester Neck Road.** Extension to meet precedent conditions. Case # 267-3-I4-08

- C. TREE Health Care Facility / Waste Management, 90 Rochester Neck Road.** Amendment to approved site plan to increase the square footage of an approved building by 3,020 square feet. Case # 267-3-I4-08

*A motion was made by Mr. Peters and seconded by Mr. Sylvain to remove item "C" from the consent agenda. The motion carried unanimously.*

- B. Mr. Gray** wished to discuss the waving of the fee for item "B".

Mr. Behrendt explained that Waste Management could have met the deadline but they will need to redo drawings for amendment item "C".

Mr. Sylvain felt that if they waved the fee for one the board would have to do it for all. It was Waste Managements choice to put in for the amendment.

Mr. Fontneau asked if there was a motion to wave the fee. No one made the motion.

*A motion was made by Dave Walker and seconded by James Gray to approve the extension. The motion carried unanimously.*

**C.** Stephen Poggi representing Waste Management explained the change involved moving some office space from inside the building to another area.

Mr. Fontneau opened the public hearing.

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

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## **New Application**

**A-Z Autoworx / Jayson Stoddard and Joshua Rapp, 101 Milton Road.** Site Plan for a 1,600 square foot automotive repair shop in an existing garage. Case # 210-43-B2-10

Josh Rapp and Jayson Stoddard the applicants discussed concerns regarding the traffic pattern. The applicant would like to propose the north entrance be "enter only" and that the southern entry be "two way" traffic. A "do not enter" sign would need to be placed at the back corner of building "B".

Mr. Behrendt added a third condition in addition to those proposed by the applicant would be that the front building could be used for office but not medically related office. The dumpster should not be in the rear do to the close proximity of a home.

The dumpster will be located close to parking space #9, just to the right.

Mr. Peters approved of the dumpster location.

Mr. Sylvain wanted to know if it was a regular lift dumpster.

The applicant responded yes.

Mr. Sylvain wanted to know if we had all the sign-offs on this project.

Mr. Behrendt replied yes.

Mr. Fontneau opened the public hearing.

*A motion was made by Mr. Peters and seconded by Mr. Gray to close the public hearing, accept the application as complete and approve the application. The motion carried unanimously.*

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## **Other Business**

### **A. Planning Board calendar for 2011**

Mr. Fontneau explained to the board that he was proposing only one meeting in July and August.

Mr. Sylvain wants it known that if the board needs to have the extra meeting we do.

Mr. Fontneau explained they used to keep the date in with a note "as required"

Mr. Sylvain felt that by the June workshop we should know and the City Planner can contact the board.

Mr. Behrendt brought to the attention of the board that they needed to change February 24<sup>th</sup> to February 28<sup>th</sup>.

Mr. Gray pointed out that April 18<sup>th</sup> is Passover and will this be a problem.

Mr. Behrendt did not think so.

*A motion was made by Mr. Gray and seconded by Mr. Peters to accept the 2011 schedule. The motion carried unanimously.*

### **B. Process for notifying abutters**

Mr. Fontneau feels that the abutter notification process has been addressed.

Mr. Gray pointed out that the Patriot System is only updated twice a year.

Ms. Gasses explained that staff is verifying abutting owners using current accessing information from Access Pro, not the Patriot System.

There were a number of questions from board members regarding the process and time involved in preparing the mailing.

Mr. Fontneau feels the procedures that have been adopted are much better than the previous ones and that this should work much better.

Ms. Larochelle asked if the procedure were now saved as part of “standard operating procedures”.

Mr. Behrendt stated yes.

### **Discussion on Salmon Falls Road Improvements**

Mr. Sylvain asked about the proposed meeting with the Public Works Committee regarding the improvements on Salmon Falls Road.

Mr. Fontneau explained that Melodie Esterberg, as part of the Planning Boards review of public projects had asked that the board attend a presentation to the Public Works Committee on November 18<sup>th</sup> so that the presentation would not have to be duplicated.

Mr. Sylvain expressed concern; he doesn't object to this meeting but does not want to be going to three or four meetings a month.

Mr. Peters does not object to this type of meeting for Salmon Falls Road but if the project involved buildings or the designs for a pumping stations he would like the presentation to come to the Planning Board.

Mr. Fontneau said that there will be discussions regarding curbing and sidewalks.

Ms. Larochelle asked whether they would be able to speak openly and how it would be handled.

Mr. Sylvain explained that the chair will open up the floor for discussions and we will be able to speak.

Mr. Gray told the board he had attended a similar meeting in E. Rochester and he feels that it is important that there be room for people who may want to attend the presentation.

Mr. Walker who serves on the Public Works Committee told the board that the meetings are not televised but any comments would be recorded in the minutes.

Mr. Peters brought up that they had not received any plans.

Mr. Behrendt will look into plans for the board members.

Mr. Sylvain stated that instead of the board members attending the presentation on November 18<sup>th</sup>, he would rather see the board have a presentation of their own.

Mr. Fontneau said that the City would have to pay the presenters to come to another meeting.

Mr. Sylvain regardless of the extra cost would like to see it done right. An extra set of eyes could save the City money in the long run.

Mr. Peters brought up that the board would also be reviewing the Recreation Master Plan on November 15<sup>th</sup>.

Mr. Fontneau has a number of questions regarding the presentation. He would like to know how extensive the presentation will be, if the board could get the information and then the board can make a decision. The board will be meeting again on November 1<sup>st</sup>.

The board took a five minute recess at 7:55 p.m.

Mr. Healey arrived at 7:55 p.m.

The meeting was called to order at 8:00 p.m.

### **C. Recommendations of Planning Board Regulations Committee**

Mr. Fontneau began a general discussion on the recommendations.

Mr. Sylvain felt that everyone on the committee had agreed on the recommendation.

Mr. Behrendt suggested the board go through each of the recommendations so the board understood each item. The items would be changes to the Subdivision and Site Plan Regulations.

Mr. Walker asked who was on the committee.

Mr. Sylvain explained that Mr. Groat had chaired the committee, Ms. Larochelle, Mr. Meader, and himself were the other members.

Mr. Sylvain explained that the committee had asked different representatives from departments and professionals to meet with the board; Rick Lundborn and Art Nickless of Norway Plains Associates, Melodie Esterberg and Tom Willis from Public Works, Mr. Behrendt and Mr. Ortmann from the Planning Department, Councilor Varney, and a representative from Berry Surveying.

Ms. Larochelle expressed that the committee had sought input from developers and tried to look at how they could also make things easier for those that did not have professionals working for them.

Mr. Sylvain explained that after the redesign of the cul-de-sac standards in regard to sidewalks, they had asked Mark Dupuis to do a test and what they found out was that it actually worked better.

### **#1 Proposal: Subdivision Road Grades (ASSHTO Standards)**

Mr. Fontneau brought up that item #1 was recommended by the committee but did not receive the support of public works.

Discussion ensued regarding the current maximum grade requirement and ASSHTO standards.

Mr. Sylvain stated that Tom Willis's main concern was in regard to snow plowing. The committee liked using a national standard; if the grade requirement needs to change it can be done at the Planning Board.

*A motion was made by Mr. Sylvain and seconded by Mr. Healey to approve change #1.*

Mr. Fontneau stated that Mr. Gray is now voting for the open seat on the board.

*The motion carried 7-1.*

## **#2 Percentages used for subdivision grades**

Mr. Behrendt wanted this item clarified that it was only dealing with the maximum grades.

Ms. Larochelle stated that they agreed as a whole not to include the maximum grades and to use the ASSHTO Standards.

*A motion was made by Mr. Sylvain and seconded by Mr. Healey to approve #2; maximum grades would no longer be used for subdivisions. The motion carried 7-1.*

## **#3 Street Tree Requirements**

Ms. Larochelle explained that there is an approved tree list and it should be incorporated into an overhaul of the regulations. The approved tree list should be used to determine the appropriate species for downtown and subdivisions. The island trees will be restricted to "ornamental".

Mr. Peters expressed concern that we would be forcing the developer to place the trees on private property.

Mr. Behrendt explained that it has been the policy to place the trees on private property do to maintenance issues, this would change the placing of trees from 5' from a road, curb or sidewalk to 15'.

Mr. Peters concerned it will interfere with setbacks. He would like to see the trees in the City right of way or just off.

Mr. Sylvain wanted to see a smaller tree with a minimal root system that won't do damage to the infrastructure.

Mr. Peters suggested eliminating the trees that are the problem.

Mr. Healey feels it is a good idea to have trees put on private property. The number of trees would depend on the size of the lot.

Mr. Behrendt clarified the developer can put in the trees and the homeowner can remove.

Ms. Larochelle and Mr. Gray felt they needed to have the “tree list”

Mr. Gray suggested that the board remove the offending trees from the list and put a minimum of 5’ from the sidewalk or edge of right of way.

*A motion was made by Mr. Sylvain and seconded by Mr. Gray to postpone **#3 and #4** until November 1<sup>st</sup>. The motion carried unanimously.*

**#5 Proposal: Sidewalk Criteria**

**#6 Proposal: Sidewalk Map**

Mr. Fontneau stated that the entire committee agreed as an option instead of concrete or asphalt sidewalks that a 5 foot pedestrian way could be added to the paved roadway. This would make it easier for plowing.

Mr. Sylvain pointed out that this recommendation would be depend on what is stipulated by the drainage requirements within the development.

Mr. Fontneau clarified it is stipulated as an option to the Planning Board.

Mr. Gray raised the question that if there is a pedestrian way, should it be located on both sides of the street.

*A motion was made by Mr. Gray and seconded by Mr. Healey to postpone discussion on **#5** until November 1<sup>st</sup> in order to get more information.*

Mr. Healey clarified for the board that as long as a bicycle lane or pedestrian way is designated, bicycles are allowed to travel in both directions.

*The motion to postpone fails 3-5.*

*A motion was made by Mr. Sylvain and seconded by Mr. Healey to approve **#5** and **#6**.*

Discussion ensued.

Mr. Behrendt questioned whether it stipulated striping.

Mr. Sylvain stated that striping is required.

Mr. Walker questioned whether we are no longer requiring mailboxes at each home.



Ms. Larochelle explained that the post office is requiring banks of mailboxes in subdivisions.

Mr. Fontneau asked if these regulations would take effect immediately.

Mr. Behrendt explained these items are an amendment to the subdivision regulations.

Mr. Healey expressed a need to have input from the post office during review of the proposed applications if they are requiring mail houses. The board should not be telling the post office where to locate mailboxes.

Mr. Behrendt clarified this item would be adding a 5' pedestrian way to the subdivision regulations as an option.

*The motion to approve #5 and #6 then passed unanimously.*

*A motion was made by Mr. Sylvain and seconded by Mr. Peters to postpone further discussion until November 1, 2010 with discussion on #7 at retreat. The motion carried unanimously.*

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## **Review of draft Comprehensive Rezoning Ordinance: Article XXIX – Signage**

Mr. Ortmann explained to the board that he has incorporated a “How to use this section” into the ordinance regarding signage. This was done in an attempt to help people use the ordinance.

Ms. Larochelle thought it was a good idea.

### **XXIX.**

**XXIX-1**

**XXIX-2**

**XXIX-3**

**XXIX-4**

Mr. Peters questioned whether D.4 was addressing the size of flags.

Discussion ensued and it was determined it did not apply to the national or state flags but flags bearing advertising would be regulated as temporary signs.

### **XXIX-5**

8. Mr. Ortmann pointed out.  
Change the 2.in #3 to a 3.  
Change the 10. in #14 to an 11.  
Change the 11. in #15 to a 12.

Change the 12. in #16 to a 13.  
Change the 13. in #17 to a 14.

**XXIX-6**

Mr. Walker – change the second a. to a b.

**XXIX-7**

Mr. Peters – questioned vii. “Upper floor units”

Mr. Behrendt clarified it was addressing that the sign in a window could not exceed 25% of the total window area. In addition you could have one attached sign placed no higher than the second floor level – not to exceed six square feet per side for each occupant, in addition to the window sign.

**XXIX-8**

**XXIX-9**

Mr. Behrendt suggested under #5 “Free Standing Signs” a minimum 10’ setback.

Mr. Sylvain felt that it is a hindrance to the HDC that they have the applicant go to the ZBA for a variance. In the Historic District the setbacks can be very tight.

Mr. Behrendt suggested a setback of 10’ with the option of a conditional use permit within the Historic District for less than a 10’ setback.

Mr. Ortman agreed it would be more appropriate for the Planning Board to handle the issue.

**XXIX-10**

Mr. Fontneau stated that in regard to “Home Occupations” neighbors do not want to see signs.

Mr. Behrendt explained that a Home Occupation -1 is the most minimal. No sign is permitted.

Mr. Walker feels that a 1’ X 2’ sign is too restrictive and would like to see a 2’X2’. He would like to see Home Occupation-2 have three square feet and Home Occupation-3 have four square feet.

Mr. Fontneau asked if everyone is in agreement. The board is.

**XXIX-11**

**XXIX-12**

Mr. Peters stated that project signs are typically 4'X8' sheets of plywood.

Mr. Sylvain recommends changing to 32 square feet and 8 feet in height.

### **XXIX-13**

Mr. Sylvain questioned the fairness in regard to Real Estate for Sale and For Lease Signs.

Mr. Ortmann brought up that a lot of people look on the internet when shopping for real estate.

Ms. Larochelle stated she does not find real estate signs offensive when they have an arrow and it is helpful.

*A motion was made by Mr. Peters and seconded by Mr. Meader to remove "a", "Real estate signs may only advertise the property on which they are situated" and re-letter 16. The motion carried 6-2.*

Mr. Fontneau asked if on page 10 item #10 the board would like to add something for real estate signs.

Mr. Behrendt suggested after b. add, "not to exceed six square feet in area".

After discussion, XXIX-10-b was changed to read "a real estate sign not to exceed six square feet per side".

Mr. Peters expressed frustration with the tone of the discussion and left the meeting at 9:50 p.m.

### **XXIX-14**

Mr. Behrendt stated we need to add Granite Ridge District to a.

### **XXIX-15**

### **XXIX-16**

Ms. Larochelle feels we should shorten the time period for when a sign shall be considered abandoned from twenty-four months.

Mr. Behrendt suggested thirteen months.

### **XXIX-17**

At the top of XXIX-17 remove "thirty" and place ".", after ninety days.

**XXIX-18**  
**XXIX-19**  
**XXIX-20**  
**XXIX-21**

Mr. Healey suggests remove “metal” from the pole sign definition.  
Change “obsolete sign” to “abandon sign”.

**Abandon sign.** A sign which was installed or placed in conjunction with a particular use or activity which has been abandoned (G.3.d.1).

**XXIX-22**

Under “real estate sign” change “the” to “a” and add “on” to Off Premises Signs.

**XXIX-23**  
**XXIX-24**

*A motion was made by Mr. Walker and seconded by Mr. Sylvain to approve Article XXIX as amended. The motion carried unanimously.*

*A motion was made by Mr. Gray and seconded by Mr. Walker to adjourn at 10:15 p.m. The motion carried unanimously.*

Respectfully submitted,

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

