

**City of Rochester**  
**Planning Board**  
Monday December 6, 2010  
**City Council Chambers**  
31 Wakefield Street, Rochester, NH 03867  
(Approved December 20, 2010)

Members Present

Nel Sylvain, *Vice Chair*  
Derek Peters, *Secretary*  
Tom Abbott  
Rick Healey  
Gloria Larochelle  
John Meader  
Dave Walker

Alternate Members Present

James Gray  
Stephen Martineau

Members Absent

Tim Fontneau, *Chair*

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. Sylvain called the meeting to order at 7:00 p.m. The planning secretary conducted the roll call.

Mr. Gray to vote for Mr. Fontneau  
Mr. Martineau to vote for the vacant seat

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**Communications from the Chair:**

Mr. Sylvain wanted to take the time to thank Councilor Raymond Varney for his service to Rochester as a member of the Planning Board.

Mr. Sylvain asked that Ms. Gasses send a letter from the board.

Mr. Sylvain announced that item VI. B has been postponed at the request of the applicant. **G.B. New Hampshire 2, LLC, 301 North Main Street, Case # 115-40-B2-10.**

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## **New Applications**

- A. Mary T. Fowler Revocable Trust, 1088 Salmon Falls Road.** (by Norway Plains Associates) 2-lot subdivision to create a 1.36 acre lot from a 216 acre parcel. Case 241-10-A-10

Art Nickless of Norway Plains Associates representing the applicant explained that the applicant would like to convey a lot to her son.

Mr. Nickless stated the Melodie Esterberg of DPW would like the access to come from the abutting private road.

Mr. Peters felt that the drive may need to be named because there will be two homes.

Mr. Behrendt explained that the assessor will decide if the road needs to be named.

Mr. Sylvain opened the public hearing.

No one spoke.

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

*A motion was made by Mr. Gray and seconded by Ms. Larochelle to approve the application. The motion carried unanimously.*

- C. Rochester Housing Authority, Brock Street on vacant land next to Autozone store.** (by Civil Works, Inc.) 12 unit elderly housing facility. Case # 131-62-2-R2-10

Dana Lynch of Civil Works represented the applicant. Mr. Lynch gave a history of the project explaining that a preliminary plan had been before the board a year ago. The site is approximately 7.5 acres in size of which 5 acres are wetlands. The parcel fronts on Brock Street and access to the parcel will be taken via the auto parts store through an easement.

The applicant was before the Conservation Commission in May.

The site has an approximately 18' drop from Brock Street and the applicant was granted a Dredge and Fill Permit from the State in November to fill 7,000 square feet.

The applicant is looking to either place a deed restriction or a conservation easement with a conservation group on the undeveloped portion of the parcel.

The applicant is proposing twelve one bedroom elderly housing units built as close to Brock Street as allowable. There will be lower level parking underneath the building, sheltered but there will be no overhead doors. There will be 5 outside parking spaces for guests. Curbing and sidewalk will be installed along Brock Street. A pull – off for pick up and drop off will be installed in front of the building.

Each floor of the building will house 6 units.

The building is built into the slope and there will be an elevator service to each floor.

It is the applicants understanding that tonight there will be a public hearing and acceptance of the application with the application then being sent to CLD Engineering for review.

Mr. Walker is concerned that the parking will be flooded.

Mr. Lynch explained that there will be substantial regarding and drainage structures installed that will discharge into the retention pond.

Mr. Walker is concerned because the water was right up to the hill during the last flood.

Mr. Peters feels it would be a good idea if the applicant could eliminate the dumpster.

Ms. Larochelle feels that a dumpster would be a better idea.

Mr. Walker does not recommend the use of totes because the truck would be required to pull off at the beginning of the hill and is concerned that it would be a safety issue.

Mr. Lynch explained that staff will be taking care of trash and that the design provides for a full ten foot lane for the truck to pull off.

Mr. Peters feels the site is located well beyond the hill.

Mr. Walker felt the trash pick up would occur during peak times for school bus traffic. Mr. Healey felt that either way would be effective and that Waste Management comes down the road already.

Mr. Martineau questioned why the applicant prefers totes over a dumpster.

Mr. Lynch responded cost, aesthetics, as well as it would be much easier.

Mr. Sylvain wanted to know where the totes would be located.

Mr. Lynch explained that the totes would be kept inside and brought out to the curb for pick up.

Mr. Sylvain is concerned that traffic will stop regardless of the extra lane and that this will cause a traffic issue.

Mr. Abbott is concerned when there is snow on the ground there will be an issue.

Mr. Abbott also explained to the applicant that a “no parking” sign needs to be placed at the access aisle for the ADA spot.

Mr. Sylvain opened the public hearing.

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

*A motion was made by Mr. Gray and seconded by Ms. Larochelle to accept the application. The motion carried.*

The application is continued to January 3, 2011.

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**Review of draft Comprehensive rezoning Ordinance.**

**A. Article XXX – Nonconforming Property**

XXX -1 - no changes

XXX - 2

Mr. Behrendt wanted to revert back to the old wording.

Mr. Abbott liked the current wording.

A brief discussion ensued and it was decided to leave the wording as is.

XXX-3 E. 1e to read, “the lot meets minimum lot and or coverage requirements as provided for in Article XIX – Dimensional Regulations”

XXX-3 E. 3 Mr. Behrendt will check on the legislation regarding this topic, contiguous lots.

XXX-4 H. 5 is okay with Mr. Abbott.

XXX-4 H. 6 discussion ensued regarding the wording, “no more than 50%”.

Mr. Sylvain was concerned we would be charging homeowners who had already suffered a loss.

Mr. Meader asked why if we have not had a problem would we be doing this.

Discussion ensued about the number of non conforming homes in the city and the difficulty it would place on the home owners who are unfortunate enough to have a fire.

*A motion was made by Mr. Meader and seconded by Mr. Martineau to remove H. 6. The motion carried unanimously.*

### **Article XXXIII – Conservation Subdivisions**

XXXIII-1 – none

XXXIII-2 – none

XXXIII-3 - #4 Open Space

Mr. Behrendt suggested that the board define “buildable area”.

Discussion ensued as to why this needed to be defined and the parameters it would give to developers.

Mr. Behrendt explained the uniqueness of a Conservation Subdivision and that it is an option for the developer but not mandatory.

Mr. Behrendt asked Ms. Gasses who serves on the Dover Planning Board, where they have mandatory Open Space subdivisions in the Agriculture Zone to explain how they have worked for Dover.

Mr. Sylvain asked that Mr. Behrendt write up the definition with the elimination of wetlands, slopes and easements and bring it back to the board for its review.

XXXIII-4 – C.8 – Mr. Meader asked Buffer to read, “The portion of the tract fronting on existing roads shall be preserved as a buffer to the maximum extent practical.”

XXXIII-D.2 – the note at the end of the paragraph should be removed.

XXXIII-5 none

XXXIII-6 none

XXXIII-7 none

XXXIII-8 none

*A motion was made by Mr. Peters and seconded by Ms. Larochelle to accept as amended. The motion carried unanimously.*

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### **Other Business**

#### **Salmon Falls Road joint meeting with Council Public Works Committee**

Mr. Sylvain expressed the need to have a better turn out from board members at these types of meetings.

Mr. Gray stated that the next meeting of the Public Works Committee is on December 16<sup>th</sup>.

Ms. Larochelle felt that the presentation had been very thorough.

Mr. Walker told the board that he did not feel that there would be any action taken on the matter any time soon.

*A motion was made by Mr. Gray and seconded by Mr. Walker to adjourn at 8:23 p.m. The motion carried unanimously.*

Respectfully submitted,

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