

City of Rochester
Planning Board
Monday December 20, 2010
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(Approved on January 3, 2011)

Members Present

Tim Fontneau, *Chair*
Nel Sylvain, *Vice Chair*
Tom Abbott
Rick Healey
Gloria Larochelle
Stephen Martineau
Derek Peters
Dave Walker

Alternate Members Present

Bob Badeau
James Gray

Members Absent

David Meader

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 Clerks 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. Meader

Communications from the Chair

Mr. Fontneau welcomed Mr. Badeau to the Board as an alternate member.

Mr. Fontneau congratulated Mr. Martineau for his appointment as a regular member of the Board.

Public Comment

There was none.

Discussion of General Planning Issues

Mr. Walker explained to the board that the Finance Committee would like the Planning Board to have more oversight over bonds and surety. The Planning Board should receive a report provided to them on a monthly basis which includes remaining surety balances on the different projects.

Mr. Sylvain asked the board what their feelings were regarding lap tops being provided for meetings. He had received a call asking for input from the board where it was being considered by the Finance Committee.

Mr. Fontneau thought it would be worthwhile.

Mr. Walker stated that there has been some debate regarding the issue of computer access in the chamber but he has supported the idea.

Mr. Healey feels computer access would be an asset to the board.

Mr. Sylvain asked when the board would be receiving the CIP.

Mr. Walker felt the Planning Board should receive it by the end of January.

Approval of the Minutes

A motion was made by Mr. Gray and seconded by Mr. Walker to approve the minutes of December 6, 2010. The motion carried unanimously.

New Applications

- A. Studley Home Inc., 16 Eastern Ave.** Extension to obtain building permit for additions and renovations to the Studley Home. Case # 117-41-R2/B2-04

A motion was made by Mr. Peters and seconded by Mr. Abbott to approve the extension. The motion carried unanimously.

- B. Highfields Commons Planned Unit Developemtn (PUD), Washington Street/Route 202.** Modification to approved Phase I subdivision to allow for temporary use of geothermal wells for domestic water use for three model homes

until water line is constructed in 2011. Case # 237-3,5,6,8-A-02

Mr. Behrendt recommends approval with the six conditions stated in the staff recommendations. Ms. Esterberg had asked that items “e” and “f” be included.

Mr. Gray would like to make a motion to accept the modification with “c” reading domestic water.

Mr. Abbott stated “b” should include “or a certificate of occupancy”.

Mr. Walker asked for a clarification on whether they wanted this modification so that they did not need to dig in Hussey Hill Road this late in the season.

Mr. Peters stated that this modification is for the three model homes.

Mr. Sylvain clarified that by passing this motion the board is saying the home can not be sold until the it is connected to the City water supply.

A motion was made by Mr. Grant and seconded by Mr. Healey to approve the modification. The motion carried unanimously.

C. G.B. New Hampshire 2, LLC, 301 North Main Street. (by VHB) Site plan to construct a 13,225 square foot CVS pharmacy with drive through, a secondary 3,700 square foot bank building, and associated improvements, including parking, access, drive through, landscaping, and drainage structures. Case # 115-40-B2-10

Linda Connell addressed the board. Ms. Connell represented CVS and the additional building proposed by Mr. Poulin. This application had been continued from December 6th to allow for formal development of bank building plans. The applicant has been before the Conservation Commission.

Dave Fenstermacher of VHB the Senior Project Manager explained to the board that there are wetlands on the site along with a PSNH easement. There is a reduction in size from the originally proposed 8,000 square foot retail space to the 3,700 square foot bank.

Mr. Behrendt recommended the board accept the application as complete, the application be sent to CLD for review and the application be continued to January 24, 2011.

A motion was made by Mr. Walker and seconded by Mr. Gray to accept the application as complete. The motion carried unanimously.

Mr. Peters requested the board have the date e-mailed to them when the application is sent to CLD.

Mr. Sylvain questioned why the application was being sent to CLD.

Mr. Behrendt explained that the drainage, circulation and other complex issues warrant review and the Department of Public Works is still short staffed. By sending the plans to CLD the review will be timely.

Mr. Fontneau opened the public hearing.

No one spoke.

Mr. Fontneau asked if the conditional use permit was necessary for the bank drive through.

Mr. Fenstermacher replied that it was and that the Conservation Commission did not have an issue where there is an overall reduction in impervious surface on the site.

Mr. Healey who chairs the Cocheco River Advisory Committee indicated that they did not have any issues.

Mr. Fenstermacher explained the Conservation Commission's only concern was that they wanted the applicant to have a plan for snow storage. The applicant is required to have a plan as part of the Alteration of Terrain Permit.

Mr. Sylvain wanted to know if they did not have a response by January 24th would it hold up the project.

Mr. Behrendt explained that if there were no concerns the board could shoot for final approval on the January 24th.

Mr. Sylvain stated that he wants a response from CLD by January 24th.

Mr. Peters suggested that the board ask for an update for the meeting on January 3rd.

Mr. Peters does not want to see the project delayed. He would also like an update on where the City is in regard to hiring an engineer.

The application was continued to January 24, 2011.

- D. Goodfellas Brickoven Pizzeria / Robert Partridge, 66 Washington Street.**
Amendment to approved site plan to change hours of operation and allow continued use of existing floor space for eating and drinking establishment as modified by previous owner, Spinale's Pizza. Case # 123-1-B1-10.

Mr. Abbott recused himself from this application.

Mr. Robert Partridge, the applicant, explained to the board that he is in the

process of making sure the restaurant is compliant. Mr. Partridge is seeking an amendment to use existing space which had been modified without approval by the previous owner.

Mr. Behrendt explained to the board that there is an opportunity here for improvement to a business. The prior owner Mr. Spinale expanded beyond his scope of approval. Mr. Partridge is here to receive approval to use the current area. Staff recommends approval.

Mr. Peters stated that the initial approval did not allow for occupancy of the upstairs apartments without adequate parking.

Mr. Behrendt stated that the applicant had received a variance to allow for a reduced number of parking places. Mr. Spinale will need to obtain a building permit for the improvements to the apartments.

Mr. Sylvain questioned the parking lot dimensions.

Mr. Behrendt stated the dimensions are slightly substandard.

Mr. Sylvain stated that the City let the prior owner get away with things we should not have. We should not allow for stumps in parking spots.

Mr. Sylvain wanted it in writing that the windows are not to be blocked and he questioned the signage.

Mr. Walker stated the large ugly lounge sign needs to go.

Mr. Partridge stated he would like to put a new face plate on the sign.

Mr. Walker does not believe half the signs were approved. He would like to see Mr. Partridge start with a clean slate.

Mr. Martineau asked if the board can approve with the condition that these items be addressed within a designated timeframe.

Mr. Fontneau explained there are two schools of thought:

- 1) You lay out conditions and require they be done first
- 2) You lay out conditions and ask they be met within a time frame

Mr. Peters expressed concern that the board is dumping problems on the applicant that maybe the board should be putting on the owner of the business.

Mr. Partridge stated he is buying an existing business and trying to improve it.

Mr. Fontneau opened the public hearing.

Mr. Lenny Bernard addressed the board. He explained he has never had a problem with the parking lot, it was with what went on in the parking lot. His concern is that when requirements are made they need to be enforced.

Mr. Fontneau clarified the number of seats and the number of parking spaces. He also described prior concerns from the neighborhood in the past.

Mr. Healey asked Mr. Partridge if he intended to have live entertainment.

Mr. Partridge stated, possibly a single acoustic guitar. The space is not set up for it.

Mr. Healey stated he would like to have no live entertainment added to the conditions.

Mr. Fontneau stated he would like to see the business open until 9 p.m. with deliveries until 11:00 p.m. and have the owner come back for an expansion of hours.

Mr. Walker reiterated that the lounge sign needs to be removed.

A motion to approve was made by Mr. Sylvain with the condition that the stumps in the two parking areas be removed and the dimensions of the parking spaces are double checked.

Mr. Sylvain asked for the recommendations of Tom Abbott as Code Enforcement Officer.

Mr. Abbott suggests a letter be written recording approval with conditions within two weeks at the Registry of Deeds.

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

The board went back to Mr. Sylvain's motion which included the following conditions:

- 1) The stumps be removed*
- 2) Hours of operation are 11 a.m. until 9 p.m. with takeout open until 11:00 p.m. and until 11:00 p.m. on Fridays and Saturdays*
- 3) The parking is to be marked correctly, including the ADA spot*
- 4) The windows are to be unobstructed*
- 5) The signage is to be brought into compliance, with the lounge sign and Spinale lettering removed.*
- 6) There is to be no live entertainment*
- 7) January 31st is the deadline to complete work and include the recommendations of staff and the Fire Department.*

The motion that had been made by Mr. Sylvain was then seconded by Mr. Gray.

Ms. Larochelle wanted a deadline for conditions to be met.

Mr. Peters did not agree with the 11:00 p.m. closing and felt it should allow for one or two entertainers.

Mr. Fontneau felt that if the applicant did not have any problems he could come back after six months for approval to add entertainers and extend the hours of operation.

Mr. Peters does not believe the hours should be limited and Mr. Partridge should be allowed to be open from 11:00 a.m. until 11:00 p.m. daily.

There was discussion regarding the ADA space.

Mr. Sylvain stated the parking lot needs to be marked correctly according to codes.

The motion then carried.

Other Business

Mr. Peters would like to have staff check on where we stand with hiring a City Engineer.

Mr. Walker stated an offer had been made to an applicant.

A motion was made by Mr. Walker and seconded by Mr. Gray to postpone discussion of the Zoning Tables. The motion carried unanimously.

A motion was made by Mr. Gray and seconded by Mr. Martineau to adjourn at 8:45 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses
Planning Secretary

(These minutes were transcribed from notes)