

**City of Rochester
Planning Board**

Monday, April 4, 2011 at 7:00 p.m. "*Regular Meeting**

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on April 18, 2011)

Members Present

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Tom Abbott

Rick Healey

Gloria Larochelle

Stephen Martineau

David Meader

Dave Walker, City Councilor arrived at 7:45 p.m.

Members Absent

Derek Peters, excused

Alternate Members Present

James Gray

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, Planning Secretary

(These are the legal record of the meeting and are in the format of an overview 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 sit for Mr. Peters

Communications from the Chair

Mr. Sylvain informed the board of the upcoming 18th annual Spring Planning and Zoning Conference scheduled for Saturday, June 11, 2011 at the Radisson Hotel in Manchester, New Hampshire. The conference is put on by the New Hampshire Office of Energy and Planning.

Registration materials would be available online beginning April 15, 2011. Members were asked to let Caroline in the Planning Department know if they were interested in attending.

Approval of the Minutes from March 21, 2011

A motion was made by Mr. Gray and seconded by Mr. Healey to approve the March 21, 2011 regular meeting minutes. The motion carried unanimously.

New Applications

- A. Lawrence Lapierre, 22 Oak Street.** 2-lot subdivision (by Jones and Beach Engineers, Michael Bouffard). Case # 138-59-A-11

Michael Bouffard representing Mr. Lapierre described the project to board members. The purpose of the subdivision is to enable Mrs. Gilman to transfer the back wood lot to her daughter and son in law.

The owner received a variance on January 12, 2011 for 100' of frontage to enable possible future construction to occur in the back portion of the lot, which is zoned Agricultural and requires 150' of frontage.

Mr. Behrendt stated that staff recommends approval.

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

Mr. Sylvain opened the public hearing.

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

Mr. Fontneau explained that there are different uses allowed in a Residential 1 zone and the Agricultural Zone, he questioned how this would apply. Theoretically a mobile home could be placed in the Residential 1 Zone if you moved the line 100 feet.

Mr. Behrendt suggested the board ask Mr. Bouffard to ask if his client would limit the lot to no mobile homes or duplexes in the Residential 1 Zone.

Mr. Lapierre stated he will never put a mobile home or duplex in the 100' lot and he would be agreeable to the restriction.

Mr. Abbott asked that the reason for the variance be listed on the plan.

Mr. Bouffard indicated the variance is on the plan.

Mr. Healey wanted to make sure the applicant is aware that this lot is proposed to be rezoned to Residential 3 under Comprehensive Rezoning.

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

B. Timothy & Sally Fontneau, 1062 Salmon Falls Road. 4-lot subdivision (by Norway Plains Associates, Art Nickless). Case # 241-10-A-11

Mr. Fontneau recused himself from voting on this application, as he is the applicant.

Mr. Fontneau as the applicant for the 2-lot subdivision stated the proposed lot meets both the frontage and size requirements. He proposes using the current driveway access. Mr. Behrendt has proposed alternatives for dealing with the existing barn and he is agreeable to those alternatives.

Mr. Behrendt recommends approval with one note under condition 1. Show street number for new lot (Lot 241-9-2). It may be #1070, 1072, or 1074.

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

Mr. Sylvain opened the public hearing.

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

Mr. Fontneau would like precedent condition 2 under staff recommendations to be changed. He would like the lot to be able to be used for anything which is allowed by zoning, except mobile homes.

Mr. Fontneau asked if they will have to run the wires across the road, why they need to run the wires underground on the property.

Mr. Behrendt understands what Mr. Fontneau is saying. He stated that the board may recommend the utilities be underground if more than a set distance from the road.

Mr. Healey asked if the utilities to the current house are underground.

Mr. Fontneau stated the current homes utilities are underground.

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

Katy Babylon of 1063 Salmon Falls Road stated she was an abutter and was concerned about loosing the view from her home. She did believe that this subdivision would not impact her as long as only a single family home could be built.

M. Fontneau explained that the regulations would only allow a single family home.

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

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

C. Mary T. Fowler Revocable Trust, 1088 Salmon Falls Road. 4-lot subdivision (by Norway Plains Associates, Art Nickless). Case # 241-10-A-11

This item was postponed until May 2, 2011 at the applicants request.

D. Route 11 Investments (Mark Stevens), Farmington Road (just south of Walmart). Preliminary Site Plan for a large scale shopping center with approximately 280,540 square feet of retail, restaurant, bank and gas station uses, parking, along with a new City street and utility improvements (by Appledore/Tigh & Bond, Grethchen Young). Case # 216-11GRD-11

Gregg Mikolaities, P.E. representing Route 11 Investments gave an overview of the project. The front approximately 40 acres would be developed with 264,000 square feet of retail and an additional 5 out parcels containing 16,000 square feet of restaurant, gas station, and bank space along the front of the parcel.

The frontage road on the parcel is shown in accordance with the masterplan for the Granite Ridge Development Zone. The applicant plans to construct the frontage road and front parcels first to develop interest for the rear of the parcel when the economy comes back.

Mr. Mikolaities described how the stormwater system incorporates a wet land system in its design. Test pits have been completed in the last month. The plan also includes three small rain gardens on the site.

The applicant was seeking words of wisdom from the board.

Mr. Behrendt explained that this is the first plan to come forward for the Granite Ridge Development Area and it is a good opportunity for board memebers to make suggestions or comments.

Mr. Sylvain opened the public hearing.

Kevin Bowden owner of the Holiday Inn Express and operator of the Rock N Diner explained to the board that they have a major access problem coming from the east, there are people making u-turns. They have poor access and would like the City to consider that.

Demetrios Vardakostas owner of the diner stated that because of the access issue, the previous owner lost 40% of his business after the road changed.

Mr. Gray stated that the development would help some with the access issues.

Mr. Sylvain questioned whether conversations with NHDOT included a possible turn lane to access the Holiday Inn Express and Diner.

Mr. Fontneau stated there have been on going talks with NHDOT regarding the moving the center divider back.

Mr. Fontneau asked what the elevations are.

Mr. Mikolaities stated they were 250' along Route 11 and 280' in the rear.

Mr. Healey stated we need to have the City talk with NHDOT, there is enough room for a left turn.

A motion was made by Mr. Gray and seconded by Mr. Abbott to close the public hearing and the preliminary application. The motion carried unanimously.

Mr. Sylvain asked when the project would be coming back.

Mr. Mikolaities stated they planned to be back in the next 30-45 days.

The board took a five minute recess.

Review of draft Comprehensive Rezoning Ordinance

Article XXIX - Sign Ordinance

Page XXIX - 1

XXIX - 2

XXIX - 3

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XXIX - 6

XXIX - 7 - Change Granite Ridge Development to Highway Commercial 3

XXIX - 8 iv. - Use proposed language

Mr. Abbott asked for clarification regarding signage for businesses located in the back. The sign coverage is limited to 10% and then the owner divides the 10% between multiple tenants.

Under

XXIX - 8 iv. - add one wall sign per each business, total not to exceed 10%
XXIX - 9

Mr. Walker stated he wants to make sure signs in the Historic District go to the HDC.

Mr. Behrendt suggested on page 21 add Historic District.

Mr. Gray suggested adding Historic District to the Purpose.

Mr. Fontneau explained that the Downtown was removed so not to allow electronic signs downtown.

Mr. Walker stated, he just wants to make it clear that signs need to go to the HDC in the Historic District.

Under E 2. a.ii Freestanding Signs

Mr. Fontneau stated in the chart on XXIX - 7 add a maximum area and height for the downtown.

Mr. Abbott asked if the requirements are attached to the conditional use permit. Applicants think that getting a sign permit should be fairly benign.

Mr. Behrendt clarified in Neighborhood, and Office Commercial 1 Districts eliminating b And make sure all the districts are in the table on page 7, then decide on eternally illuminated.

Mr. Fontneau asked if they want an internally illuminated sign on a converted home to office.

Mr. Abbott asked what the criteria are for a conditional use.

Mr. Behrendt suggested having a subcommittee formed to deal with the issues the board may have.

Mr. Martineau would like to make it clear and easy.

Mr. Sylvain wants the Historic District Regulations referenced for the downtown.

Mr. Sylvain asked for three volunteers to serve on the subcommittee.

The volunteers are:

Mr. Fontneau

Mr. Martineau

Mr. Abbott

Mr. Abbott would like original draft and clean copies of the revised version.

The subcommittee will meet on Wednesday April 13, 2011 in the Council Conference Room.

XXIX - 11

XXIX - 18 - 19 - 20

Discussions ensued regarding the background color on electronic signs.

Mr. Walker asked if the nonconforming signs should be allowed to stay on 24 hours a day.

Mr. Sylvain stated not after 10 p.m. in residential areas.

Mr. Martineau suggested applying the 200' rule to all new signs going in HC1, HC2, HC3, from a dwelling unit.

Mr. Sylvain appointed Mr. Martineau to chair the subcommittee.

7 b. - Take out of Residential

Mr. Sylvain suggested the board hold off on agenda item C. until the next meeting.

A motion was made by Mr. Gray and seconded by Mr. Abbott to adjourn at 9:25 p.m. The motion carried unanimously.

Respectfully Submitted,

Marcia J. Gasses
Planning Secretary