

City of Rochester Planning Board

Monday, May 2, 2011 at 7:00 p.m. "Regular Meeting"

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on 5/16/2011)

Members Present

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Tom Abbott

Gloria Larochele

Stephen Martineau

David Meader

Derek Peters

Members Absent

Rick Healey

Dave Walker, City Councilor

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. Healey

Communications from the Chair

Mr. Sylvain reminded board members to sign up for the OEP Spring Conference in June. Members may register on line and check off the box designating an invoice be sent to the City.

Approval of minutes for April 18, 201, Workshop Meeting

A motion was made by Mr. Gray and seconded by Mr. Peters to approve the April 18, 2011 Workshop Meeting Minutes. The motion carried unanimously.

Continued Application

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

Mr. Fontneau recused himself.

Art Nickless representing the applicant stated that the application is on hold by the applicant, while they are in discussions with Strafford Rivers Conservancy. The application was postponed until June 6, 2011.

New Applications

Rochester Truck Repair, 8 Flagg Road. Site Plan for a proposed 30 foot by 115 foot addition to provide for extra service bays. Case # 262-55-B2-11

Art Nickless of Norway Plains Associates explained that the application is for a 30 foot wide addition to Mr. Gagnon's building, in an already disturbed area. The addition will be sprinkled as was the rest of the building after the prior expansion.

Mr. Behrendt stated that staff recommends approval of the application as stated.

Mr. Behrendt stated that waivers are needed from the required submittal of architectural elevations, error of closure, contour lines and delineation of existing vegetation. He recommends approval since this building is virtually not visible from any public way.

Mr. Bruce Pohopek of 42 Flagg Road expressed concern that the drainage impact from the construction of the addition would impact his property. He has concerns with the current 50' buffer and stated it is not being protected; vehicles and other items are in the buffer. In addition he had concerns with the increased noise and visual impact on him and his wife.

Mr. Pohopek passed out pictures of storage areas etc. and raised concerns with the burn pile, which blows smoke their way when it is lit. There are also items in the burn pile which need to be removed because they are household waste.

Mr. Martineau asked where the pictures had been taken from.

Mr. Pohopek stated the pictures were taken from the berm area.

Mr. Nickless stated the trailers would be removed from the site. The site is a commercial/industrial site.

Mr. Sylvain questioned the use of the tanks.

Bill Potter explained that the tanks are used for waste oil that is then burned during the winter months as fuel.

Bill Potter explained that the addition would allow Mr. Gagnon to bring inside the tractor trailer trucks to work on, currently they are often worked on outside.

Mr. Fontneau asked about the storage of the drums shown in the abutter's photos.

Bill Potter explained that they are empty and will be removed from the property at some point.

Mr. Pohopek stated that he was not here to start a war with Rochester Truck, it is understood that they work on large trucks at the facility; the fluids should be stored on an impervious surface. A gravel area permeates very quickly.

A motion was made by Mr. Peters and seconded by Mr. Gray to close the Public Hearing. He motion carried unanimously.

Mr. Martineau asked when the Islinglass River Local Advisory Committee would be meeting to review this application and if the abutters would be able to attend and voice their concerns.

Mr. Behrendt stated that the committee had been notified and there were no concerns.

Mr. Behrendt explained that the application before the board is fairly innocuous and there are no concerns in regard to drainage. The board would be within it's right to hold off for a meeting to work out the issues which have been raised with the applicant.

Mr. Sylvain stated that he had a couple of concerns. He would like to incorporate two stipulations: the marking of the fifty foot setback and the empty drums need to be placed on a concrete pad.

Mr. Nickless stated there is a 2000 gallon tank in a containment area. He would suggest amending the conditions to include: no outside storage of hazardous materials unless in a contained area, marking of the 50 foot buffer,

Mr. Sylvain stated that he would like to see the area cleaned up. Rochester Truck has been a good business for Rochester.

Mr. Nickless believes the requests are reasonable conditions.

Mr. Abbott stated all the tires should be piled and covered per DES standards. If there is a burn pile items such as a sofa, chair etc. need to be removed.

Mr. Fontneau when the 50 foot buffer zone is being marked any debris within the buffer needs to be removed and items need to be removed from the burn pile.

A motion was made by Mr. Peters to approve with conditions

Mr. Behrendt suggested all conditions to be met prior to the issuance of a Certificate of Occupancy.

- 1) Mark the wetland buffer in the area of the gravel.
- 2) No outside storage of hazardous material and batteries.
- 3) All debris in wetland buffer zone to be removed.
- 4) Furniture to be removed from brush pile.
- 5) Proper storage of tires using Best Management Practices

Mr. Peters discussed storage based on size.

Mr. Sylvain stated he would like to specify the material to be used for the pad.

Mr. Nickless recommended that they use concrete for the pad and that the notes become precedent conditions.

Mr. Behrendt stated the note should state that all of the conditions discussed be met prior to the issuance of a Certificate of Occupancy.

Mr. Behrendt recommended that the conditions be written on the plans and an updated set of plans be provided.

Mr. Meader seconded Mr. Peters's motion. The motion carried 7-1

The Homemakers of Strafford County, 215 Rochester Hill Road. 2-lot subdivision to create separate lot for medical office building (by Norway Plains Associates). Case # 243-39-A/PUD-11

Mr. Peters recused himself.

Mr. Nickless explained that the proposal is to subdivide a lot to be transferred to the Frisbee Foundation. The new lot will have frontage on Rochester Hill Road but will take access from existing private road. The prior two proposed buildings will now be replaced with one.

Mr. Nickless stated they were not looking for final approval tonight but were looking for comments from the board.

Mr. Behrendt recommended opening the public hearing but leaving it open as the application was not ready for acceptance.

Mr Behrendt asked that the board determine whether the office use was compatible with the original Planned Unit development approval.

Mr. Sylvain opened the public hearing.

No one spoke.

Mr. Sylvain brought the discussion back to the board.

Mr. Fontneau pointed out that the two buildings which were depicted in the Master Plan hugged the road, leaving the meadow open.

Mr. Nickless stated a 50 foot buffer was put on the plan to preserve the field along Route 108. Any plans that have been done so far have respected the 50 foot buffer.

Mr. Sylvain stated the application would be continued until May 16, 2011.

Review of draft Comprehensive Rezoning Ordinance

A. Article XXIX - Sign Ordinance

Mr. Martineau discussed the 3 hour meeting the Sign Ordinance Committee had held. The goals of the committee had been to: clarify, streamline, and balance residential and commercial needs.

Mr. Behrendt suggested going through the ordinance page by page.

Pages 1-2

Page 3 change the f. to e.

Pages 4-6

Page 7

Mr. Fontneau recommended combining (2) & (3) and condensing (4)

Mr. Sylvain asked what the difference was between the Downtown Commercial Zone and the Historic District.

Mr. Behrendt explained that the Historic District Commission does not have dimensional regulations. Historic District Commission has purview over design.

Mr. Martineau suggested adding a clarification paragraph regarding the Historic District Commission review.

Mr. Fontneau stated the reason you get your information from code enforcement is because the Historic District is an overlay.

Mr. Abbott stated that the bulk of the downtown would not meet the setback for a free standing sign.

Mr. Behrendt recommended adding a note that states, while there are dimensions given the Historic District Commission as part of it's review may not allow the sign.

Mr. Gray suggested adding in the purpose section, the Sign Ordinance does not infringe on he purview of the Historic District Commission.

Mr. Abbott questioned how (4) would work with a Lowes or similar big box.

Mr. Sylvain recommended taking out the i.e in (4).

Discussion ensued regarding the size of signs.

Mr. Abbott did not think the numbers suggested were large enough for the setbacks and suggested that the board use the current signs as an example.

Mr. Martineau asked that the current sign sizes be submitted to the sign committee and that they be used to develop a formula.

Pages 9-16 No changes

Page 17

Pages 18-28 No changes

Mr. Martineau asked if the board could make a motion to approve with the addition of the size formula and the reference to the Historic District Commission.

Mr. Meader asked if electronic signs are grandfathered.

Mr. Peters stated that if the sign breaks and needs to be replaced with new technology it needs to comply.

A motion was made by Mr. Peters and seconded by Ms. Larochelle to approve with the sign committee recommendations with the removal of "f" and the addition of the formula. The motion carried unanimously.

B. Review of the rest of the proposed ordinance

Mr. Fontneau brought forward the issue created when a newly created lot contains an accessory building. The accessory building under current zoning would either have to be removed or a variance obtained in order for it to stay. He questioned whether there is a way to write in the ordinance an exception which would make it easier to protect old barns.

Mr. Abbott stated that it sounds great, but if you do not have to assign a use to a building why have zoning at all. Mr. Fontneau found himself in an odd situation with his development.

Mr. Peters suggested the board look at the request.

C. Review of the proposed new zoning map

Mr. Sylvain recommended changing the four lots abutting Lowes to highway Commercial-2 from Residential 3. From the left of Labrador toward Barrington change the lots with frontage to Highway Commercial 2. To the right of Labrador leave as Neighborhood Commercial as proposed.

Mr. Martineau asked if the PUD would be affected.

Mr. Behrendt stated that the houses are mostly located higher up on the property and the park and ride would be located to the left of the entrance to Highfields.

A motion was made by Mr. Martineau and seconded by Mr. Fontneau to accept the change from Neighborhood Commercial to Highway Commercial 2. The motion carried unanimously.

Mr. Sylvain requested that the board have a clean copy of the ordinance for the May 16, 2011 meeting.

Other Business

Mr. Peters raised a concern with Rochester Tire having 15 to 20 cars on the lot for sale, where their approval only allowed 5.

Mr. Sylvain stated that the concerned party can file a complaint with Codes,

Mr. Abbott suggested that Mr. Peters could go to the City Manager with his concern.

Mr. Martineau asked if in the ordinance yard sales were only allowed three times per year.

Mr. Behrendt stated that personal yard sales are allowed twice in a calendar year and are not to last more than three days.

Mr. Abbott stated that any citizen with concerns could come into the Code Enforcement Office.

Mr. Sylvain stated the idea had been brought forward to go to the wards the Police Department holds their ward meetings to answer questions regard the Comprehensive rezoning.

Mr. Fontneau stated that the board is sending the ordinance forward to the Council and can decide what they would like to do.

The board agreed to let the Council decide how to proceed.

Mr. Fontneau stated that if any changes are made it will come back to the board.

Mr. Peters recused himself.

Mr. Sylvain explained to the board that the Planning Department was seeking direction from the board on how to proceed with the YMCA site review. The Planning Department wanted to know if the board felt a Minor Ste Review was sufficient or would any of the board members prefer a full review before the board.

Mr. Fontneau stated that it is a pretty significant project.

Mr. Peters spoke on the behalf of the YMCA. There would be an outside fenced in play area. The first flour would contain four classrooms and the second floor would contain a complete gym and locker rooms. The YMCA will still be keeping it's site on Lowell Street.

Mr. Fontneau stated that the concerns would be parking, traffic, and the playground.

Mr. Sylvain asked if everyone was agreeable to a Minor Ste Review and the consensus was yes.

Adjournment

*A motion was made by Mr. Gray and seconded by Mr. Fontneau to adjourn at 9:10 p.m.
The motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses
Planning Secretary