

**City of Rochester  
Planning Board**

Monday May 16, 2011 at 7:00 p.m. *“Workshop Meeting”*

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on June 6, 2011)*

*Members Present*

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Tom Abbott

Rick Healey

Gloria Larochelle

Stephen Martineau

David Meader

Derek Peters

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.)

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Mr. Sylvain called the meeting to order at 7:00 p.m. The Planning Secretary conducted the roll call.

**Communications from the Chair**

None

## Opening Discussion/Comments

### A. Public Comment

Alan Hervey, 58 Rochester Hill Road would like his property to stay Residential 1. The house located in front of his property has a right to pass over his property and he was concerned for what affect that would have on his property.

Kent Melchior, 43 Labrador Drive lives across from Rochester Crossing. He signed a petition a few years ago to support not having commercial development. Mr. Melchior questioned the reasoning behind continuing to build commercial we can not fill. He also expressed concerns with safety issues in the area regarding traffic, when semis are on Washington Street. He stated there are noise issues at Rochester Crossing from squealing tires. In addition he had concerns with wetlands in the area and the stream by the road. He would like the area to stay residential.

Steve Roseberry stated that the City spent a million dollars to protect the Gagne Farm and he did not want the area around it to be zoned commercial. Leave it Residential 1.

Mary Alice Wisowaty, 54 Rochester Hill Road expressed it was a beautiful area and we don't need commercial.

Charles Gibson, 56 Rochester Hill Road stated that nobody would want to buy his property for commercial it is .26 acres. The Gagne property is a gem and it would taint the value.

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### Discussion of General Planning Issues:

None

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### Approval of the minutes for May 2, 2011, Regular Meeting

*A motion was made by Mr. Walker and seconded by Mr. Peters to approve the May 2, 2011 Regular Meeting Minutes. The motion carried unanimously. He motion carried unanimously.*

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### Extension Request

**D.S. & B.R. Winson Trust, 7 Stewart Court & Chasse Street** (by Norway Plains Associates). Extension to meet precedent conditions for a Lot Line Revision. Case # 122-2 & 122-10-R1-10

Mr. Behrendt explained that this is the first extension requested and it is due to the City's legal review. The applicant submitted all items on time and is requesting the board wave the \$100.00 fee, Mr. Behrendt recommended the waiver.

*A motion was made by Mr. Walker and seconded by Mr. Peters to approve the extension and waive the fee. The motion carried unanimously.*

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## **Review of Surety Information**

Mr. Fontneau stated the committee would be meeting May 17, 2011. The committee had not met since the last Planning Board Meeting; therefore there was nothing new to report.

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## **Review of draft Comprehensive Rezoning Ordinance**

### **A. Review of the proposed rezoning map**

Mr. Behrendt identified areas on the proposed zoning map on Rochester Hill which were to be changed from Residential 1 to Office Commercial. He went on to explain that there had been pods identified along Route 108 for Office Commercial. The pods are considered better than having long strips of commercial development.

Mr. Sylvain questioned that if an individual can not obtain a driveway permit from the State, that it did not make sense to zone that parcel Office Commercial.

Mr. Behrendt explained that zoning is done in blocks; some individual properties might not fit. If the board found it more cohesive to zone the areas Residential 1 or Residential 2 they could change the zoning to that.

Mr. Peters identified small residential lots that should be left residential.

Mr. Walker explained that the proposed zoning came from the original committee.

Mr. Martineau asked the board if they felt they should leave the area Residential 1 for now.

*A motion was made by Ms. Larochelle to keep lots: 127-21, 127-20, 127-35, 127-34, 127-33 and 127-32 as Residential 1 and to change the commercial lots in the current Residential 1 Zone to Office Commercial 1. The motion was seconded by Mr. Peters. The motion carried unanimously.*

Mr. Sylvain brought forward the Route 202 and Labrador Drive proposed rezoning.

Mr. Walker explained to the board that way back in the beginning they had proposed to zone this area all Highway Commercial. The neighborhood had come out in opposition to the proposal, so the committee then proposed Neighborhood Commercial as a compromise. What the board did at the last meeting was change the following lots to Highway Commercial: 130-39, 130-40, 130-42, 130-43-1, 237-1, 237-1-1, 237-6, 237-6-2, and 237-6-1.

Mr. Fontneau expressed that there was some misconception on the part of residents that if their property is zoned neighborhood commercial their taxes would go up or that there may be some immediate change to their neighborhood and that is not the case. There are some

things that may change but he did not think an office building would go up overnight. Where it is a City wide rezoning the committees had looked at what direction they anticipated development would go in the future. He felt information needed to get out to people to alleviate their fears.

Mr. Behrendt stated that the Planning Department has spoken with the Mayor and they want to get the word out to citizens.

Mr. Healey asked that for the public's benefit, describe the difference between Highway Commercial and Neighborhood Commercial.

Mr. Behrendt stated the biggest difference is the maximum building footprint of 2000 square feet for Neighborhood Commercial. The Neighborhood Commercial District allows single family residences, where the Highway Commercial does not.

Mr. Sylvain asked if a gas station was allowed.

Mr. Behrendt stated that gas stations were not allowed in Neighborhood Commercial and by Conditional Use in Highway Commercial 2.

Mr. Fontneau brought forward addressing the Gonic Mill, referring to the letter from Mary Ellen Humphrey in Economic Development. He asked whether it would be more appropriate to zone this Office Commercial.

Mr. Behrendt clarified that Office Commercial 1 and Office Commercial 2 allow all offices by right, institutional uses, but not retail.

Mr. Sylvain questioned why we would want to zone the mill Neighborhood Commercial and not Office Commercial 1 or Office Commercial 2.

Mr. Behrendt stated it was decided industrial was not appropriate for this location but he agreed that the Office Commercial would be less restrictive.

Mr. Martineau proposed multiuse.

Mr. Fontneau suggested the board find the closet zoning to multiuse and go with that.

Mr. Behrendt recommended Office Commercial 2.

*A motion was made by Mr. Martineau and seconded by Mr. Healey to zone lots 142-3 and 142-2 as Office Commercial 2. The motion carried unanimously.*

*A motion was made y Mr. Peters and seconded by Mr. Healey to approve the map in its entirety as amended and send it on to the Council. The motion carried unanimously.*

**B.**

1. Article XXIX - Sign Ordinance

Mr. Behrendt recommended the board adopt the language for wall signs that they had on their desks.

Mr. Martineau suggested that in the chart for freestanding signs; Highway Commercial-1, Hospital , Office Commercial-2, and Heavy Industrial should have a maximum area of 75-sf and a maximum height or 30' consistent with Highway Commercial-2 and Highway Commercial-3.

*A motion was made by Mr. Walker and seconded by Mr. Meader to change the area and height on the freestanding sign chart as suggested by Mr. Martineau. The motion carried unanimously.*

Mr. Martineau suggested that it be the responsibility of the store operators to divide up the allowable size square footage.

Mr. Abbott added that they were trying to get away from using frontage as a determinant and use a square footage basis because the stores located in the back of a building do not have frontage.

*A motion was made by Mr. Walker and seconded by Mr. Peters to accept the language for the allocation of space for wall signs based upon the percentage of the overall building square footage used/leased by that business/occupant. The motion carried unanimously.*

2. Barns located on their own lots

Mr. Fontneau stated he brought this up due to his experience. If someone has a lot they can not have a barn without a use.

Mr. Abbott stated the garage can not be an accessory use without there being a primary use.

Mr. Sylvain asked if you could have a garage with an apartment over it.

Mr. Abbott stated it would be residential with the garage as an accessory use.

Mr. Abbott stated it was a slippery slope you would be traveling and in the rare instance it occurs you would have a reasonable argument for a variance. There could be conditions placed on the variance.

Mr. Abbott stated when you place a building on a lot you have to assign a use.

*A motion was made by Mr. Peters and seconded by Mr. Walker to approve item VIII. B and the entire Zoning Ordinance as amended and forward it to the Council. The motion carried unanimously.*

## **Proposed amendment to Section 42.8 Signs of the Zoning Ordinance regarding removal of portable signs**

Mr. Behrendt explained to the board that this is an amendment proposed by Mr. Abbott.

Mr. Abbott asked that within the language of this proposed amendment that anywhere it designates the Code Administrator add, or other City personnel designated by the City Manager.

Mr. Walker explained that this ordinance is the result of all the futon liquidation signs which appeared over the winter. The ordinance as it currently exists does not allow the City to remove the signs. The ordinance as presented will allow the City to remove the signs and charge a fine.

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

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## **Other Business**

Jake O'Donnell of Fosters informed the board he would be going to AOL.com.

The board wished Jake the all the best and thanked him for his work.

Mr. Behrendt informed the board he has been working on the overall Site Regulations and will have copies for the board at the June workshop meeting,

Mr. Sylvain reminded board members to sign up for the OEP Conference June 11<sup>th</sup> if they have not already done so.

Mr. Abbott asked that if they have complaints regarding code issues, that members go through the proper channels. It shows respect for the property owners.

Mr. Sylvain suggested that if board members hear complaints they leave a note for the City Manager.

Mr. Martineau suggested cc to Mr. Sylvain.

Mr. Sylvain asked who follows up on the NOD's.

Mr. Behrendt stated he does the follow-up.

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## **Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Meader to adjourn at 8:20 p.m. The motion carried unanimously.*

Respectfully Submitted

Marcia J. Gasses  
Planning Secretary