

**City of Rochester  
Planning Board**

Monday July 11, 2011 at 7:00 p.m. *“Regular Meeting”*

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on August 1, 2011)*

Members Present

Nel Sylvain, *Chair*

Tim Fontneau, *Vice Chair*

Tom Abbott

Rick Healey

Gloria Larochelle

Stephen Martineau

John Meader

Derek Peters

Dave Walker, Councilor

Alternate Members Present

James Gray

Staff: Michael Behrendt, Chief Planner

Marcia J. Gasses, Planning Secretary

(These are the legal minutes 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.

Mr. Gray to sit for Mr. Martineau

**Communications from the Chair**

None

**Approval of Minutes for June 20, 2011 Workshop Meeting**

A motion was made by Mr. Gray and seconded by Mr. Walker to approve the June 20, 2011 minutes. The motion carried unanimously.

## Consent Agenda

- A. **James J. Nyberg Revocable Trust, 120 Washington Street** (by Norway Plains Associates). Preliminary (design review) site plan to convert an existing single family home to an orthodontist's office. Case # 123-65-B1-11
- B. **Mary T. Fowler Revocable Trust, 1088 Salmon Falls Road.** 4-lot subdivision (by Norway Plains Associates, Art Nickless). Case # 241-10-A-11
- C. **William & Sara Brennan, 130 Gear Road** (by Pohopek Surveyors). Subdivision of an 11.01 acre lot into two lots per ZBA approval, case 2008-04. The lot with the existing house will have 5.14 acres and the proposed new lot 5.87 acres, with no further subdivision of these properties allowed. Case # 251-101-A-11
- D. **Patricia T. Rocheleau, 11 Magic Avenue** (by Norway Plains Associates) Subdivision o create a new 10,197 square foot building lot, leaving 13, 780 square feet with the existing single-family home. Case # 103-18-R2-11
- E. **Rochester Housing Authority, Brock Street on vacant lot next to Autozone store.** (by Civil Works, inc.) Extension to meet precedent conditions for 12 unit elderly housing facility. Case # 131-62-2-R2-10
- F. **Next Wave Homes Estates, LLC, 269 Old Dover Road.** (by Norway Plains Associates). Extension to meet precedent conditions for 2 lot subdivision. Case # 256-70-A-10
- G. **Mary T. Fowler Revocable Trust, 1088 Salmon Falls Road.** (by Norway Plains Associates). Extension to meet precedent conditions for 2-lot subdivision to create a 1.36 acre lot from a 216 acre parcel. Case # 241-10-A-10

Mr. Sylvain stated that item A. would be postponed until August 1, 2011.

Mr. Sylvain and Mr. Nickless agreed to postpone item B. to August 15, 2011.

Mr. Martineau arrived and was seated to vote.

*A motion was made by Mr. Peters and seconded by Mr. Healey to remove C and D from the consent agenda. The motion carried unanimously.*

- C. **William & Sara Brennan, 130 Gear Road** Case # 251-101-A-11

Jason Pohopek representing William & Sara Brennan explained the applicants only concern was the possibility of having to name the share driveway.

A short discussion ensued and it was the consensus to let the assessor handle the issue.

Mr. Sylvain opened the public hearing.

No one spoke.

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

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

**D. Patricia Rocheleau, 11 Magic Avenue Case # 103-18-R2-11**

Mr. Nickless explained he had discussed different options with his client and they are now back to the original plan.

Mr. Behrendt recommends approval.

Mr. Sylvain opened the public hearing.

No one spoke.

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

Mr. Fontneau asked Mr. Nickless if there would be a need to cut into the curb.

Mr. Nickless stated yes.

Mr. Healey questioned where the catch basin would be located.

Mr. Peters questioned the purpose of the unnamed buildings on the plan.

Mr. Nickless stated they were uninhabitable.

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

*A motion was made by Mr. Fontneau and seconded by Mr. Peters to approve the remainder of the consent agenda. The motion carried unanimously.*

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**New Applications**

- A. Rochester Self Storage, 1 Winter Street** (by Norway Plains Associates). Site Plan to construct four self storage unit buildings consisting of 4,300 square feet of rental space. Case # 120-295-13-11

Mr. Nickless representing the applicant describe how the additional units will fit in nicely with the existing site. Each unit is 10'x10'. There had been some concern expressed by at least one abutter. There is currently a fence buffer on the site.

Mr. Behrendt stated that the proposed addition would be smaller and set back from the road. The units would not be visible from the street but would be close to abutting properties. The board would want to consider snow storage, drainage and flow from the site. The applicant would need a waiver from encroachment into the side buffer.

Mr. Sylvain opened the public hearing.

Adam Keyser stated that the existing fence is only 6' high and he would be open to tall shrubberies. He expressed that security was a concern for him as an abutter. In addition there was concern that the fence would not be adequate to handle snow load.

Mr. Fontneau questioned Mr. Nickless regarding the ownership and condo-lease situation. There will have to be cross easements put in place.

Mr. Peters asked for a report on the condition of the fence.

Mr. Walker stated the snow storage would have to be moved from the proposed location. He was concerned that people would jump the fence.

Mr. Sylvain asked if any board members were open to a site walk. The response was positive.

The public hearing was recessed.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to accept the asphalt waiver. The motion carried unanimously.*

The application was continued to August 1, 2011.

**B. "Where the Child Things Are" Day Care Center, 28 Charles Street.** Site Plan for Licensed Child care Center for sixteen children in one half of a 2,748 square foot duplex with a 17' x 23' play yard. Case # 125-210-R2-11

Kelly Kerrigan stated that they would like to open a daycare center is one half of a duplex which they own. Her daughter would be living in the other unit and operating the daycare center.

Mr. Behrendt explained that this application had been to the TRG and a few members had expressed concern about the tightness of the site.

Mr. Sylvain opened the public hearing.

Robert Hoitt who is an abutting property owner at 30 Charles stated he is opposed to the application along with his tenants. He felt the site is too small.

*A motion was made by Ms. Laroche and seconded by Mr. Meader to close the public hearing. The motion carried unanimously.*

Mr. Martineau asked how the parking calculations would work with 15-16 children.

Mr. Behrendt stated that the requirement is for one space for each five children.

Mr. Martineau asked what the yard space requirement was.

Ms. Kerrigan stated that the requirement is 50 square feet per child but that you could apply for a waiver from the State to rotate the children throughout the day.

Mr. Martineau asked who the abutter would call if there were too many children being allowed to play at one time.

Ms. Kerrigan stated they would call Health and Human Services.

Mr. Walker asked where staff would be parking.

Ms. Kerrigan stated there is municipal parking.

Mr. Behrendt stated that the applicant can meet the zoning and the municipal lot is too far to be considered.

Mr. Fontneau stated that the type of application before the board is usually handled by a minor site review on location if done on a smaller scale.

Mr. Sylvain requested Mr. Behrendt set up a site walk.

Mr. Sylvain stated the application would be continued to August 1, 2011 so that a site walk can be held.

**C. St. Michael's Church, 64 Pine Street** (by Berry Surveying and Engineering) Site Plan for conversion of residence to a church and associated parking and improvements.  
Case # 121-139-R2-11

Christopher Berry described the proposed project, which was converting a single family home to a church. The site will require 12 parking spaces. Mr. Berry described the addition of the ADA ramp, which would be best placed on the back of the property. There was an overview of the landscaping given and discussion on the removal of a large maple tree.

Mr. Berry stated he will provide a lighting plan. Arborvitaes and fencing were discussed for screening of abutters, along with a 6' fence.

Mr. Berry informed the board of the applicant's wish not to have a dumpster. The church typically generates only one to two bags of trash a week.

Mr. Behrendt recommended discussion and continuance to August 1, 2011.

Mr. Sylvain opened the public hearing.

Julianne Behnke of 51 Chestnut Street owns property behind the proposed parking lot. Ms. Behneke did not object to the project but did express two concerns. She would like to see greenery and preferred there be no dumpster.

Richard Henderson, 66 Pine Street expressed to the board that he was very pleased to have the church move in to the neighborhood. He was overjoyed and thinks it is going to be a great improvement.

Mr. Sylvain stated the public hearing would remain open.

Mr. Peters would like the snow storage area shown on the plans.

Mr. Abbott stated that although gravel may help with drainage the parking area must be dust free.

Mr. Abbott stated that there may be some substantial costs associated with the conversion of the structure to a church.

Mr. Gray discussed the fence on the right hand side of the property.

Mr. Fontneau asked if there would be any overnight occupancy.

Mr. Sylvain asked to find out what the hours of operation are on Sunday's.

Mr. Berry stated that the parking requirement dictated by zoning is one space for every five occupants.

Mr. Sylvain at the direction of the board asked Mr. Behrendt to set up a site walk.

The application was continued to August 1, 2011.

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**Review of Surety Information:**

**Kel-Mar LLC, Betts & Cross Roads** (by Surveying and Engineering) Request to extend surety for approved 17-lot subdivision. Case # 203-25-A-08

Mr. Behrendt explained too the board that the City holds \$63,200 surety, just for the first four lots. He recommends approval with the addition the surety could also be used to include reclamation.

Ms. Larochelle questioned the accuracy of the \$63,200 given there was a release noted on the approval date of \$10,850 dollars. There was an additional \$1,800 deposit for inspections.

Mr. Behrendt stated he had checked with Ms. Lewis and \$63,200 is the correct amount. He will verify the amount to be sure.

Mr. Fontneau believed after looking at the information on the spreadsheet that a typographical error had been made.

A discussion ensued regarding the inspection process and the financial record keeping.

Mr. Behrendt stated that is his understanding that there are records and Public Works is working to pull those records together.

Mr. Sylvain stated he wants answers to the board's questions on July 18<sup>th</sup>.

Mr. Peters expressed frustration at not having the answers.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the application for an extension with the language recommended by Ms. Esterberg to include reclamation in the surety coverage. The motion carried unanimously.*

Discussion ensued regarding the tracking of inspections and the importance of having answers to the financial side on July 18<sup>th</sup>.

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### **Discussion of draft overhaul of Site Plan Regulations (development standards only)**

Mr. Sylvain asked if the board would like to set up a subcommittee.

Mr. Abbott felt it worked fine going through sheet by sheet.

Mr. Sylvain stated the board would start its review on August, 2011.

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*A motion was made by Mr. Walker and seconded by Mr. Meader to adjourn at 8:40 p.m. The motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses, Planning Secretary