

**City of Rochester
Planning Board**

Monday August 1, 2011 at 7:00 p.m. "Regular Meeting"

City Council Chambers

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on August 15, 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.)

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

Communications from the Chair

None

Approval of Minutes:

A. July 11, 2011 regular meeting

B. July 18, 2011 workshop

C. July 21, 2011 site walks

A motion was made by Mr. Walker and seconded by Mr. Peters to approve the July 11, 2011 meeting minutes. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Meader to approve the July 18, 2011 meeting minutes. The motion carried unanimously.

A motion was made by Mr. Meader and seconded by Ms. Larochele to approve the July 21, 2011 site walk minutes. The motion carried unanimously.

Modifications/Continued Applications:.

- A. Highfield Commons Planned Unit Development (PUD), Washington Street/Route 202.** Modification for approved Phase I subdivision to allow for a 7 foot front setback for the Elizabeth house prototype instead of the approved 15 feet. Case # 237-3,5,6,8-A-02

Matt Peterson representing Highfields Commons explained that they are offering six homes laid out four different ways, giving buyers 24 different combinations all with front porches to select from. There is a 7' setback for a front porch. The Annabelle and Elizabeth have bump outs. The bump outs would force them to have a 15' setback.

Mr. Fontneau asked if they were only asking for the modification for the Elizabeth style home.

Mr. Peterson stated it would be both the Elizabeth and the Annabelle.

Mr. Behrendt recommended approval as presented. In addition he recommended a 25' rear setback. This was recommended to avoid conflict between neighbors. The applicant may be looking for a modification for lighting and the board could look at rear setback then.

Mr. Abbott suggest changing the language to "the porch encompasses at least 50% of the front façade"

Mr. Healey asked if there would be problems with the side porches.

Mr. Peterson stated no.

Mr. Martineau asked if the board could set a timeframe to deal with the 25' rear setback.

Mr. Peterson stated November 1st.

A motion to approve as modified was made by Ms. Larochele and seconded by Mr. Healey. The motion carried unanimously.

Mr. Behrendt recommended an extension to install street lights for 12 months from today's date.

Mr. Peterson explained they are closing on a house and Public Service of New Hampshire has not installed the lights. Everything is run underground.

Mr. Peters felt that 12 months was a long time.

Mr. Peterson stated that Public Service has been slow.

Mr. Fontneau stated that storm damage can cause an extended delay.

A motion was made by Mr. Abbott and seconded by Mr. Meader to approve the extension for twelve months. The motion carried unanimously.

Mr. Sylvain retook his seat.

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

Christopher Berry explained that they were here to update the board. A site walk took place on July 21st and at this time the City Engineer needs to review the drainage plan. Mr. Berry pointed out the 6' stockade fence located on the left side of the property. There are two trees, one of which needs to be removed. He was looking for questions and comments. He stated that Mr. Behrendt needed to receive the illumination plan.

Mr. Behrendt recommended accepting the application as complete. There are three small items needed; lighting plan, drainage, and signage. Accept the application as complete, hold the public hearing and continue to August 15th.

Mr. Behrendt stated that careful thought needs to be given to the parking surface. Clarification is needed on trash removal and finalization of the screening. The Behnke's want landscaping. The parking showing ten spaces needs to be added to make sure the board is comfortable.

Mr. Sylvain opened the public hearing.

No one spoke.

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

Mr. Martineau asked if the applicant could have a toter.

Mr. Berry stated that Waste Management has said that the applicant could have a toter.

Mr. Walker stated he wanted to make sure what is put down as a parking lot surface will not get plowed up.

Mr. Berry stated the surface will have a D.O.T. top coat and that the throat is being paved.

Mr. Fontneau asked if the handicap space is proposed to be paved.

Mr. Berry stated they are proposing gravel for the additional space and walk.

Mr. Fontneau stated that he felt the space and walk should be paved. Also, that the abutting foundation that is close was of concern.

Mr. Sylvain stated there is a note to be added to the plans regarding compaction.

Mr. Fontneau pointed out that on the backside the fence varies in type and size.

Mr. Berry stated that the abutter to the rear had asked for greenery and that the applicant did not want to box the lot in and shun society. The applicant could plant more arborvitae.

Mr. Sylvain stated that the applicant should coordinate with the abutter.

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

The application was continued to August 15th.

C. “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 17x23 foot play yard. Case # 125-210-R2-11

Mr. Sylvain asked the applicant if the application got approved would they have state requirements to meet.

Kelly Kerrigan stated yes.

Mr. Fontneau stated that based on the square footage in the backyard there could only be 7 children allowed out at one time.

Ms. Kerrigan agreed and stated that compliance would be monitored by visits from the State.

Mr. Peters asked the hours of operation.

Ms. Kerrigan stated 6:30 a.m. until 5:30 p.m.

Mr. Peters stated that the hours should be included as part of the approval.

Ms. Larochelle questioned the use of the garage next to the play area.

Joe Kerrigan stated that one bay would be used for an employee vehicle and one bay would become part of the play area. He understands the play area for the children is small.

Ms. Kerrigan stated that they would have a mixed group of children.

Mr. Sylvain asked if the State was going to inspect before licensing.

Ms. Kerrigan stated yes; along with fire, police and codes.

Mr. Peters asked if the play area was all fenced in and what ages the children would be.

Ms. Kerrigan stated yes and that the children would be between 6 weeks and 10 years old.

Mr. Martineau asked how early the children would be outside.

Mr. Kerrigan explained the play area is sided on two sides by garages.

Mr. Walker stated his biggest concern was parking.

Mr. Kerrigan explained that there would be 3 spaces for the daycare and 2 spaces for the apartment.

Ms. Kerrigan questioned how other home daycares could have multiple cars.

Mr. Fontneau stated that the inside looked tremendous and based on that hopes the outside will be as nice. There are multiple windows and hazards that exist. The area behind the garage should be blocked off and that would alleviate the neighbors concern. He was just concerned a child would get hurt.

Ms. Kerrigan state that they were still in the process when the board came for the site walk.

Mr. Fontneau stated that if the board could be assured the back would become a safe zone his biggest concern would be drop off and pick up.

Mr. Sylvain stated he understood from living across from a daycare the drop offs are staggered.

Mr. Martineau stated he tends to agree with Mr. Fontneau and thinks that the applicant should have 7 children to start.

Mr. Peters questioned the trash and also believes 15 or 16 children would be a lot for the area.

Mr. Sylvain opened the public hearing.

No one spoke.

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

Mr. Fontneau stated he would be more comfortable with 10 children and no more than 5 at a time in the backyard. In a year they could revisit.

Ms. Larochelle stated she liked the idea of reducing the amount of children and having behind the garage closed off.

Mr. Healey asked that the closing off behind the garage be # 10 on the conditions of approval. He would be happy with what the State dictates.

Mr. Sylvain expressed that if there was a problem the State would flip it back on the City.

Mr. Healey explained that his mother had run a daycare with 35 children in the same amount of space.

Mr. Fontneau stated his concern was with drop off and parking, which is not looked at by the state.

A motion was made by Mr. Fontneau and seconded by Mr. Peters to approve the application with the limitation that there would be 10 children allowed and no more than 5 children allowed in the backyard at one time. Behind the garage is to be closed off and the hours of operation shall be 6:30 a.m. to 5:30 p.m. with no outside play before 9:00 a.m. The motion carried 7-2

D. 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-I3-11

Art Nickless of Norway Plains Associates explained that in regard to the roof color recommendation his client had told him the existing roofs' have turned grey. There had not been any complaints from abutters and he would not like to be pigeon holed into a particular color. He went on to say that it sounded good to make the applicant plant trees but felt it would be tokenism and did not feel it would do what they thought. The hours of the existing operation are 24/7 and it did not make sense to restrict the new section. The site was currently being engineered.

Mr. Behrendt stated it would make sense to continue the application to September 12th and keep the public hearing open.

Mr. Sylvain opened the public hearing.

Adam Keyser, 23 Winter Street stated he did not think roof color was an issue. He would prefer landscaping to a 12' pine and he was not concerned with the hours of operation.

Mr. Sylvain stated he would leave the public hearing open.

Mr. Sylvain asked if there was a color option for the roof. The current operation was not located near abutters. He did not want the snow storage in the corner due to possible run-off.

Mr. Peters stated he did not care about the roof. He asked if there were lights or power in the units. If not he was not concerned.

Mr. Walker stated the hours were irrelevant and should be the same as the rest of the facility.

Mr. Healey stated that a 10' fence would require a variance and he believes the hours should be as is.

Mr. Fontneau expressed that the stockade fence was in pretty decent shape but if after the site was cleared out there was any fencing in disrepair it would need to be fixed. Security cameras should be installed. In the corner that was going to be snow storage and is now nothing, maybe arborvitaes should be planted. The light pole in the middle of the lot should be moved.

Brian Cassidy, the applicant agreed the pole needed to be removed. His concern with the snow removal was to actually pull snow would be a ton of work.

Mr. Sylvain stated that during a storm he could push the snow but after the storm the snow would have to be removed. The security system on the entire site needs to be up and running before the certificate occupancy.

Mr. Cassidy stated that the security system is not so much for documentation as it is for prevention. The insurance company refers to them as surveillance cameras.

Mr. Nickless stated that he does not believe the Planning Board is going to get into the business of designing security systems.

Mr. Cassidy asked if they were expecting the full 16 cameras.

Mr. Sylvain stated a camera at the front and back.

Mr. Nickless stated they were looking to come back on September 12th.

Mr. Sylvain continued the application to September 12th.

E. 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

Mr. Nickless stated that this had been scheduled for postponement but he would give the board an update. They were last before the board on June 6th and were scheduled to go before the ZBA. The Conservation Commission had not been asked to comment. When they went to the Conservation Commission meeting there was not a quorum of members at the meeting. A special meeting was then scheduled for the applicant. The application then was heard by the ZBA in July and received approval. They are currently designing the site.

Mr. Walker stated that at least a couple of the ZBA members thought the application had received Planning board approval.

Mr. Sylvain stated he would move this application out to the September 12th meeting.

New Applications

A. Waste Management of New Hampshire, Rochester Neck Road. Trail relocation project located within the Conservation Overlay District. Case # 267-3&4-14-11

Anne Reichert described the trail system. They are looking to relocate approximately 1000' of the trail. Waste Management is currently developing the TREE Health Care Waste Facility and wish to move the trail away from the facility and a steep slope.

Barry Keith the wetlands scientist for the project explained they are proposing to relocate the trail away from the facility a steep slope and forested wetland. The proposed location of the trail and footbridge to cross a wetland area was pointed out to board members. The applicant had met with DES in a pre-application setting and developed plans. They have met with the Conservation Commission and the river advisory committee. DES has granted approvals.

Mr. Healey stated he had looked over the trail. He wanted to make the applicant aware that Granite State Geocache has installed units are located on the trail.

Mr. Martineau asked who other than DES has the ability to view the Health Waste Commercial site.

Ms. Reichert stated she would be more than willing to conduct tours. The facility is still under construction and she is open to the Planning Board taking tours of the projects that have been approved.

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

B. Howie's Field of Dreams, Roger Allen Recreation Association, Chestnut Hill Road. (by Norway Plains Associates, Inc.) Site Plans for a proposed "Buddy Ball" baseball field. The field and appurtenant dugouts, concession stand and bathrooms will be constructed within the 92-acre Roger Allen Recreation facility. Case # 216-56-A-11

Mr. Peters recused himself from this application.

Mr. Gray to vote for Mr. Peters

Art Nickless explained that his project had first been thought of by Howie Seckendorf, who felt the Rotary should take on the task of building a handicap accessible field. Mr. Nickless gave an overview of the entire site which had all been built with private donations but for a small portion of CDBG funds which were used to do paving years ago.

The field to be built would be made of rubber. A mini green monster would also be constructed. A child or young adult in a wheel chair would be able to get where they needed to be. Currently the Rotary is in the process of raising funds to cover the approximately \$300,000 cost.

Every representative has a keycard and the gate automatically opens and closes. This project is really minor in the scope of the entire site.

The seasonable water table is approximately 18" but does recede quite quickly in the spring.

Mr. Sylvain opened the public hearing.

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

A motion was made by Mr. Walker and seconded by Mr. Abbott to waive the application fee. The motion carried unanimously.

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

- C. Jarvis Cutting Tools, Inc., 10 Jarvis Avenue.** (by Norway Plains Associates)
Preliminary Site Plan for expansion of an existing 30,000 square foot manufacturing building by the addition of 100'X100', 10,000 square foot addition.
Case # 215-59-12-11

Art Nickless explained that this would be the first addition since 1979. The loading docks would need to be relocated. The site is serviced by municipal water. The existing drainage swale is mowed and maintained. They were currently engineering the site and wanted to be back on the agenda September 12th.

Mr. Behrendt stated that they would need to keep the public hearing open.

Mr. Healey asked if it would be a two story addition.

Mr. Nickless stated it would be a one story but that there is height there. They would have more details when they are back before the board.

Mr. Sylvain asked how many loading docks there would be.

Mr. Nickless stated there would be two and one at grade.

Mr. Sylvain continued the application to September 12th.

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The board took a ten minute recess.

Mr. Sylvain called the meeting to order at 9:00 p.m.

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

Mr. Sylvain explained they would start at the beginning of the draft and go through the document page by page.

Page 4

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8 Mr. Meader stated he thought they had taken scenic roads out of the zoning. The board agreed to take out everything within the parenthesis in 4).

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11 Ms. Larocelle asked for an explanation of the term “diapers”. The board agreed to eliminate the term.

12 Ms. Larochelle asked what Azek was. It is the brand name of a product.

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15 Mr. Behrendt explained that items 2 and 3 under B) Blasting are new.

Mr. Peters explained the Fire Department application for blasting.

Mr. Walker believed the neighborhood meeting would be good public relations and did not have a problem with it.

16 Mr. Peters brought to the board’s attention that **H) Topsoil** does not discuss top covering. If hydro seeding etc. does not take place then you get blowing.

Mr. Sylvain wanted an “?” placed next to H) to check into the state requirement.

Mr. Behrendt explained that they are now seeing silt fencing that is orange.

Mr. Sylvain expressed that as long as the silt fencing is in it is redundant.

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19 Mr. Behrendt explained that the landscaping is complicated and he encouraged board members to take the time to read this section carefully.

Mr. Sylvain stated they would stop at page 18. At the next meeting the board would cover sections V & VI.

Other Business

Mr. Sylvain wanted clarification that a representative would be at the next meeting to discuss E911 and street numbering.

A motion was made by Mr. Walker and seconded by Mr. Abbott to adjourn at 9:16 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses
Planning Secretary