

**City of Rochester
Planning Board**

Monday September 12, 2011 at 7:00 p.m. "Regular Meeting"
City Council Chambers
31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on October 3, 2011)

Members Present

Nel Sylvain, *Chair*
Tim Fontneau, *Vice Chair*
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

Mr. Sylvain explained to board members that the information for the LGC Law Lecture Series had been placed on their desks.

Mr. Sylvain thanked Tom Abbott for his work with the City and support as a Planning Board Member. Mr. Abbott has taken a position with the Town of Barrington, NH.

Approval of Minutes: August 15, 2011

A motion was made by Mr. Walker and seconded by Mr. Peters to approve the August 15, 2011 meeting minutes.

Continued Applications:

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

Art Nickless representing the applicant explained that it was determined that placing the proposed addition on the rear of the building would be the best option. The interior layout suited itself to the rear placement. There is a 25, 000 square foot wet land which was created by a berm installed with the last addition. There would be 3,000 square feet of wetland fill. The wetland is not connected to any other wetland complexes.

Mr. Behrendt stated that it was good plan. The board would want to be sure where there are wetlands being filled there is a good reason. Information about the types of soils involved and the fill to be used would be important information. He recommended holding the public hearing on the Preliminary application and then closing the Preliminary application and continuing the application to October 3.

Mr. Sylvain opened the public hearing.

No one spoke.

Mr. Peters asked if the applicant intended to make the parking a drive around.

Art Nickless brought to the boards attention the e-mail from the Fire Department that stated there was no need for additional access where the building had a fire suppression system.

Mr. Sylvain questioned whether the green area on the diagram would be protected with silt fencing.

Mr. Nickless stated yes.

Mr. Behrendt asked if the application would be before the Conservation Commission on September 28th.

Mr. Nickless stated they would target that meeting. They are currently behind 20-30 days and the application to the DES is quite complicated. They would be giving the Conservation Commission a pre-look. They were not able to keep the impact under 3,000 square feet.

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

A motion was made by Mr. Fontneau and seconded by Mr. Peters to close the preliminary review. The motion carried unanimously.

- B. James J. Nyberg Revocable Trust, 120 Washington Street** (by Norway Plains Associates). Preliminary Site plan (design review) to convert and existing single family home to an orthodontist's office. Case # 123-65-B1-11

Art Nickless representing the applicant explained that they had been before the board in June prior to going to the ZBA. The current plan was based on real site information. The entrance had been flipped to get as far from the intersection as possible. The home, porch and garage are to become part of the office. There was a possibility that there would be a 185 square foot addition to square off the building. The regulations require 5 spaces per doctor and one per employee for a total of eight. They may need to go back to the ZBA for relief from parking requirements.

Mr. Behrendt stated that the drawings arrived late today. The submitted application is different from what was first proposed. In his opinion it was too much for the site. Originally the board endorsed a smaller footprint to the site.

Mr. Sylvain opened the public hearing.

Lynette Nyberg explained to the board that they had just taken away the bathroom and added a small square. The footprint was almost identical.

Mr. Fontneau asked if the difference between the bathroom and the addition if the board did not approve the addition would be less.

Mr. Fontneau questioned the proposed extra parking.

Lynette Nyberg stated it would be easier to have the extra spaces but that 8 would be great.

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

Mr. Walker stated he was still concerned about someone getting hurt due to the location and is opposed to the project. He also asked where the snow storage would be.

Art Nickless identified where the extra spaces were located.

Mr. Walker stated that there are too many waivers, exceptions and the entrance poses a safety issue.

Art Nickless stated they could propose a no left turn leaving the facility.

Mr. Sylvain asked what the distance to Washington Street was. His concern was that when school got out someone would get hurt.

Mr. Peters felt that the applicant was trying to pave the entire site. He did not like having the site covered by a parking lot and building.

Mr. Fontneau did not like the look of the extra spaces and the applicant should go back to the 8. He felt the odds of an accident were small and that the location would not be residential but most likely commercial. This application is low impact.

Mr. Healey agreed with Mr. Fontneau overall. His concern was with the fence and would recommend a 4' fence and no higher with no shrubs'.

Mr. Nickless stated that if they took away the 3 parking spaces they would be back to what was initially proposed.

Mr. Healey did not have a problem with the addition.

Mr. Walker did not have a problem with the use but would rather have seen the entrance on Washington Street.

Mr. Nickless stated that the state requires 100' and they had 75'.

Mr. Nickless explained that Dr. Nyberg had also picked this location for convenience and location near the school.

Mr. Walker stated that there is a turning lane on Washington Street.

Mr. Martineau asked the applicant if she was keeping the Dover and Manchester offices open. His concern was the potential for growth and questioned how easy it would be to expand.

Mr. Behrendt explained that the parking requirement was one space per 100 square feet.

Mr. Martineau questioned how many waivers the applicant was requesting.

Mr. Behrendt stated the 15' front, 10' side, and conditional use.

Mr. Gray explained he did not necessarily agree that Washington Street was the better location for the entrance. His only concern was to have a right turn only when school buses are on the road and Brock Street would probably be the safest.

Mr. Peters asked if they would be adding general dentistry. He was most concerned about the number of patients and access.

Lynette Nyberg stated it would be a small facility with two chairs and an x-ray.

Mr. Sylvain asked how large the proposed addition would be.

Mr. Nickless stated 185 square feet.

Mr. Sylvain asked if the space would provide room for another chair.

Lynette Nyberg stated no.

Mr. Sylvain wanted to see a "no left turn" stipulated and the times on the sign.

Mr. Fontneau compared the application to that of Dr. Redden who was located right across from the high school. Many of the patients would be walking to the office.

Mr. Nickless explained they are looking at coming back October 3. If they were agreeing to eliminate three spaces they could live with 8 spaces but they would need to go back to the ZBA. It was the best they could do. They are using pervious pavement, eliminated three parking spaces and the driveway on Washington Street, and will make the exit right turn only.

Mr. Behrendt suggested the board clarify the square footage variance needed.

Mr. Fontneau asked for a consensus on the preliminary application.

Mr. Behrendt clarified the parking regulations require 1 space per 100 square feet of office space or 5 per doctor and 1 per employee, which ever is greater.

Mr. Peters clarified the board was looking at the applicant squaring the building, no left turn out of the parking area, the elimination of 3 parking spaces for a total of 8.

Mr. Sylvain asked for a show of hands.

6 in favor

2 against

Mr. Behrendt stated that they would be looking for the applicant to be back on October 17th.

Mr. Sylvain asked that Mr. Behrendt send a note to the ZBA regarding a consensus from the board on the eight spaces.

C. 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 told the board he did not have much to say but if the board still had concerns to tell him and he would fix it.

Mr. Behrendt informed the board that the existing fence encroached on two different lots.

Art Nickless stated that Mr. Cassidy had not been able to catch the folks at home and he thought it more of a civil issue. If need be the board could add a condition the fence be moved.

Mr. Sylvain opened the public hearing.

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

A motion was made by Mr. Walker to approve with the addition of the movement of the fence to the boundary line or applicants property.

Mr. Behrendt stated there was a question regarding lights and there would be no light trespass onto the neighbors property.

Mr. Peters asked if the snow storage had been rectified as well as the trees.

Mr. Sylvain asked if the conversation had taken place.

Mr. Healey suggested an acknowledgement signed by the abutter.

Mr. Peters seconded Mr. Walker's motion. The motion carried unanimously.

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

Mr. Fontneau recused himself.

Mr. Nickless stated that the applicant kept postponing because they have been working with the Strafford Rivers Conservancy. The applicant had decided to submit a preliminary application in the event the project is not completed.

Mr. Behrendt stated he respected the rights of the applicant but that it would be unfortunate. The board could require shared driveways and underground services.

Mr. Sylvain opened the public hearing.

A motion was made by Mr. Walker and seconded by Mr. Healey to close the public hearing. The motion carried 7-1.

Mr. Healey questioned how far the homes would be set back.

Mr. Nickless stated it would be something they could work with.

Mr. Peters was not opposed but questioned what was on the other side of the street where it was not visible in the plans.

Mr. Nickless explained that Sullivan Farm Drive was across the street.

Mr. Martineau asked for clarification from Mr. Nickless as to whether the applicant was looking for a conservation group to buy the property.

Mr. Nickless stated it would be an easement.

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

New Applications:

A. Paul R. Beloin Revocable Trust and Paul R. & Suzanne P. Beloin, 132-134 Rochester Hill Road (by Norway Plains Associates). Lot line revision to add land from

Lot 13 to Lot 12 to increase the buffer between the home on Lot 12 and the rear of Lot 13. Case # 134-12 & 13 - R1-11

Mr. Behrendt recommended approval as stated.

Mr. Sylvain opened the public hearing.

Brian Arriel of 138 Rochester Hill Road questioned what affect this lot line revision would have on his property.

Mr. Behrendt explained the plan.

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. Walker to approve the application with the correction of the adjacent lot number for lot 243-1 on the plan. The motion carried unanimously.

B. Pumpkin Patch Daycare, LLC, 10 North Street. Change of use to operate a daycare center for 46 children in a location previously occupied by a daycare with state approval for 53 children. The prior facility had been closed after 30 years of operation.
Case # 121-313-R1-11

Mr. Sylvain recused himself.

Mr. Fontneau sat as Chair

Mr. Gray to vote for Mr. Sylvain

Chelsea Taylor explained that they were looking to move their operation from 81 Oak Street to this location, with the plan to serve 46 children.

Mr. Behrendt stated they met the zoning numbers and if there were no concerns he recommended continuing for one week.

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

Mr. Fontneau opened the public hearing.

Nel Sylvain spoke as an abutter to the project. Mr. Sylvain had spoken with Mr. Taylor and his only concern was that right in front of the building there was not enough parking. Mr. Taylor had proposed to take down two trees and bring the fence back. In Mr. Sylvain's view moving the fence would give the applicant enough parking. Parking had been his biggest concern with the last daycare.

Tom Soley of 200 North Main Street had the same concern as Mr. Sylvain regarding parking. If the trees came down and the parking was added he would have no concerns.

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

Ms. Larochelle felt that the moving of the fence would work.

Mr. Healey questioned whether moving the fence would decrease the area that was needed for the children.

Chelsea Taylor stated that it did not.

Mr. Peters asked if they would increase the number of children.

Chelsea Taylor explained that 46 children would be the maximum allowed with the new State regulations.

Mr. Behrendt asked for a sense of whether the spaces would be paved.

Mr. Peters stated the spaces should be paved and striped.

Mr. Fontneau asked that the applicants post a notice to their clients not to park on the neighbor's property.

Bernie Taylor explained he would like to look at alternatives to pavement.

Mr. Fontneau felt it should be paved to avoid becoming mud.

Mr. Gray expressed that the applicant has a week to come up with an alternative.

Mr. Peters expressed that they should look at paving in the spring.

Mr. Behrendt asked if surety would be need.

Mr. Walker stated no.

Mr. Fontneau continued the application to September 19, 2011.

C. Bacon Felt Company, Inc. 31 Front Street (by Berry Surveying and Engineering) 2-lot Subdivision to place electric house off from the remaining land. No new construction is proposed at this time. Case # 102-20-R2-I2-11

Chris Berry representing the applicant explained that the application involved separating the power house from the remainder of the property. Historically it had been used to make power. Eventually, improvements may need to be made. Since the proposed lot had no frontage and easement for the driveway was proposed. If there were no concerns from the board Mr. Berry would set the bounds and be back for final approval.

Mr. Behrendt recommended continuing to September 19th to allow time to iron out some small issues.

Mr. Sylvain opened the public hearing.

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

Mr. Peters asked for Mr. Behrendt's concerns.

Mr. Behrendt stated the new lot will not have any frontage on a City street but the Industry 2 zone does not require frontage. With the split zoning line - Industry 2 and Residence 2 - the new lot may not extend more than 100 feet from the zoning line. The zoning line must be clearly indicated on the plat in order to determine if the lot will comply with this requirement.

Mr. Sylvain asked that this item be placed on the consent agenda on September 19th.

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

A motion was made by Mr. Martineau and seconded by Mr. Walker to postpone discussion to September 19th. The motion carried unanimously.

Other Business

None

A motion was made by Mr. Martineau and seconded by Mr. Peters to adjourn at 8:50 p.m. The motion carried unanimously.

Respectfully submitted,

Marcia J. Gasses
Planning Secretary