

**City of Rochester  
Planning Board**

Monday November 7, 2011 at 7:00 p.m. Regular Meeting  
City Council Chambers

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on November 21, 2011)*

Members Present

Nel Sylvain, *Chair*  
Tim Fontneau, *Vice Chair*  
Derek Peters, *Secretary*  
Rick Healey  
Gloria Larochelle  
Stephen Martineau  
John Meader  
Mark Sullivan  
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 reminded the public to remember to get out and vote, reading off the locations and times the polls would be open.

Mr. Sylvain noted that Friday November 11<sup>th</sup> was Veteran's Day and asked citizens to shake the hand of a veteran.

Mr. Sylvain explained to the board that John Larochelle from the appointments committee had asked that the board appoint Lea Stevens to the Strafford Regional Planning Commission.

*A motion was made by Mr. Sylvain and seconded by Mr. Peters to appoint Lea Stevens to the Strafford Regional Planning Commission. The motion carried unanimously.*

## Approval of the October 17, 2011 Workshop Meeting Minutes

A motion was made by Mr. Walker and seconded by Mr. Peters to approve the October 17, 2011 Workshop Meeting Minutes. The motion carried unanimously.

---

### Old Applications:

- A. William J. Lashua and Daniel L. Ricker & Alison K. Hagar, 7 & 11 Old Wakefield Road.** (by Berry Surveying). Extension to meet precedent conditions for lot line revision. Case # 202-14 & 15-A-11

Mr. Behrendt explained that the applicant had paid the \$150.00 fee. The shed that had to be relocated needs to be 10 feet from the property line. He recommends granting the extension to January 1, 2012.

A motion was made by Mr. Walker and seconded by Mr. Healey to grant the extension to January 1, 2012. The motion carried unanimously.

- B. Wingate Estates, Channings Lane** (Peter Rizzo, developer). Clarification for required location of guardrail in vicinity of drainage basin for approved subdivision. Case # 206-8-A-04

Peter Rizzo requested that the board clarify whether they wanted 40 feet of guardrail 40 feet from the ledge or if was 20 feet of guardrail 40 feet from the ledge.

Mr. Fontneau stated he had gone out to look at it and 40 feet was needed. It had been paced off by Mr. Sylvain during the site walk as 40 feet.

Mr. Behrendt showed the board a photo of the area 40 feet from the ledge out crop, directed back toward Chestnut Hill Road.

Mr. Gray stated he had been out to the site and looked at the situation and he was not sure the guardrail was needed. He felt there were other areas along Chestnut Hill Road more dangerous that did not have guardrail. Curbing would do the job bearing in mind that the neighborhood had 10 houses.

Mr. Walker expressed that Chestnut Hill Road was irrelevant. If a black ice situation occurred, someone could roll over.

Mr. Fontneau stated it was on the curve and had noticed after the parked cars had been moved the danger of roll over.

Mr. Behrendt explained that during the meeting the board had said 20 feet but it was pointed out with the draft NOD that it did not reflect the site walk.

Mr. Peters requested the board get Peter Nourse, City Engineers opinion.

Mr. Sylvain asked that it be sent to Peter Nourse with a rush on it to get is opinion and then see if the board needs to reconvene.

Mr. Rizzo asked if placing 20 feet of guardrail where needed would be an alternative.

Mr. Fontneau stated they had approved the 20 feet with a miscalculation.

Mr. Peters requested we ask Mr. Nourse what he recommends.

Mr. Sylvain directed Mr. Behrendt to send a note to Mr. Nourse requesting his expertise on what is needed from the ledge to Chestnut Hill Road.

- C. Goodfellas Pizzeria, 66 Washington Street (Rob Partridge, proprietor). Amendment to approved site plan to change parking and traffic flow from two-way 90 degree parking to one-way diagonal parking. Case # 123-1-B1-10

Mr. Partridge explained that Washington Street is very busy and it made sense to have the traffic flow one-way.

Mr. Behrendt recommended approval with staff recommendations.

Mr. Partridge explained he would like to put exit only on front of building.

Mr. Walker stated there was pavement right to the property line.

Mr. Peters asked if the handicap spaces had been marked and if they would change under the proposal.

Mr. Fontneau explained that once the parking spaces are striped that the traffic flow through the lot would be clear.

Mr. Healey expressed a sign on both sides would be a good idea.

Mr. Partridge explained the front entrance will be opened up.

Mr. Martineau suggested a sign as you walk out the building between the driveway and the building.

*A motion was made by Mr. Fontneau and seconded by Mr. Peters to approve the amendment with a sign on each corner. The motion carried unanimously.*

- D. **Chamberlain Investment Properties--, LTD, Franklin Street.** Extension of surety for approved 47- lot cluster subdivision. Case # 118-51 & 119-100-A-04

Brad Jones of Jones and Beech, Associates introduced himself to the board and explained he was there to discuss extending the surety bond.

Mr. Behrendt explained he had been working with Mr. Jones and Peter Nourse to make sure enough surety is present. He recommended an extension for one year with the parties working out an agreement on the amount.

Mr. Fontneau asked if there was a timeframe.

Mr. Behrendt explained that the surety expires on 11/15/11 and that we needed to act quickly. If the current surety amount was not sufficient the board would need to raise the amount.

Mr. Jones felt confident that the current amount was sufficient.

A motion was made by Mr. Walker and seconded by Mr. Peters to approve the surety for one year subjected to confirmation by Peter Nourse, City Engineer that the amount is adequate. The motion carried unanimously.

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

Mr. Sylvain explained that Mr. Behrendt had received an e-mail on Thursday from the applicant requesting to come before the board for clarification.

Art Nickless of Norway Plains Associates explained that restriction #1 on the NOD restricted the office to being open only 3 days per week. He explained there may be people in the office on other days doing things on days the doctor was not there.

Mr. Sylvain stated that he had asked for clarification and Mr. Nickless's client had agreed to the 3 days.

Mr. Nickless asked for a clarification that open meant accepting customers. Other staff would be allowed in the building on additional days when the doctor was not seeing patients.

Mr. Fontneau stated that with all the restriction that had been placed he did not see the point of restricting the number of days of operation.

Mr. Peters suggested 5 days per week.

Mr. Nickless requested that the hourly restriction be eliminated.

Mr. Sylvain stated he does not have a problem but had just stated what the applicant had agreed to.

A motion was made by Mr. Peters and seconded by Mr. Meader to eliminate the condition of hours of operation.

Discussion on the motion ensued.

Mr. Walker classified the request as mission creeping to 5 days from 3. Taking patients is a safety concern.

A voice motion was inconclusive. Mr. Sylvain requested a roll call vote.

Rick Healy	NO	Dave Walker	NO
Gloria Larochelle	NO	Derek Peters	YES
Stephen Martineau	NO	Tim Fontneau	YES
John Meader	YES	Nel Sylvain	NO
Mark Sullivan	YES		

The motion failed 4-5

A motion was made by Mr. Healey and seconded by Mr. Walker to allow for 3 days for the doctor and 5 days for the staff.

Discussion ensued.

Mr. Peters stated that as the Planning Board they should not be trying to restrict how businesses operate their business.

Mr. Healey amended the motion with the exception of an emergency. Mr. Walker seconded the amendment to the motion.

Ms. Larochelle stated it was conveyed at the prior meeting that it would be a 3 day professional work week. The big issue was safety. The board did not want to limit which days to operate.

Mr. Martineau explained that the vote was very close the first time and it went through because the board was going to mitigate the traffic concern.

Mr. Walker stated that there was a motion on the floor with an amendment for an emergency.

The vote on the motion  
*The motion carried unanimously.*

*A motion was made by Mr. Walker and seconded by Mr. Martineau to allow for three days of professional office visits with the clerical staff not being limited by the restriction and emergency treatment would be allowed. The motion carried unanimously.*

Mr. Nickless explained to the board that the applicant would like the option of an internally illuminated sign, the Staples building across the street from the Nyberg location has an internally illuminated sign.

The board discussed briefly and did not have an issue with allowing what the ordinance permitted.

Mr. Nickless addressed the limits placed on the site approval that limited the approval to this applicant. They feel the approval should not be limited if the use remains the same.

Discussion ensued and the board agreed.

Mr. Behrendt asked for specific language.

Mr. Walker suggested remove the name Nyberg.

Mr. Behrendt suggested substituting any use other than an orthodontist would need to come back to the board. The board agreed.

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

##### **A. Article X - Parking and Circulation**

Page 38  
39  
40  
41

Mr. Sylvain questioned whether the 1990 (ADA) standards were the most recent.

Mr. Behrendt stated the board may want to add "as amended".

Page 42  
43  
44  
45  
46

Mr. Sylvain discussed curbing height and whether vertical curbing should be required.

46 H) 2 Mr. Peters did not want to limit the requirement to vertical curbing.

Mr. Sylvain suggested add vertical or slope reveal.

Ms. Larochelle asked what the advantage of vertical over sloped curbing is.

Mr. Peters stated that sloped curbing resists damage.

The board chose to remove #3

Mr. Healey summarized the safety of sloped curbing.

H)7 substitute “must be granite curbing, vertical or sloped as recommended by the Planning Board”

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

## **B. Article XI - Pedestrian, Bicycle, and Transit Facilities**

Page 48

Mr. Martineau asked if 1) could be stated as a rule.

Mr. Behrendt explained that items of a philosophical nature could be included to encourage to the extent practical and add flexibility.

Mr. Martineau requested remove the last sentence from 1). Installation of sidewalks within parking aisle medians (parallel o the traffic aisle) is encouraged.

2) change “should” to “may”

5) remove preferable and add “should” after driving aisles

6) Remove, construction of wider sidewalks is encouraged, and my be required where necessary to match the width of existing sidewalks.

7) Remove, to slow down traffic and insert, the Planning Board may stipulate where appropriate.

Page 49

Mr. Martineau asked to delete #15

Mr. Peters asked to remove "Portland" cement because it is a brand.

Page 50

Mr. Behrendt explained that mixed modes of transportation are encouraged in modern planning.

Mr. Walker did not want to require bicycle racks.

The board amended item B)2 to read; An outside bicycle storage rack may be required where appropriate.

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

### **C. Article XII - Public Health and Safety**

Page 51

52

Mr. Peters asked if the Fire Department had been consulted regarding the 350' distance between hydrants.

Mr. Sylvain asked to add B) 3 MSDS sheets provided to the Fire Department.

The board discussed salt storage and the sealing of the floors and walls.

6) Preferred to be changed to "should be"

Mr. Sylvain stated that #6 was not needed.

#6 on page 52 is to be deleted.

Page 53

The board will wait to vote on Article XII until there is a clarification on the spacing of the fire hydrants.

---

### **2012 Planning Board calendar of meetings**

Mr. Behrendt explained to the board that this was the draft for next year.

#### **Other Business**

Mr. Peters told the board he was looking at November 29<sup>th</sup> at the Community Center for a retreat.

Mr. Sylvain asked Mr. Sullivan for the dates for the Capital Improvements Program.

Mr. Sullivan explained they were looking at January 6, 2012 with a response date of February 25, 2012.

Mr. Sylvain talked about breaking the CIP up by departments. The board will discuss this at the retreat. He would look into inviting the City Manager and the Mayor.

Mr. Sylvain would like the board to set up an SOP for making modifications to amended projects, clarifying what is in the purview of an administrative decision.

*A motion was made by Mr. Sylvain and seconded by Mr. Walker to review the SOP on administrative modifications as a committee of the board as a whole. The motion carried unanimously.*

### **Adjournment**

*A motion was made by Mr. Walker and seconded by Ms. Laroche to adjourn at 9:00 p.m. The motion carried unanimously.*

Respectfully submitted,

Marcia J. Gasses  
Planning Secretary  
(These minutes were transcribed from notes)



