

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MARCH 16, 2011**

MEMBERS PRESENT: Bill Sweeney, Chairman, Anthony Delyani, Vice Chairman, Dave Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Dan Proulx, Paul Robidas, Matthew Durkee and Paul Maskwa, Alternate.

MEMBERS ABSENT: Erwin Grant.

STAFF PRESENT: Dave Sharples, City Planner and Tracy Gora, Planning Secretary.

The meeting was called to order at 6:31 p.m.

1) APPROVAL OF MINUTES.

Motion: LeHoullier moved to accept the minutes of the meeting of February 16, 2011. Seconded by Maskwa. Motion carried with a 7-0-2 vote with Robidas and Proulx abstained.

2) COMMITTEE REPORTS

A) ZBA Report

Sweeney referred to the attached report and stated that there was no meeting held for the month of March.

B) City Council Report

Witham stated that at the most recent City Council meeting a resolution was passed for a broad, citywide sustainable initiative and a resolution for the creation of a Sustainable Committee. Stated that this Committee will be made up of members of boards and committees in the City and of City residences. Stated that the Planning Board representative to the new Committee is Matthew Durkee. Stated that the Council is continuing to have ongoing discussions regarding the reuse of the Hilltop School.

C) Site Review Technical Committee Report

See attached report.

D) Minor Field Modification Report

See attached report.

E) Strafford Regional Planning Commission Update

None.

F) Vision 2020 Report

Belmore stated that there will be a meeting on the last Monday of the month with a presentation from the High school on branding or logos for the Committee. Stated that regarding the City Council, there will be a public hearing on the ordinance proposal for timber cutting that the Planning Board had forwarded to the Council.

3) OLD BUSINESS

A) Any old business that may come before the Board.

None.

4) NEW BUSINESS

A) Dalal, LLC is seeking a voluntary merger of properties located at 56 & 58 Market Street, Assessor's Map 11, Lots 194 & 195.

Sharples reviewed his memo (see attached) and stated that this is a request to combine two lots. Stated that there is no public hearing required and that the State law indicates that the Planning Board "shall approve" these requests unless it creates any violations. Stated that he researched the two properties and that no violations would be created with this merger. Stated that the parcels are owned by the same entity and that the parcels are in the Business District.

Rafi Dalal of Dalal, LLC and owner of the two parcels addressed the Board. Stated that he owns Best Pawn & Exchange and that he wants to grow his business. Stated that he just recently purchased 58 Market Street.

Sweeney asked what the plan is for the room upstairs.

Dalal stated that there is no second floor at 58 Market Street but that he has a tenet on the second floor of 56 Market Street.

Witham asked if the applicant would have to come back before the Planning Board if he wants to expand his business.

Sharples stated that the applicant wants to build a connection between the two buildings and that he will have to get site plan approval.

Sweeney appointed Maskwa as a voting member for tonight.

Motion: Robidas moved that the request of Dalal, LLC for a voluntary merger be APPROVED.

Seconded by Witham. Motion carried with a 9-0 vote.

B) Todd Lyndes and Schoolhouse Meadow, LLC are requesting revocation of a boundary line adjustment that was approved on November 16, 2005 for properties located at 173 Green Street and 54 Indigo Hill Road, in the Residential Single Family (R1) District, Assessor's Map 09, Lot 03 and Assessor's Map 08, Lot 83E.

Delyani abstained from this item.

Sharples reviewed his memo (see attached) and stated that the request is for revocation of a boundary line adjustment. Referred to the State Statute that governs revocation of approved plats. Stated that there are four circumstances in which the Planning Board can revoke an approval and that for this one, it is because the applicant requested the Board to do so. Stated that the revocation process is different from other requests that come before the Board. Stated that the Board doesn't need to hold a hearing or notify the abutters before revocation. Stated that abutters get notified after the Board approves the revocation. Stated that he researched the two properties and found that they were part of a ten-lot subdivision that was approved in 2003. Stated that if the Board approves this request, the lots would go back to the configuration of the ten-lot subdivision. Stated that he has no issues or concerns with this request.

Francis Bruton of Bruton & Berube, PLLC addressed the Board and stated that he represents Schoolhouse Meadow, LLC, which is one of the property owners. Stated that both property owners signed the request. Referred to the boundary line adjustment that was approved by the Planning Board in 2005. Stated that the applicants would like to revoke the boundary line adjustment so that parcel "A" would become part of map 8 lot 83E. Stated that this request is to clean up the title and that abutters get notified after revocation.

Witham asked if map 8 lot 83E has a home on it.

Bruton replied yes. Confirmed that parcel "A" would go back to being a part of map 8 lot 83E.

Motion: Witham moved that the boundary line adjustment that was approved on November 16, 2005 be **REVOKED** in accordance with New Hampshire RSA 676:4-a for the following reason:
At the request of the applicants Todd Lyndes and Schoolhouse Meadow, LLC.

Seconded by Proulx. Motion carried with an 8-0 vote.

- C) City of Somersworth proposed Zoning District amendment to extend the Historic Mill District south between the railroad and the Salmon Falls River to approximately River Street, in accordance with Goal 1.7.b of the 2010 City of Somersworth Master Plan.

Sharples reviewed his memo (see attached) and stated that at the last meeting the Board voted to have a public hearing on this proposal. Stated that this proposal is a direct result of Goal 1.7.b of the City of Somersworth Master Plan and that the Board has discussed this at several meetings. Stated that this area is currently zoned Business (B). Stated that he had email communications with General Electric and Chinburg, the two property owners in this district, and that they indicated that this proposal would not be an issue for them.

Public hearing opened 6:51 pm.

Public hearing closed 6:51 pm.

Witham stated that the Board has gone over this proposal with a fine-tooth comb and that it is in accordance with the Somersworth Master Plan. Stated that the Board did a lot of work on this, including a site walk.

Motion: Robidas moved that the proposed Zoning District amendment to extend the Historic Mill District south between the railroad and the Salmon Falls River to approximately River Street and further identified on the enclosed map entitled "Proposed Zoning Re: Master Plan Goal 1.7.b" be forwarded to the City Council for consideration with a recommendation for approval.

Seconded by Durkee. Motion carried with a 9-0 vote.

- D) City of Somersworth proposed Zoning Ordinance amendment to Table 4.A.1, 4.A.2, 4.A.3, 4.A.4 and 4.A.5 regarding uses in the Historic Mill District as presented by the City Planner on February 16, 2011.

Sharples reviewed his memo (see attached) and stated that the Board's discussions on this item have been part of the same discussions from the item above. Stated that this proposal would allow an additional 12 uses in the Historic Mill District. Stated that these uses are currently prohibited in this district and that the proposal wouldn't change the status of the other uses in the district. Stated that this proposal can be viewed as less restrictive.

Sweeney stated that the Board has done a lot of work and research on this proposal.

Public hearing opened 6:55 pm.

Public hearing closed 6:55 pm.

Witham stated that he would like to underscore that this proposal allows for 12 additional uses in this district. Stated that it is less restrictive and that it still allows for oversight and control.

Belmore stated that these are uses that the Board feels are good and smart for planning and are compatible with the district. Stated that he is in support of the proposal.

Witham stated that these points should be underscored in a memo to the City Council.

Motion: Witham moved that the proposed Zoning Ordinance amendment to Tables 4.A.1, 4.A.2, 4.A.3, 4.A.4 and 4.A.5 regarding uses in the Historic Mill District as presented in the DRAFT prepared by the City Planner and dated 3/16/2011 be forwarded to the City Council for consideration with a recommendation for approval.

Seconded by Robidas. Motion carried with a 9-0 vote.

E) City of Somersworth proposed Zoning District amendment to change the name of the Historic Mill District to the Millyard District.

Sharples reviewed his memo (see attached) and stated that the Board proposed this change at the last Planning Board meeting and that it is in conjunction with the Historic Mill District extension. Stated that the abbreviation would be MY. Stated that this proposal was to help avoid confusion with the historic overlay district in Somersworth. Stated that this proposal will not change the boundaries of the historic overlay district.

Public hearing opened 6:59 pm.

Public hearing closed 6:59 pm.

Motion: Robidas moved that the proposed Zoning District amendment to change the name of the Historic Mill District to the Millyard District be forwarded to the City Council for consideration with a recommendation for approval.

Seconded by Proulx. Motion carried with a 9-0 vote.

F) Any other new business that may come before the Board.

Sharples handed out information and an application on the Community Technical Assistance Program (CTAP). Stated that the Planning Board and Conservation Commission are encouraged to apply for this grant. Stated that this is provided through the Piscataqua Region Estuaries Partnership (PREP) and that they administer the entire grant and hire professionals. Stated that PREP deals with invoicing and that there is no City match required. Stated that the first thing to do is to identify an eligible activity and referred to the second and last bullet item from page two of the application. Stated that the second bullet item is for a conservation subdivision ordinance, which the Master Plan suggests exploration of this, and the last bullet item is for stormwater and erosion and sediment control regulations. Stated that these are regulatory actions, which the legislative body has to approve, but that the Planning Board can make a good faith effort to move them forward.

Sweeney stated that they can look at option a or b-the conservation subdivision ordinance or stormwater and erosion and sediment control regulations.

Belmore stated that he favors applying for the grant but that he would like to ask about the other bullet items from page two of the application. Referred to the bullet item for a new Master Plan chapter and suggested having one for transportation.

Sharples stated that it would have to be a chapter on natural resources for this grant.

Belmore asked what projects would fit in with the tasks in the Master Plan.

Sharples stated that the conservation subdivision project would fit. Stated that it is to promote compact development such as open space developments. Stated that the City had a conservation subdivision ordinance but that it wasn't written well so it was deleted. Stated that the Master Plan mentions stormwater but not specifically.

Witham stated that he was thinking of the stormwater option because the Board has wrangled with that issue a lot but that conservation subdivisions are usually compact and better for stormwater. Stated that conservation subdivisions have merit if done well and that he can see himself favoring that option.

Sweeney stated that several years ago the Board talked about saving agricultural land and asked if that would fall under option three on the application, the stewardship plan.

Sharples replied no and stated that it is more of a plan to deal with already protected land, like easement monitoring and forestry practices.

Sweeney stated that he is in favor and would like Sharples to apply for the program.

Motion: Witham moved to authorize the City Planner to apply for the Community Technical Assistance Program for a conservation subdivision ordinance.

Seconded by Maskwa.

Belmore stated that the CTAP document indicates implementation action but that the Planning Board doesn't have that right. Asked what would happen if the Council rejects anything.

Sharples stated that PREP would pay all the invoices and that the City would not have a contract with anyone. Stated that the Planning Board must pass a motion for a good faith effort for implementation actions. Stated that he spoke with a representative at PREP and that he understands what the Planning Board's authority is.

Witham stated that his motion was to authorize the Planner to look into this program but that it is not binding him to anything. Stated that it is in the City's Master Plan to address this issue so it makes sense to get help to get it done. Stated that this will help get the services the Board needs to work to craft a good ordinance.

Maskwa stated that on the application there is an addition check box for an outreach campaign and stated that he assumes that PREP would help with that.

Sharples stated that he wants to talk with a representative from PREP on that. Stated that they would be available to come to meetings.

Belmore suggested modifying the motion to include the Planning Board's commitment to the project.

Sharples stated that the motion should include stating that the Planning Board is going to implement a good faith effort. Stated that the consultant will work with the Planning Board and maybe have some workshop meetings. Stated that there are model ordinances with options.

Sweeney asked if we are bound to anything if the Board wants something different from what the consultant wants.

Sharples stated that there has to be a good faith effort and that the Board has to be committed to forwarding something on to the Council.

Sweeney asked about the development of a plan of the project.

Sharples stated that it is his understanding that a consultant gets picked and works with the Board. Stated that they start with a model ordinance and then changes get made based on the Board's preference.

Belmore stated that the City had a conservation subdivision ordinance but that it wasn't working well. Stated that there were a lot of flaws and that when it was deleted they wanted to look into making a new one in the future. Stated that a "good faith effort" allows for flexibility. Stated that the handout does indicate that they can deviate with rationale. Stated that the Board can look at the model ordinance and mold it into the Board's view of the community.

Witham stated that his view is similar to the City's Manager's. Stated that regarding the Master Plan, there are several areas in the goals that speak to preserving open space and gave examples. Stated that it is an important issue in the Master Plan. Stated that this is a good opportunity.

Amendment Motion: Witham amended his motion that the Planning Board put forth a good faith effort to implement the results of the CTAP project.

Maskwa, who originally seconded the motion, agreed to the amendment.

Motion carried with a 9-0 vote.

5) WORKSHOP BUSINESS

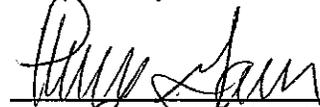
A) Any workshop business that may come before the Board.

Sweeney referred to the update to the Zoning Ordinance and the Board's Rules of Procedure that were passed out and need to be added to the member's handbook.

6) COMMUNICATION AND MISCELLANEOUS

Witham stated that at the last City Council meeting, he was nominated as the Council Representative to the HDC and that he is looking forward to that.

Motion: Witham moved to adjourn the meeting.
Seconded by Delyani. Motion carried with a 9-0 vote.
Meeting adjourned at 7:30 p.m.
Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board