

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
JANUARY 19, 2011**

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

**MEMBERS ABSENT:** None.

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

The meeting was called to order at 6:30 p.m.

**1) APPROVAL OF MINUTES.**

**Motion:** LeHoullier moved to accept the minutes of the meeting of December 15, 2010.

Seconded by Proulx. Motion carried with a 6-0-3 vote with Delyani, Witham and Robidas abstained.

**2) COMMITTEE REPORTS**

A) ZBA Report

See attached.

B) City Council Report

Witham stated that the Chairman of the Planning Board sent a letter to the Council nominating Brian Tapscott as a representative to the Strafford Regional Planning Commission and that the nomination was affirmed by the Council. Stated that the Council is discussing the proposed housing code and that it is still on the table but is being further worked on. Stated that "budget season" has begun with the School Board and that it is an ongoing project. Stated that the City is now web streaming the meetings on the City website and that they are archived for about a year after the meeting. Stated that it is a useful tool.

C) Site Review Technical Committee Report

Sharples referred to the attached report and stated that LDL Enterprises is seeking site plan approval to renovate the existing building and build a new building at 67 Elm Street. Stated that they went before the SRTC. Stated that the applicant does not need to go back to the SRTC but will be meeting with some staff to go over some issues. Stated that the plans will need to be sent to CLD Engineering for review.

D) Minor Field Modification Report

Sharples referred to the attached report and stated that there were none requested.

E) Strafford Regional Planning Commission Update

None.

F) Vision 2020 Report

Belmore stated that there was a meeting last week and new officers were elected. Stated that Jon McCallion is Chairman, Renee Philpott is Vice Chairman and Craig Wheeler is the secretary. Stated that at the meeting they discussed what they should be doing moving forward. Stated that the Committee would welcome a Planning Board representative and that they generally meet the fourth Monday of each month at 5:30 pm.

**3) OLD BUSINESS**

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

None.

**4) NEW BUSINESS**

A) Proposed amendment to the Riparian and Wetland Buffer District Ordinance, Section 13.9.A.7 of the Zoning Ordinance regarding forestry activities within the District.

Sharples reviewed his memo (see attached) and stated that the Conservation Commission forwarded this amendment to the Planning Board with the recommendation for approval. Stated that the Planning Board reviewed the proposal at the last meeting and voted to hold a public hearing tonight. Stated that the intent of the proposal is to exempt certain timber harvesting activities from have to get a conditional use permit. Stated that a forester would still need to meet all State requirements. Stated that currently, certain timber activities are allowed but the applicant would have to go before the Conservation Commission and the Planning Board to get a conditional use permit first. Stated that this was brought up at the Conservation Commission and they decided to exempt certain activities as long as a State permit is secured. Stated that this is not for timber harvesting for intended lot development. Stated that he supports with proposal. Stated that this would be for minimal, temporary impact on the buffer.

**Public hearing opened 6:39 pm.**

**Richard Kane**, who works for John Flatly, who owns Sunnyhurst Apartments addressed the Board. Stated that he has spoken with Dave Sharples about this and that he wants to do some harvesting but that there is a small wetland area. Stated that he has all his State permits. Stated that Sharples and the Conservation Commission have understood and the he would like the support of the Planning Board.

**Public hearing closed 6:40 pm.**

Witham stated that it strikes him because this makes the Ordinance less restrictive.

Sharples concurred and read how the Ordinance is now and explained the new language. Stated that it is less restrictive.

Robidas stated that it now allows it to happen.

Sharples stated that it allows it to happen without having to get a conditional use permit. Stated that it is basically allowing an access way.

Witham verified that the access way would be protected.

Sharples stated that the State regulates it.

Delyani stated that he favors the proposal but that it is because of Sharples recommendation, not because of the testimony heard during the public hearing. Stated that he is against making changes that financially benefit one private party.

Sharples stated that this was a discussion prior to Kane coming to speak with him. Stated that the Conservation Commission was having internal discussions already and that Kane was not the impetus.

Delyani stated that it is a good idea on its own.

Witham stated that this strikes him as a change to the structure of the landscape but is not for the purpose of development. Asked if there is a benefit to the environment.

Sharples stated that there are arguments on both sides and that while it can minimize habitat for some life, it may be creating habitat for another.

Witham stated that he may not want to support this if it is going to allow practices to happen that may not be positive.

Sweeney asked if this Ordinance allows for re-harvesting. Stated that it is good to selectively cut a forest.

Belmore stated that this proposal isn't advocating clear cutting. Stated that he has a lot of respect and confidence in the Conservation Commission and that they are stewards for the land in Somersworth.

**Motion:** LeHoullier moved that the proposed amendment to the Riparian and Wetland Buffer District Ordinance, Section 13.9.A.7 of the Zoning Ordinance regarding forestry activities within the District be forwarded to the City Council for consideration with a recommendation for approval.

Seconded by Robidas. Motion carried with an 8-1 vote with Witham opposed.

B) Ken Vincent, on behalf of KLV Properties, LLC is seeking an amendment to approved Site Plan #07-2006 for property located at 345 Route 108, in the Commercial/Industrial (CI) District, Assessor's Map 48, Lot 24B.

LeHoullier and Robidas recused themselves from the Board for this item.

Sweeney appointed Maskwa to sit on the Board for this item.

Sharples reviewed him memo (see attached) and stated that Director of Development Services, Craig Wheeler, had sent a letter to Vincent, and then the Planning Board asked him to send a letter and that he did. Stated that Vincent agreed to come to the meeting and that he had sent an email to Vincent explaining the four items that need to be taken care of.

**FX Bruton**, an attorney from Bruton and Berube in Dover represented the applicant and addressed the Board. Stated that he represented the applicant during the original site plan approval process in 2006 but that he is not familiar with the current amendment request. Stated that he is going to ask the Board to table this item until the next meeting so that he can work more with the applicant on the landscaping plan. Stated that we are in the winter months so there isn't going to be a lot of landscaping and that he wants to work with the Planner. Stated that they are requesting to continue this item until the next month. Mentioned the requirement for the storm water maintenance plan to be recorded at the Registry of Deeds.

Sharples stated that the Registry doesn't want those documents anymore. Stated that the Registry got flooded with those documents and that they do not want them anymore. Stated that the City has them and has enforcement capabilities.

Bruton echoed what Sharples said. Stated that he has the annual reports and that he will give them to Sharples to review and report back to the Planning Board. Stated that he thinks the applicant has met that burden. Submitted the reports to Sharples. Stated that another issue is to submit evidence that the infiltration trench is a minimum of four feet above the Estimated Seasonal High Water Table (ESHWT). Stated that he has a certified letter from a site contractor for that. Stated that after the project was approved and a letter with conditions was sent out, Tritech Engineering responded in a letter dated November 20, 2006. Stated that number 15 in the letter relates to this and indicated that the design met that criteria. Submitted the letter to the Planner and stated that hopefully the only remaining issue is the landscaping.

Sweeney stated that they will wait to hear from the applicant on those items next month.

Witham mentioned that a public hearing was posted for tonight's meeting.

**Public hearing opened 6:59 pm.**

**Public hearing closed 7:00 pm.**

**Motion:** Delyani moved that the request of Ken Vincent, on behalf of KLV Properties, LLC for an amendment to approved Site Plan #07-2006 be **TABLED**.

Seconded by Proulx.

Belmore stated that he would like to open the public hearing again at the next meeting because they haven't seen the landscape plan yet.

Sharples stated that it will be continued at the February 16, 2011 Planning Board meeting.

Delyani asked the applicant to get the information to the Board in advance of the meeting. Stated that last minute isn't good.

Motion carried with an 8-0 vote.

Maskwa left the Board and LeHoullier and Robidas rejoined the Board.

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

None.

## **5) WORKSHOP BUSINESS**

A) Review and discuss a letter from Attorney Fisher requesting the Board look into a possible rezone of his property at Sunningdale Golf Course, 301 Green Street, Assessor's Map 19, Lot 01.

Sharples reviewed his memo (see attached) and stated that there is no application for review. Reviewed the letter that was submitted by Attorney Fisher requesting that the Planning Board consider a zoning change. Stated that the area of the property in question is currently zoned Recreational (REC) and that they would like it zoning Mobile Home (MH) or Residential Single Family (R1). Stated that the Board briefly discussed this at their last meeting and wanted it put on the agenda. Stated that he got a sense from the Board that they would consider a change to

R1. Referred to the maps that he prepared for the Board. Stated that he researched this district and that it is unusual for private property to be zoned REC since it limits the use. Stated that in the REC district, residential uses are only allowed as a development plan with recreation. Stated that the existing Ordinance regarding the REC district is vague. Stated that there have been lawsuits in the past because the density and dimensional requirements are vague. Referred to the REC district fact sheet that was supplied in the monthly packets. Stated that he researched the information on how the REC district was created but that it is not as detailed as he would like. Stated that about 30% of the land in the REC district is privately owned. Stated that he looked at surrounding communities and none of them have similar zoning. Stated that Portsmouth has a conservation zone but that it is not on privately owned land. Stated that he thinks that it is reasonable for the Board to consider rezoning privately owned REC land or at least tightening up the existing standards.

**Robert Fisher**, an attorney from Dover addressed the Board. Stated that he is here for Sunningdale and that he and his wife each own 25% of it. Stated that they were not involved with any lawsuits with the City for this property. Stated that the Waterman's had a lease to run the golf club but that they no longer do. Stated that he heard the discussion earlier on timber harvesting and keeping in mind the best interest of the City. Stated that he thinks that having a senior trailer park would be in the best interest of the City. Stated that there would be no additional children that way and that schools cost a lot. Stated that it would be advantageous for them because they would get a lot rent and park rent. Stated that it was his father's plan. Stated that he could give the Board the history of Sunningdale and The Oaks but that it is not relevant. Stated that Sunningdale is a 9-hole golf facility and that they are trying to survive in this economy and with the recession of the golf industry that has been going on since 2000. Stated that they are not going to go to 18-holes because it would be too much money. Stated that the only reason he has come before the Planning Board is because Sunningdale has not paid its property tax in a number of years and that he has to do something. Stated that the REC district is advantageous to them because there are no density requirements. Stated that he could sell the property to a developer and put in apartments. Stated that he is not sure that is what they want to do but they have to deal with the tax lien. Stated that he requests that the Board put this off and deal with the tax lien. Stated that he gave a lot to his greens keeper and that he sold it and subdivided. Stated that he gave a house lot to his brother and when he passed away his daughter sold it off. Stated that he reserved an easement for sewer and that he hopes that sewer goes down Stackpole Road. Stated that he would like to get a copy of the City Planner's memo. Stated that he doesn't really want to do anything at this point if he doesn't have to. Stated that he does have to do something about the tax lien.

Delyani stated that he is confused and asked Fisher is he is asking the Planning Board to forbear the tax lien.

Fisher stated that once the City reports the tax lien, the owner has 3 years for equity of redemption or the City can take the property. Stated that he doesn't want the City to do anything.

Sharples stated that, as he understands it, Sunningdale went to the ZBA for 88 units and were denied. They appealed that decision and the Court affirmed the ZBA decision. Stated that Sunningdale came back to the ZBA with a new plan for 66 single unit and that the ZBA and the Planning Board approved it. Stated that the approval has lapsed. Stated that recently Fisher submitted a letter asking the Board to look at rezoning the parcel. Stated that he has thought about rezoning the REC district in its entirety but now Fisher doesn't want to do anything.

Fisher stated that if the Board is going to look at getting rid of the REC district then he asks that the Board look at something other than just residential, like a senior trailer park. Stated that it would be most advantageous to the City. Stated that Somersworth is an unusual City and that he doesn't mean that negatively.

Delyani asked if this is the only REC district in the City.

Sharples referred to the Zoning Map and showed the 12 areas of the REC district in the City.

Witham stated that although the letter from Fisher generated the start of this discussion, there may be some shortcomings and the Board may still want to address them.

Sweeney suggested having a workshop meeting this spring to discuss this.

LeHoullier asked if they should keep City-owned land as REC.

Sharples stated that that would be part of the discussion.

Fisher stated that if the Board's changes are only going to effect Sunningdale then it would be spot zoning. Stated that Sunningdale would like to be involved of the process.

- B) Review and discuss Goal 1.7.b of the 2010 City of Somersworth Master Plan regarding the extension of the Historic Millyard District south between the railroad and the Salmon Falls River to approximately Depot Street.

Sharples reviewed his memo (see attached) and stated that this has been discussed at several workshops and that it is in the Master Plan to extend the Historic Mill (HM) District. Stated that the Board conducted a site walk. Stated that the Board began talking about the uses allowed in the HM District but that it is a separate amendment. Stated that at the last meeting the Board discussed other uses and that there was general consensus on some of them. Stated that he did some research and that a veterinary hospital probably wouldn't be well suited for this area since odors and noise can pose a problem. Stated that a bus depot is land consumptive and that they aren't dealing with a lot of land area here. Stated that there is a rail system and that maybe it could be used in the future.

Sweeney mentioned making it a bus station.

Sharples stated that the Board can amend it as they see fit. Stated that if the Board wants to move forward then he would prepare an amended table for the next meeting. Stated that he would treat these as two separate issues-a rezone and reexamining the table of uses.

Proulx stated that the Board has been talking about this for a while now and asked if these are two separate issues that would need to have separate public hearings.

Sharples replied yes and stated that they are two separate amendments.

Sweeney stated that the table of uses may still be up for discussion.

Proulx stated that the table may need more discussion and that they may want community input.

Sweeney stated that it can be ongoing.

Witham stated that he appreciates all of the work that has gone into this and that he is comfortable with the table of uses. Stated that he wasn't at last month's meeting but that at the site walk one issue for the HM District was to have criteria and design standards. Stated that the mills have a character that is unique to themselves. Stated that he thinks it is important to preserve the look of the HM District. Asked if there can be design standards specific to this district.

Sharples stated that the mills are currently in the historic district.

Witham stated that he is thinking of standards for site plans.

Sweeney agreed that there should be something moving forward.

Witham stated that even with the existing standards an applicant could request a waiver.

Sharples read from the Site Plan Regulations that were recently adopted.

Witham asked if there are other communities with a historic district that have appearance standards.

Sharples asked if they would be thinking about including the downtown as well.

Maskwa joined the Board.

LeHoullier mentioned checking with other cities like Lowell and Manchester.

Sharples stated that he will check with other communities.

Belmore stated that he thinks it is a good idea to look at architecture and mentioned the town of Newmarket to draw from. Stated that he is not inclined to move forward with extending the district without reviewing the table of uses also. Stated that he would still like to see the use of greenhouses and recreational area. Stated that he would like to talk about allowing Bed and Breakfasts. Stated that he would like to do this as a complete package and not piecemeal it together.

Durkee echoed Belmore's comments and stated that he wouldn't want to extend the district without reviewing the table of uses. Stated that he would like a comprehensive package.

Witham stated that appearance criteria could go in with that.

Witham stated that a lot of the land in the district is a parking lot and that he thinks the districts should blend.

Durkee agreed and stated that there is a big difference between General Electric and the mills.

Sweeney stated that he doesn't know when the table of uses was created but that he thinks the Board can come up with more. Mentioned having an indoor fitness facility and asked if the Board should go through the table item by item.

Sharples stated that the Board did an audit of the HM District but never did an audit of the table of uses. Stated that Bed and Breakfasts are lumped together with hotels and boarding houses. Stated that maybe the Board needs to back up and do an audit of the table of uses. Stated that these questions are valid but some of them transcend the HM District. Stated that he wants to stay organized.

Maskwa stated that there are redundancies in the table and that the Board should audit it.

Sweeney stated that schools are not listed in the table.

Sharples stated that it is listed under educational facility.

Grant asked if there is a definition for each item in the table of uses.

Sharples stated that there are definitions for some of them but not all of them.

Sweeney stated that the Board should not move forward on this yet because it is too early.

Robidas stated that the Board also talked about looking at the REC district but that they shouldn't try to tackle all of it at the same time.

Belmore stated that he would like to stay focused on the HM District.

Robidas and Witham agreed with Belmore.

Belmore stated that they should go line by line in the table of uses.

Sweeney stated that the Board should look at definitions. Asked when the last time was that the table of use was updated.

Sharples stated that it has been ongoing and that in 2008 the Board did an audit of the HM District.

Sweeney asked about a casino and stated that the Board needs to think broad. Stated that they will review it line by line.

Maskwa stated that he would like it so that it is easily read. Stated that they may need to lump something together or have subgroups.

C) Any other workshop business that may come before the Board.

Sharples stated that the new State RSA books have come out and that they are more extensive. Stated that there is a section that discusses alternate members. Stated that alternate members are allowed to be involved in the discussions but unless appointed as a voting member, cannot vote. Stated that it must be written in the Rules of Procedure. Stated that the Planning Board Rules of Procedure for Somersworth don't specify.

Robidas asked the Planner to write something up and present it to the Board.

General agreement among the Board.

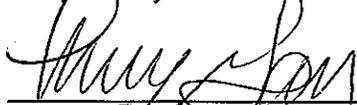
Sharples stated that he will prepare something and put it on the agenda next month.

## 6) COMMUNICATION AND MISCELLANEOUS

None.

**Motion:** Robidas moved to adjourn the meeting.  
Seconded by LeHoullier. Motion carried with a 9-0 vote.  
Meeting adjourned at 8:03 p.m.

Respectfully submitted:



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Tracy Gora, Planning Secretary  
Somersworth Planning Board