

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

MEMBERS PRESENT: Bill Sweeney, Chairman, Dave Witham, City Council Representative, Bob Belmore, City Manager, Erwin Grant, Ron LeHoullier, Matthew Durkee and Paul Maskwa, Alternate.

MEMBERS ABSENT: Anthony Delyani, Vice Chairman, Paul Robidas and Dan Proulx.

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: Witham moved to accept the minutes of the meeting of January 19, 2011.

Seconded by LeHoullier. Motion carried with a 7-0 vote.

2) COMMITTEE REPORTS

A) ZBA Report

Sharples stated that due to inclement weather, the ZBA meeting was rescheduled so there was no report in the monthly packets. Stated that the ZBA granted a special exception for a veterinary hospital at 252 Route 108.

B) City Council Report

Witham read from the attached report and stated that it was mentioned at the February 7, 2011 Council meeting that there are four Planning Board members that have terms to expire in April of this year. Stated that members interested in being reappointed should send a letter or email to Mayor Soldati. Stated that the Council notified the City Tax Collector that the City will not accept tax deeds for 18 properties that defaulted on real estate taxes. Stated that at the Council meeting Tapscott reported that the new school project is on time and on budget. Stated that there is now power to the site, which offers better site security.

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 the Committee meets the last Monday of every month so their next meeting is next week. Stated that regarding the City Council report, there is a resolution that will have its second reading at the next meeting for form a Sustainability Committee. Stated that the resolution calls for a Planning Board member and ZBA member, among others, to be on the Committee.

3) OLD BUSINESS

- A) 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 recused himself from the Board.

Sharples reviewed his memo (see attached) and stated that at the last Planning Board meeting the applicant asked to be tabled until this meeting. Stated that the request is for an amendment to the approved landscaping plan but that there were three other issues that the Board had concern about. Stated that he received storm water reports and data on the estimated seasonal high water table (ESHWT) and they are satisfactory. Stated that they meet the required separation and that the reports are in the form that was originally called for. Stated that the Registry of Deeds does not want these types of documents anymore so that is no longer an issue. Stated that the only remaining outstanding item is the landscaping and that the main difference is the planting of deciduous trees. Stated that there is a dashed line shown on the plans and that he thinks that is for a raised bed.

FX Bruton from Bruton and Berube represented the applicant and addressed the Board. Stated that they were here last month and that they want to look at the landscaping plan. Stated that they have been in operation since 2005. Stated that the type of trees they are proposing are Amur Maackia.

Sharples asked if they are deciduous trees.

Bruton replied yes and stated that the main difference with this plan is the row of small bushes in the front of the property. Stated that the prior plan only showed one tree and that now there are a number of them. Stated that the reason for making the change is because the property is on a main road and that garbage can collect in the bushes. Stated that the row of bushes would be covered with garbage. Stated that deciduous trees are more appropriate and that they will aid in keeping the property clean. Stated that there is a drainage swale in that area and that they want to keep it open and maintained. Showed on the plan where the raised beds would be. Stated that the raised bed would utilize a block called Techo-Bloc and passed out a handout on the blocks (see attached). Stated that the owner has estimated that more landscaping will be going in than originally planned and that it will result in a beautiful site. Stated that he thinks the plan would have been originally approved and asks for approval tonight.

Witham stated that he assumes that the trees will be immature at planting and asked what the size of the trees will be.

Bruton stated that they wouldn't be greater than 16 to 18 feet. Stated that Northern Nurseries will be installing the landscaping.

Sharples stated that there are minimum landscaping requirements in the Site Plan Regulations and that the proposed fees seem to fit site conditions.

Witham stated that he agrees with Bruton that the property is well kept in appearance and that he agrees that a row of hedges along the front edge would just be a screen to catch blowing garage and seems like more of a maintenance issue. Stated that he thinks that this Board was most interested in satisfying the landscaping issue. Stated that this seems good and that he supports the amendment request but that he would like a timeline for the planting like sometime in June.

Bruton stated that he would ask for a deadline for the end of the summer, like around September 1.

Grant asked if there can be a retainer to go along with this to make sure it gets done.

Bruton asked the Board not to impose that because a bond is usually required at the beginning of a project. Stated that this amendment request is removed from that process. Stated that the applicant is in good faith with this plan. Stated that the applicant has been in business for a while and is vested with the property. Stated that the Board has enforcement options. Asked the Board to waive the need for a retainer.

Sweeney asked what the rule is to follow.

Sharples stated that he doesn't think that there is a rule at this stage of the process. Stated that enforcement action can be taken, such as site plan revocation.

Motion: Witham moved that the request of Ken Vincent, on behalf of KLV Properties, LLC for an amendment to Site Plan #07-2006 be **APPROVED WITH THE FOLLOWING CONDITION:**

1. The landscaping plan shall be completed no later than August 31, 2011.

Seconded by Maskwa.

Belmore stated that he would be inclined to have a tighter timeline for the planting. Stated that he would vote against this because he would want a tighter timeline.

Bruton stated that the end of August is really only two months for planting landscaping.

Belmore stated that he is also willing to support a bond.

Motion failed with a 3-3 vote with Belmore, Grant and Durkee voting in opposition.

Motion: Witham moved that the request of Ken Vincent, on behalf of KLV Properties, LLC for an amendment to Site Plan #07-2006 be **APPROVED WITH THE FOLLOWING CONDITION:**

1. The landscaping plan shall be completed no later than July 31, 2011.

Seconded by Maskwa.

Motion carried with a 5-1 vote with Grant voting in opposition.

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

Sharples that work has been done to the pedestrian bridge and that the only thing left is to install the railings. Stated that the railings will have the same design as the fencing on the site.

4) **NEW BUSINESS**

A) Discussion on the Planning Board Rules of Procedure regarding alternate members.

Sharples reviewed his memo (see attached) and stated that the Board can change their rules of procedure to allow alternate Board members to participate even when they are not voting members. Read from suggested language. Stated that the Board's Rules of Procedure indicate that for changes to be made, they have to be submitted to the Board in writing and it has to be listed under "new business" on the agenda. Stated that both of those things have been satisfied so the Board is free to act on the amendment.

Motion: Belmore moved that the Planning Board Rules of Procedure be amended as presented.

Seconded by Witham.

Witham stated that he used to be an alternate member and that he found it interesting that at some meetings he would sit in the audience and not be able to participate and then at the next meeting he would be on the Board and have to vote on an item. Stated that this amendment is better and that he supports it.

Motion carried with a 7-0 vote.

B) Review of a letter from the City Engineer regarding the release of escrow funds plus interest that were received as a performance guarantee per Planning Board approval to Roland and Barbara Turgeon as part of SUB #07-97.

Sharples reviewed his memo (see attached) and stated that he received a letter from the City Engineer Chris Jacobs and that he is here tonight to answer questions.

Sweeney asked if the Turgeon's have completed everything.

Chris Jacobs, the City Engineer, addressed the Board. Stated that the Cornfield and Maize Drive subdivision was completed in November 2008 and that he did get an as-built. Stated that the City Council accepted the road in 2009 and that the issue is that the City did not get a cash bond up front. Stated that an agreement was reached and \$1000.00 was given for each lot. Stated that the Finance Director suggested that he come to the Planning Board for release of the money. Stated that he re-walked the subdivision recently and there is some minor cracking in the road so he is going to ask that \$600.00 be retained to seal the cracks.

Belmore asked if \$600.00 is enough.

Jacobs stated that only half of the sidewalks were cleared of snow and that they looked to be in good shape. Stated that some of the sidewalks were not visible.

Belmore stated that maybe more money, like \$1000.00, should be kept until all of the sidewalks can be looked at.

Motion: Witham moved that the request of the City Engineer to release escrow funds, plus interest, that were received as a performance guarantee per Planning Board approval to Roland & Barbara Turgeon be **APPROVED WITH THE FOLLOWING CONDITION:**

1. \$1200.00 is to be withheld due to crack sealing and other potential issues that could not be determined due to snow.

Seconded by Durkee.

Motion carried with a 7-0 vote.

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

None.

5) WORKSHOP BUSINESS

- A) Review of the Table of Uses in the City of Somersworth Zoning Ordinance regarding the Historic Millyard District.

Sharples reviewed his memo (see attached) and stated that this was discussed at the last meeting. Stated that some of the discussion transcended the Historic Millyard (HM) District, which is the focus of this item. Stated that there were discussions on the uses that area allowed. Referred to a draft Table of Uses. Stated that there are a total of 75 use categories in the Ordinance and pointed out the 25 uses that should not be allowed in the HM District. Stated that applicants could still seek a variance for the uses. Referred to the 12 uses that are currently prohibited in the Ordinance but are allowed in the draft. Stated that they are either permitted by right or by obtaining a special exception from the Zoning Board.

Sweeney asked why three unit dwellings are not allowed.

Sharples stated that the use is listed under a multi unit use and that they would need a new definition for three unit dwellings.

Sweeney asked if agricultural uses are just referring to exterior uses.

Sharples stated that the definition is broad and that people can always apply for a variance.

Witham referred to the list of 25 uses that are not allowed and stated that laundry and dry cleaning services strikes him as something they would want to allow. Stated that he also questions the use of a bus depot and a coffee kiosk.

Sweeney stated that a bus depot would be a bus station and would not allow motor vehicle repair.

Witham stated that he just wants to make sure that definitions are clear.

Belmore asked Sharples to explain the special exception review and approval process.

Sharples mentioned that out of the 12 uses that are allowed in the draft table, half of them are only allowed with a special exception from the Zoning Board. Stated that a special exception requires approval from the Zoning Board. Stated that there are 7 criteria that have to be met and discussed some of them with the Board. Read the definition of a bus depot from the Ordinance.

Witham stated that requiring a special exception for a coffee kiosk would make sense.

Sharples stated that it would also have to come before the Planning Board.

Witham asked if it would be different from a sit down coffee shop with a drive-through window.

Sharples stated that by definition, it is strictly a drive-through with no sit down area.

Sweeney asked for thoughts on the dry cleaning use.

Sharples stated that there is no definition provided and that many uses are not defined. Stated that generally dry cleaning use chemicals that can contaminate soils and that he was thinking of the proximity to the Salmon Falls River.

Witham stated that dry cleaning standards seem tighter now.

Sweeney mentioned that people can always request a variance. Mentioned the use of an adult bookstore.

Sharples stated that the use is also covered by Section 15, which adds more restrictions.

Witham stated that he is fine with leaving the three items that he mentioned as is.

Belmore asked Sharples to revisit the rationale for why the Planning Board is considering expanding the HM District.

Sharples stated that he motivation for this was that it is listed as a goal in the City's Master Plan. Stated that the goal got in the Master Plan from a public forum and the discussion was that instead of changing the uses in the Business (B) District, the HM District should be expanded.

Belmore asked if this would be under the purview of the Historic District Commission (HDC).

Sharples replied no.

Witham stated that the name of the district would make you think that the HDC would have oversight.

Sharples suggested amending the name to Millyard District instead of Historic Millyard District. Stated that the Historic District is an overlay district and already has districts that are half in it and half out of it. Stated that it is segmented.

Witham stated that he likes the idea of the name being "Millyard District" and removing the word historic.

Durkee agreed and stated that they don't want to get terms confused.

Witham stated that he is fine with the Table of Uses as presented tonight and with extending the district. Stated that he is fine with changing the name to "Millyard District". Stated that the only other issue is the overlay appearance criteria. Asked if that can run its own course or if it has to be tandem with this.

Sharples stated that there are appearance criteria in the Site Plan Regulations. Stated that the Planning Board can look at surrounding buildings and steer an applicant into a certain direction.

Witham stated that this Board has been vigilant of leveraging appearance standards to a greater degree. Stated that they need to keep appearance standards in mind for quality projects.

Sharples stated that at a prior meeting he had proposed a change to the purpose statement of the HM District as well. Read the existing purpose statement and stated that it is confusing. Stated that there aren't any road frontages in the district and that multi family uses are allowed. Read the suggested amended purpose statement.

Motion: Witham moved that the Planning Board have a public hearing on the proposal of extending the Historic Millyard District south between the Railroad and the Salmon Falls River to approximately Depot Street, the amendment to the Table of Uses as presented by the City

Planner tonight and the amendment to change the name from Historic Millyard District to Millyard District.

Seconded by Durkee. Motion carried with a 7-0 vote.

Sweeney mentioned that Sharples would wordsmith the purpose statement.

- 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 stated that this item was discussed with workshop item A.

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

None.

6) **COMMUNICATION AND MISCELLANEOUS**

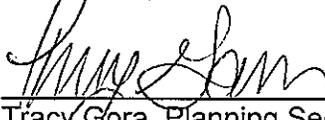
Sharples brought the Board's attention to a Legal Q and A handout regarding conflicts of interest that was in the monthly packets.

Motion: Witham moved to adjourn the meeting.

Seconded by Belmore. Motion carried with a 7-0 vote.

Meeting adjourned at 7:36 p.m.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board