**SOMERSWORTH PLANNING BOARD**
**MINUTES OF MEETING**
**NOVEMBER 20, 2012**

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| **MEMBERS PRESENT:** | **Anthony Delyani, Vice Chairman, Bob Belmore, City Manager, Ron LeHoullier, Dan Proulx, Erwin Grant, Ernie Gallant, Paul Maskwa, Alternate and Chris Cortez, Alternate.** |
| **MEMBERS ABSENT:** | **William Sweeney, Chairman, Dave Witham, City Council Representative and Paul Robidas.** |
| **STAFF PRESENT:** | **Dave Sharples, Director of Planning and Community Development and Tracy Gora, Planning Secretary.** |

The meeting was called to order at 6:30 pm.

Delyani stated that both alternates, Maskwa and Cortez would be voting members tonight.

## 1) APPROVAL OF MINUTES

**Motion**: LeHoullier moved to accept the minutes of the meeting of October 17, 2012.

Seconded by Belmore. Motion carried with a 7-0-1 vote with Maskwa abstained.

## 2) COMMITTEE REPORTS

A) ZBA Report

Sharples referred to the attached report and stated that there was a full agenda with four applications being granted, one being denied and one being tabled.

B) City Council Report

None.

C) Site Review Technical Committee Report

None.

D) Minor Field Modification Report

Sharples referred to the attached report and stated that one minor field modification request was granted for 99 Indigo Hill Road, to extend the roof rafters by two feet.

E) Strafford Regional Planning Commission Update

None.

F) Vision 2020 Report

None.

## 3) OLD BUSINESS

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

None.

## 4) NEW BUSINESS

A) Francoeur Realty Trust is seeking site plan approval for an office building with associated infrastructure and parking for property located at 506 High Street, in the Residential Commercial (RC) District, Assessor's Map 40, Lot 09, SITE #05-2012.

**Public hearing opened 6:32 pm.**

Sharples reviewed his memo (see attached) and stated that the proposal is to construct a one story structure. Reviewed the features of the lot and stated that it doesn't meet minimum frontage or area for a commercial use but that it received a variance in 2004. Stated that relief was also granted at that time for front and side setbacks. Stated that CLD Engineers has reviewed this proposal twice and that the applicant has satisfactorily addressed all comments, along with SRTC comments. Stated that they are requesting a waiver from the bufferyard requirement, which requires a 50 foot buffer with a 35 foot landscape strip. Stated that the bufferyard is only required where the lot abuts a residential district, which it does on the easterly lot line. Stated that the existing hedge will remain. Stated that the second waiver is for paved areas, which are required to be at least one half the building setback for the property. Stated that this is a corner lot so there are two front yards and two side yards. Stated that the Planning Board Chairman couldn't be here tonight but that he called and mentioned his concern with available parking not being adequate. Stated that the proposal does meet the parking requirements by providing eight parking spaces. Stated that he does have a suggested condition of approval for the parking concern.

**Bob Stowell** of Tritech Engineering Corporation represented the applicant and addressed the Board. Stated that the property received variances for a commercial building and for setbacks. Stated that full enforcement of the bufferyard requirement would eliminate the buildability of the lot. Stated that one of the abutters on Kelwyn Drive is the applicant. Stated that for the paved area, they are able to maintain a ten foot green strip and that the pavement would be setback farther than most lots in the area, including the abutting dentist office. Stated that the pavement would be slightly closer than permitted but that it goes with the area. Stated that traffic is probably slightly less than what exists and that this is low impact development. Stated that they have been working with staff and CLD Engineers and that they well received at SRTC.

Proulx asked for clarification on what the waivers are for.

Sharples stated they are requesting a waiver for the bufferyard requirement on the easterly side of the lot and a waiver for the parking spaces to encroach on setbacks.

Proulx asked if snow will be removed from the property.

Stowell stated that what can't remain on site will be removed. Showed areas on site plan that can store snow.

Proulx asked if the snow storage on the northern side of the property will block sight for vehicles entering and exiting the property.

Stowell stated that sight distance is more to the west and not here.

Belmore asked if there will be a dumpster.

Stowell stated that there is no dumpster proposed.

Cortez asked what the nature of the business will be.

Stowell stated that it will be a financial loan office.

Proulx asked how many employees there will be.

**Dave Francoeur**, owner and applicant addressed the Board and stated that there will be one employee with a maximum of two employees.

Sharples asked if there is a place for a dumpster if one is wanted in the future.

Stowell showed the most-likely location.

Delyani stated that the use and number of employees can change and asked if there should be a condition of approval for the limits of the use.

Sharples stated that there could be a retail use there but there couldn't be a restaurant because it is limited by size and parking availability.

Maskwa asked about the parking regulations.

Sharples stated that the requirement for an office is for one parking space for 250 feet of floor area. Stated that this proposal would require six spaces and they are providing eight.

LeHoullier asked if this proposal violates anything from the 2004 variance.

Sharples stated that he didn't see any conflicts.

Belmore asked if the bag and tag trash removal will work with an office use.

Francoeur stated that at his Re/Max location down the street, they recycle and walk it out to the curb for pickup. Stated that they have ten employees and they have a dumpster but that they don't really need it. Stated that most of the paperwork needs to be shredded and taken off site. Stated that they will use curbside.

Maskwa asked about the stockade fence on the southeast side of the property.

Stowell stated that there are two sections of fence for that side.

Cortez asked if they think the jetty will cause turning radius problems in the winter.

Stowell stated that there will be a little green area there.

**Lewis Fields**, abutter at 67 Kelwyn Drive addressed the Board and stated that he is hoping that there will be a fence and that he would like to see what they are doing about drainage because there is a problem with water coming off High Street.

Stowell showed the drainage and stockade fence on the plans. Stated that all drainage will be treated with an infiltration system. Stated that drainage is an improvement from what is there now.

Sharples stated that the drainage system is also tied into the City's system for large storm events. Mentioned that there are two sections of fencing with an opening between them.

Stowell explained the fencing.

Sharples stated that there needs to be opaque screening along this portion of the lot.

Stowell stated that it is not an issue.

Cortez stated that aesthetically, the fence should run the entire length of the lot.

Sharples stated that a fence achieves opaque screening.

Maskwa asked about signage and exterior lighting.

Stowell stated that there will be both and showed on the plans. Stated that they would like a freestanding sign, which they will apply to the Sign Committee for. Stated that there is lighting proposed on the building.

Proulx asked about the pitch of the roof and the drip edge infiltration on the back side of the building. Asked if it meets requirements and impact to the abutters.

Stowell stated that it will catch water and get it back into the ground.

Sharples stated that CLD Engineers reviews the drainage and that they are satisfied with it.

Belmore suggested just having one fence instead of two sections.

General agreement.

**Public hearing closed 7:05 pm**.

Sharples reviewed the waivers and stated that there are no suggested conditions of approval for them at this point.

**Motion**: Belmore moved that the request of Francoeur Realty Trust for a waiver from Section 11.D.4 of the Site Plan Review Regulations regarding a bufferyard be **APPROVED**.

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

**Motion**: Belmore moved that the request of Francoeur Realty Trust for a waiver from Section 11.4.b.vii of the Site Plan Review Regulations regarding the setbacks for paved areas be **APPROVED**.

Seconded by LeHoullier.

Proulx asked if there is a precedent for this waiver.

Sharples stated that he believes so with High Street Retail Center and Somersworth Station.

Motion carried with an 8-0 vote.

**Motion**: LeHoullier moved that the site plan request of Francoeur Realty Trust for an office building with associated infrastructure and parking be **APPROVED WITH THE FOLLOWING CONDITIONS**:

1. An escrow account, in an amount agreeable to the City, will be established for site and building construction inspections prior to any site work;

2. A pre-construction meeting with the City is initiated and scheduled by the applicant and held prior to any site work;
3. An electronic As-Built Plan of the entire property with details acceptable to the City shall be provided prior to the issuance of a Certificate of Occupancy (C/O). This Certification must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
4. A Maintenance Log and an Inspection & Maintenance Checklist for the stormwater management systems shall be provided to the satisfaction of the City prior to signing the final plans. A completed log and checklist shall be submitted to the City annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans;
5. The final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect;
6. All detectable warning panels (or pads as identified on the plans) shall be constructed of cast iron or similar durable material approved by the City of Somersworth;
7. Any future change of use that involves or would require (as determined by the City) any changes in parking, loading, or access shall require site plan review insofar as to address these items; and,
8. The six-foot high stockade fencing shall be erected along the entire length of the easterly property line, which is perpendicular to Kelwyn Drive.

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

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

None.

## 5) WORKSHOP BUSINESS

A) Review and discuss the request from COAST Bus to allow advertising on their bus shelters.

Sharples stated that he is still working with COAST Bus on this and would like to move it for discussion at next month's meeting.

B) Discussion on RSA 79-E.

Sharples stated that Planning Intern Paul Goodwin is here to speak to this. Stated that this topic was discussed at the last meeting and that the Board wanted to talk further about it. Stated that as a brief recap, this is a tax relief incentive for development. Stated that the areas for where this would be available wouldn't be where business is booming and already developing. Stated that since he has been working here, he has only seen once project developed in the proposed downtown area. Stated that there is a need for incentives. Stated that the City Council would have to adopt this. Stated that ideally this is to incentivize development. Stated that in the long run the incentive would be repealed because it is no longer needed.

Delyani stated that it seemed that balance was one of the main drivers for the proposed area.

Sharples agreed and stated that it doesn't get put into an area that is highly developed. Stated that there is not much development in the downtown area.

Delyani thanked Goodwin for his presentation last month.

Proulx stated that this would need to go before the City Council and asked if there are any formal requirements from the Planning Board.

Sharples stated that nothing is required but that it is in the Master Plan, which the Planning Board oversees.

Grant stated that at the last meeting a Board member requested that someone from another town that has adopted this be present to answer questions and asked if anyone was contacted.

**Paul Goodwin**, Planning Intern addressed the Board and stated that it could be arranged but he intended to reserve that for the City Council process.

Maskwa asked if Newmarket, NH was part of this.

Goodwin stated that they did adopt RSA 79-E but that they have a narrow district. Stated that Newmarket wasn't the most exciting case study because they worked with one developer. Stated that Newmarket is very similar to Somersworth but thought that the other case studies were more relevant.

Maskwa stated that Mr. Chinburg still owns a major property in Somersworth and that it has been lying unattended for some time.

Belmore stated that Maskwa is talking about the old bleachery. Stated that Goodwin did tremendous work with his research. Stated that he feels that the communities are success stories and that the only community that stumbled a bit was Manchester and that was due to faulty language. Stated that the other communities were all successful. Stated that he is excited to see how the City Council responds to this.

Gallant asked if the City proactively moves forward with developers/owners if this gets adopted.

Belmore replied yes. Stated that the City recently expanded the Economic Revitalization Zone, which allows property owners and businesses to apply for State relief. Stated that RSA 79-E allows relief from the City for owners investing in their property. Stated that the City has a new Economic Development Manager who can reach out and show what's available.

Cortez mentioned that at last month's presentation, there was a proposed area for this incentive and the Board discussed refining that area.

Sharples stated that the City Council has the authority to delineate the incentive area and that the Planning Board can just make recommendations. Stated that the proposed area is the Historic District, Business District and Residential Multi Family District and that those areas seemed to make sense. Stated that to qualify, the development has to meet certain criteria, like a public benefit.

Cortez asked if there are a minimum or maximum number of properties.

Goodwin stated that the incentive area is flexible but that it has to be an urban, compact area.

Belmore stated that he is not looking for a vote, but asked if it is fair to say that the consensus is for the City to move forward with this.

LeHoullier replied yes, if it is done right.

General agreement from the Board.

Cortez stated that he just wants to make sure there are communications and discussions.

Delyani stated that the City would need to learn from the mistakes of others.

## 6) COMMUNICATION AND MISCELLANEOUS

Belmore stated that the Land Use Board Appreciation Dinner is coming up and that he hopes that all Land Use Board members can attend for a thank you from the City.

**Motion:** Proulx moved to adjourn the meeting.

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

Meeting adjourned at 7:30 pm.

Respectfully submitted:

Tracy Gora, Planning Secretary
Somersworth Planning Board