

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
FEBRUARY 15, 2012**

**MEMBERS PRESENT:** William Sweeney, Chairman, Dave Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Erwin Grant and Paul Maskwa, Alternate.  
**MEMBERS ABSENT:** Anthony Delyani, Vice Chairman, Dan Proulx and Paul Robidas.  
**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 January 18, 2012.

Seconded by Maskwa. Motion carried with a 5-0-1 vote with Witham abstained.

**2) COMMITTEE REPORTS**

**A) ZBA Report**

See attached.

**B) City Council Report**

Witham stated that at the last meeting, the Council unanimously voted to partner with the Friends of Somersworth regarding the Hilltop School. Stated that this is to explore development opportunities but it is not financially binding. Stated that it is just a partnership.

**C) Site Review Technical Committee Report**

Sharples stated that the SRTC reviewed the site plan application for Next Level Church, which is here for further review tonight.

**D) Minor Field Modification Report**

None.

**E) Strafford Regional Planning Commission Update**

Witham stated that he spoke with Tapscott who informed him that the Commission has not met in a while but that a meeting is being planned.

**F) Vision 2020 Report**

Belmore stated that the Chairman is scheduling a meeting for the last Monday of the month and the agenda will be out soon. Stated that there are two memberships to the Strafford Regional Planning Commission that need to be renewed. Stated that the procedure is for the Planning Board to make a recommendation and the City Council to vote on it.

**3) OLD BUSINESS**

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

LeHoullier asked if there was any new information on the South Street car wash.

Sharples stated that there is nothing new but that he will check with the Code Enforcement Office. Stated that they didn't get a response from their initial contact and that Code Enforcement will move forward with standard operating procedure for enforcement.

#### 4) **NEW BUSINESS**

- A) Next Level Church, on behalf of Neale Hubbard is seeking site plan approval for an addition and change of use for property located at 436 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 56, Lot 1A, SITE #05-2011.

Sharples reviewed his memo (see attached) and stated that the application is for an addition and a place of worship. Stated that the applicant got a variance from the ZBA for a place of worship and that the former use of the property was a used car dealership. Stated that staff is still working with the applicant to address outstanding items because they haven't all been satisfied. Stated that he just received comments from CLD Engineers yesterday. Stated that the applicant is requesting four waivers but that they weren't discussed by the SRTC because the requests were submitted after the SRTC meetings. Stated that they are requesting a waiver for bituminous curbing, two waivers from the landscaping regulations and a waiver for the existing pavement to remain in the front setback. Stated that this property received site plan approval in 2001 and in 2003. Stated that in those approvals, the pavement was shown to meet the setback requirements but that it wasn't built that way. Stated that he noticed that other aspects of the original site plan approval were never built. Stated that the retention pond was never built, no drainage was put in place and the parking area was expanded. Stated that he doesn't have suggested conditions of approval because of the outstanding items.

**John Gagnon**, lead Pastor of the Next Level Church addressed the Board. Stated that they are looking to do this in two phases. Stated that the prior owner never got an occupancy permit and the building wasn't up to code. Stated that they first want to bring the building up to code and would like an okay to fix the retention pond and drainage. Stated that they didn't know about these issues when they went to purchase the property. Stated that they would just like to correct items that should have been done before.

**Tobin Farwell** with Farwell Engineering Services, Inc. addressed the Board and stated that they would like to get this approved in two phases. Stated that they are proposing an underground detention system that it will collect and detain runoff on both sides of the property. Stated that the structure will have a basement level and a first floor. Stated that they are not proposing any additional lighting except for maybe some wall packs. Stated that they just got CLD Engineer's comments and that they are all on board with the drainage. Stated that they will need a fire suppression line. Stated that there is still a question on how the sewer line comes out of the existing building.

**Jeff Caley**, a representative with Next Level Church addressed the Board and stated that they have to deal with the drainage right away so they would need to know if they can leave the existing pavement. Stated that they are proposing bituminous curbing, which won't have a visual impact. Handed out photographs of the property.

**Public hearing opened 6:51 pm.**

Gora read the letter from the abutter at 438 Route 108 into the record (see attached).

**Public hearing closed 6:53 pm.**

Maskwa asked for clarification on curbing.

Caley showed on the map and stated that they need curbing where they collect drainage.

Belmore asked for some clarification on what the Board's role is tonight. Asked if they are acting on the waivers or just offering feedback.

Sharples stated that when they first went before the SRTC they explained that all the details will be needed. Stated that he feels that the plans are complete for review purposes. Stated that he explained to the applicant that the Planning Board probably couldn't take action tonight but that they wanted some feedback. Stated that it is up to the Board to act on the waivers if they want.

Belmore stated that some members are missing and that there could be a change in Board attendance next month so the opinions could be different.

Sharples stated that the Board can act on the waiver requests or just offer comments so the applicant is prepared.

LeHoullier stated that Hubbard is the owner of the property and asked if it is his responsibility for upkeep of the property.

Sharples stated that it is ultimately the owner's responsibility.

LeHoullier asked if the use could ever go back to a used car dealership.

Sharples stated that he doesn't remember if there was ever a variance issued for that use but that it there was, a variance runs with the land.

Farwell stated that they got a variance in 1999.

Witham stated that he finds the proposed development to be an intensive use of the site. Stated that there seems to be a lot of impervious surface for a property under two acres in size. Stated that he doesn't think that the Planning Board is prepared to act tonight and suggested having a site walk of the property. Stated that the site looks different on site rather than on paper especially because of the slope. Stated that regarding the waivers, he doesn't think the Board has ever allowed anything other than granite curbing, especially for runoff and drainage. Stated that in the winter bituminous curbing can easily break from plows, etc. and that they don't last long. Stated that he doesn't support that waiver request. Stated that regarding landscaping, what exists is minimal and that something needs to be done. Stated that regarding the existing pavement being in the front setback, he feels that the setbacks aren't just for landscaping but for a safety buffer. Stated that he doesn't support any of the waivers yet. Stated that the plan says that there will be 91 parking spaces and that 84 spaces are needed and that the rationale for that was that there would be four people per car. Stated that people may go to a service or event with less than four people in their car and then there is a parking problem. Stated that he read in the information that was supplied that the auditorium could fit 600 people and asked if there would be enough parking.

Gagnon stated that it was never their desire to have that many seats and would like to have only 150 to 200. Stated that the parking would suffice.

Sharples stated that the suggested parking according to City regulations is one parking space for four seats.

Gagnon stated that there will be less than 400 seats in the auditorium.

Witham stated that he read the minutes from the ZBA meeting for when the applicant applied for a variance and that traffic was talked about. Stated that it was mentioned that the traffic would be similar to the Aroma Joes down the street but that those cars come in and out one or two at a time whereas this traffic would be all at once.

Gagnon stated that Sunday morning is the least traveled time on Route 108.

Farwell stated that there is less business traffic on weekends.

Gagnon stated that The Oaks, which is across the street, has large gatherings that come and go at the same time.

Witham stated that that would probably make this problem worse if both facilities are having a weekend event. Stated that he feels that a full traffic analysis is warranted in this case.

Belmore questioned that because Route 108 is a NHDOT roadway.

Sharples stated that the current practice is that the NHDOT gets notified of projects. Stated that they will need a change of use permit through the NHDOT so they will review it.

Gagnon stated that they already have.

Witham referred to the regulations and stated that they speak to when a full analysis is needed and talks about it being needed for certain land uses. Stated that he thinks this would apply because of all the traffic getting out at the same time.

Belmore stated that he would like the applicant to consider the abutter's request for a fence. Stated that he would not be in favor of the waivers for landscaping, especially in the front. Gave examples of other businesses that have landscaping in the front. Stated that he is okay with having a site walk.

Witham stated that since the project is over 10,000 square feet then COAST Bus needs to be contacted.

Farwell stated that that hasn't been done yet.

Witham inquired about the building design and asked what the siding will be.

Sharples stated that the SRTC asked for full elevations and were told they would be submitted under separate cover.

Caley stated that they didn't detail the materials but that the intent is that it will match the existing structure.

Witham stated that the existing building is metal siding, which isn't allowed by the City's regulations.

Sharples stated that the applicant stated that the parking area wasn't changing but the plan shows the addition of pavement.

Sweeney stated that he is hesitant to move forward on any waivers because there are still a lot of questions and things to look through. Stated that the Board has never allowed bituminous curbing before. Asked where all the runoff would go and stated that it looks like it would run onto the property in the back.

Farwell stated that no drainage exists now but that they want underground pipes to retain water, where it would outlet at the rear of the property, where it goes now.

Sharples stated that the City's regulations require that post-development rates of runoff don't exceed pre-development rates of runoff.

Farwell stated that there will be a considerable drop in flow after the drainage is built.

Sweeney asked how the underground pipes get cleaned out.

Witham mentioned the annual reporting requirement.

Sharples stated that basically they are building detention ponds but that they are underground.

Sweeney asked how steep it will be.

Farwell stated that it is like a giant septic field and explained the drainage.

Sweeney stated that he is still not sold on the curbing waiver. Stated that he can't consider a landscaping waiver because he hasn't seen a plan. Stated that he also needs to see a plan for the parking before he can consider a waiver. Stated that he likes the idea of a fence because of the abutter's concern.

Gagnon stated that they are okay with fencing.

Sweeney stated that he is skeptical about the parking because he doesn't usually see people at church with four people in their car.

Gagnon stated that they are not planning to have 600 seats and stated that they want to do this correctly. Stated that no matter what, there can always be parking problems. Stated that financially is it difficult for some of the items that are required.

Sweeney stated that he likes the idea of having a site walk.

Witham suggested that the applicant prepare the site to better visualize what they want to do and what the requirements are. Suggested flagging where the front setbacks are and where the corner of the addition would be.

Gagnon stated that the grading with work nice because it is like having a walk out basement. Asked about getting a waiver to have a fence with landscaping in the front instead of ripping up the pavement.

Witham stated that he will need to see a landscaping plan if the waiver for the pavement in the front doesn't get granted. Stated that it may mess around with parking numbers.

Gagnon asked about the addition.

Sweeney stated that they haven't had the chance to look at the responses from CLD Engineers.

Gagnon stated that they addressed about 90% of their concerns before they even got the response letter back.

Belmore stated that if the application meets all the City regulations and requirements then he doesn't see a problem. Stated that he needs to see a landscaping plan.

Witham stated that it is possible that they could act on the waivers but then they wouldn't know about the rest of the site plan.

Gagnon stated that they are meeting the City's requirements for parking.

Witham asked if they would still meet the requirement if they don't get the waiver for the pavement in the front.

Gagnon replied yes because they can use the back of the property.

Farwell stated that he thinks they would lose seven to eight parking spaces.

Sweeney stated that he is not comfortable with moving forward.

Farwell stated that the pavement out front affects everything from landscaping and drainage. Stated that he would like the Board's flavor about the pavement so they can plan ahead.

LeHoullier asked if there are still outstanding issues with the SRTC.

Sharples stated that all issues were touched upon tonight.

Maskwa stated that he thinks a site walk would be good.

After discussion, the Board decided to have a site walk of the property on Thursday, March 1, 2012 at 5:00 pm.

Gagnon asked about the possibility of having a special meeting to go over the waivers and drainage. Stated that they are trying to keep their financing in line.

Witham stated that he thinks they could act on the curbing tonight but that if he was to act on the pavement then he would vote no.

Sweeney stated that he would like to know what the minimum requirements are for landscaping.

**Motion:** Witham moved that that Next Level Church submit a full traffic impact analysis based on the Site Plan Review Regulations.

The motion was not seconded.

Witham stated that his vote for the overall project will probably be no.

Sweeney stated that they will be meeting in two weeks for a site walk and then the next Planning Board meeting is two weeks after that so they will probably not be able to have a special meeting.

Belmore stated that he didn't second Witham's motion for a full traffic impact analysis because he would like to see NHDOT's comments first.

Maskwa stated that he thinks that he would have to look at things more before he could comment on having a traffic impact analysis.

Sharples stated that he got a good sense of the Board's comments and that he could meet with the applicant to be clear on everything tonight.

Gagnon stated that they meet the parking requirements of the City's regulations so he doesn't know where to go from here.

Sweeney stated that the Board has heard different numbers on how many people are going to be in the auditorium.

Witham stated that he would like information on the occupancy load from the Fire Department.

Belmore stated that he would like to see more detail on the parking.

Gagnon stated that they are not trying to play hardball and that they will do with the City wants.

Sweeney stated that the plan shows classrooms and asked if they will be in use while the auditorium is in use.

Gagnon stated that the kids will be classrooms while the adults are in the auditorium.

Witham stated that the Board has to remember that the approvals for the property, not specifically for Next Level Church. Stated that they need to consider the long term.

**Motion:** LeHoullier moved that the request of Next Level Church, on behalf of Neale Hubbard for Site Plan approved for an addition and change of use be **TABLED** until the March 1, 2012 site walk.

Seconded by Maskwa. Motion carried with a 6-0 vote.

B) Proposed amendment to the City of Somersworth Site Plan Review Regulations by adding a new section titled Low Impact Development (LID) Stormwater Regulations.

Sharples reviewed his memo (see attached) and stated that at the last Planning Board meeting the Board voted to have a public hearing to amend the Site Plan Review Regulations. Stated that this would replace the existing Stormwater Management section with a new section. Stated that the Board has had several workshop discussions and worked with Brad Mezquita of Appledore Engineering on several drafts of the proposal. Read the suggested language regarding third party review.

**Public hearing opened 7:54 pm.**

**Public hearing closed 7:54 pm.**

**Motion:** Maskwa moved to delete Section 11.17 of the Site Plan Review Regulations and replace it with a new section titled "Low Impact Development (LID) Stormwater Regulations".

Seconded by LeHoullier. Motion carried with a 6-0 vote.

Sharples stated that there are a lot of people who are excited about this ordinance. Stated that he will be speaking about this ordinance and the process at two seminars. Stated that other communities have called him and asked about it and that Somersworth is at the forefront with these regulations.

Witham stated that he wanted to publicly acknowledge Brad Mezquita and his work on this ordinance change.

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

None.

5) WORKSHOP BUSINESS

- A) Proposed Zoning Ordinance amendment to Table 5.A.1 regarding the temporary placement of handicap ramps and similar structures within the required minimum setbacks.

Sharples reviewed his memo (see attached) and stated that he was requested to draft a proposed amendment for handicap ramps and similar structures to be exempt from having to meet setbacks. Stated that at the last meeting, the Board suggested two amendments. Read suggested language on notification of abutters and on what City official could waive the removal requirement.

Witham stated that he thinks they are at a point where they can move forward with the proposed amendment. Stated that this proposal stems from people with disabilities who need a ramp to access their home. Stated that having to go through the ZBA process to place a ramp in setbacks could take too long. Stated that this would avoid HDC review for properties in the Historic District. Stated that it is intended for properties that have no place to put the structure except within setbacks. Stated that a building permit will still be needed. Stated that he supports the proposal. Stated that he wonders if the abutter notification should be at the applicant's expense or the City's expense.

Grant stated that he thinks that it should be at the applicant's expense.

Belmore stated that he is fine with making it the applicant's expense and would be part of the building permit process.

LeHoullier and Sweeney stated that they were both okay with that.

Maskwa asked if it is just for the postage for abutter notification.

Sharples replied yes and stated that it would just be first class mail.

**Motion:** LeHoullier moved that the Planning Board hold a public hearing on March 21, 2012 on the proposed Zoning Ordinance amendment to Table 5.A.1 regarding the temporary placement of handicap ramps and similar structures within the required minimum setbacks.

Seconded by Witham. Motion carried with a 6-0 vote.

- B) Discussion on the Table of Uses regarding the Residential/Business (R/B) Zoning District.

Sharples reviewed his memo (see attached) and stated that he was asked to put this item on the agenda. Stated that there is a property in this district that has had problems renting out space because of the uses allowed in this district. Stated that any retail uses require a special exception from the Zoning Board. Stated that he has worked with the owner of the property and he feels some uses should be allowed without having to go through the ZBA process. Stated that there are no proposals at this time and suggested that maybe the Board examine the uses allowed in the district. Stated that the property is currently vacant but was formally used as a hair salon and law office.

LeHoullier asked if there is a machine shop in one of the units.

Sharples stated that there isn't one that he knows of but that the owner uses a unit for storage.

LeHoullier asked if it is a cost of rent problem and not a use problem.

Sweeney stated that parking could be an issue.

Witham stated that any change would effect the whole district, not just this property.

Sharples stated that there are 24 parcels in the district.

LeHoullier stated that there was a hardware store there once.

Sharples stated that the owner and real estate brokers have come to him with this concern several times.

LeHoullier stated that the lot is a triangle shape and that there could be a traffic problem with an intense use.

Sharples stated that retail uses aren't broken down in the table of uses. Stated that some retail uses that don't have as much of an impact as others.

LeHoullier asked if it would make sense to further break down retail uses.

Sharples stated that it is a good idea.

Witham stated that he likes the idea of exploring further to help with business development.

Belmore verified that they would look at retail uses for high-intensity uses and low-intensity uses.

Grant stated that defining retail would effect the whole City.

Sharples stated that there are a few uses broken out already. Stated that he'll explain more in his memo but that it would be done in a way to not effect the rest of the City.

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

## **6) COMMUNICATION AND MISCELLANEOUS**

Maskwa stated that he attended the February 1, 2012 meeting regarding the Somersworth/Berwick Bridge and stated that it was very informative with a lot of nice comments. Asked when the next meeting will be.

Sharples stated that he will inform everyone when he knows.

Belmore stated that the next meeting is tentatively scheduled for June but will be advertised as it gets closer. Stated that the PowerPoint presentation from the meeting is on the City's website. Stated that aesthetics are being taken into consideration.

Sweeney asked where on the website the PowerPoint presentation is located.

Belmore stated that it is under the "news" icon.

Witham stated that he wants to underscore that Somersworth was well represented and did good at articulating the desires of the City.

Sharples stated that the agreement for the TE grant has been signed and that a meeting is scheduled for next Tuesday with the NHDOT.

Witham asked if the City can expect an RFP to go out this year.

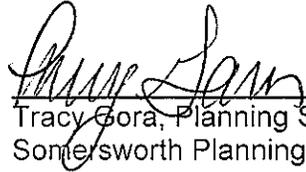
Sharples stated that he anticipates that it will be soon.

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

Seconded by LeHoullier. Motion carried with a 6-0 vote.

Meeting adjourned at 8:23 pm.

Respectfully submitted:

  
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Tracy Gora, Planning Secretary  
Somersworth Planning Board