

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MARCH 21, 2012**

MEMBERS PRESENT: William Sweeney, Chairman, Dave Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Dan Proulx, Paul Robidas, Ernie Gallant and Paul Maskwa, Alternate.

MEMBERS ABSENT: Anthony Delyani, Vice Chairman and Erwin Grant.

STAFF PRESENT: Dave Sharples, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

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

1) APPROVAL OF MINUTES.

Motion: Belmore moved to accept the minutes of the meeting of February 15, 2012.

Seconded by Maskwa. Motion carried with a 4-0-3 vote with Proulx, Robidas and Gallant abstained and Witham not yet in attendance.

Motion: Belmore moved to accept the minutes of the site walk of March 8, 2012.

Seconded by Robidas. Motion carried with a 5-0-2 vote with LeHoullier and Gallant abstained and Witham not yet in attendance.

2) COMMITTEE REPORTS

A) ZBA Report

Sharples stated that there were three action items from last month. Stated that the Board approved a special exception for a retail use at 156 High Street, a variance to remove and rebuild a single-family dwelling at 395 Route 108 and a rehearing request for 16-18 Myrtle Street. Stated that the rehearing will take place at the May ZBA meeting.

B) City Council Report

Witham stated that the City Manager submitted next year's budget to the Council and workshop meetings have been scheduled to begin review. Stated that the Council has to act on a budget by the end of June or the City Manager's proposal would be approved. Stated that he is not aware of that ever happening in Somersworth.

C) Site Review Technical Committee Report

Sharples stated that the SRTC reviewed an application for a new garage at 99 Indigo Hill Road. Stated that they are continuing the review process and may be before the Planning Board next month.

D) Minor Field Modification Report

None.

E) Strafford Regional Planning Commission Update

Sweeney stated that there are two membership terms that have, or will be expiring. Stated that he would like to reappoint Brian Tapscott and Roger Berube to extend their terms on the Commission.

Belmore asked if they have been contacted and if they want to continue their membership.

Sweeney replied yes.

Belmore asked if they are actively attending SRPC meetings and asked about their level of interest and attendance at the meetings. Stated that he doesn't know the level of commitment of these members and that it should be considered. Stated that the Council does consider whether members have a true commitment for the Board or Committee a member serves on.

Witham stated that the Government Operations Committee has started reviewing information that outlined the attendance of members of the Land Use Boards. Stated that it is a recognized concern that if a person takes membership on a Board that they have reasonable attendance. Stated that sometimes Boards have trouble getting a quorum.

Sweeney asked if the Planning Board should wait on appointing members.

Robidas suggesting waiting on both appointments. Suggested that in the future when there is a nomination the Board should get information on the member's attendance history, etc. Stated that the Board should have an informed vote.

Witham concurred.

Robidas suggested having the information sent ahead of time in the packets.

General agreement from the Board.

F) Vision 2020 Report

Belmore stated that they have not met recently. Stated that he wants to follow up on the discussion on the proposed budget. Stated that the proposed budget is available to view on the City's website and in City Hall. Stated that there is a workshop meeting scheduled for Monday where he'll give a PowerPoint presentation on the budget. Stated that eventually there will be a public hearing on the proposal.

3) OLD 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 was tabled at the last meeting and a site walk was conducted. Stated that at the site walk the Board discussed several items including landscaping and parking but that no formal action was taken. Stated that the applicant is no longer requesting a waiver from landscaping requirements and that they have incorporated a fence along the Route 108 property line. Stated that the minimum parking requirements have been satisfied. Stated that the drainage plans show granite curbing and a note for an earthen berm but that he thinks the note is vague. Suggested a condition of approval for the granite curbing. Stated that there is a natural buffer of dense vegetation between this property and the abutter to the north, which is adequate and a fence seems unnecessary. Stated that a wetland scientist has not been hired but that he examined the property and it appears that they are a minimum of 150 feet from any wetlands. Stated that he doesn't think

that a wetland scientist is necessary. Stated that the applicant has requested a waiver from the appearance standards because they want the addition to mimic the existing building. Stated that there are no windows proposed for the addition because it will be an auditorium. Stated that they are proposing a horizontal stripe to break up the façade. Stated that when this site was originally developed, the plans showed that the pavement would meet the required 25-foot setback but that it was not built that way. Stated that the pavement was placed about 6 feet from the front property line. Stated that the Board discussed this applicant's waiver request from this requirement and was amendable to reducing the required setback. Stated that by reducing the pavement setback, they will be able to keep more on-site parking. Passed out suggested conditions of approval. Stated that there are still several outstanding comments from CLD Engineers but that he has discussed this with the applicant and would be agreeable for a condition of approval to address all outstanding CLD Engineer comments.

Tobin Farwell with Farwell Engineering Services, LLC represented the applicant and addressed the Board. Stated that he revised the plans and cut the pavement back six feet and pushed the landscaping back. Stated that there will be sections of a split rail fence. Stated that they have received a NHDOT change of use driveway permit. Stated that there was discussion on putting up a fence between their property and the abutters to the north but that he feels confident that there is enough heavy vegetation. Stated that they moved the location of the bike rack, as discussed. Stated that snow storage is shown on the landscape plan. Stated that the access from Route 108 is being widened to 35 feet. Stated that they are in the process of getting a permit for the fire suppression line. Stated that they spoke with the Fire Department regarding access for emergency vehicles and that they require a 27-foot turning radius, which they will meet with widening the access. Stated that there are still outstanding CLD Engineering comments but that he feels positive that they are minor and can be worked out with the City.

Public hearing opened 6:54 pm.

John Gagnon, head pastor of Next Level Church addressed the Board and stated that he is in favor of the application.

Public hearing closed 6:55 pm.

LeHoullier asked if the property will be tax exempt.

Gagnon replied yes.

LeHoullier asked if any of the rooms will be rented out to non-religious groups

Gagnon replied no but that they haven't discussed it. Stated that they would probably just let people use it but that they haven't discussed it.

Witham stated that he has concerns with the building design. Stated that the Planning Board has been more vigilant with building appearances, especially with the entrance to this community on Route 108. Stated that they have granted waivers for metal siding in the past but that he hasn't heard justification for this request. Stated that he would like details on the color band that will be on the building.

Gagnon stated that they would like to continue the same look of the existing building and have a color band to break it up. Stated that the color band will be painted on and will be charcoal gray. Stated that they are continuing the same look of the existing building because they thought it would look strange with two different looks on one building.

Witham asked if the color band will be painted on the building at the factor or on site.

Gagnon stated that it will be on-site.

Sweeney stated that the front façade will be different.

Gagnon stated that the front windows will be more like glass panels and showed the front of the building on the plans. Stated that there will be a false front to make it look less industrial. Stated that the sides model the look in the front.

Witham stated that he agrees that the details have enhanced the curb appeal but that there isn't a lot of detail to the addition in the back. Stated that there was a waiver for the building across the street but that went through a lot for that and windows ended up needing to be installed. Stated that they are heading in the right direction.

Gagnon stated that he is confident that the property will look classy. Stated that there are no windows in the addition because it is an auditorium. Stated that they could thicken the color stripe.

Robidas asked what the width of the color band is and stated that there isn't much that can be done with a metal building.

Gagnon stated that the width is three feet.

Witham asked if the architect is here.

Gagnon replied no.

Witham referred to the emergency egresses on both sides of the addition and suggested adding a roof structure over them to protect the entrance and to give the sides more dimension.

Proulx stated that regarding pushing the parking area back, was the vegetation pulled back also.

Farwell replied yes and stated that it is outside the right of way. Stated that the existing maple tree will remain in the right of way.

Proulx mentioned that the originally proposed maple trees have changed.

Farwell stated that they were concerned with tall maple trees hitting the utility wires so they changed the trees to cherry trees.

Proulx mentioned the slope at the back of the property and stated that the plans mention a wood guardrail and asked how tall it will be.

Farwell stated that the details are in the back of the plans and that it will be 29 inches high. Stated that rolling cars will not go over the wood guardrail.

Witham stated that it sounds like a guardrail that is similar to other properties and would stop a car going at parking lot speed.

Sweeney stated that a split rail fence is noted and that he doesn't see it on the plans.

Sharples stated that there are random sections and they are shown as random broken lines on the plans.

Sweeney stated that they seem to be more for an architectural look than for safety.

Witham stated that there will be landscaping in the open areas.

Farwell stated that it is a visual barrier and that a person can get through but that it wouldn't be a direct line.

Sweeney suggested having more fence sections, especially on the north side.

Witham mentioned contact with COAST bus and verified that they didn't need anything additional.

Sharples stated that is his understanding.

Witham mentioned the correspondence with the Fire Department.

Sweeney stated that parking still seems a little tight and asked if there will be any signs for no parking on the right of way.

Sharples stated that there are none that he knows of but that it is a State road owned by the NHDOT. Read suggested condition of approval number six regarding parking only in designated spots.

Sweeney stated that in the past the applicant mentioned talking with the gas station (abutter to the south) to allow overflow parking.

Farwell stated that they are not moving forward with that.

Maskwa stated that he read the email from the Fire Chief and his concerns of the lack of a second means of egress on the upper floor. Stated that it now looks like there are two stairwells and that he wants to confirm that.

Gagnon confirmed and stated that they changed the plans to meet the requirements.

Witham stated that the applicant said that a fire truck could make the turn at the access and asked if that information was based on communication with the Fire Chief.

Farwell stated that it was a discussion with the Fire Chief.

Gagnon stated that he called the Fire Chief who informed him what the requirement is and that they exceed the requirement.

Witham stated that he would like a condition of approval that there is formal communication from the Fire Chief regarding emergency vehicles being able to access the property. Stated that, regarding the traffic impact, the letter from the NHDOT outlines specifications for access, etc. but doesn't give a flavor for the traffic.

Farwell stated that the peak traffic rate for this property doesn't correspond with the peak traffic rate for Route 108. Stated that this use has its peak on the weekend. Stated that the NHDOT had no issues with traffic and that it is based on the traffic manual.

Witham confirmed that the manual says that this use will generate traffic at off-peak hours. Stated that when the Board approves a project, they are approving the site plan and not just the use for the Next Level Church. Stated that this site plan can be used by other users, which may have different traffic rates. Stated that the peak traffic rates for events for the use across the street may be at the same time as this use.

Farwell stated that the NHDOT looked at Route 108 as a whole and not each property.

Belmore asked if they could have a condition of approval stating that if there is a change of use to the property which changes traffic flow that they would have to come back before the Planning Board for traffic review.

Sharples read the Site Plan Review Regulations and stated that it is covered in the Regulations.

Belmore asked if there is anything the Planning Board can do to underscore this. Stated that the applicant mentioned having a police officer do traffic detail if needed and asked if that can be a condition of approval.

Sweeney asked if The Oaks has to incur the same cost if they are also hosting an event.

Witham stated that this use is different from other uses. Stated that The Oaks traffic tends to be at intermittent times but that with church traffic, everyone leaves at the same time. Stated that it is difficult to compare with use with others.

Proulx stated that he is concerned with setting a precedent with this property that when a new tenet comes in they have to come back to the Planning Board. Stated that he is concerned with having a condition of approval that isn't done for everyone else.

Belmore stated that the requirement is already in the regulations so they don't need to worry about it. Stated that he doesn't want to change what is in the regulations but that he does want to flag it and bring it forward. Stated that it would just be noting an existing regulation. Stated that he understands that there is a big slug of traffic with a church use but that there is about an hour when everyone filters in and that there may be coffee or classes so it is possible that not everyone is leaving at the same time.

Gagnon stated that when a church service lets out, not everyone leaves at the same time. Stated that if there was a problem, they would want a resolution to it. Stated that they also are concerned with everyone leaving at the same time. Stated that they want to take care of the people that attend their church.

Sweeney asked if they are going to use the existing sign.

Gagnon stated that the existing sign is in the landscaping and that they want to use that.

Sharples asked if they are moving forward with an electronic message reader.

Gagnon replied no. Stated that the building will look a lot better than the building that has been there for years.

Sweeney asked if the signs meet regulations.

Sharples stated that he will have to review a sign permit application when they submit one.

Witham stated that LeHoullier mentioned this property having a tax exempt status but that this is not for this Board to consider. Stated that there will be an impact on City services, and although he thinks they would be minimal, he would like to applicant to describe them.

Gagnon stated that they have been in existence for almost four years and they have never had an ambulance call. Stated that there have been times when they have asked the police to attend on their own doing but there have never been any calls. Stated that regarding the church

being tax exempt, they give a lot of food and heating fuel away to local residents. Stated they give a lot more away than what a tax bill would charge.

Sweeney stated that the Board should discuss the waiver request for parking area setbacks. Stated that the Board and applicant discussed reducing the requirement to 12 feet.

Witham stated that he is okay with this waiver request because of the landscaping in the front. Stated that the applicant wants to keep a good image and confirmed that the regulations say that landscaping has to be maintained. Stated that if they are not going to have a full setback, then the buffer can be more extensive.

Sharples read from the Site Plan Review Regulations and stated that landscaping has to be maintained. Stated that the setback requirement in this case is 25 feet.

Maskwa stated that there should be rationale for granting the waiver to apply at another time. Stated that they should consider that there is pre-existing pavement on the property. Stated that going back 25 feet would cause difficulties with parking and the look of the landscaping.

Witham stated that the rationale is different for each property and each use. Stated that he is concerned with safety for this site.

Motion: Proulx moved that the request of Next Level Church, on behalf of Neale Hubbard for a waiver from Section 11.4.b.vii of the Site Plan Review Regulations regarding paved areas being one half (1/2) the width of the required setback be **APPROVED**.

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

Sharples stated that the applicant is requesting a waiver from the appearance standards in general because he doesn't feel that they meet several of the sections.

Sweeney, looking at the front elevations, stated that he would like to see larger casings around the windows.

Sharples stated that the detail is not shown on the plans.

Gagnon stated that they are going to replace all windows and showed on the plans.

Sweeney stated that they look industrial and he would like to see a wider molding, like four inches, for better detail.

Gagnon stated that they can do a four and a half inch casing.

Motion: Witham moved that the request of Next Level Church, on behalf of Neale Hubbard for a waiver from Section 11.7 of the Site Plan Review Regulations regarding building features and materials be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. A minimum of a four and a half (4½) inch casing will be provided on all windows and doors in a color consistent with the architectural design of the building;
2. An arched roof overhang shall be provided on each lower level egress door on both sides of the new addition; and
3. The architectural band shall be three (3) feet in width.

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

Sharples read the suggested conditions of approval and stated that many of them are standard. Stated that a few conditions of approval were added tonight like having a letter from the Fire

Chief regarding access for emergency vehicles, any change of use shall require site plan review by the Planning Board and during certain events, a police officer will provide traffic detail at the applicant's expense.

Witham stated that the condition for the emergency vehicle access is for when the parking lot is full.

Farwell stated that the monuments are set and clarified on the plans.

Sharples stated that that suggested condition of approval is unnecessary.

Motion: Proulx moved that the request of Next Level Church, on behalf of Neale Hubbard for site plan approval for an addition and change of use 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 remove the note that states "Contractor to create a berm to the extent possible to contain stormwater". The plans shall show granite curbing along the entire length of the of the parking stalls along the northern property boundary to direct drainage;
6. All vehicle parking shall be limited to the parking stalls identified on the site plan. Parking in any non-designated area is prohibited and this shall be noted on the final plans. Any offsite parking on nearby parcels shall require approval from the Planning Board;
7. Prior to signing the final plans, the applicant addresses all past and future comments from CLD Consultants, Inc. to the satisfaction of the City and agrees that any unresolved items shall be brought back to the Planning Board in a timely manner;
8. The final plans shall bear the stamp and signature of the engineer and land surveyor;
9. The final plans shall show additional fencing along the front of the property to provide a barrier between pedestrians and Route 108;
10. A letter from the Fire Chief will be received by the City prior to signing the final plans stating that his concerns regarding truck access have been satisfactorily addressed;
11. In the event traffic issues arise as a result of the use as a place of worship, the applicant has agreed to provide a police detail at their expense for such events; and,
12. Any change of use that involves any changes in parking, loading, access, drainage or public utilities shall require site plan review.

Seconded by LeHoullier.

Witham stated that he will probably be voting no. Stated that the applicant has done an excellent job but that he still has concerns with traffic flow in and out of the site. Stated that he would be more comfortable with a full traffic analysis. Stated that he is also not satisfied with parking.

Motion carried with a 7-1 vote with Witham opposed.

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

Sharples reviewed the attached memo regarding the request for a voluntary merger to combine two lots. Stated that voluntary mergers are governed by State law. Stated that this request is particularly relevant because the owner would like to get the merger recorded by the end of this tax year, which is April 1, 2012. Stated that the State law insists that the Planning Board shall approve the request unless the merger would result in a violation of ordinances or regulations. Stated that the properties are owned by the same entity. Stated that he researched the request and found that this would not result in any violations.

Robidas asked if there are any future plans for this property.

Sharples stated that he has spoken with the owner of the properties and that they are mostly wetlands and not very developable. Stated that the owner is trying to sell the lots and wanted to merge them. Stated that the merged property wouldn't be able to be subdivided again in accordance with current regulations.

Motion: Belmore moved that the request of The Muriel A. Dunn 1995 trust for a voluntary merger be **APPROVED**.

Seconded by LeHoullier.

Sharples stated that the lots were probably subdivided at one time but that they can't be subdivided again after they are merged.

Motion carried with an 8-0 vote.

4) **NEW 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 the Board has reviewed several drafts of this proposal and read the final proposed language. Stated that, if approved, the language will be inserted as a footnote in Table 5.A.1 of the Zoning Ordinance.

Public hearing opened 8:04 pm.

Public hearing closed 8:04 pm.

Motion: Maskwa moved that the proposed Zoning Ordinance amendment to allow for the temporary placement of handicap ramps or similar structures on residential building and for these structures to be exempt from having to meet the minimum setback requirements set forth in Table 5.A.1 be forwarded to the City Council for consideration with a recommendation for approval.

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

Witham stated that he would be happy to sponsor the amendment when it goes to Council.

B) Appointment of City Representative to the Strafford Regional Planning Commission.

This item was addressed under Section 2-Committee Reports, on the agenda.

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

5) WORKSHOP BUSINESS

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

Sharples stated that he brought this topic at the last Planning Board meeting and that the impetus for this was the property at 156 High Street. Stated that in this district, retail uses are only allowed via special exception, which means that any new retail use has to go before the ZBA. Stated that the property owner brought this to his attention to see if any retail uses could be allowed by right because not all retail uses are the same. Reviewed what uses are allowed by right and allowed via a special exception according to the Table of Uses in the Zoning Ordinance. Stated that it could reasonably be argued that some of the uses that are allowed by right may generate more traffic than some retail uses. Stated that he thinks the Board needs to evaluate all of the uses that are allowed in the R/B district. Stated that this is not in the Master Plan and that he would like feedback from the Board on how to move forward.

Belmore stated that he would want to wait on moving forward with this topic and would like a list of priorities for this year.

LeHoullier asked Sharples if he look at what other communities do for this issue but that it can be brought up at another time.

Witham stated that at the City Council goal setting session they talked about downtown traffic flow. Stated that the City is moving forward with the TE grant and pedestrian improvements. Stated that this should be on the radar screen because property uses can impact traffic flow.

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

6) COMMUNICATION AND MISCELLANEOUS

Sweeney asked Belmore if he had the date for the next public meeting regarding the Somersworth/Berwick Bridge project.

Belmore stated that a date has not been set but that it will probably be in June.

Sharples referred to the email (see attached) regarding the U.S. Water Prize awarded to the Salmon Falls Watershed Collaborative (SFWC). Stated that the article recognizes the City as a featured partner. Stated that he was video interviewed for a documentation that will play at the awards ceremony in Washington D.C. Stated that he lion's share of the credit goes to the volunteer boards who put in their time and hard work.

Sweeney stated that it started with Sharples.

Proulx asked Sharples if he will be attending the awards ceremony.

Sharples replied no but stated that representatives will be there.

Sweeney thanked Sharples and the Board for their hard work and stated that there will probably be more Cities that follow what Somersworth has done.

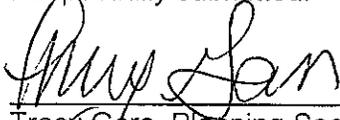
Sharples concurred. Stated that there has been a lot of fanfare and that he is speaking on it at a few events coming up this spring.

Motion: Robidas moved to adjourn the meeting.

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

Meeting adjourned at 8:16 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board