

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
APRIL 18, 2012**

MEMBERS PRESENT: William Sweeney, Chairman, Anthony Delyani, Vice Chairman, Brian Tapscott, City Council Representative Alternate, Bob Belmore, City Manager, Ron LeHoullier, Paul Robidas, Erwin Grant and Paul Maskwa, Alternate.
MEMBERS ABSENT: Dan Proulx and Ernest Gallant.
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: LeHoullier moved to accept the minutes of the meeting of March 21, 2012.

Seconded by Robidas. Motion carried with a 4-0-3 vote with Delyani, Tapscott and Grant abstained and Maskwa not yet in attendance.

2) COMMITTEE REPORTS

A) ZBA Report

See attached.

B) City Council Report

Tapscott stated that at the last meeting, the City Council voted to approve Resolution 23-12 to create a non-capital reserve fund for the purpose of unanticipated and/or unplanned maintenance for City and School facilities.

C) Site Review Technical Committee Report

Sharples stated that there were no new applications and no meeting was held. Stated that there is an extra meeting scheduled for tomorrow.

D) Minor Field Modification Report

None requested.

E) Strafford Regional Planning Commission Update

Tapscott stated that the Commission only meets about three to four times a year and that he is also on the Executive Committee. Stated that they are hoping to get another meeting in before June.

F) Vision 2020 Report

Belmore stated that they haven't met recently and that there is no date for the next meeting yet, they are considering Tuesday, May 1, 2012.

3) OLD BUSINESS

A) Nomination of City Representative to the Strafford Regional Planning Commission.

Sweeney stated that a resume was supplied for William Connor of 41 Pinewood Drive who is interested in becoming a member of the Commission. Stated that Brian Tapscott is also interested in being reappointed to the Commission.

Motion: Belmore moved to recommend to the City Council the reappointment of Brian Tapscott to the Strafford Regional Planning Commission.

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

Motion: Belmore moved to recommend to the City Council the appointment of William Connor to the Stafford Regional Planning Commission.

Seconded by Tapscott.

Belmore thanked Roger Berube for the service on the Strafford Regional Planning Commission.

Motion carried with a 7-0 vote.

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

None.

4) **NEW BUSINESS**

A) MKL, LLC is seeking site plan approval to build a new garage and carport on property located at 99 Indigo Hill Road, in the Business (B) District, Assessor's Map 08, Lot 04, SITE #01-2012.

Sharples reviewed his memo (see attached) and stated that the applicant is seeking approval for a garage and carport, both to be put on a slab. Stated that the property is in the Business district and reviewed the features of the lot. Stated that one of the side abutters is the railroad. Stated that there are two existing structures on the property that are used as an office and a hobby shop and small engine repair. Stated that the SRTC noted a drainage ditch but that Frank Richardson visited the site and found that there are no jurisdictional wetlands. Stated that the applicant has addressed the majority of the SRTC comments and that he just received a letter addressing the three remaining comments. Stated that the applicant is requesting four waivers but that the SRTC didn't review them since they were submitted after the SRTC meeting. Stated that the applicant is requesting a waiver from submitting a short traffic analysis. Stated that he is confident that a full traffic analysis is not needed. Stated that the applicant submitted a waiver from having to pave all parking areas. Stated that the gravel drive is being extended. Stated that the applicant is requesting a waiver from the stamped boundary plan requirement. Stated that an old survey plan was submitted and that staff is confident that the proposal is fully contained on the applicant's property. Stated that the applicant is requesting a waiver from the stormwater requirements. Stated that the SRTC did discuss this and that they weren't overly concerned because of the small size and as long as protection is provided. Stated that the applicant proposed rain barrels.

Frank Palella of MKL, LLC, owner of the property, addressed the Board. Stated that he has been working with Sharples and that he has done a good job summarizing the proposal.

Public hearing opened 6:43 pm.

Public hearing closed 6:43 pm.

Robidas stated that he knows were the property is but that it seems to be pretty sad looking. Asked the applicant to give a rundown of what is there now and what the overall plan is with the existing building and grounds. Stated that the pictures show that it is pretty messy.

Palella stated that he does small engine repair and that it is a difficult business to be in so he doesn't always know what to keep and what not to keep. Stated that the garage will help improve the property by eliminating tarps and enclosing the stuff on the property. Stated that he is trying to do research on solar applications and battery technology. Stated that the existing buildings are awesome and well constructed. Stated that he will do his best to keep improving the property. Stated that he has made a lot of improvements since he bought the property. Stated that most of the stuff is out of view and is in the back of the property. Stated that the garage will help with the clutter.

Robidas stated that there are a lot of parts machines that will continue to be outside.

Palella stated that there will be some left outside. Stated that parts aren't always interchangeable and that he will not be keeping everything anymore. Stated that some items will be scrap metal but that everything will be at the back of the property and out of sight from Main Street. Stated that he is conscious of appearance.

Robidas stated that he thinks the Board has to be careful because this is a dense neighborhood.

LeHoullier asked if anything was mentioned about this property formally being an oil company. Asked about storage tanks.

Sharples stated that nothing was pending and that the SRTC didn't request any studies. Stated that he didn't know that it was a former oil facility.

Sweeney asked the applicant if he knows of any storage tanks.

Palella stated that he checked with the NHDES before he bought the property and that there wasn't anything.

Tapscott stated that he thinks that all storage was above ground in the back.

Sweeney asked if the use is still available if the applicant decides to sell the property.

Sharples stated that uses in the Business (B) district are allowed for this property.

Sweeney asked about the landscaping and architectural design of the new structures.

Sharples stated that the applicant provided drawings and that he supplied some landscaping. Stated that the SRTC commented that the landscaping didn't seem like enough.

Palella stated that he will seed the area but that the front of the property is all pavement and buildings.

Sweeney asked about signage.

Palella stated that he currently doesn't need a sign. Stated that if he finds his vision and gets a better business plan then a sign may be requested separately.

Belmore asked the applicant if he is the only employee.

Palella replied yes.

Belmore asked to go over the comments from the memo again. Stated that comment #20 was spoken to. Asked if the plan in comment #11 was provided.

Sharples stated that he has a suggested condition of approval regarding that comment.

Belmore asked if there is a waiver request regarding comment #15 from the memo.

Sharples stated that the applicant is requesting a waiver from the stormwater requirements.

Belmore asked the applicant how long he has been at the subject property.

Palella replied about 2.5 years.

LeHoullier verified that the existing building along the road will stay.

Palella stated that everything existing will stay.

LeHoullier stated that he would like to see safety warning signs because it is a tight spot and is hard to see around the building. Stated that there was a sign there when the oil company owned the property.

Palella stated that the view is blocked but that traffic goes slow because of the railroad tracks. Stated that he can put a sign but that there are a lot of signs there now. Stated that he would be happy to put a sign out indicating that there is a driveway.

Tapscott stated that he would like to see a mirror put up for safety and suggested on the utility pole.

Palella stated that he doesn't know if the utility company would like it if he put something on their pole. Stated that it is a short distance between the stop sign and the railroad tracks. Stated that there is a bracket out there and that he will look into it.

Robidas stated that he is finding it difficult to support this and that there are a ton of unanswered questions. Stated that he is concerned with the equipment, gas and oil runoff, odor, possible contamination, etc. Stated that he would like to walk the site. Stated that he is not ready to support this tonight.

Grant stated that he agrees with Robidas. Stated that the drawings don't show a roof pitch and mentioned concern with snow. Stated that he would like a site walk.

Palella stated that the drawings are just concept drawings and that the building will be well-built.

Sweeney stated that, regarding pavement, there is minimal pavement and more may not be necessary but asked about what happens later on when the property is owned by another business. Asked if there could be a problem.

Sharples replied maybe. Stated that it is a case by case situation since not all changes of use have to go before the Planning Board.

Sweeney stated that the applicant isn't proposing water or sewer to the new buildings and asked if a future owner could put water and sewer out there without having to come before the Planning Board.

Sharples replied possibly.

Sweeney stated that he agrees with Robidas and Grant that a site walk is a good idea. Stated that he wants to get a feel for how the property would look.

Palella stated that he is open to it but that he wants to get construction going. Stated that Frank Richardson walked the property and didn't have any problems. Stated that there is no trash or garbage on the property and that it is well-kept. Stated that the property is not a dump. Stated that it was a dump when he purchased it but that he has cleaned it up. Stated that there are tools and parts but that the garage will help clean that up. Stated that he would like to get started.

Sweeney asked the applicant if he has plans to sublet any space.

Palella stated that there are two people there now that rent from him; a hobby shop and a recording studio.

Sweeney asked what the plan for snow removal is and if it is going to be pushed to the back.

Sharples stated that he assumed the applicant would continue to do what he does now.

Palella stated that regarding not paving, crushed stone is environmentally friendly and that he was told not to increase the pavement. Stated that there is plenty of parking. Stated that currently the water soaks into the ground and that increasing the pavement would be counterproductive to the environment. Stated that he thinks that crushed stone is the best alternative.

Motion: Robidas moved that the request of MKL, LLC for site plan approval to build a new garage and carport be **TABLED** so the Planning Board can conduct a site walk of the subject property.

Seconded by Grant. Motion carried with a 6-1-1 vote with Delyani opposed and Maskwa abstained.

Sharples stated that staff will email the Board for a date and time of a site walk.

Palella stated that he is available anytime.

B) NHHD Realty Trust & The 362 Route 108 Realty Trust is seeking minor subdivision approval for a lot line adjustment for property located at 362 Route 108, in the Commercial Industrial (C1) District, Assessor's Map 47, Lot 3A & 3B, SUB #01-2012.

Sharples reviewed his memo (see attached) and stated that the proposal is for a lot line adjustment, making lot 3A larger. Reviewed the features of the lots. Stated that lot 3A conforms to area requirements and still will if the proposal is approved. Stated that lot 3B meets area requirements and still will if the proposal is approved. Stated that it currently doesn't meet frontage requirements but that the proposal doesn't increase the nonconformity so it doesn't violate zoning. Stated that the proposal did not go before the SRTC. Stated that approval of this proposal will violate building setbacks for the existing building so they need Zoning Board relief. Stated that the applicant is looking for conditional approval from the Planning Board tonight. Stated that the plans show a sign easement on lot 3A and although it isn't really a concern to the Board, approval of the plan does not constitute endorsement of the easement. Continued to review his memo.

Art Nickless of Norway Plains Associates, Inc. represented the applicants and addressed the Board. Stated that Brandt Atkins is present tonight and that he is trustee for both trusts. Stated that there are new plans that were delivered to the Planning Department yesterday. Stated that they originally missed the setback issue and that he talked with staff about angling the lot line but that they decided it was best to keep the line straight and try for a variance. Stated that they would like a conditional approval which would only be good if they get the variance.

Sweeney asked if they should move forward with the public hearing even though they need a variance.

Belmore stated that he is in favor of having the public hearing tonight.

Public hearing opened 7:15 pm.

Public hearing closed 7:15 pm.

LeHoullier asked if this proposal would violate any previous site plan approvals or anything.

Sharples stated that he researched all files and didn't find anything relevant. Stated that there was no site plan approval for the back lot.

Belmore asked if there are suggested conditions of approval.

Sharples stated that it would just be that the outstanding comments from his memo be addressed to the satisfaction of the City and that a copy of the plans be provided in dxf format prior to recording of the Mylar.

Belmore stated that there are items from the memo but that two of them have been addressed. Verified that nothing would move forward if the ZBA denies the variance request.

Sharples concurred and stated that they would have to come back before the Planning Board if that happened.

Maskwa asked if the sign easement would be another issue for the ZBA to review.

Sharples replied no and stated that it has nothing to do with this. Stated that he just brought it up to put the owner on notice. Stated that there is no issue if they never propose a sign.

Belmore stated that it would be worth having the applicant review all the comments from the memo.

Nickless stated that the building setback distances are on the plans and they know they will need ZBA relief. Stated that they are trying to preserve the right to be able to come to the City to request a sign. Stated that the direct abutters are listed on the plans. Stated that they did not put the width of Route 108 on the plans because he wasn't sure if it was the right of way or pavement widths that are needed. Stated that utilities are now shown on the plans. Stated that a driveway easement already exists but that Atkins wants to beef up and change the language.

Sharples asked if there is water on this lot.

Nickless replied yes and stated that there are notes that the monuments will be set. Stated that he will sign the plans once they are finalized.

Sharples stated that it is the width of the Route 108 right of way that is needed. Reviewed the suggested conditions of approval and stated that existing and proposed utilities need to be

shown on the plans. Stated that a driveway maintenance agreement will be provided to the City.

Belmore asked why the City needs a driveway agreement if it is private.

Sharples stated that it is generally to ensure that there is access to the rear lot.

Belmore stated that the ZBA is independent from the Planning Board and will look at the proposal separately from us.

Motion: Belmore moved that the request of NHHH Realty Trust & the 362 Route 108 Realty Trust for subdivision approval for a lot line adjustment be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. The width of the Route 108 right of way shall be shown on the final plans;
2. Show all existing and proposed utilities, if applicable. Water to each property shall be shown on the final plans;
3. The driveway maintenance agreement will be provided to the City with the final plans;
4. The final plans shall bear the stamp and signature of the LLS;
5. An electronic plan of the subdivision, in a dxf or dwg format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates, shall be submitted to the satisfaction of the City prior to recording the Mylar; and,
6. This approval shall be contingent upon the Zoning Board of Adjustment (ZBA) granting of a variance.

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

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

Sharples reviewed his memo regarding the disposition of City owned property. Stated that the City would like the Board's input on City owned property before disposition. Stated that there are three properties for the Board's consideration; Map 19 Lot 01, Map 20 Lot 05 and Map 12 Lot 13. Reviewed all three lots and explained the taxes that are owed on them. Stated that he reviewed the parcels in light of the City's Master Plan and that he doesn't feel that retaining any of the parcels would help advance or achieve any of the goals in the plan. Stated that the City Council would like the Board's feedback before making any decisions on the disposition of any of the properties.

Sweeney asked if 19-01 and 20-05 abut each other.

Sharples replied yes and referred to the aerial photographs.

Grant asked how long the properties (19-01 and 20-05) can sit idle without losing the greens and asked if the value would drop.

Tapscott stated that the portion of the golf course that is in the Town of Rollinsford has already been sold off.

Grant stated that it is no longer a golf course then. Stated that the value of the property as a golf course is no longer.

Belmore stated that the course could be redesigned.

Robidas mentioned having another golf company purchase it and have a situation like the one at The Oaks.

Tapscott stated that one concern that was mentioned was having competing golf courses on City owned property. Stated that another concern was zoning.

Maskwa stated that the property was discussed in the past and that most of it is zoned recreational but that the back of the property is zoning residential. Stated that he thinks there was an issue to access, which diminished the attractiveness of the property.

Sharples stated that in the past the Board was amenable to looking at rezoning the property and that the Board can always look at it again.

Sweeney stated that he would love to see the property stay with the City as recreational land.

LeHoullier stated that in the past there was a proposal for retiree housing.

Sweeney stated that the developers were against having to pay for road improvements to access the property.

Robidas stated that it is a sizable piece of property and asked if it could be broken up and sold off to get revenue to do repairs for the City.

Tapscott stated that at the prior meeting it was mentioned that 20-05 abuts a City park. Stated that the area is flat and suggested putting in soccer fields, which have been needed for many years. Stated that it would make a good cemetery.

Sweeney stated that he also likes the idea of splitting it up for more revenue.

Belmore stated that the other golf course that was mentioned is not municipal. Stated that there are a lot of taxes owed on these properties and that if the City retains ownership of them, then the City doesn't get revenue and back taxes.

Sweeney asked if the new owner would have to pay back taxes.

Robidas stated that everyone is going to have their own opinions on what to do with the properties.

Belmore asked if the Board is going to talk about the Master Plan action items memo or push it off to the next meeting.

Sharples stated that they can discuss it at the next meeting.

5) WORKSHOP BUSINESS

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

Sharples gave a PowerPoint presentation to the Board (see handouts) regarding the Transportation Enhancement (TE) grant. Stated that the presentation explains what the grant is and how to move forward with it. Stated that TE stands for Transportation Enhancement and it is not for motorized transportation. Stated that Public Works Director Tom Willis is present to answer questions also. Reviewed slide two and stated that the City was awarded the grant in 2010 and funds were programmed for fiscal year 2012. Stated that an agreement with the NHDOT has been signed and that he will attend a Local Public Agency (LPA) certification, which is required for federally funded projects. Reviewed slide three, which shows the project area and stated that it goes from the Somersworth/Berwick Bridge to the intersection at West High Street/High Street/Washington Street and on Main Street from the Library to Market Street. Reviewed slide four and stated the purpose of the project. Reviewed slide five and reviewed

the action items proposed to increase pedestrian mobility. Reviewed slide six and the action items to achieve ADA accessibility. Reviewed slide seven and talked about the installation of bicycle travel lanes. Reviewed slide eight and the installation gateway and way finder signage. Reviewed slide nine for a landscaped focal point and having a public gathering place. Stated that this would result in the realignment of the Market Street/Main Street intersection and make it more of a "T". Reviewed slide ten regarding enhancing the streetscapes. Review slide eleven and providing a COAST bus turnout for their shelter on High Street. Stated that this will allow the bus to get out of the travel lane for better traffic flow. Reviewed slide twelve regarding what the next steps are. Stated that the City has already issued a Request for Proposals (RFQ) and will soon choose a consultant. Reviewed slide thirteen and stated that an engineering study will be done. Reviewed slide fourteen and went over what a preliminary design is. Reviewed slide fifteen and the process for the final design and bid phase. Reviewed slide sixteen and what the City is going to take into consideration during the construction phase of the project. Reviewed slide seventeen and the final schedule of the project. Stated that project completion is expected for the fall of 2014.

Tapscott asked that the presentation be emailed to the Board members.

Belmore suggested the construction of the project to take place in the evenings and weekends to minimize the impact.

6) COMMUNICATION AND MISCELLANEOUS

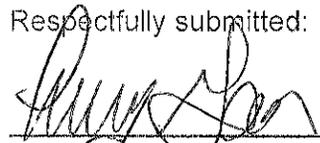
None.

Motion: Tapscott moved to adjourn the meeting.

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

Meeting adjourned at 8:19 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board