

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MAY 16, 2012**

MEMBERS PRESENT: William Sweeney, Chairman, Brian Tapscott, City Council Representative Alternate, Bob Belmore, City Manager, Ron LeHoullier, Dan Proulx, Ernie Gallant, Erwin Grant, Paul Robidas and Paul Maskwa, Alternate.
MEMBERS ABSENT: Anthony Delyani, Vice Chairman.
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: Robidas moved to accept the minutes of the meeting of April 18, 2012.

Seconded by Tapscott. Motion carried with an 8-0-1 vote with Proulx abstained.

2) COMMITTEE REPORTS

A) ZBA Report

See attached.

B) City Council Report

Tapscott stated that at the last meeting, the Council passed Ordinance 10-12 for a new Chapter 21 regarding permissible fireworks. Stated that fireworks must have a permit and may only be detonated during limited hours. Stated that Idlehurst Picnic Day is scheduled for Saturday, June 9, 2012. Stated that the Council began working on the budget but has a long way to go.

C) Site Review Technical Committee Report

Sharples stated that there was no regular meeting held but that there was a special meeting to review the three-lot subdivision application for 93 Cole's Pond Road. Stated that the proposal went before the Planning Board last year for a conceptual review. Stated that the applicant is still working on submittals but may come before the Planning Board in June.

D) Minor Field Modification Report

None requested.

E) Strafford Regional Planning Commission Update

Tapscott stated that there will be a meeting held on May 31, 2012.

F) Vision 2020 Report

Sharples stated that there was a meeting held on May 1, 2012 where the Committee decided to reexamine the Somersworth logo. Stated that the Committee discussed being involved with designing way finding signage. Stated that the next meeting is scheduled for June 5, 2012.

3) OLD 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 Board did a site walk of the property before tonight's meeting. Stated that at the last meeting the Board talked about wanting to have a "hidden driveway" sign or a mirror put up for safety. Stated that the applicant is requesting four waivers: from submitting a traffic analysis, paving the parking area, submitting a plan stamped by a Licensed Land Surveyor and from the Stormwater Regulations.

Frank Palella, property owner, addressed the Board and thanked everyone for attending the site walk. Stated that he has been working on the property. Stated that he hopes the garage and carport will be an asset to the property and that the business will be an asset to the community.

Tapscott stated that he was unable to make it to the site walk and asked what the proposed structures will be used for.

Palella stated that he does small engine repair and hobbies. Stated that the carport will be placed over the existing tool storage. Stated that he doesn't do automotive repair.

Sweeney asked about fencing and mentioned the missing section of fence. Stated that the business and machinery have to be protected and that he is not comfortable with not having fencing to protect the applicant and protect the neighbors from noise.

Palella stated that he still has the fencing that was removed. Stated that the neighbors have no access to their backyard and that they use his driveway.

Sweeney asked if a gate could be put in.

Palella stated that he could but that it is not a major issue for him. Stated that he can talk with his neighbors but that in can be done.

Sweeney stated that he would like to see that as a condition of approval.

Robidas stated that if no one has an issue with the fence then he doesn't see a need for it.

Palella stated that he gets along with his neighbors and that they have a mutual respect for each other. Stated that they use their snow mobiles over there.

Robidas stated that his hang-up is with the amount of stuff on the property but that it seems like a separate issue from the proposal. Stated that the maintenance issue shouldn't get caught up in the approval process.

Sharples stated that he will work with Code Enforcement on property maintenance issues.

Palella stated that the proposed garage will take care of 90% of the material on the outside of the property and that the remaining stuff will be orderly. Stated that he has been picking up for a while.

Grant asked for more information on the rail barrels and asked if there are codes for size and how they are handled.

Sharples stated that there are no codes but that he can add a condition of approval for collection detail. Stated that he thinks the minimum size would be a 50-gallon barrel.

Sweeney stated that the property owner has a business with chemicals and mentioned concern with personal protection.

Sharples stated that regulated substances are protected by the State and that the applicant is subject to that now. Stated that OSHA takes care of personal protection. Stated that storage of waste oil is not in compliance currently.

Palella stated that a lot of those issues are dealt with when there are employees but that he doesn't have any. Stated that he hopes to have some in the future.

Tapscott asked if suggested condition of approval number five is referring to a "blind driveway" sign.

Sharples stated that that seems to be what the Board was looking for at the last meeting.

Tapscott asked if Sharples feel that there should be a round mirror put up.

Sharples stated that it could be a possibility.

Belmore stated that he would shy away from the mirror situation but would be inclined to require a "blind driveway" sign. Stated that the City would supply and install the sign but that the applicant would have to pay for it.

Palella stated that he is agreeable to that but that there is a blind driveway across the street and that they don't have to have one.

Belmore stated that if they wanted to expand their property then the Planning Board could look into it.

LeHoullier stated that the point is that the building is up against the road.

Traffic Analysis Waiver Motion: Belmore moved that the request of MKL, LLC for a waiver from Section 11.4.d.i of the Site Plan Review Regulations regarding a traffic analysis be APPROVED.

Seconded by Proulx. Motion carried with a 9-0 vote.

Paved Parking Area Waiver Motion: Belmore moved that the request of MKL, LLC for a waiver from Section 11.4.b.vi of the Site Plan Review Regulations regarding parking areas being paved be APPROVED.

Seconded by Robidas. Motion carried with a 9-0 vote.

Stamped Boundary Plan Waiver Motion: Proulx moved that the request of MKL, LLC for a waiver from Section 9.29 of the Site Plan Review Regulations regarding having a boundary plan stamped by a Licensed Land Surveyor be APPROVED.

Seconded by LeHoullier. Motion carried with a 9-0 vote.

Low Impact Development (LID) Stormwater Regulations: Belmore moved that the request of MKL, LLC for a waiver from Section 11.17 of the Site Plan Review Regulations regarding Low Impact Development (LID) Stormwater Regulations be APPROVED.

Seconded by Tapscott.

Sweeney asked Sharples his thoughts on this request.

Sharples stated that he doesn't think that an analysis is necessary due to the small size and the rain barrels. Stated that he doesn't know that water quality could be addressed with such a small site. Stated that the Board has approved waivers for similar situations before.

Belmore stated that all waiver requests were discussed more at length at the site walk and at the last meeting.

Motion carried with an 8-0-1 vote with Sweeney abstained.

Motion: Proulx moved that the request of MKL, LLC for Site Plan approval to build a new garage and carport be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. A Certificate of Occupancy (C/O) shall be required prior to use of the garage and carport;
2. Final plans shall show rain barrels and all necessary detail (size, capacity, piping, and gutter/collection detail) to the satisfaction of the City;
3. Final plans shall note that gutters shall be provided on all proposed structures and be directly connected to a rain barrel;
4. Final plans shall note that all regulated substances, including waste oil, are managed in accordance with State Administrative Rule Env Wq 401 Best Management practices for groundwater protection; and,
5. A traffic sign identifying the blind driveway shall be erected on Indigo Hill Road. The sign size, material, and supporting structure shall be approved by the City prior to the issuance of a building permit. The applicant shall pay the City to purchase the sign and the City shall install it.

Sharples mentioned adding language for payment of the sign.

Robidas suggested a friendly amendment for another Condition of Approval that property maintenance be addressed prior to a certificate of occupancy being issued.

Motion seconded by Tapscott.

Belmore stated that he is not comfortable with that suggested friendly amendment. Stated that he feels that it would be combining two separate issues.

Sharples stated that he tends to agree with Belmore and that he thinks the City can pursue compliance without a condition of approval. Stated that he doesn't think having it as a condition of approval would give the City anymore enforcement authority.

Robidas stated that he suggested the condition of approval because it would need to be accomplished prior to the certificate of occupancy.

Belmore stated that there are specific criteria on issuance of a certificate of occupancy.

Sharples read from the regulations and stated that all ordinance requirements must be met to issue a certificate of occupancy.

Proulx asked if the ordinances cover the property maintenance issues that the Board is talking about.

Belmore stated that he doesn't want that as a condition of approval and that he doesn't want conditions like that to muddy the site plan process. Stated that a certificate of occupancy cannot be issued without complying with all ordinances. Stated that he wants to be fair across the board will all site plan applications.

Robidas stated that he is comfortable with that.

Belmore suggested updating the certificate of occupancy applications to indicate that all ordinances need to be complied with before it can be issued.

Motion carried with a 9-0 vote.

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

None.

4) **NEW BUSINESS**

A) LDL Enterprises, Inc. is requesting an extension of major site plan #05-2010 to renovate the existing structure and build a new structure for commercial and residential units as approved on June 16, 2011 for property located at 67 Elm Street, in the Business Historic (BH) District, Assessor's Map 10, Lot 174, SITE #05-2010.

Sharples reviewed his memo (see attached) and stated that site plan approvals are valid for one year unless a building permit has been issued and acted upon. Stated that a building permit hasn't been applied for so the applicant is requesting an extension of the site plan approval.

Dan Leap of LDL Enterprises addressed the Board and stated that he would like an extension of his site plan approval.

Sweeney stated that when the applicant came before the Board last year it seemed like everything was ready to go and asked what has happened since.

Lead stated that everyone worked, so hard to get the application approved and that at the same time he was working hard to get funding. Stated that with the economy, it has been harder and harder to get secure funding. Stated that his goal is to have it constructed either by him or someone else. Stated that he would like it to be by him.

Motion: Robidas moved that the request of LDL Enterprises, Inc. for a one-year extension of site plan #05-2012 to renovate the existing structure and build a new structure for commercial and residential units be **APPROVED.**

Seconded by Proulx.

Sweeney mentioned that in the past the Board has granted some requests and not granted some requests.

Sharples stated that the Board has always granted the first request in the past.

Tapscott confirmed that if the Board grants the extension the original approval is secure and nothing changes. Asked what would happen if the Board didn't grant the request. Asked if everything would need to be resubmitted.

Sharples stated that the existing site plan would no longer be valid.

Gallant asked if the site plan approval would go with a new owner if the property sold.

Sharples replied yes and stated that the approval goes with the property.

Sweeney asked if the applicant would need to do everything over again if the Board doesn't grant the request.

Sharples stated that everything would need to be resubmitted but that he doesn't think anything would change.

Motion carried with a 7-2 vote with Sweeney and Tapscott opposed.

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

None.

5) WORKSHOP BUSINESS

A) Review of Master Plan action items.

Sharples reviewed his memo (see attached) and stated that he supplied a list of action items from the Master Plan where the Planning Board is the responsible party. Stated that he also added a task regarding advertising on COAST bus shelters. Read directly from his memo and stated that the first task listed is for a new downtown zoning district which would just be for the downtown core and would involve reexamining the uses allowed in that area. Stated that the second task is to extend the Historic Millyard district, which has already been accomplished. Stated that there are several components of task three, which is to implement regulatory amendments for Smart Growth. Stated that the Board recently adopted new stormwater regulations and that the Conservation Commission worked extensively on a buffer ordinance to protect surface water. Stated that native vegetated plantings are now required for landscape materials. Stated that establishing an ongoing street tree planting and replanting program seems more appropriate for the Conservation Commission or City staff. Stated that the task to encourage more compact development is to focus on open space or cluster development. Stated that the City had a cluster development ordinance that was deleted several years ago because there were too many holes in it. Stated that the next two tasks are to consider updating the City's street standards and to make City regulations more bicycle friendly. Stated that there will be draft new subdivision regulations brought forward but that he feels this can be held off for now. Stated that the final task in his memo is to review the Sign Regulations regarding allowing COAST bus to advertise on their bus shelters. Stated that this isn't in the Master Plan but that the City received a letter from COAST asking to advertise on their shelters. Stated that the existing Sign Regulations would not allow this because they would be considered off-premise signs and they would be in shelters that are in the public right of way. Stated that the last time the Board reviewed the Master Plan task items they wanted a recommendation from staff on what to focus on next so he assumed the Board would want that again. Stated that he suggests focusing on task number 1, 3e or 6. Stated that number 6 may be the timeliest option but that whatever task the Board chooses, he'll do an analysis and supply further information on it at the next meeting.

Robidas commended Sharples on an excellent job and stated that he feels the Board should take Sharples' recommendation and focus on task number 6. Stated that staff should look into it and put the item on the next agenda under workshop business.

Tapscott suggested reviewing item 3e right away because of the recently defunct golf course, which is zoned REC and a house can be built on a small portion. Stated that he feels the Board

should work on that really quickly because the City can't handle more houses being built on small lots.

Proulx agreed. Suggested looking at other communities for what they do regarding signage on bus shelters.

Robidas stated that after hearing what Tapscott said, he also feels that the Board should approach that first.

Grant agreed with Robidas and stated that he thinks it would be advantageous to do that as soon as possible.

Sweeney asked if both items can be tackled at once.

Sharples stated that he has already looked into other communities regarding advertising on COAST bus shelters and Rochester is the only community that allows advertising. Stated that it is not an ordinance in Rochester but was done through a vote by the City Council.

Sweeney suggested looking at other communities that have public transit but may not be part of COAST bus.

Belmore stated that he likes the idea of working on the issue of advertising on COAST bus shelters. Stated that the Sustainability Committee and the City Council are big supporters of COAST and that they are important for public transportation with lots of users. Stated that he feels this is timely and appropriate. Stated that he likes the idea of looking at what other communities do and of talking with Rad Nichols of COAST. Stated that he isn't really excited about looking at zoning for one particular parcel. Stated that looking at cluster developments isn't just for one property, it would be for the entire community. Stated that if zoning is wrong then they have to look at that on a community basis.

Sweeney asked Belmore to give the Board an update on the Sunningdale property.

Belmore stated that the City took the property for tax deed so the City owns it now. Stated that the Council is charged with the task of what to do with it.

Gallant stated that he is fine with looking into advertising on COAST bus shelters. Asked who would approve that advertising.

Belmore stated that he thinks it would be this Board. Stated that there would need to be parameters but that they would have to have a discussion on that.

Tapscott stated that he would hate to see COAST get approval for signage for businesses that are outside of this community or compete with businesses in this community.

Maskwa stated that task 1 and 3e have to do with zoning and suggested tackling COAST bus first and then tackling the two zoning one together.

Sweeney asked for a straw vote regarding reviewing COAST bus shelter advertisement first.

Everyone except Robidas and Grant were in favor of reviewing COAST bus shelter advertisements first. Robidas and Grant were in favor of reviewing 3e first.

Sweeney stated that the Board will focus on COAST bus shelter advertising first.

Sharples stated that he doesn't think it will take that long to review and that he will research the topic for next month's meeting.

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

None.

6) COMMUNICATION AND MISCELLANEOUS

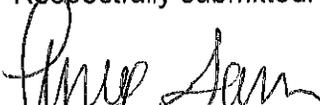
None.

Motion: Tapscott moved to adjourn the meeting.

Seconded by Robidas. Motion carried with a 9-0 vote.

Meeting adjourned at 7:30 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board