

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
MAY 18, 2011**

**MEMBERS PRESENT:** William Sweeney, Chairman, Anthony Delyani, Vice Chairman, Brian Tapscott, Alternate City Council Representative, Bob Belmore, City Manager, Dan Proulx, Paul Robidas, Erwin Grant and Paul Maskwa, Alternate.

**MEMBERS ABSENT:** Ron LeHoullier and Matthew Durkee.

**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:** Proulx moved to accept the minutes of the meeting of April 20, 2011.

Seconded by Delyani. Motion carried with a 6-0-2 vote with Sweeney and Tapscott abstained.

**2) COMMITTEE REPORTS**

**A) ZBA Report**

See attached report.

**B) City Council Report**

Tapscott stated that the City Council passed ordinance no. 11-11 reducing the speed limit on Stackpole Road during school hours. Stated that the Council also passed ordinance no. 13-11 regarding one-way traffic. Stated that the Council passed resolution no. 27-11 authorizing the City Manager to contract with GMI Asphalt for road resurfacing on portions of High Street and Willand Drive.

**C) Site Review Technical Committee Report**

Sharples referred to the attached report and stated that they reviewed an amendment for property at 36 Midway Park, which is on tonight's agenda.

**D) Minor Field Modification Report**

None requested.

**E) Strafford Regional Planning Commission Update**

Tapscott stated that there is nothing new to report but that the next meeting is next Thursday where they will elect new officers.

**F) Vision 2020 Report**

Belmore stated that the next meeting is Monday.

### 3) OLD BUSINESS

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

**Motion:** Robidas moved that the site plan application for LDL Enterprises, Inc. be removed from the table.

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

Sharples reviewed his memo (see attached) and stated that there was a public hearing on this application at the last meeting and that the Board did a site walk of the property before tonight's meeting. Stated that at the last meeting the Board had several questions and that he addressed them in his memo and that he will go over them. Stated that the Board wanted a report on parking and that he researched on-street parking within 500' of the subject property and found that there are approximately 249 parking spaces in that area. Stated that the Site Plan Regulations treat parking differently in the downtown area where on-street parking is allowed to be used to meet parking requirements if the spaces are within 500'. Reviewed where he noticed that some of the spaces get utilized and where he noticed they don't. Stated that there are some parking issues but that he feels that there is ample parking within 500' of the site. Stated that the Board requested feedback from the Fire Chief and that a memo from him has been provided. Stated that the Fire Chief did not have an issue because the property can be accessed from other sides. Stated that the Board requested a cut sheet of the bus shelter and that one has been provided that will be sent out in next month's packets. Stated that the Board requested information about having a soldier course of brick on the sidewalk. Stated that he discussed this with the Public Works Director, Tom Willis and that it was decided that it is not necessary in this location at this time. Stated that the pending Transportation Enhancement grant is not for this area. Stated that the Board wanted feedback from the City Engineer on having pedestrian bump outs on Washington Street. Stated that it was discussed, and while pedestrian bump outs have advantages and disadvantages, their installation should be a policy issue for the City. Described what a pedestrian bump out is and stated that they can be difficult to maintain when plowing. Stated that the Board wanted conditions to guarantee that they will be market rate apartments. Stated that he has contacted attorneys from the LGC and the Housing Authority with questions about this but that he is waiting for more information. Stated that the Board inquired about the potential fiscal impact of the project and that he reviewed several fiscal impact analyses from Somersworth and other communities and that the main theme was that residential uses don't generate a surplus or pay for themselves. Stated that in order to determine revenue, the value of the property has to be guessed for the future and that the fiscal impact analyses that he reviewed were usually overestimated. Stated that this highlights the imperfections of fiscal impact analyses and that is why some communities have an impact fee ordinance. Stated that lastly, the Board requested a parking agreement between the tenants and the property owner. Stated that he has asked the applicant to provide this. Stated that CLD Engineers has reviewed the proposal and that the applicant needs to respond to CLD Engineer's comments. Stated that a short traffic analysis still needs to be provided. Stated that he doesn't think the Board is in a position to take action on the application.

**Chris Berry** of Berry Surveying and Engineering represented the applicant and addressed the Board. Stated that the Board did a site walk of the property and that he hopes that the Board saw the benefit of this project. Stated that there is an abundance of parking in the area but that they still need to resolve that. Stated that they are requesting two waivers-one regarding open space and one regarding landscaping. Stated that they have received CLD Engineering comments and that half of them have been taken care of and that there aren't any comments that can't be addressed.

Tapscott asked how many parking spaces there will be in the south parking lot.

Berry replied 12 and stated that if there are no spots available, the vehicles will have to back out of the parking lot. Stated that he is finishing up the traffic short analysis but that it will be below the 1000 trip standard and will be in the low volume threshold. Stated that he would like to talk about parking tonight.

Tapscott stated that he wasn't at the last Planning Board meeting and asked the applicant to explain "market rate".

Berry stated that it will not necessarily be subsidized by the Government. Stated that they are proposing townhouses, efficiency, one and two bedroom units.

Sharples stated that there will be six 1-bedroom apartments, three 2-bedroom apartments and efficiency apartments in the existing building and three 3-bedroom townhouse style apartments in the new building.

Tapscott asked where people will park during a parking ban.

Sharples stated that it depends on how many vehicles there are and suggested that people could double park or park in the plaza.

Tapscott stated that he thinks that the plaza is included in the parking ban.

Sharples stated that it is a common concern with the downtown district but that they will have to find another place to park during winter parking bans.

Tapscott stated that a big concern for him is onsite parking. Stated that there has to be decent parking onsite.

Proulx asked how many parking spaces are ADA compliant.

Berry replied two and stated that they are both in the northerly parking lot and that there are none proposed for the southerly lot.

Sweeney asked what the ADA requirements are.

Berry replied two and that one has to be van accessible.

Robidas stated that this was proposed for market-rate apartments and asked what the guarantee is that they will stay that way.

Berry stated that the applicant is saying that they will be market-rate. Stated that he thinks the Board is concerned with what the property will look like if it goes to subsidized housing but that the Board can have standards with condition of approval.

Sweeney asked if the applicant will sign a written guarantee for market-rate apartments for a specific number of years.

Berry stated that he would have to talk it over with his client.

Belmore asked Sharples if his parking analysis indicates that the regulations are met.

Sharples stated that he thinks it does.

Belmore stated that he shares Tapscott's concern about clearing the streets in the winter but that it is a problem in many areas. Stated that there are multi unit buildings all around like on Green Street and that it is just an urban situation. Stated that it is an issue for the car owner. Regarding market-rate, asked if Sharples is researching this more.

Sharples stated that when they are talking about subsidized apartments, they are talking about them being subsidized through public funding.

Belmore stated that he doesn't think that the Board has the ability to require that, like when there are condo documents. Stated that the owner says it will be market-rate but that the property could be sold. Regarding parking, suggested that maybe there is some lease space available at the plaza. Stated that this proposal is to improve the building and that he is encouraged with the improvements.

Proulx stated that it was mentioned that there are no issues with parking and asked if they meet the City Ordinance.

Sharples replied yes.

Proulx asked what the variance was for.

Sharples stated that the Zoning Ordinance requires two spaces per dwelling unit. Stated that the applicant got a variance from the ZBA because based on the Zoning Ordinance, 30 parking spaces would be needed for this project and they are only requesting 24 spaces. Stated that the Site Plan Regulations are different where they make an exception in the downtown district. Stated that the Site Plan Regulations allow for on-street parking. Stated that this application needs to comply with the Site Plan Regulations.

Proulx stated that if they still needed a variance shouldn't this be a change in policy. Stated that it gives the Board more leeway and leaves room for opinion.

Sharples stated that the proposal needed to meet both requirements and that it didn't so they needed a variance from the Zoning Ordinance. Stated that the ZBA determined that the application met the criteria for a variance but that it doesn't exempt the application from the Site Plan Regulations. Stated that the Site Plan Regulations make an exception to the downtown district and that he noticed a lot of empty parking spaces when he did his research.

Proulx asked if there is any regulation that the Planning Board can use to guarantee market-rate apartments. Asked if there can be a condition of approval that indicates who the inhabitants of the building are, like with the 55+ proposal at the Hilltop School.

Sharples stated that he is looking into it but that with other projects, the proposal was specifically for a certain age group.

Belmore stated that he would like to see more research regarding the market-rate question. Stated that he thinks the onus would be on the applicant to propose something.

Delyani stated that he doesn't think the Board should wait on Sharples' research because he doesn't think that the Board should manipulate the market, which is what they are doing. Stated that Somersworth doesn't have an impact ordinance and that this seems to be a policy issue. Stated that he doesn't support waiting for Sharples' research.

Maskwa stated that the southerly parking lot shows 12 spaces and that the other one shows 10 and asked where the other two spaces are.

Sharples stated that there are two others on an adjacent lot that belong to this property by deed so there are a total of 24 parking spaces.

Maskwa stated that there would be approximately six vehicles looking for parking spaces during a snowstorm.

Sweeney stated that there are also three retail operations so there would be customers and employees.

Berry stated that it is important to look at the size of the commercial spaces because they are more like kiosk spaces. Stated that they are thinking that the commercial spaces would be professional establishments and that the use would overlap with the residents. Stated that the key for this project is that they are not in suburbia-they are in the downtown district. Stated that if they were in the agricultural zone, for example, they would need two or three spaces for each unit.

Sweeney stated that the applicant will move on and the City would be responsible for the residents. Asked the applicant sees in five years.

Berry responded more growth and more opportunities to thrive. Stated that the applicant wants this to look a certain way and that he is investing a lot of money in this.

Sweeney asked if the existing building is structurally stable.

**Scott Coruth** of Coruth Design Architects addressed the Board and stated that the majority of the building is structurally sound. Stated that there is some water damage on the first floor but that there will be upgrading. Stated that as part of the renovation, they will go through and make sure everything is in good shape.

Maskwa stated that there are four parking spaces on the west side of Elm Street but that there is a big grade change. Asked if there is another way.

Berry stated that they haven't been looking at other pedestrian access because they have been looking at ADA accessibility.

Sweeney stated that the applicant mentioned that they are requesting a waiver from landscaping and asked what the regulations are and how close they are to meeting it.

Sharples stated that he hasn't done much of an analysis because he is still waiting for more information from the applicant.

Robidas asked if they should table the application since Sharples is still waiting for information.

Sweeney stated that three bedroom units are typically for families. Stated that he is not comfortable with the parking. Questioned if they could even approve the building on the right.

Berry stated that at the site walk someone mentioned that someone may have to walk a long way from their parking space to the property. Stated that they are looking at a demographic of young professionals. Stated that he has done a lot of these projects in Dover and that it only yielded five children. Stated that this kind of housing stock doesn't lend itself to family living.

Tapscott asked how the two parking spaces in the back are accessed.

Coruth stated that the building has an exit door at the upper level and that the parking spaces are accessed through Green Street.

**Motion:** Robidas moved that the site plan application of LDL Enterprises, Inc. to renovate the existing structure and build a new structure for commercial and residential units be **TABLED**.

Seconded by Maskwa.

Delyani asked Sharples to summarize what information the Board is waiting for.

Sharples stated that the Board is waiting on things for the applicant to supply. Stated that they are waiting for a response to CLD Engineering comments, submittal of a short traffic analysis and written waiver requests.

Grant asked if the Board should address the parking issues so the applicant knows where the Board stands on them.

Robidas stated that it would be tough to do.

Sweeney stated that he would like more information on other things because they could affect the parking.

Tapscott stated that the Board doesn't know if the landscaping would affect the parking.

Motion carried with an 8-0 vote.

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

None.

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

A) Andrew Zipkin is seeking an amendment to approved site plan #06-2006 to expand the business on property located at 36 Midway Park, in the Residential/Commercial (R/C) District, Assessor's Map 42, Lot 05, SITE #06-2006.

Sharples reviewed his memo (see attached) and stated that the applicant is seeking an amendment to an approved site plan to open up the attic for additional floor space. Stated that the structure used to be a single family home and that the prior owner went to the ZBA requesting a variance to use the property for commercial use without property frontage or area. Stated that the ZBA granted the variance with conditions and that the Planning Board approved a site plan for a kitchen design business. Stated that the new owner of the property is seeking an amendment for additional floor space within the existing building. Stated that there will be a staircase to the attic for product displays. Stated that there would be one window installed and the signage would change. Stated that the applicant did go before the SRTC but that they could not take jurisdiction over the application because the applicant is requesting a waiver. Stated that the additional floor area triggers the need for another parking space but that the applicant would like a waiver from that requirement. Stated that the SRTC discussed the waiver request from a technical standpoint and didn't feel that the additional parking space was warranted. Read suggested conditions of approval.

**Andrew Zipkin**, property and business owner addressed the Board. Stated that when the project was first approved there was some controversy because the Midway Park residents didn't want a nuisance business. Stated that this is the same use as the prior owners. Stated that he functions by appointments and that the additional space is for more room for product to show customers.

**Public hearing opened 7:36 pm.**

**Loretta Bennett** of 31 Midway Park addressed the Board. Stated that she doesn't think the original owner intended the attic to be utilized because he wanted the space for the building façade. Stated that she doesn't have an objection to adding this space. Asked if the ZBA granted a variance for the number of parking spaces.

Sharples replied no and stated that the Zoning Ordinance only speaks to residential uses.

Bennett stated that with the previous owner, the parking lot was never fully utilized. Stated that she doesn't have a problem with this request.

**Dennis Verge** of 34 Midway Park addressed the Board. Agreed with Bennett and stated that he doesn't see a problem with this. Stated that even with the employees he never saw a problem with parking. Stated that there is a section of grass that the City owns that could be used for parking but that he doesn't see a problem.

**Public hearing closed 7:41 pm.**

**Waiver Motion:** Belmore moved that the request of Andrew Zipkin for a waiver from Section 11.4.a.iii of the Site Plan Regulations for required number of parking spaces be **APPROVED**.

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

**Site Plan Motion:** Belmore moved that the request of Andrew Zipkin for an amendment to site plan #06-2006 to expand the business be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. A certificate of occupancy shall be required for the new space; and,
2. A dwg file of the site plan shall be submitted prior to the issuance of a building permit for any work related to the attic space.

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

- B) City of Somersworth proposed Zoning Ordinance amendment to the purpose statement of the Historic Mill District (Section 3.B.13).

Sharples reviewed his memo (see attached) and stated that this was discussed at the last meeting but that the Board didn't hold a public hearing. Read the existing and proposed statement.

**Public hearing opened 7:45 pm.**

**Public hearing closed 7:45 pm.**

**Motion:** Tapscott moved that the proposal to amend the purpose statement of the Historic Mill District (Section 3.B.13 of the Zoning Ordinance) as stated in the City Planner's memo dated May 12, 2011 be forwarded to the City Council for consideration with a recommendation for approval.

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

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

None.

5) WORKSHOP BUSINESS

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

None.

6) COMMUNICATION AND MISCELLANEOUS

Sharples stated that he has prepared a letter for the Rollinsford Planning Board asking that they declare a potential multi-unit project as a regional impact project. Stated that he has heard that the owners of the property in Rollinsford may be working with a conservation consultant for funding and it may be purchased as conservation land.

Sharples stated that regarding the Community Technical Assistance Program (CTAP); the City interviewed several consultants and chose Appledore Engineering. Stated that he passed the information on to the Piscataqua Region Estuaries Partnership (PREP) and that he is waiting on them.

Belmore stated that there were several reasons for choosing Appledore Engineering such as them having engineers on staff, they are local being in Portsmouth and they have prior experience working in the City.

Sweeney asked about site plan amendment compliance at Monkey Dogs.

Sharples stated that he has prepared a letter to put the owner on notice that the fence has to be painted in accordance with the site plan amendment approval. Stated that he will send out the letter this week.

Tapscott stated that the auto repair facility behind the Bread and Butter store was supposed to meet conditions of their site plan approval and asked if they have.

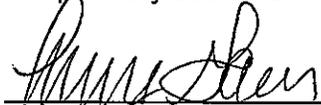
Sharples stated that some of it has been done but that they have just submitted for a certificate of occupancy (CO). Stated that the picket fence has been installed and the parking lot has been striped. Stated that they still have to plan deciduous trees and repair a section of the fence. Stated that the rain is holding them up this week.

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

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

Meeting adjourned at 7:51 pm.

Respectfully submitted:



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Tracy Gera, Planning Secretary  
Somersworth Planning Board