

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

MEMBERS PRESENT: William Sweeney, Chairman, David Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Dan Proulx, Paul Robidas, Ernie Gallant, Erwin Grant, Paul Maskwa, Alternate and Chris Cortez, 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: Belmore moved to accept the minutes of the meeting of June 20, 2012.

Seconded by Proulx. Motion carried with a 7-0-2 vote with Robidas and Maskwa abstained.

Sweeney stated that Cortez will be the voting alternate member tonight.

2) COMMITTEE REPORTS

A) ZBA Report

See attached.

B) City Council Report

Witham stated that work has begun at the Noble Pine Improvement project and that it is partially funded through a grant the City received from the State. Stated that the construction of the pavilion has begun and then next a splash pad will be constructed. Stated that the Council approved Gator Rock Road. Stated that the Council is considering two resolutions and one ordinance. Stated that there is a public hearing scheduled for the next Council meeting on September 4, 2012. Stated that the ordinance is regarding a bond for the Idlehurst School and that one of the resolutions is to spend principal and interest money from the Idlehurst School for various school improvements and the other resolution is to bond money for the downtown improvement project and to replace critical HVAC units in the school system. There was a meeting regarding the improvements to the Somersworth/Berwick Bridge held in Somersworth with the MEDOT and the selected engineering firm to design the bridge. Reviewed the design of the new bridge. Stated that the City has hired a new Economic Development Manager named Christine Davis, who is currently with DRED. Stated that she offers a lot of experience and is excited to come on board.

C) Site Review Technical Committee Report

Sharples stated that there was no meeting in July but the Committee met in August to hear two applications. Stated that they heard the site plan application for a contractor's office/storage yard on Route 108, which the Planning Board conducted a site walk of this evening. Stated that a comment letter was sent and that it is anticipated that they will be on the September Planning Board agenda. Stated that the second application was for a covered deck at Sumner Country Restaurant. Stated that the Committee determined that the application was minor, held a public hearing and voted to approve the application with conditions.

D) Minor Field Modification Report

None.

E) Strafford Regional Planning Commission Update

Witham stated that he was briefed by Tapscott, who sits on the Committee, and stated that they are updating the long-range transportation program and working on a list of improvement projects.

F) Vision 2020 Report

Sharples stated that at the last meeting the Committee tried to define tasks moving forward. Stated that they narrowed their focus on working with the Festival Association and a meeting with them is scheduled for next week. Stated that the Committee also wants to look into repairs to the mural on Constitution Way.

3) OLD BUSINESS

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

None.

4) NEW BUSINESS

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

Sharples stated that a voluntary merger request was submitted after the Planning Board deadline. Stated that the Board could consider the request tonight but that the maps are not available so it could be put off until next month. Stated that putting it off won't affect anything regarding taxes.

Sweeney stated that they will wait until next month.

5) WORKSHOP BUSINESS

A) Review and discuss the request from COAST Bus to allow advertising on their bus shelters.

Sharples reviewed his memo (see attached) and stated that as part of its funding request to the City Council last year, COAST asked about allowing advertising on their bus shelters in Somersworth. Stated that the Planning Board wanted the specifics on the advertising request and a representative from COAST is here tonight to address the Board.

Rad Nichols, the Executive Director with COAST addressed the Board. Stated that he was asked to put some material together for the Board and was asked to research ordinance language from other communities regarding advertising on shelters. Stated that both he and Sharples have done research for sample ordinances in other communities but that they have been unable to find anything. Stated that the topic is not addressed, except for some language mentioned by the City Council in Rochester. Stated that advertising on bus shelters just happens. Stated that there are detailed ordinances for bus stops but nothing for advertising. Stated that he checked with Nashua and Manchester but that he is not aware of other shelter advertising ordinances in the entire State. Stated that advertisers want to put their advertisements in larger, urban areas. Stated that in 2008 the Rochester City Council voted to

allow advertising on bus shelters with the restriction that it doesn't cover the entire shelter. Stated that COAST doesn't want the entire shelter to be covered. Passed out a copy of a presentation (see attached). Stated that advertising on bus shelters is a potential revenue source for COAST. Stated that shelters are better for riders, better for streetscapes and they have a number of them that are awaiting installation. Stated that they would like to locate up to five more shelters in Somersworth, mostly on Route 108. Stated that they may be interested in adding shelters in the downtown as part of the Transportation Enhancement (TE) project. Stated that currently COAST supplies the shelters and looks to the community to help provide installation. Stated that shelters are paid for with ARRA funds and can be used for purchase and installation. Stated that the bus stops indicated in Somersworth are high-use shelters and fit COAST's policy for placing equipment. Stated that they are looking to locate a new style shelter, like the one put in at Avis Goodwin on Route 108. Stated that the shelters have advertising boxes, which are currently used for COAST information. Stated that COAST has had a tremendous experience with revenue for advertising on their vehicles. Stated that the more coverage that people purchase, the greater the revenue. Stated that they have generated just over \$150,000 in sales per year. Stated that the revenue from advertising sales reduces the amount that COAST asks for from municipalities. Stated that Somersworth is a great area for advertising on bus shelters. Stated that they focus on local advertisers. Stated that they had national buys in the past but that they tend to be harder to deal with. Stated that they want to work with local businesses. Stated that there is a strong interest in purchasing space on busses so they project strong sales for shelters. Stated that they are projecting \$90,000 in sales per year and that the revenue helps keep the financial request to municipalities down. Stated that there is a lot going on in the COAST organization and that the key is for shelter advertisements. Stated that they want to offer package deals with multiple locations and communities. Stated that they need communities to partner together and that they are focusing on Rochester, Somersworth, Dover and Portsmouth. Stated that they have gotten Rochester on board and that they are actively working on Dover and Portsmouth. Stated that there needs to be local ordinances and that he doesn't think they can go too far until all four communities are on board.

Belmore asked how Portsmouth allowed for advertising just on their shelters that are outside of town.

Nichols stated that no one has purchased advertising in Rochester and the outskirts of Portsmouth yet. Stated that he doesn't know how Portsmouth got advertising for just the shelters on the outskirts of town. Stated that they want to get something more formal on the books. Stated that the key to long-term existence is to diversify revenue streams. Stated that they currently rely on the Federal Government, municipalities and ridership fees.

Belmore asked what type of standards they have for advertisements.

Nichols stated that COAST has extensive policies, which he can supply. Read from the policies. Stated that they have robust policies that would be the same for the shelters as it is for the busses. Stated that they don't want bad publicity.

Proulx asked about examples of shelter designs.

Nichols referred to the pictures in the handout and stated that they have three different shelter designs.

Proulx asked what type of shelters would be in Somersworth.

Nichols stated that there would be a mix.

Cortez asked who takes care of the shelters when there is vandalism or maintenance needed.

Nichols stated that they send COAST staff to maintain shelters. Stated that they rely on communities to help with that and rely on bus operators to inform them where there are problems.

Sweeney asked about religious, social or political advertisements.

Nichols stated that it depends on the type of statement that the advertisement is stating. Stated that, by law, the shelters are not a public place and that they don't allow handouts at shelters.

Witham stated that he realizes the increase cost of COAST and that the City Council discussed what can be done to control those costs. Asked if the money gets applied to Somersworth or if it gets fanned out among the communities.

Nichols stated that all revenue gets fanned out among the communities.

Witham stated that he feels that it is worth pursuing this topic.

Nichols stated that COAST has a history of working with the firm that sells the advertising space and they are aware of COAST's sensitivity of their space.

Witham stated that he drives through a lot of the other communities that have been mentioned and that he doesn't really notice that advertising stands out or looks bad.

Robidas stated that he agrees with everything but that he wants to make sure there is some sort of ordinance. Mentioned having Sharples put language together for the Planning Board to review.

Nichols stated that if Somersworth adopts something, it may help other communities moving forward.

Belmore stated that there is a Sign Committee and suggested having an annual application with standards and policies. Stated that he is inclined to support this.

Sweeney asked Sharples to prepare some language for the next Planning Board meeting.

Sharples stated that he will work on something with COAST.

Maskwa referred to the third page of the handout regarding new shelter installations and asked if there are any other areas on the Route 108 corridor.

Nichols stated that they would love to have more like on Industrial Drive and the intersection of Blackwater Road and Route 108. Stated that Route 108 is a productive corridor for them. Talked about a TE-type project along the corridor but that nothing has been submitted.

Maskwa agreed about looking into having an ordinance and specific language.

B) Review of the Recreational (REC) Zoning District.

Sharples stated that this topic has been brought up several time and at the last Planning Board meeting and the members wanted it placed on the agenda. Stated that he included a fact sheet with information on the Recreational (REC) zone and reviewed it. Stated that about 2/3 of the property is publically owned, which doesn't include the recently acquired Sunningdale Golf Course property. Stated that he didn't want to prepare too much until he got some direction from the Board. Passed out a before and after map of the City and described them. Stated that the ginger-pink areas on the map represent the majority of the privately owned REC land.

Stated that the “after” map represents what it would look like if the privately owned REC land was changed to residential. Stated that the Board has talked about the REC area around Willand Pond but that there is very little that could be developed. Stated that there is a trail around the pond and that the pond itself is under State jurisdiction with a 250-foot buffer around it. Stated that it seems like it could be kept a REC zone. Stated that all other REC zones are owned by the City, except for the Lion’s Club land, which they use as Recreational and zoning it residential would restrict them. Stated that he doesn’t know why the City would keep the three satellite areas as REC. The current ordinance allows for housing in REC zones in concert with an overall development plan. Stated that changing it would eliminate the possibility for nebulous development. Stated that all three areas would become Residential Single Family (R1), which wouldn’t make any of the properties nonconforming.

Robidas asked if there is a downside to rezoning these areas.

Sweeney asked how many homes could be put on the Sunningdale property.

Sharples stated that, for example, several years ago, there was an approved plan to put 66 units on the Sunningdale property, which never got built out. Stated that if it was zoned R1, the density would drop. Stated that currently the REC zone doesn’t have density requirements.

Sweeney asked how many single family lots there could be in both the Sunningdale lots were combined.

Sharples stated that he is not sure and that although there are a lot of acres, there are wetlands and slopes and that a lot of it is already zoned R1. Stated that there would be less density with R1.

LeHoullier stated that he thinks there was an issue a long time ago with the two parcels by Malley Farm because someone wanted to keep horses. Asked that it be researched.

Sharples stated that they are small lots but that he can look into it. Stated that any existing use would be grandfathered.

Belmore stated, regarding COAST, he glanced at the Master Plan and what they are considering doesn’t seem to conflict with it, neither does this item. Stated that, regarding Sunningdale, if it was rezoned to R1, what would someone have to do to rebuild it as a golf course.

Sharples stated that he would have to think about what would have to be done. Stated that he doesn’t know if it would make much of a difference because some of the existing holes are located in the R1 district now.

Belmore stated that the property also has a function facility and three apartments so there are other uses there also.

Sharples stated that the uses would have to be looked at.

Maskwa asked if the REC area behind the cemetery has a lot of wetlands.

Sharples stated that there are a lot of wetlands.

Maskwa stated that he is trying to understand why it was zoned REC.

Sharples stated that doesn't know why and stated that there is a conservation easement in that area also. Stated that there is some developable land but that there is no road access. Stated that it is pretty much all wet.

Maskwa stated that stated that one would have to deal with the Town of Rollinsford if someone wanted to reopen the golf course.

Sweeney asked if makes sense to redefine the REC district and change the language in the ordinance.

Sharples stated that it would be up to the Board and that they probably don't want to leave it as is. Stated that zoning doesn't really matter for City owned property.

Witham stated that they can't leave the property in its current state because the language for the district is so loose and not well defined. Stated that keeping it as it is now leaves the door open for massive development. Stated that it is still developable if changed to R1 or if they change the language of the ordinance. Stated that the Council talked about expanding Millennium Park but that it is very hilly and wet out there.

Proulx asked if the process is the same for the two options that the Board discussed. Asked if one process would take longer than another. Asked if property owners would need to be notified.

Sharples stated that property owners aren't required to be notified but that it has been standard practice in the past. Stated that the process is the same for the options mentioned.

Proulx verified that the option to change the privately owned REC areas to R1 would have a public hearing, the Board could vote on it and forward to the City Council. Whereas the other option to change the language of the REC ordinance would require more time with workshop and meetings.

Sharples stated that he thinks so. Stated that they would look at the existing density regulations and should follow a regulation that already exists.

Belmore stated that based on the research that has been done, the way the City has things seems to be out of the norm. Stated that he doesn't see any type of a hybrid with other communities.

Sharples stated that he has never seen anything like it.

Belmore stated that the Planning Board can only make a recommendation to the Council. Stated that it makes sense to move this to a public hearing.

Sweeney stated that he hasn't heard any intention of the City to sell the Sunningdale property.

Witham stated that he doesn't think the Council wants to own that property.

Robidas stated that it seems like rezoning to R1 is the way to go.

Sweeney stated that if the City sells the property, then it picks up more money but then if it gets developed then there are more families.

Robidas stated that he doesn't think that is for the Planning Board to consider.

Sweeney mentioned changing the language of the ordinance.

Sharples asked what it should be changed to because the existing language allows housing.

Sweeney stated that the definition could be changed.

Sharples stated that he spoke with an attorney at the Local Government Center and that allowing housing gives the existing language validity.

Sweeney stated that he is just talking about the Sunningdale property and that he is not sure if he is in favor with making it R1.

Maskwa stated that there are properties that are zoned half R1 and half REC and that if the Board changes the definition of REC so that no housing is allowed; those properties will be nonconforming and be grandfathered.

Sharples stated that by prohibiting housing, they would need to go to the ZBA for a lot of things.

Grant asked why the density is different in the R1 and the REC districts.

Sharples stated that density can be controlled through several factors but that the best way is to do it through frontage and lot size. Stated that frontage and area will dictate how many units there can be. Stated that in the existing REC ordinance there are no frontage or area requirements.

Grant asked why they have to be concerned with housing if it is a REC district.

Sharples stated that it has to do with the existing definition of REC.

Grant stated that the word REC doesn't fit what they are talking about.

Sharples read from Section 16 of the Zoning Ordinance focusing on the sentence where it states that residential use is prohibited unless part of an overall development plan.

LeHoullier asked if that sentence can be taken out.

Sharples stated that if that sentence is taken out, then residential uses are prohibited from the district and it could be affected by the 5th amendment because people couldn't really do much with their property.

Grant asked if the whole State has that language.

Sharples stated that in his research, he didn't find any community that does what Somersworth does. Stated that other communities don't zone private property REC. Stated that the theme has been that only publically owned land is zoned REC.

Grant stated that it is like they are going back on something that wasn't right to begin with.

Sweeney stated that the existing properties with houses on them should be converted to R1.

Proulx stated that he is on board with what the Board wants to do but asked why R1 is the only zone being brought up and mentioned rezoning to Agricultural (A).

Sharples stated that R1 makes sense because the properties are surrounded by R1 zones. Stated that the properties would be compatible with their surroundings.

Proulx asked if they should discuss the possibility of other zones if they fit into a different category.

Sharples stated that when you consider zoning, you usually want to avoid little satellite districts.

Witham stated that you want to be careful not to increase nonconformity.

Sharples stated that he doesn't know why you'd have a parcel be two different zones. Stated that more than half of the Sunningdale property is in R1.

Robidas stated that it makes perfect sense to rezone them to R1 and that it puts conformity in those areas. **Moved** that the Board have a public hearing to rezone the areas discussed to Residential Single Family (R1).

Seconded by LeHoullier.

Witham stated that he supports the motion to move forward and get comments from the public. Stated that, regarding rezoning the properties A instead of R1, he is concerned with the notion of nonconformity.

Maskwa verified that both Sunningdale parcels have dual zones.

Sharples stated that is correct.

Cortez mentioned getting more information for what can be built on the property. Mentioned if a use would be on septic or sewer. Stated that he would like to take more information into account to see how many houses could go in.

Sharples stated that he could roughly calculate that.

Cortez stated that he thinks that growth is a concern.

Sweeney stated that to him, the Planning Board means that they are the planners of the future of Somersworth. Stated that they don't often get this type of opportunity. Stated that there is a finite amount of land in Somersworth and that he is not in favor of this motion tonight. Stated that he feels that the Sunningdale lot should be separate from this.

Grant stated that he knows that the language regarding the REC district is not what it should be and that he feels the Board should take a look at that.

Sharples stated that he thinks that the saving grace of the existing ordinance was the language for "part of an overall development plan". Stated that if you take that language out, you are taking property rights away. Stated that if you take the residential use out of the language for the REC district then the lots would be pretty much useless.

Grant stated that he is okay with rezoning it to R1.

Belmore stated that he hasn't received direction from the City Council on the REC area. Stated that the Sunningdale properties were acquired through tax deed.

Sweeney asked if the Sunningdale property is available to public use.

Belmore stated that it is not open for public use.

Motion carried with a 6-3 vote with Sweeney, Proulx and Cortez opposed.

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

None.

6) **COMMUNICATION AND MISCELLANEOUS**

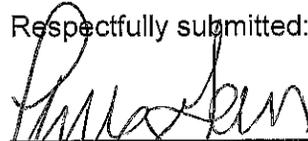
None.

Motion: Robidas moved to adjourn the meeting.

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

Meeting adjourned at 8:12 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board