

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
SEPTEMBER 19, 2012**

MEMBERS PRESENT: William Sweeney, Chairman, Anthony Delyani, Vice Chairman, David Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier and Ernie Gallant.

MEMBERS ABSENT: Dan Proulx, Paul Robidas, Erwin Grant, Paul Maskwa, Alternate, Chris Cortez, Alternate.

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 August 15, 2012.

Seconded by LeHoullier. Motion carried with a 5-0-1 vote with Delyani abstained.

2) COMMITTEE REPORTS

A) ZBA Report

See attached.

B) City Council Report

Witham stated that at the last meeting the Council passed an ordinance and a resolution having to do with infrastructure improvements. Stated that a bond was approved with the majority of the money being earmarked for improvements in the downtown corridor including water lines, sewer and drainage work, reconstruction of the road bed and replacement of signals at the West High Street/High Street intersection. Stated that there was a Transportation Enhancement site walk held today. Stated that the other part of the bond was to replace HVAC units at the High School and Middle School. Stated that the Council also passed the ordinance for the placement of temporary handicap ramps with one minor change.

C) Site Review Technical Committee Report

Sharples stated that there was no regularly scheduled meeting but that there is a meeting scheduled for tomorrow.

D) Minor Field Modification Report

None.

E) Strafford Regional Planning Commission Update

Witham stated that he spoke with Tapscott and that there has been no notable action taken by the SRPC.

F) Vision 2020 Report

Sharples stated that the Committee continues to work with the Festival Association and that there is a meeting scheduled for this Monday.

3) OLD BUSINESS

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

None.

4) NEW BUSINESS

A) Public hearing on rezoning Recreational (REC) land to Residential Single Family (R1).

Sharples reviewed his memo (see attached) and stated that the proposal is to rezone Recreational (REC) land to Residential Single Family (R1). Stated that there are three areas of the City that are part of this proposal and referred to the map. Stated that there were three concerns raised at the last meeting and that one was what the densities would be if the zones changed or if they stayed the same. Stated that he did a build-out analysis (attached) which also includes his methodology. Stated that another concern that was raised was that the two small lots off of Main Street possibly wanted horses at one time. Stated that he visited the properties and that one of them has horses now and the use would be grandfathered. Stated that if the other lot wanted horses, they would need to secure a variance. Stated that the third concern was if the Sunningdale property could be used as a golf course. Stated that a section of the golf course is in Rollinsford and that it is owned by someone else. Stated that part of the property that is in Somersworth is already zoned R1. Stated that the portion of the golf course use that is in the R1 zone is grandfathered as long as the use isn't abandoned for 12 months. Stated that there was a question regarding the assessed value of properties and if taxes would change due to the zone change but that he spoke with the City Assessor and she indicated that she doesn't feel that there would be any effect.

Witham asked about the build-out analysis for the Sunningdale property and why it was shown as two different things.

Sharples stated that Map 19 Lot 1 is partially zoned R1 and the rest REC while Map 20 Lot 5 is mostly zoned REC and partially R1.

Witham commented that according to the provided build-out analysis, if the Sunningdale property stayed in its current zoning, there could be up to 300 units but that if it was rezoned to R1 there could only be up to 202 units.

Public hearing opened 6:44 pm.

Brian Tapscott, City Councilor, addressed the Board and stated that he is here on behalf of some of the residents on Green Street. Stated that he just wants to reassure the residents that the zoning change at the rear of their property isn't going to affect their property taxes or assessed value.

Public hearing closed 6:45 pm.

Witham stated that he too was contacted by one of the residents on Green Street whose property is in two zoning districts and they had the same concern as what Tapscott mentioned. Stated that they were concerned that there would be a tax impact but that the indication from the Assessor is that there will be no additional tax implications. Stated that according to the build-out analysis, there is less of a build-out if the property is zoned R1. Stated that leaving the property in its current state doesn't seem to make sense.

Belmore stated that all the REC property in the City was looked at and it wasn't just the Sunningdale property. Stated that he is in support of the proposal.

Sharples stated that there are about 21 properties involved in this proposal.

Witham stated that these are properties that are privately owned and are not City parks.

Motion: LeHoullier moved that the request to rezone Recreational land to Residential Single Family be forwarded to the City Council with a recommendation for approval.

Seconded by Delyani. Motion carried with a 6-0 vote.

B) Jean LeBrun is seeking a voluntary merger of two properties located on West High Street, in the Residential Duplex (R2) District, Assessor's Map 13, Lots 67 & 67A.

Sharples reviewed his memo (see attached) and stated that the request is to combine two properties. Stated that no public hearing is required and the State RSA states that the Planning Board shall approve the request unless it creates a violation. Stated that he has researched the properties and that he found that it doesn't violate any current ordinances. Stated that the two properties are owned by the same entity and that he recommends approval.

Witham asked if the larger parcel with the garage is a buildable lot.

Sharples stated that it is a buildable lot now but they are looking to make these into one parcel.

Motion: Delyani moved that the request of Jean LeBrun for a voluntary merger be APPROVED.

Seconded by LeHoullier. Motion carried with a 6-0 vote.

C) Daniel Maahs, on behalf of DCM Realty, LLC is seeking site plan approval for a contractor's office/storage yard for property located at 362C Route 108, in the Commercial Industrial (CI) District, Assessor's Map 47, Lot 3B, SITE #03-2012.

Sharples reviewed his memo (see attached) and stated that the applicant appeared before the SRTC and that all SRTC comments have been addressed. Stated that one of the SRTC comments was that there wasn't a Certificate of Occupancy (CO) for the existing pallet company on the property but that they got their CO today. Stated that the plan shows parking on gravel areas, which isn't allowed and a waiver would be needed to keep them as planned. Stated that they are requesting a waiver from having to submit a landscaping plan. Stated that the Board held a site walk last month and several questions were asked about the existing business on the property. Stated that they secured their CO today. Stated that with this request, they aren't really building anything but putting up bins for the storage of materials. Stated that he just has one suggested condition of approval for an electronic as-built of the plan.

Daniel Maahs, property owner, addressed the Board and stated that they have met with the SRTC and that he is happy to explain the business to the Board. Stated that they are a landscape company and do a lot of commercial properties. Stated that the use of this yard is for storage of equipment, landscaping materials, aggregates, etc. Stated that a crew comes in the morning and goes off site to do their work.

Public hearing opened 6:57 pm.

Public hearing closed 6:57 pm.

Witham asked if the two parking areas shown on the plans are the areas that would be on gravel.

Sharples replied yes. Stated that he is not sure that it is existing parking because there was no site plan from before.

Witham stated that with other applications such as this he the Board was concerned with vehicles leaking fluids on non-paved surfaces. Asked about refueling of vehicles and if leakage is problematic.

Maahs stated that all their vehicles are newer and that they take pride in their company and everything is well-maintained. Stated that he can't say that nothing will happen but that they take precautions. Stated that the vehicles have to be checked and a checklist filled out every morning. Stated that they want to limit the contamination of the soils.

Witham asked about the impact of leakage on pervious versus impervious surfaces.

Sharples stated that the concern is more with spills rather than leakage. Stated that with impermeable surfaces there is more time to react and clean a spill. Stated that leaks happen with all parking lots but spills are usually the issue.

Witham stated that he feels that this property provides leeway and that he is in support of the landscape waiver. Asked about signage.

Maahs stated that an agreement with the sale of the property was that a sign could be placed on the property in front.

Witham suggested having a condition for there being a sign.

Sharples stated that the Board couldn't do that because a sign at that location would need a variance.

Witham asked about an address sign.

Sharples stated that it would be okay.

Witham stated that he just wants identification for the site.

Gallant asked what kind of vehicles will be using the proposed parking spots.

Maahs stated that the seven spaces are for employees with regular vehicles. Stated that neither section has pavement.

LeHoullier asked if anything with the pallet company interfere with this.

Sharples stated not that he knows of. Stated that any code enforcement issues would be separate from the site plan request.

Sweeney mentioned having a note on the plans for no bulk fuel storage.

Maahs stated that they go to local fueling stations.

Sweeney asked if they are considering retail sales.

Maahs stated that it is not the plan for now and that he is aware that they would need to come back for further approval to do that.

Sweeney asked about a formal waiver request for parking.

Maahs stated that they want to ask for a waiver but they don't want to slow the process down.

Witham stated that at the site walk they talked about possible bulk salt storage but that they are not proposing to do that.

Maahs stated that they will come back for further approval if they want that.

Witham mentioned having no bulk salt or fuel storage as a condition of approval.

Maahs stated that there is already a note on the plans for no fuel storage.

Witham mentioned his concern with dust issues that may arise on the gravel yard and asked how it would be dealt with.

Maahs stated that suppliers usually only come to the site about 16 times per year and that they can spray water if dust becomes an issue.

Delyani asked if the Board usually requires gravel and asked how they have acted on this issue in the past.

Sharples stated that he can't recall anyone requesting this waiver in the past.

Delyani stated that having it left gravel doesn't seem problematic for the existing use but would like some language so the gravel parking is limited to what was proposed.

Sharples stated that there could be a condition of approval that it be limited to the 12 proposed parking spaces.

Witham mentioned having signs showing where the parking spaces are.

Sharples asked the applicant if they are going to need that many parking spaces.

Maahs stated that they don't use them all now but that it is close.

Sweeney stated that some of the parking of vehicles is just for trailers.

Delyani asked if the entire gravel area needs a waiver or just the parking areas.

Sharples stated that it is just for the parking areas.

Delyani stated that the goal is to not allow more gravel than there already is.

Sharples stated that the plans depict it.

Motion: Delyani moved that the request of Daniel Maahs, on behalf of DCM Realty, LLC for a waiver from Section 11.4.b.vi of the Site Plan Review Regulations regarding parking lots, driveways, and aisles being paved be **APPROVED** and be limited to the twelve parking stalls as shown on the plans.

Seconded by Gallant. Motion carried with a 6-0 vote.

Motion: Witham moved that the request of Daniel Maahs, on behalf of DCM Realty, LLC for a waiver from Section 9.25 of the Site Plan Review Regulations for a landscaping plan be **APPROVED**.

Seconded by Delyani. Motion carried with a 6-0 vote.

Sharples read the suggested conditions of approval for the site plan application.

Motion: Witham moved that the request of Daniel Maahs, on behalf of DCM Realty, LLC for site plan approval for a contractor's office/storage yard be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. 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 dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
2. The address of the parcel shall be provided in accordance with City policy at the intersection of the access way and Route 108 prior to the issuance of a Certificate of Occupancy; and,
3. No bulk salt storage will occur on the site.

Seconded by LeHoullier. Motion carried with a 6-0 vote.

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

None.

5) **WORKSHOP BUSINESS**

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

Sharples stated that he received an email from Rad Nichols of COAST Bus with suggested language for an ordinance regarding advertising on bus shelters but that it wasn't in a timely manner so he will put it in next month's packets.

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

None.

6) **COMMUNICATION AND MISCELLANEOUS**

Witham stated that part of the site plan approval for Avis Goodwin on Route 108 called for a street light to be installed and it is still not there. Stated that there is a COAST Bus stop there and it is dark and people are crossing the road.

Sharples stated that he saw a work order for it but he will check on it.

Witham stated that there was a site plan recently approved for Next Level Church on Route 108 and that it appears there has been some activity going on. Stated that a light pole, that was supposed to remain in place, has been knocked over. Stated that he is nervous that the parking area will get damaged.

Sharples stated that everything shown on the plans needs to be in place for the Certificate of Occupancy (CO).

Witham stated that there was a lengthy discussion on parking and circulation and that he is concerned that with the state it is in now, the parking area will get worn on.

Sharples stated that there was a pre-construction meeting yesterday and that the fill will be put out back. Stated that they entire site will be reviewed when they apply for a CO

LeHoullier asked Witham what was going on with the proposal of inspecting multi-unit facilities.

Witham stated that he is unsure because he was not part of the subcommittee that is reviewing it.

Belmore stated that it is still a work in progress.

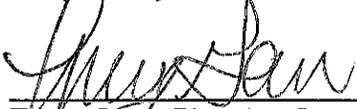
Sharples stated that he will be presenting a proposal to update the housing code by adopting the 2009 Property Maintenance Code.

Motion: LeHoullier moved to adjourn the meeting.

Seconded by Delyani. Motion carried with a 6-0 vote.

Meeting adjourned at 7:22 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board