SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
FEBRUARY 19, 2014

MEMBERS PRESENT:	**Anthony Delyani, Vice Chairman, Dave Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Dan Proulx and Ernest Gallant.**
MEMBERS ABSENT:	**William Sweeney, Chairman, Paul Robidas, Paul Maskwa, Alternate and 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 6:40 pm.

1) APPROVAL OF MINUTES

Motion: LeHoullier moved to accept the minutes of the meeting of October 16, 2013.

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

Motion: LeHoullier moved to accept the minutes of the meeting of November 20, 2013.

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

Delyani stated that there are two items under new business on tonight's agenda but that because of the expected time it will take for item 4A, item 4B will be heard first.

2) COMMITTEE REPORTS

A) ZBA Report

Sharples referred to the attached ZBA reports.

B) City Council Report

Witham submitted and reviewed the attached report and stated that the Council has been very busy since the Planning Board last met. Stated that the Downtown Improvement Project is in winter shutdown but are expected to start up again at the beginning of April. Stated that some additional work on Station Street and some stairways have been added to the project but that it still needs final approval from the Council. Stated that the MEDOT is coordinating the Somersworth/Berwick Bridge Project but that work is supposed to begin the end of this month and should be one construction season for that. Stated that the City was awarded a grant to look into having a solar field on the Superfund Site on Blackwater Road and that a report was due to the Council but that the meeting was cancelled due to inclement weather. Stated that there is movement to increase authority of Code Enforcement and that legislation is being proposed. Stated that it would give more leverage to Code Officers. Stated that Council discussed bonding to pave High Street from Sinclair Avenue to the Dover property line. Stated that there was a first reading for a resolution to consider demolishing the old Police Station and turning it into green space. Stated that Council is working with the City Manager to implement the tax cap. Stated that this is the first year of the cap and they are working through that.

C) Site Review Technical Committee Report

Sharples reviewed the attached report and stated that there have been several SRTC meetings since the Planning Board last met. Reviewed the projects reviewed by the SRTC.

D) Minor Field Modification Report

Sharples reviewed the attached report and the request made by Next Level Church.

E) Strafford Regional Planning Commission Update

None.

F) Vision 2020 Committee Report

Witham stated that he was appointed Chairman of this Committee and that they met last week. Stated that they are going to focus on branding efforts and will continue to meet monthly.

3) OLD BUSINESS

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

None.

4) NEW BUSINESS

A) Twelve Month, LLC is seeking a conditional use permit and major subdivision approval for 177 single family residential lots on properties located at 301 Green Street and 31 Stackpole Road, in the Residential Single Family (R1) District, Assessor's Map 19, Lot 01 and Map 20, Lot 05, SUB #05-2013.

Delyani stated that they are going to discuss item 4B first (see below).

Sharples reviewed his memo (see attached). Stated that a conditional use permit (CUP) is needed because some of the work will be done within the wetland buffer. Stated that they have met with the SRTC twice and that the plans are being reviewed by CLD Engineers. Stated that reviews are ongoing because of the size of the proposal. Stated that they originally requested three waivers but withdrew the bituminous curbing waiver request. Stated that they are requesting waivers for sidewalks and roadway width. Stated that the proposed sidewalk to Green Street has been removed because there is no sidewalk on Green Street to connect it to. Stated that they are requesting a waiver for roadway width because all the secondary roads will meet the required width but that main road will only be 24 feet, where 28 feet is required. Stated that the SRTC does not object to the waiver requests. Stated that they may want to require no parking signs. Stated that the CUP is still being reviewed by the Conservation Commission that wants to do a site walk. Suggested having the public hearing and then recessing it until next month. Stated that the property owner has talked about putting some of the property in a conservation easement under the Farm Bill but that they are seeking approval for 177 lots.

Christian Smith with Beals Associates, Inc. represented the applicant and addressed the Board. Stated that they had a design review last fall and that the plan isn't much different in scope. Stated that they have worked with the SRTC and that they are proposing a 14 foot wide emergency access. Stated that he has been working with an abutter to loop the water into Cinnamon Ridge Road. Stated that regarding pressure, the applicant agreed to have Wright Pierce do an impact study on Green Street. Stated that they have amended their waiver requests and passed out copies. Stated that the project will be phased. Stated that he is confused with the CLD Engineers comments about the sidewalk but they will revise that. Stated that the Conservation Commission indicated that they want to do a site walk when there is less snow. Stated that they haven't heard back from CLD Engineers regarding the traffic. Stated

that the owner is looking into putting part of the property in a Conservation Easement using the new Farm Bill but that they need to move forward with City approvals to establish density. Stated that if developed using the new Farm Bill, there would be 86 residential parcels and the back of the lot would be in an easement.

Sharples asked who would hold the easement.

Joe Falzone property owner with Twelve Month, LLC addressed the Board and stated that the City would designate that.

Mark Johnson attorney for the property owner addressed the Board and showed the phasing plan. Stated that they think the conservation easement with the Farm Bill will work. Stated that they show two phases where phase A will be built no matter what but phase B may not get built. Stated that phase A would have four sub-phases and phase B would have five sub-phases. Stated that each phase would be completely in compliance on its own. Stated that the roadway would be part of phase A1.

Witham confirmed that the phases are not tied to the time of year but to economic conditions.

Johnson confirmed.

Sharples stated that there was a concern about bonding but that they should be fine with bonding in phases.

LeHoullier stated that the development will still look good and be complete with each phase. Asked what the conservation easement is contingent on.

Sharples stated that they would get appraisals on the land after the project is approved then move on to the Farm Bill.

LeHoullier confirmed that the proposal has to be finalized first.

Sharples confirmed.

Falzone stated that the parcel would have to qualify and would have to go through a process. Stated that the bill recently passed and that the funds have been locked in. Stated that they don't fund it at 100%.

Jamie Long with GZA GeoEnvironmental, Inc. addressed the Board and stated that he has looked at the property in all four seasons. Stated that they have delineated the wetlands, done test pits, a vernal pool study and habitat assessment. Stated that they have identified the wetlands and soils and they have been mapped. Stated that they have a detailed wildlife assessment.

Tracy Tarr with GZA GeoEnvironmental, Inc. addressed the Board and stated that she did an assessment to see if there are critical and rare species that add value to the site. Stated that there are five critical habitats that are all in the expected conservation area and would be protected the most if it was in the easement.

Witham stated that the Board is considering 177 lots and asked if many of these areas would still be protected.

Tarr stated that they would not be protected at the State level.

Public hearing opened 8:14 pm.

Mark Fearis of 78 Stackpole Road addressed the Board and stated that he is opposed to this project. Stated that he is interested in the impact studies and that he would like them to be available to the public. Stated that he would like more information on the phasing and that he is confused with the Farm Bill. Stated that they see wildlife, which are nice to have around and wonders where they would go. Stated that he doesn't like the phasing because there will be ongoing construction in the neighborhood. Asked about the beaver pond and if it will be cleaned up or left as is.

Sharples stated that all files and studies are public and can be reviewed during regular business hours.

Belmore stated that Sharples recommended that this application gets tabled and recess the public hearing until the next meeting. Stated that there is still work to be done.

Johnson stated that regarding the phasing, the market will drive how quickly the project is completed. Stated that sub-phases are for construction purposes.

Falzone stated that the first phase is the biggest phase and explained the length of time for the phases. Stated that the first phase, which would be for about 40 lots, would be four to five months and the other phases would be 60 to 70 days each. Stated that regarding the Farm Bill, you have to have a willing applicant and that he has agreed to wait it through. Stated that the conservation land can be opened to public access but not motorized vehicles. Stated that he can't do anything with the beaver pond.

Smith stated that the beaver pond is a conservation area no matter what.

Dennis Tsakiris of 305 Green Street addressed the Board. Stated that he was notified that two trees on his property would need to be removed to bring in electricity. Stated that the trees were in his front yard. Stated that he talked to the tree company doing the work and that they agreed to move the wood from his front lawn but that the stump would stay. Stated that he is perplexed why he would incur the expense for the stumps to be removed.

Sharples stated that he will have to look into that.

Falzone stated that this is the first he has heard of this issue and that the only trees he is allowed to remove are the ones in the right of way. Stated that they would have to clean it up and not leave the stumps.

Mark Richardson of 44 Mt. Auburn Street addressed the Board and stated that he is not an abutter but that this will have an impact on the City. Stated that when Crockets Crossing went in they said that there would be 12 students but that the number kept increasing and ended up at 44. Stated that out of the 44 students, only two of them were existing students in the school so the impact was 42 students. Stated that this is a tax cap community and that the school budget will not keep up. Stated that special education costs are going up and the tax cap cannot keep up, never mind the police and fire. Stated that they built the schools for future growth but not at this speed. Stated that he is 100% against the project. Stated that it is impossible to absorb this many students. Stated that he loves the idea of conservation and that this City doesn't have passive recreation. Stated that people don't use Malley Farm and that the river front hasn't been developed. Stated that there needs to be more passive recreation and that this is the ideal place. Stated that people won't use the conservation land because they will feel that they are encroaching on other people's back yards. Stated that it needs to benefit the entire City. Stated that he would like to get read numbers on the impact on schools. Stated that there needs to be a slower rate of development.

Peter Francese with the New England Economic Partnership addressed the Board. Stated that there is no question that this development will have no impact on the school budget or costs. Stated that over the past ten years there has been a drop in the number of students from the school district. Stated that the median age of New Hampshire has increased because younger people have left the State. Stated that the school population has declined. Stated that if it is a steady rate then the cost per child does not change radically. Stated that studies show that the impact is low and that the population of New Hampshire is barely growing. Stated that he expects a further decline in the school population. Stated that the State's economy is struggling because they can't find workers. Stated that there will be no impact from this development on the school population. Stated that there are detailed studies. Stated that 177 units cannot be sold in one year and that this is a six to seven year project. Stated that the impact is zero.

Gallant confirmed that the road from Stackpole Road to Green Street would be part of phase A

Falzone confirmed.

Gallant stated that regarding the width of the road, he is concerned because people park in front of their house and worries about emergency access.

Proulx stated that a gate was mentioned but that he is not sure what it is for.

Sharples stated that the Fire Chief had an issue and wanted a secondary access. Stated that it would be a 14 foot wide gravel emergency access. Stated that it would be plowed and maintained by the homeowner's association and that it would be gated on both ends.

Delyani stated that he agrees with Francese that it would just be contributing to the problem if it was limited to age 55 and over.

Belmore stated that there may be some room for children and that he would like to read the report. Stated that this project would have City water and sewer and that he would like to see studies regarding the capacity of the systems. Stated that this project was deemed to have regional impact by this Board. Stated that he is concerned with the sidewalk and asked if it goes to Millennium Park as well. Stated that he would like feedback from the DPW regarding the condition of Stackpole Road and if there are any improvements that need to be done. Stated that the intersection at Green Street and Stackpole Road is bad and that he didn't see anything proposed for that. Stated that the Strafford Regional Planning Commission mentioned improvements to Millennium Park and that he would like to see what that would be. Stated that the Master Plan talks about improvements there.

Witham stated that he wants to echo a lot of what Belmore said. Stated that he is concerned with Stackpole Road and feels that it should be examined. Stated that he would like to see sidewalks connect the school and the park. Stated that they may want to look at Stackpole Road for offsite improvements. Stated that Green Street is a State road but that he agrees that the intersection is problematic. Stated that for offsite improvements he likes the idea of improvements to the City park. Stated that he would like public access to the conservation easement and maybe connectivity to Millennium Park. Stated that regarding the waiver for roadway width, more pavement has increased cost and work for the City. Stated that he doesn't see parking on the street being an issue. Stated that the main road should have a sidewalk but that he doesn't see the need to have them on the cul-de-sacs.

LeHoullier stated that he likes Richardson's comments but that with the loss of the Rollinsford students he isn't really concerned with that. Stated that there are fewer kids in the school system. Stated that he would like to talk with someone in the school system to get a feeling from them on how it would impact the schools.

Delyani asked about the extent the Board can consider this in their deliberations.

Sharples stated that the Board controls density and the size of the lots. Stated that some communities can create impact fees for schools, etc.

Belmore stated that they can consider denial if the Board determines that the project is scattered and premature under State law.

Francese stated that there have been hundreds of developments like this that have been denied. Stated that this is the fastest aging state in the nation and that there is an unbalanced human ecology. Stated that it would further imbalance the State if this is denied. Stated that the people that would like in this development will spend money in this community. Stated that the impact on Somersworth will be positive.

Sharples read the attached email from the Town of Rollinsford into the record.

Motion: Belmore moved that the request of Twelve Month, LLC for a major subdivision for 177 single family residential lots be **TABLED** until the March 19, 2014 Planning Board meeting.

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

B) 450 High Street, LLC is seeking site plan approval for two retail buildings with associated site improvements for properties located at 450-462 High Street, in the Residential Commercial (RC) District, Assessor's Map 38, Lots 37, 38, 40, 41, 42 & SITE #08-2013.

Sharples reviewed his memo (see attached) and stated that the proposal is to construct a Goodwill store and a multi use center at the former Star Lumber property. Stated that there are six separate lots there now but that a condition of approval will be to merge the lots. Stated that the Board should review this proposal as if it is one lot now. Stated that the proposal was reviewed by the SRTC and CLD Consultants. Stated that the applicant originally made several waiver requests but that the first three are not needed now. Stated that a demolition application has been submitted. Stated that they are seeking a waiver for landscape protection because they don't want to curb a specific area. Stated that they are requesting a bufferyard waiver because one part of the Goodwill building will encroach on the 100-foot buffer. Stated that staff and CLD Consultants are still reviewing the proposal but that the applicant is seeking guidance from the Board. Stated that he doesn't have suggested conditions of approval and recommends tabling the application. Stated that he suggests not closing the public hearing but recessing it instead.

John Lorden with MSC Engineers represented the applicant and addressed the Board. Stated that this is the existing Star Lumber site and that the lots will be merged. Stated that they are proposing two new buildings with 167 parking spaces and 11 parking spaces being put into reserve. Stated that there will be a driveway entrance and mentioned having a deceleration lane. Stated that there will be a dedicated left turn and right turn lane out of the site. Stated that there will be a shared loading zone and vehicles won't be circulating the building. Stated that there will be granite curbing, sidewalks and that some curb cuts will be closed. Stated that the Goodwill building will have a dedicated drop off area. Stated that they are increasing the amount of impervious surface but that they will reduce the total runoff because of the good soils. Explained the drainage and stated that an Alteration of Terrain permit is needed so it will be reviewed by the State. Stated that they will need to hold back infiltration because the drainage is so good. Stated that there is an existing easement to the State but they are not interested in it anymore so they are in the process of getting it turned over to the City. Stated that there will be two fire hydrants, underground utilities and both buildings will be sprinklered. Stated that there will be extensive landscaping, no grading and that they are not getting too close to property lines. Stated that all lighting will be new and LED. Stated that they are requesting a

waiver from landscape protection because they don't want to use curbing in one section. Stated that they are requesting a waiver from the bufferyard requirement because one of the buildings will encroach in the 100-foot bufferyard. Stated that they are reducing what is in the bufferyard from what is there now and that there will be no pavement in the bufferyard. Stated that emptying the dumpster and deliveries will only take place during regular business hours. Stated that they are proposing a pylon sign. Stated that they would like feedback on the option of having a deceleration lane. Stated that CLD Consultants was concerned with bicycle travel there. Stated that they are working COAST Bus who is excited to have a stop there but wants a full pull off there. Stated that there are no other pull offs on High Street and that he is concerned with the cost and who maintains it. Stated that COAST Bus only provides 80% of shelter. Stated that he would like feedback from the Board on that.

Public hearing opened 7:05 pm.

Jessica Brackett of 3 Chabot Street addressed the Board and stated that she directly abuts this property in the back. Stated that she is concerned with lighting and that the existing building that will be torn down was a noise and light barrier. Stated that a lot of the rooms in her house face the subject property and that she is concerned with headlights shinning into her house. Stated that she is concerned with the noise from diesel trucks. Stated that the applicant indicated that their hours are until 10:00pm at the latest but that there will be activity there longer and she is concerned her family will be kept awake. Stated that she is concerned with trash because a lot of trash already blows into her yard. Requested that an eight foot vinyl fence be installed for a barrier. Stated that given the nature of the Goodwill business, she would like to be ensured that there are no outside collection bins. Stated that her concerns are with the infringement of the enjoyment of her property.

Lorden stated that he is prepared to put the fence in. Stated that there is an existing vinyl fence that they were not going to take down but that they can extend it about 100 feet. Stated that he would like to match the existing fence.

Sharples stated that the existing fence is only six feet.

Lorden stated that they can do an eight foot, white, vinyl fence.

Delyani stated that Mrs. Brackett mentioned noise issues and outside collection bins.

Lorden stated that there will be no collection bins.

Dave Parker of 1 East Street addressed the Board and stated that he is concerned with foot traffic in the neighborhood. Stated that Star Lumber didn't have foot traffic but that this use is different. Stated that the proposed fence doesn't go to High Street so he is concerned with the opening allowing foot traffic. Stated that it has been an issue in the past. Stated that it is a quiet neighborhood and that he would like to keep it that way. Stated that he is concerned with the additional pavement and drainage. Stated that the houses never had wet basement issues until Target and Home Depot went in and now they have issues. Asked the Board to be strict when looking at the drainage.

Lisa Marchi of 1 East Street addressed the Board and stated that she shares the concerns of Mrs. Brackett. Stated that she is concerned with foot traffic and that a natural barrier won't keep out trash and foot traffic. Stated that the existing barrier is a building which will be coming down.

Parker showed on the plans where he would like the fence to extend to.

Gallant asked about security lighting and if they will be on all night.

Lorden stated that the regulations require them to be turned off.

Gallant stated that with the amount of traffic in the afternoon the left turn lane onto High Street could be a disaster. Asked if there has been a traffic safety.

Sharples stated that it is being reviewed by CLD Engineers.

Lorden stated that they have reviewed it and that they have no issues.

Sharples read from the traffic study and stated that they looked at the existing uses versus the proposed.

Delyani asked if they know how many cars there are now versus what there will be. Stated that he shares Gallant's concerns.

Sharples stated that they have what is proposed but not what exists. Reviewed the peak hour numbers from the report.

Witham stated that he would like to explore having a COAST Bus stop and shelter and that he thinks there would be increased ridership. Stated that the applicant raised the issue that other sites on High Street don't have a turn off and bus shelter but that this is a new regulation. Stated that there are concerns of drainage but that this Board is cognizant of drainage and this it will be improved post-development. Stated that they are adding more impervious surface but that the drainage will be better when it's done, asked the applicant to explain that.

Lorden stated that there is a lot of impervious surface there now and that they are adding about a half of acre of it. Stated that now there will be an infiltration system and they will have to slow it down for treatment.

Witham asked if they considered pervious pavement.

Lorden stated that he did consider pervious pavement but that he doesn't know of the longevity of it. Stated that there are concerns with salt use on it.

Witham stated that High Street will be repaved this season and that he doesn't want this development to interfere with that.

Lorden stated that he is aware of the upcoming work and that it is a priority.

Witham stated that he is concerned with the building elevations and that the Goodwill building looks alright but is concerned with the retail building. Stated that the lighting plan looks generic and institutional.

Lorden stated that they have additional lighting and that the wall packs are for the sidewalks.

Witham asked if the tenet signage will be backlit.

Lorden replied yes.

Witham asked if there is anything they can do for aesthetics for linear strip development.

John Tuttle with T/W Designs addressed the Board. Stated that they looked at different roofs and materials for New England character but that it didn't look as good. Stated that he worked

with Sharples and stated he agreed that the crown molding was better. Stated that it is not stucco but is brick and clapboard.

Sharples referred to the material list from the plans and stated that he wasn't sure the redesign did much better.

Witham suggested having some alternatives.

Tuttle stated that his client likes this look and didn't want sloped roofs.

Witham stated that he would like more options.

Belmore stated that he would like the applicant to look into the possibility of using porous pavement and that he would like feedback from the consultants on the use of it. Stated that he would be inclined to not support the deceleration lane but instead have a full bus stop. Stated that they talked about utility work being done before High Street gets paved and mentioned that there will be a five year moratorium on cutting into the pavement once it gets put down. Stated that he would like to see conditions of approval for the fence and that there be no drop off bins.

Proulx stated that he sees no catch basins in the snow storage locations and asked where all the snow melt will go.

Lorden stated that the snow storage is on lawns so it will go into the lawn.

Proulx asked about landscaping for collection of water.

Lorden stated that there will be a rock area where the water will collect and be integrated.

Witham stated, regarding the Fire Department, that he assumes that connections have been made for easy access.

Lorden showed the connections for fire.

Witham talked about selecting the right type of plantings for the landscaping.

Sharples stated that he has met with the landscaper and talked about having the right plantings for this climate. Stated that they are not proposing irrigation.

LeHoullier stated that he supports not having a deceleration lane but putting that money into a bus stop. Mentioned the dumpsters in the back and stated that he hopes when they are emptied they don't bother the abutters.

Lorden stated that emptying the dumpsters will be done during regular business hours and that they can put a note on the plan to that effect.

Witham inquired about the impact on City services. Stated that he assumes that there will be minimal water and sewer impact but asked about crime and law enforcement.

Lorden stated that they expect minimal impact.

Witham confirmed that this is not a tax exempt property.

Lorden stated that it is a taxable property.

Delyani stated that he is amenable to tabling the application and recessing the public hearing so that it can continue at the next meeting. Stated that he encourages the applicant to work with Sharples and the public.

Lorden stated that they are looking into losing the deceleration lane in lieu of a bus shelter.

Motion: Witham moved that the request of 450 High Street, LLC for a site plan for two retail buildings with associated site improvements be **TABLED** until the March 19, 2014 Planning Board meeting.

Seconded by Belmore. Motion carried with a 6-0 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 distributed that attached letter from Next Level Church. Stated that he had sent them a violation notice regarding parking because they are violating a condition of their site plan approval. Stated that they asked to be on tonight's agenda but it was too late.

Witham stated that he was the one that filed the complaint about the parking a couple of Sundays ago. Stated that there were pedestrians on the street, there was parking on the adjacent parcel and that they were busing people over from The Oaks parking lot. Stated that there is an ongoing parking issue there. Stated that he remembers talking with the applicant about the parking and that they were agreeable to having police detail as necessary but that they haven't done that. Stated that Next Level Church hasn't played nice with the City's rules and regulations. Stated that he is pleased with the proactive approach from Sharples and the Code Office.

Motion: LeHoullier moved to adjourn the meeting.

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

Meeting adjourned at 9:05 pm.

Respectfully submitted:

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Tracy Gora, Planning Secretary
Somersworth Planning Board