

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MARCH 19, 2014**

MEMBERS PRESENT: Anthony Delyani, Vice Chairman, Dave Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Dan Proulx, Ernest Gallant, Chris Cortez, Alternate, Paul Maskwa, Alternate, Aaron Fournier, Alternate and Harold Guptill, Alternate.

MEMBERS ABSENT: William Sweeney, Chairman and Paul Robidas.

STAFF PRESENT: Dave Sharples, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

The meeting was called to order at 6:30 pm.

1) APPROVAL OF MINUTES

Motion: LeHoullier moved to accept the minutes of the meeting of February 19, 2014 with changes noted by Belmore.

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

Delyani appointed Cortez, Maskwa, Fournier and Guptill as voting members as Gallant was not yet in attendance.

2) COMMITTEE REPORTS

A) ZBA Report

See attached report.

B) City Council Report

Witham stated that the City Council has been busy and stated that this past Monday they heard a presentation from AG Architects of Dover regarding the Hilltop School. Stated that the school has been vacant and that groups in the Community want to plan for the best reuse of the building. Stated that there are many concerns especially regarding code and that the building has a number of needs. Stated that the cost for the building to be occupied is about four to five million dollars. Stated that the City Manager delivered the proposed budget to the Council and that they will begin to work through that. Stated that the proposed budget is in line with the tax cap parameters.

Delyani stated that Gallant joined the Board so Guptill will not be a voting member tonight.

C) Site Review Technical Committee Report

Sharples referred to the attached report and stated there was nothing for review.

D) Minor Field Modification Report

Sharples referred to the attached report and stated there were no requests.

E) Strafford Regional Planning Commission Update

Witham stated that there is nothing to report.

F) Vision 2020 Committee Report

Witham stated that the Committee is meeting on a monthly basis.

3) OLD 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, CUP #04-2014 and SUB #05-2013.

Motion: Robidas moved that the subdivision application for Twelve Month, LLC be removed from the table.

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

Sharples reviewed his memo (see attached) and stated that the application is for a conditional use permit and a subdivision. Stated that this item was before the Planning Board at their last meeting and that the public hearing was recessed to continue tonight. Stated that he would review the outstanding items listed in his memo. Stated that the Conservation Commission has not yet given a recommendation on the proposal and that they want to conduct a site walk prior to the April Planning Board meeting. Suggested having a joint site walk with the Planning Board and stated that site walks are usually on Saturday mornings. Stated that the City contracted with Wright Pierce, at the applicant's expense, to do an analysis of the municipal water system and that study is ongoing. Stated that the City contracted with Underwood Engineers, at the applicant's expense, for a review of the impact on the waste water treatment system and passed out copies of the analysis. Stated that he wanted to highlight that there are no flow capacity issues but a concern with the biological oxygen demand (BOD) because this proposal will bring the City to 98%. Stated that he is talking with Public Works about that. Stated that staff didn't agree with some of the sewer line locations but that they have been revised. Stated that there were some issues with them being located behind some of the lots but that they are thinking about bringing into Millennium Park. Stated that CLD Consultants completed their second review of the proposal and that there are still unresolved items, especially for the cross sections of the roadway. Stated that once the pavement width is known, they can move forward with that. Stated that the Conservation Commission wanted a habitat analysis and that they will get an update. Stated that Jeffrey Dirk who completed the traffic impact study will be performing an analysis of the Green Street/Stackpole Road intersection and that analysis will be reviewed by a review consultant. Stated that the Strafford Regional Planning Commission (SRPC) issued a letter with 14 non-binding recommendations. Stated that eight comments are all set and that the other six are being addressed. Stated that they recommended that abutters be notified for blasting. Stated that they don't anticipate ledge but will do door to door visits if needed. Stated that easements are being taken care of and that an Alteration of Terrain (AoT) permit from the State will be needed. Stated that the applicant agreed to pave Stackpole Road from Idlehurst School to either the development or Millennium Park. Stated that the applicant is looking into connectivity to Wal-Mart. Stated that the covenant documents have been reviewed by the City Attorney and that they should be all set. Stated that a phasing plan has been submitted and that the applicant would like to phase the bonding according to the phasing of the project. Stated that at the last meeting an abutter mentioned that two trees in his yard were taken down and the stumps were left. Stated that the applicant met with the power company and the two trees were actually in the right of way and that the stumps will be removed. Stated that the applicant is requesting waivers regarding cul-de-sacs, sidewalks and pavement widths.

Belmore stated that the memo said that staff had no issue with phasing the bonding; asked which staff that was.

Sharples stated that it was Carol Murray, Shawn McLean and himself.

Belmore referred to number nine from the memo and the items that are going to be addressed. Asked Sharples to go over them again, particularly the improvements to the park.

Sharples stated that he looked at the park and the possible improvements to it. Stated that he sent a letter to Falzone (property owner) and he is willing to do the improvements. Stated that drainage issues will be addressed, light poles will be scraped and painted and the concrete bases will be replaced, there will be improvements to the bath house, it will be tied in to the municipal sewer system, the features of the "tot lot" will be replaced and some horse shoe pits will be removed. Stated that an alternative entrance into the park may be constructed.

Witham stated that there was discussion on sidewalk connectivity to Idlehurst school and asked if the sidewalk would extend to the park.

Sharples stated that there could be problems with that but they are still reviewing the idea. Stated that the applicant is requesting a waiver from the cul-de-sac length and geometry regulation because they are proposing cul-de-sacs that exceed 800 feet in length and have a different geometry. Stated that they are requesting a waiver from sidewalks because the regulations require sidewalks on all roads but that they are proposing to not have sidewalks on the secondary streets in the project. Stated that the Planning Board seemed to support this waiver at the last meeting. Stated that they are seeking a waiver from the minimum roadway width to have all roadways at 24'. Stated that 24' meets the requirement for the secondary road but that it would not meet the requirement for the main road, which is required to be 28'. Suggested considering "no parking" signs for one side of the road. Stated that the Board is in a position to take action on the waiver requests but recommended tabling the full application until the April meeting.

Christian Smith with Beals Associates, Inc. represented the applicant and addressed the Board. Stated that Sharples' summary was thorough and that he touched upon everything from the email regarding the park. Stated that there are a couple features to look at once the snow is gone. Stated that they are waiting for the snow to go away for the Conservation Commission to conduct a site walk. Stated that they got comments from CLD Engineers regarding the traffic impact analysis and that they should be moving forward with that. Stated that they need to do a cross-section of the road but are waiting on the waiver request. Stated that if the request fails then they will put the roadway at 28'. Stated that they have gotten the report on the sewer and that it looks good. Stated that the sewer in the back has to do with gravity and that they are still working on that.

Mark Johnson, attorney for the applicant addressed the Board. Stated that they will get an update from Dirk on the traffic and that the plans show where the improvements will be. Stated that there is nothing more for a fiscal impact report. Stated that they have a presentation to address the conservation impact.

Tracy Tarr, a wildlife biologist with GZA GeoEnvironmental, Inc. addressed the Board. Stated that there are no known reports of rare species on this site. Stated that at full build-out most of the habitats are maintained and that buffers to the beaver pond on maintained. Stated that there will be an upgrade to one of the culverts, which will be beneficial. Stated that the main roadway will be along the existing cart path so they are using already disturbed areas. Stated that habitat loss is relatively small.

Witham stated that at the last meeting, the environmental impact focused more on the western part of the site being in an easement but this information is based on full build-out.

Tarr concurred and stated that a report will be submitted to the Board.

Public hearing reopened 7:15 pm.

Barbara Noel of 298 Green Street addressed the Board and stated that her property is located across from the Green Street entrance to the lot. Stated that she is concerned because the State has a drainage easement on her property and they don't take care of it. Stated that she calls them every spring but that they don't clean it out. Stated that now there will be more drainage from Sunningdale to add to it. Asked how this is going to be taken care of and stated that it is going to be a big problem.

Sharples stated that the project engineer can better speak to that but that the regulations require that post-development rates can't exceed pre-development rates. Stated that they can't address current drainage on Green Street; just what the development will do.

Smith referred to the plans and stated that there is a catch basin about 150 feet from the entrance. Stated that water coming downhill will be collected. Showed that everything will be collected and treated. Stated that there will be a significant reduction in this area.

Delyani stated that there is a third party reviewed the drainage calculations.

Noel stated that she has never had a flood but that she doesn't want one. Stated that a lot of water comes from that property and that you can see it flowing. Stated that the State came once but never cleaned it out. Stated that she is worried about the entrance from Green Street. Stated that because of ice and snow, cars will come right down into her yard. Stated that she sees a lot of accidents and that people speed in that area.

Sharples stated that Green Street is a State-owned road and that the applicant will have to get a driveway permit from them.

Smith stated that there will be a deceleration lane with a taper on Stackpole Road. Stated that there will be warning signs also. Stated that they cannot propose a street light because of the NHDOT.

Noel stated that she has seen many accidents, at least one a year and a lot of close calls. Stated that she is worried about natural habitats. Stated that she consulted with a real estate group and that there are a lot of houses for sale and that many of them were foreclosures. Stated that this will flood the market and that all the empty houses are just going to sit there. Stated that nothing will happen with them since new houses are being put in.

Delyani stated that the Planning Board cannot consider the addition of houses into the market. Stated that it is up to Falzone and it is his risk. Stated that the Board cannot reject this proposal based on the houses for sale in Somersworth.

Witham stated that this is a multi-phase approach and that it will take many years. Stated that the applicant will be cautious of how many houses are built at once.

Belmore added that it is hopeful that part of the land will go into a conservation easement.

Noel stated that she supports the conservation effort. Stated that she understands that the owner can do what he wants but asked what happens to them if the houses don't sell.

Delyani stated that they will sit there until they are sold.

Belmore asked if the City gets any assurance that the NHDOT knows about the drainage.

Sharples stated not with the NHDOT but that the project will require an AoT permit.

Smith stated that the NHDOT does mandate a drainage analysis and that it will be forwarded to them once they get comments from CLD Consultants. Stated that the NHDOT will take a strong look at this.

Proulx asked about the Green Street entrance and what is in the right of way. Asked if there will be curbing and asked about the elevation change.

Smith stated that there is a negative slope off the road crown of Green Street and talked about the elevation change. Stated that there will be a catch basin within 150 feet of the entrance and that there will be less water than there is now.

Denise Nagy addressed the Board and stated that she is from Rollinsford and she lives in the last house in Rollinsford before you get to Somersworth. Stated that she is concerned with the road going in behind her property and the lights from it.

Smith referred to the plans and stated that there will probably be one home next to hers but that it will be about 200' away. Stated that the roadway won't be much of an impact. Stated that they won't be clear cutting the lots. Stated that the rear setback for the building is 30' but that he doesn't think the house would be set that far back anyway. Stated that there won't be a great deal of impact.

Nagy stated that there aren't a lot of trees there now.

Smith stated that he thinks the depth of the lot is 200'. Stated that there is a pump package on the houses in that area. Stated that those lots will have individual pump stations them and they are gravity fed.

Gallant asked how many street lights there will be.

Smith stated that they have limited them to major intersections.

Gallant stated that Nagy would be several hundred feet from a street light.

Smith replied yes and stated that the SRTC didn't want much street lighting.

Francis Garofano of 295 Green Street addressed the Board and stated that he has been at his property for 57 years and that houses were few and far between then. Stated that he has a little land and that he doesn't know the distance from what they are doing to his lot. Stated that it looks like there will be two houses on Green Street by the entrance. Asked about phasing.

Smith stated that Garofano is looking at the yield plan which had houses on Green Street but there are none going there now. Stated that the first phase is from Stackpole Road to Green Street and from there will depend on the market. Stated that they won't build a house unless there is a purchase and sales agreement for it. Stated that lot numbers don't correspond to the order they will be built.

Public hearing closed 7:48 pm.

Smith stated that they are requesting a waiver to reduce the pavement width on the main road through the subdivision. Stated that it will reduce impervious surface and won't diminish safety. Stated that a 24' width is common. Stated that the SRTC didn't have an issue with it and that they didn't get a pushback from CLD Consultants.

Cortez stated that there will be a sidewalk and asked if the driveways will be designed for one or two cars.

Smith replied two or three cars.

Witham stated that he thinks this is common sense and supports the waiver. Stated that less pavement is less maintenance. Stated that a suggestion was made to have “no parking” signs on the street but that he doesn’t see parking on residential streets as being problematic. Stated that aside from the urban core of the City, putting up signs and enforcing it will be problematic.

Maskwa agreed with Witham. Stated that for the most part there is no issue.

Motion: Belmore moved that the request of Twelve Month, LLC for a waiver from Section 7.C.6 and Appendix #'s 1 & 2 of the Subdivision Regulations regarding pavement width be **APPROVED**.

Seconded by Gallant. Motion carried with an 8-1 vote with Proulx opposed.

Smith stated that they are requesting a waiver regarding cul-de-sac length and geometry. Stated that the lengths will be longer than what the regulations allow and that they modified the geometry and that it will look better. Stated that they did create an emergency access.

Witham asked, regarding the square design, if it will be no problem with fire trucks.

Smith stated that fire trucks can make that turn.

Belmore asked what is in the middle of the cul-de-sacs.

Smith stated that they plan for a level area to gather and play and for passive recreational uses.

Belmore asked if there would be landscaping.

Smith stated that there may be some but that they want to keep it mowed. Stated that it will be maintained by the homeowner’s association.

LeHoullier suggested that since the City has a new Conservation Subdivision Ordinance, they should possibly revise the regulations regarding footage requirements for cul-de-sacs.

Sharples stated that this property is unique but that he will look into that.

Belmore stated that he wants to be clear and that the Highway Foreman is on the SRTC and everyone is okay with the geometry.

Motion: Witham moved that the request of Twelve Month, LLC for a waiver from Section 7.C.3 of the Subdivision Regulations regarding cul-de-sac geometry and length be **APPROVED**.

Seconded by Maskwa. Motion carried with an 8-1 vote with Proulx opposed.

Smith stated that they are requesting a waiver from having sidewalks on the minor, secondary roads. Stated that it will look better and will reduce the impervious area. Stated that they discussed this with the SRTC and that it was justified because there will be a sidewalk from Stackpole Road to the farther cul-de-sac. Stated that this is keeping with the open space subdivision.

Witham stated that he generally supports this request because it makes sense and there will be less maintenance. Asked about having a sidewalk to connect to the park.

Smith stated that the owner has no issue with that.

Witham stated that he would like to make that a condition of approval.

Belmore stated that he supports the waiver with a condition of approval for a connection to the park. Stated that it makes sense with cost and the flavor of this type of subdivision.

Fournier asked how far the sidewalk will go if the conservation easement goes through.

Smith showed on the plans and mentioned that there are a lot of walking trails.

Belmore asked if the applicant would need to come back before the Planning Board if the easement goes through.

Sharples replied no and stated that it would just be an easement and half the subdivision would be built.

Johnson stated that that is why there are different phases. Stated that the easement would be on the area of phase B and only phase A would be built.

Smith showed on the plans and stated that only phase A would be built if they get the easement and showed where the sidewalk would dead-end.

Witham stated that he would like a condition of approval for an area to park to access the walking trails.

Smith stated that they could show it on the plans as potential future parking.

Maskwa stated that Sharples' memo indicated that there would be no sidewalks to Green Street but it would change if there was a bus stop there. Asked if the Board can revisit that if it is the case.

Sharples stated that he was going to tackle that with a condition of approval.

Maskwa stated that he feels that it would make sense but that it would be hard to have a sidewalk there.

Sharples stated that he thinks that the bus would come into the site and have a central stop.

Smith stated that they haven't spoken with the bus company.

Belmore asked if there should be a condition of approval to extend the sidewalk if the easement goes through.

Sharples stated that this is the first road that will be built so it will just be a sidewalk to the cul-de-sac.

Smith stated that it is fine and they will add it to the plans.

Motion: Witham moved that the request of Twelve Month, LLC for a waiver from Section 7.m of the Subdivision Regulations regarding sidewalks be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. A paved sidewalk shall be provided from the main roadway into Millennium Park and shall be shown on the subdivision plan; and,
2. A sidewalk shall be provided from the cul-de-sac closest to Green Street to the main road sidewalk.

Seconded by Gallant. Motion carried with an 8-1 vote with Delyani opposed.

Witham stated that he is interested in lighting at both entrances to the site and at the intersection of Stackpole Road and Green Street.

Smith stated that there will be street lighting at both entrances.

Belmore mentioned improvements at that intersection.

Smith stated that he doesn't think that any physical improvements are proposed.

Belmore asked if staff can work with the applicant on that.

Sharples stated that he can look into it.

Motion: Proulx moved that the request of Twelve Month, LLC for a major subdivision for 177 single family residential lots be **TABLED** until the April 16, 2014 Planning Board meeting.

Seconded by LeHoullier.

Motion carried with a 9-0 vote.

The Board took a recess at 8:20 pm.

The Board returned from recess at 8:25 pm.

- 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.

Motion: LeHoullier moved that the site plan request of 450 High Street, LLC be removed from the table.

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

Sharples reviewed his memo (see attached) and stated that the proposal is for a Goodwill store and a multi-use retail center on the property of the former Star Lumber. Stated that there are currently six lots but that the proposal should be reviewed as one lot as a voluntary merger would be a condition of approval. Stated that the applicant appeared before the Board last month. Stated that installation of a fence was discussed and that there is one now shown on the plan that goes to High Street. Stated that the architect will address the building elevations. Stated that an abutter talked about light-spill but that there will be a note on the plans that no light source be visible from abutting properties. Stated that it is standard language for lighting. Stated that the applicant has responded to CLD Consulting and SRTC comments. Stated that CLD Consultants have done a second review and that there are a few remaining concerns but they are not substantive. Stated that the applicant is requesting two waivers; one is to not have curbing in a certain area and the other is to allow the Goodwill building to be within the bufferyard. Stated that the regulations say the building has to be 100 feet from a residential use but that they are proposing to encroach on that by 5 feet. Stated that the encroachment is shown on the plans and that it is just for a corner of the building. Stated that there were

concerns with dumpsters and deliveries and now there is a note on the plans. Stated that he has suggested conditions of approval if the Board gets that far.

Proulx stated that they are seeking a waiver from landscape protection but that there is already a sidewalk. Asked if it will remain.

Sharples stated that it will stay and clarified the request.

Belmore asked if they looked at porous pavement for the parking areas.

Sharples stated that it was discussed at SRTC. Stated that they are doing underground infiltration basins and is essentially groundwater recharge. Stated that it is similar where it collects the runoff and infiltrates it back into the ground.

John Lorden with MSC Engineers represented the applicant and addressed the Board. Stated that they will put up an eight foot vinyl fence that runs the entire property. Stated that they put notes on the plans regarding dumpsters and having no collection bins. Stated that the deceleration lane was removed from the plans and exchanged with a dedicated pull off for the COAST Bus with a pad and shelter. Stated that porous pavement is not quite a proven technology yet and that they don't want to use it because there are good soils here. Stated that they actually have to add mix to slow down the infiltration. Stated that they would have to do that everywhere if they used porous pavement.

Mike Whitcher with Whitcher Builders addressed the Board and showed plans. Stated that they put together a design for a sloped roof but that they like the original design better. Stated that the Planning Board can decide which look is better. Stated that other buildings on High Street were looked at and that fake peaks don't look good. Stated that there are some shallow peaks but that it is up to the Board.

Witham stated that at the last meeting he asked for more information on lighting.

Lorden stated that they spend a lot of time on the lighting in the parking lot and that the expense would quadruple if they used architectural lighting. Stated that they looked at different options but they kept what they initially proposed. Stated that most of High Street has what they are proposing.

Public hearing reopened 8:40 pm.

Dave Parker of 1 East Street addressed the Board. Stated that at the last meeting he mentioned a concern with drainage and snow piles and asked if that has been addressed.

Lorden stated that snow will melt over time and that it is insignificant to a two-year storm. Stated that snow melts at a slow rate and won't impact other properties.

Sharples stated that he thinks the issue is that the snow blocks or changes the drainage flow if it is put over a catch basin or something. Stated that he doesn't see any issues.

Lorden stated that there won't be any snow storage near any catch basins.

Delyani asked why they need to encroach on the bufferyard.

Lorden stated that it was the best layout for Goodwill. Stated that the existing building is only 15 feet from the property line. Stated that only about 60 square feet of the building will be in the bufferyard. Stated that they would have to make a significant change if they couldn't encroach on the bufferyard.

Proulx asked what the significant impact would be.

Lorden stated that the main design was building around the center lane for trucks to share with sidewalks on both sides.

Sharples stated that the SRTC didn't evaluate the waiver request because it was submitted after the SRTC meeting. Stated that he can see what the applicant is talking about. Stated that moving the building would change everything regarding the design. Stated that the intersection would need to be moved.

Jessica Brackett of 3 Chabot Street addressed the Board. Stated that she would like clarification on the employee parking in the back.

Lorden showed on the plans and stated that it is not by Mrs. Brackett's property. Stated that it will only be built if additional parking is needed.

Public hearing closed 8:47 pm.

Witham stated that regarding the fence, he appreciates the applicant working with the neighborhood. Stated that the fence extends to High Street but that he is concerned with it obstructing the line of site or the sidewalk.

Lorden stated that the fence will be ten feet back from the sidewalk.

Sharples clarified and stated that the plans show the fence will be about 17 feet back from the edge of the sidewalk.

Cortez asked what type of trucks will be using the loading dock.

Lorden stated that it is designed for a 53 foot tractor trailer. Stated that the concrete rectangle pad is for loading.

Witham asked the applicant about not having granite curbing.

Lorden stated that they are trying to limit curbing and that it was omitted because of flow. Stated that they don't need the protection from the landscaping there.

Witham asked if there is enough safety for the landscaping there.

Lorden stated that they would have to travel 25 feet.

Motion: Proulx moved that the request of 450 High Street, LLC for a waiver from Section 11.4.b.viii.4 of the Site Plan Review Regulations regarding landscaping being protected from the encroachment of vehicles by curbing, landscaping timbers, curb stops or other acceptable means be **APPROVED**.

Seconded by Gallant. Motion carried with an 8-1 vote with Witham opposed.

Motion: Witham moved that the request of 450 High Street, LLC for a waiver from Section 11.6.d.viii of the Site Plan Review Regulations regarding no structure being located closer than one hundred feet (100') to the property line and a landscape strip at least fifty feet (50') wide being located between any paved area and the abutting property line(s) be **APPROVED**.

Seconded by Cortez.

Witham stated that although the building is within the bufferyard, it is a significant improvement from what is there now.

Motion carried with a 9-0 vote.

Sharples reviewed the suggested conditions of approval and stated that they are pretty standard. Stated that based on a recent discussion, the Board may want to consider adding a condition that the COAST Bus shelter be on their property and be maintained and accessible all year.

Belmore stated that he supports adding that.

Witham agreed. Stated that, regarding the building design, he appreciates having an alternative but that he would like to stay with the first one. Thanked the applicant for the COAST Bus stop and stated that it was good give and take.

Delyani asked if tabling the application would be most advisable.

Sharples stated that he received CLD Consultant's comments today and that nothing would change the design. Stated that the applicant would need to come back before the Board if anything came up.

Delyani echoed Witham's comments on the building elevations.

Belmore agreed.

Motion: LeHoullier moved that the request of 450 High Street, LLC for a site plan for two retail buildings with associated site improvements be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. An escrow account, in an amount agreeable to the City, will be established for site and building construction inspections prior to any site work;
2. A pre-construction meeting with the City is initiated and scheduled by the applicant and held prior to any site work;
3. 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. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
4. A Maintenance Log and Inspection & Maintenance Checklist for the stormwater management systems shall be provided to the satisfaction of the City prior to signing the final plans. A completed log and checklist shall be submitted to the City annually on or before January 1st. This requirement shall be an ongoing condition of approval;
5. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
6. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as the site plan remains valid and this language shall be used in Note #23 on Sheet C-7 instead of the existing language;
7. The applicant addresses all past and future comments from CLD Consulting Engineers, Inc. to the satisfaction of the City prior to signing the final plans and agrees that any unresolved items shall be brought back to the Planning Board on the next available agenda;
8. Grading Note #1 on Sheet C-4 shall be revised to note that the loam shall be a ¾" screen or less in accordance with Section 11.6.b.xx. of the Site Plan Review Regulations;
9. All conditions of approval shall be noted on the final plans;

10. A voluntary lot merger combining all six lots shall be recorded prior to the issuance of a Certificate of Occupancy (CO); and,
11. COAST Bus features located on the subject property shall be maintained by the applicant.

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

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

None.

4) NEW BUSINESS

- A) Next Level Church is seeking minor subdivision and site plan approval to extend the parking lot on properties located at Whitehouse Road and 436 & 438 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 56, Lots 01, 1A & 02, SUB #01-2014 and SITE #01-2014.

Sharples reviewed his memo (see attached) and stated that the applicant is seeking two things: a minor subdivision and a site plan. Stated that they are looking to abandon the lot line between two of the properties. Stated that usually only a voluntary merger is needed for that but they are also looking to do a lot line adjustment with the property to the rear to add land to their parcel. Stated that 1.83 acres would be added to the applicant's lot. Stated that the overall subdivision proposal will result in one less lot of record. Stated that he doesn't feel the request violates any current ordinances. Stated that they did get a variance for a place of worship for the two lots that they own but that wouldn't apply to the added land. Stated that they would need a variance for that area if they are planning on using it. Read suggested conditions of approval for the subdivision application. Stated that the site plan application is to construct an additional parking lot. Stated that they got site plan approval in 2012 for a church and opened last fall. Stated that the City got complaints that they were using adjacent properties for parking, which is against their 2012 site plan approval. Stated that this proposal has been reviewed by the SRTC and CLD Consultants and that most comments have been addressed but they are waiting on a few. Stated that they are requesting a waiver from the parking area setback. Stated that they would need the parking area to be setback 25 feet but this would be about ten feet.

Bob Stowell of Tritech Engineering Corporation represented the applicant and addressed the Board. Stated that regarding the subdivision, they are combining two lots and adding land from a lot that fronts on Rookery Lane. Stated that this land is useless to the current property owner and that there are wetlands and steep slopes. Stated that this area will not be part of the parking area. Stated that regarding the parking expansion, the church has been in operation for less than a year and is doing great and have more people. Stated that they would like to add parking that will connect to the existing parking. Stated that there will be no separate access from Route 108. Stated that he has dealt with the NHDOT and that the current driveway permits are acceptable. Stated that there is not a standard right of way width in that area of Route 108.

Public hearing opened 9:10 pm.

Public hearing closed 9:10 pm.

Witham stated that with the merger, the existing house will be part of the lot and asked what use it will serve.

Stowell stated that there will be no direct relationship and that it will stay a single family residence.

Witham stated that church uses usually aren't taxable and asked if the house will be taxable.

Sharples stated that the house should be taxable because it is not being used as a place of worship. Stated that the owner said the house would be leased out.

Daniel King, applicant and Pastor for Next Level Church addressed the Board. Stated that he spoke with the City Assessor Marybeth and that she said it would be taxable. Stated that if it is used for the church, like if a pastor moves in, then it is not taxable. Stated that right now it is being used as storage. Stated that the intent is to fix it up and lease it out.

Witham stated that he hasn't walked the property or around the house but that it is in need of work and that there could be property maintenance violations.

Sharples stated that he hasn't been made aware of any but that he can check on that.

Belmore asked if having a residential property on the same parcel as a place of worship is allowed in this zoning district.

Sharples replied yes because the use is existing.

Belmore stated that it is not being used as a residence now and asked if it has been longer than 12 months.

King replied no and stated that the last property owner moved out in October.

Belmore stated that he would like a condition of approval that it not be used for storage. Stated that there is a disconnect here and that he doesn't know how the house will be used. Stated that he is confused on how it will be used and what is allowed.

Sharples stated that he was told that it was going to be leased out so that is what he was going on.

King stated that that was the intent when they bought the property. Stated that they eventually want to take the structure down but that they have to keep it there now. Stated that they want to fix it up and lease it out but that they have found more and more problems with the house. Stated that they didn't want to spend money on that now.

Witham stated that he is concerned with this house and that he would like a condition of approval that it is taken care of.

Motion: Witham moved that the request of Next Level Church be **TABLED**.

Seconded by Maskwa. Motion carried with a 7-2 vote with Belmore and Proulx opposed.

Witham stated that he would like research on if there can be a condition of approval for code compliance to be addressed prior to merging the lots.

Stowell stated that they don't know if there are any code violations.

Witham stated that is the point.

Belmore stated that if the applicant agrees to make it a condition of approval then they don't need to table it.

Motion: Cortez moved that the request of Next Level Church be removed from the table.

Seconded by Gallant. Motion carried with a 5-4 vote with Witham, LeHoullier, Maskwa and Fournier opposed.

Gallant asked if there can be a parking lot next to a residence.

Sharples stated that it is an existing use. Stated that the regulations require a buffer but that he saw it differently in this case because usually they are adjacent properties, not on the same parcel.

Belmore stated that there have been ongoing issues with parking so he would like to see a resolution for public safety, etc. Stated that the Police have been brought in for traffic so he would like this to be vetted out.

Proulx agreed with Belmore. Asked if there is a dependency of the merger to have the parking lot.

Sharples stated that they would have to move the parking lot because of the setbacks.

Proulx asked if a new plan would be needed if the merger didn't go through.

Sharples replied yes.

Proulx asked how the Board can approve one without the other.

Sharples stated that they are two separate applications and that he doesn't think they are contingent upon each other.

Witham stated that there is some history for parking lots. Stated that there is a property farther south on Route 108 that wanted to have just a parking lot without a building but they were required to have a building. Stated that he feels like this is the same thing and they need to be consistent. Stated that he understands the rationale for parking but that he doesn't think this will fix the parking problem. Stated that he feels this will trigger a traffic study. Stated that there is a narrow opening into the lot and now they are doubling the parking. Stated that the Board quibbled over the narrow entrance in the past. Stated that this is destined to be more problematic, not less. Stated that he is not inclined to move this forward.

Gallant asked how many people the occupancy permit allows for.

Sharples stated that he doesn't have the number on him but that it is up there.

Gallant stated that he is concerned with overcapacity. Stated that a bigger parking lot could cause overcrowding and an occupancy problem.

King stated that the occupancy permit is for over 500 people in the auditorium and more in the other part of the church. Stated that they have only had 394 people and that it was uncomfortable. Stated that they are opening another located in Portsmouth soon and that will help reduce the number of people at the Somersworth location. Stated that the most cars they have had is 160 so what they are proposing will be enough. Stated that there is an average of 2.3 people per car.

Stowell stated that they have expanded their membership and that before they used a presumption of one car for four people.

Cortez stated that they mentioned leasing the house, using it for storage and tearing it down. Stated that they need to know how it will be used so they can vote correctly.

Witham stated that he is hard-pressed to merge these lots with different thoughts on what it is going to be.

Stowell stated that they could do a lot merger without Planning Board approval but that they are here to add the land in the back.

Witham stated that they are here before the Board though.

Cortez stated that it was mentioned that the mortgage company wants to see it used as a residence but that he thinks there needs to be a plan in place to see what the bank is requiring so the Board can judge correctly.

Sharples stated that they have been parking on adjacent properties and that it needs to be dealt with. Asked for advice from the Board.

Belmore asked about possible conditions of approval. Suggested that the applicant come back before the Board if the house is used for different purposes.

Motion: Witham moved that the request of Next Level Church for a subdivision be **TABLED** until the April 16, 2014 Planning Board meeting.

Seconded by LeHoullier. Motion carried with an 8-1 vote with Belmore opposed.

Motion: Witham moved that the Planning Board suspend their rules and hear new business after 9:30 pm.

Seconded by Gallant.

Witham stated that there is a well-established business that has been waiting for hours and that he would like to try to get to them tonight.

Belmore noted that the Board's rule for timing is listed on the bottom of the agenda and all applicants get copies of it. Stated that he is in favor of the motion though.

Motion carried with an 8-1 vote with LeHoullier opposed.

The Board discussed the site plan application for Next Level Church.

Belmore asked if they can approve the site plan without action on the subdivision.

Sharples stated that there would need to be a condition of approval for a lot merger.

Stowell stated that they can file a lot merger and abandon the addition of land in the back.

Belmore suggested still having the public hearing.

Public hearing opened 9:43 pm.

Public hearing closed 9:43 pm.

Witham stated that during the original site plan review there was much discussion on how narrow the entrance from Route 108 is. Stated that to maximize parking they had to narrow the

entrance. Stated that this could be an opportunity to open the entrance off Route 108. Stated that the traffic for this use is at a specific time and there is large traffic flow. Stated that doubling the parking lot would need a traffic analysis. Stated that vehicles on Route 108 break heavily for pedestrians crossing the road. Stated that this won't improve the issue but make it worse. Stated that if the Board approves this then there will be a parking lot in someone's yard. Stated that the driveway for the house is off Route 108 and is gravel. Stated that the project is riddled with issues.

Maskwa stated that during the original site plan he remembers that the Board was going to require that they dig up the pavement to increase the setback but then let them keep the pavement. Asked if that was a condition of approval. Stated that the Board spent a fair amount of time talking about that.

King stated that there was a compromise.

Maskwa asked if that comes into play here.

Sharples replied no and stated that they are requesting a waiver.

Proulx stated that he wanted to make note that if they don't move forward with this tonight people are still going to be crossing the road and being unsafe. Stated that it is unsafe to not take action.

King stated that the Police Chief said that it is safer to park across the street and have an officer direct traffic.

Witham stated that the day he drove by there were no police. Stated that he feels that it will still not be enough parking and that there will still be a pedestrian issue.

Gallant asked if there will be curbing by the driveway.

Stowell stated that it will be closed off with loam and seed.

Sharples stated that they would need a waiver to not have curbing.

Belmore stated that Witham mentioned a traffic analysis and asked if there is something in the regulations that triggers it.

Sharples stated that they are just proposing a parking lot so it is not necessarily triggered by the regulations.

Proulx asked if the NHDOT needs a traffic study because it is located on Route 108.

Sharples stated that the Board has a site plan application before them and that they can make reasonable requests. Stated that they need an updated NHDOT driveway permit.

Witham stated that he has never heard of the NHDOT requesting a traffic study. Stated that they are putting up a parking lot and that it is a traffic issue. Stated that traffic studies have been lined to a structure but that this is critical for this corridor. Stated that the City Council recently requested that the speed limit in this area be lowered and the NHDOT won't do it but now they are throwing more cars out there. Stated that there is enough justification for it.

Stowell stated that this is just for parking of a use that exists and that a new traffic study will say the same thing because the use hasn't changed.

Belmore stated that he was just curious if the regulations require the study but that the Board can request any type of study.

King stated that he thinks they are getting caught up because they are frustrated by what is happening but that it is the same number of cars coming now as what the parking lot can handle. Stated that he understands the frustration but that he is just offering something that the community wants. Stated that they are providing for the community and that so many people want this. Stated that he has never seen this type of growth before and that there is no process to deal with an emergency parking situation. Stated that they are trying to deal with it the best they can. Stated that he just doesn't want to get hung up on frustration.

Witham stated that he disagrees and that all the cars were in one parking lot existing at the same time but now they are in three different places and that they may be at maximum capacity. Asked if they are willing to do a traffic study.

King stated that he is not sure of the purpose because it will be the same as last time. Stated that he would rather not.

Belmore stated that he would like to stick to the facts of the issue.

Delyani stated that more popularity isn't making it okay for noncompliance.

Maskwa referred to the letter submitted by the applicant and asked if it is correct that they increased the number of experiences.

King replied yes.

Maskwa stated that he thought originally that there would be one service but that now there are three. Stated that maybe they need to look at the impact on the roadway. Stated that it is a larger frame of time than there was before.

Witham stated that he is willing to table the application if they are willing to do a traffic analysis. Stated that there are two levels of traffic study.

Sharples stated that there is a short and long analysis and that they have done one.

Witham stated that he feels it needs to be amended.

Stowell stated that he thinks that they need to do what the Board wants to make a decision. Stated that there is no excuse for what is going on. Stated that he knows that the house issue needs to be resolved. Stated that the traffic is the big issue and that there is a large distribution on the roadway at one time.

Witham stated that they are proposing to put down a lot of impervious surface and asked about drainage.

Stowell stated that there will be 100% infiltration.

Sharples stated that CLD Consultants are reviewing the drainage. Stated that there is nothing substantial left.

Motion: Witham moved that the request of Next Level Church for a site plan to extend the parking lot be **TABLED** until the April 16, 2014 Planning Board meeting.

Seconded by Gallant.

Belmore asked if the SRTC will review a traffic analysis if one is submitted.

Sharples stated that generally it would be sent to CLD Consultants for review.

Belmore stated that he would like those comments reviewed by the SRTC.

Stowell asked what level of traffic analysis they should do.

Witham **revised his motion** that it be tabled for submittal of a full traffic analysis.

Amendment seconded by Cortez.

Motion carried with a 6-0-3 vote with Belmore, Proulx and Gallant abstained.

Motion: Witham moved that the Planning Board suspend their rules and continue to 10:30 pm.

Seconded by Belmore. Motion carried with a 7-2 vote with Delyani and LeHoullier opposed.

B) TCD Realty, Inc. is seeking site plan approval for a building addition on property located at 195 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 44, Lot 26A, SITE #03-2014.

Sharples reviewed his memo (see attached) and stated that they are seeking approval for an addition to the existing Subaru dealership. Stated that the addition will be on existing impervious area and that drainage was not requested because of that. Stated that the proposal was reviewed by CLD Consultants because of the scope. Stated that there is no change in access. Stated that the applicant addressed all SRTC comments. Stated that they are requesting a waiver from the appearance standards to allow masonry block and a second waiver for the number of striped parking spaces. Stated that a lot of waiver requests are a result of SRTC comments so that Committee didn't get to weigh in on the requests. Stated that they did discuss it though and that it is a unique use and there is generally no need to stripe all of the parking. Read suggested conditions of approval.

Witham stated that although he has purchased a vehicle from this company, he would like to remain a voting member for the proposal.

Rick Lundborn of Norway Plains Associates, Inc. represented the applicant and addressed the Board. Stated that Sharples pretty much covered everything. Stated that this is just for a building addition and that some pavement will be torn up and replaced. Stated that they are proposing a car port overhang on the side with an addition for a service area on the rear. Stated that they want three additional bays. Stated that the existing back half of the building is already unclad masonry so they want to continue that on the addition. Stated that the front of the building will be more architecturally treated. Stated that they are requesting a waiver from having to stripe all the parking. Stated that they have overflow storage.

Public hearing opened 10:15 pm.

Public hearing closed 10:15 pm.

Motion: Witham moved that the request of TCD Realty, Inc. for a waiver from Section 11.7.b.iii of the Site Plan Review Regulations regarding appearance standards be **APPROVED**.

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

Motion: Proulx moved that the request of TCD Realty, Inc. for a waiver from Section 11.4.a.iii of the Site Plan Review Regulations regarding the number of dedicated striped parking spaces be **APPROVED**.

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

Motion: Proulx moved that the request of TCD Realty, Inc. for a site plan for a building addition be **APPROVED WITH THE FOLLOWING CONDITIONS**.

1. An escrow account, in an amount agreeable to the City, will be established for site and building construction inspections prior to any site work;
2. 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) for the addition. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
3. All new outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,
4. All conditions of approval shall be noted on the final plans

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

- C) Arbor Park, LLC and Terrascope Park, LLC are seeking minor subdivision approval for a lot line adjustment for properties located at 211 & 203 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 44, Lots 10 & 24, SUB #02-2014.

Sharples reviewed his memo (see attached) and stated that the proposal is for a lot line adjustment with no new lots being created. Stated that the larger parcel got site plan approval for an office park but that just over an acre of that land will go to the smaller lot. Stated that there will be a new retail use of this lot that should be coming to the Board in a few months. Stated that he has a suggested condition of approval for the drainage pipe that it will be taken care of during the site plan process. Stated that he just wants a note on the final plans. Stated that the request does not violate any ordinances. Stated that they can't put easements on the land yet because they may move.

Kevin McEneaney with McEneaney Survey Associates represented the applicant and addressed the Board.

Public hearing opened 10:20 pm.

Public hearing closed 10:20 pm.

LeHoullier asked if retail use is allowed here.

Sharples replied yes and that it is in the Commercial Industrial district. Stated that the larger lot was approved for a professional office park and that they are just transferring a small portion of land.

Witham stated that this is a corner lot and asked if there is a house on it.

McEneaney replied no and stated that it is vacant land. Stated that Terrascope was done as condos and that they are in the process of amending that. Stated that they are a condominium association with documents. Stated that the overall site plan showed buildings in this area but now those documents will be amended.

Witham stated that the Board approved a plan for the whole park but that he thought it was just a conceptual plan.

Sharples replied no and stated that drainage and everything was approved.

LeHoullier asked if this proposal will interrupt any of that.

Sharples replied no but that it would change the build out. Stated that he doesn't think this proposal will violate anything. Stated that the condominium documents can be amended regardless of this.

Motion: Maskwa moved that the request of Arbor Park, LLC and Terrascape Park, LLC for a minor subdivision for a lot line adjustment be **APPROVED WITH THE FOLLOWING**

CONDITIONS:

1. An electronic plan of the entire property with details acceptable to the City shall be provided prior to recording the Mylar. This electronic plan must be in dwg file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
2. A note shall be placed on the final plans that any utilities that were constructed under the 2009 site plan approval for Map 44 Lot 24 shall either remain in place and an easement provided for said utilities or they shall be relocated on to Map 44 Lot 24 subject to approval by the Somersworth Planning Board prior to either lot being transferred;
3. Lot monumentation shall be provided and set in accordance with Section 7.C.10 of the Subdivision Regulations prior to recording the Mylar; and,
4. All conditions of approval shall be noted on the Mylar.

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

D) Michael Mooney & Southern NH Rapid River Group, LLC, on behalf of the Barclay Square Condominium Association is seeking site plan approval for parking for property located at Barclay Square, in the Commercial Industrial (CI) and Industrial (I) Districts, Assessor's Map 47, Lots 06, SITE #04-2014.

Fournier and Guptill recused themselves from the Board for this item.

Sharples reviewed his memo (see attached) and stated that the proposal is to modify the current parking area. Stated that a building permit was submitted but that it couldn't be issued because of the parking. Stated that the Building Inspector wanted to either show that there are 12 dedicated parking spaces for this use or to show that the entire site has enough parking. Stated that the applicant couldn't do either so they submitted a plan to modify the parking. Stated that they are relocating and rearranging the parking but that they will still have less than what is required. Stated that the number of parking spaces needed could change depending on the current uses of the site. Stated that they are providing 73 parking spaces, which is five less than what is required. Stated that they are looking to allow 10% less parking due to the transit stop on front of the site. Stated that staff had concerns with parking in the past because the gravel area has been used for parking. Stated that the regulations require that parking areas are paved. Stated that they did get site plan approval for additional parking in the past but that it was never built. Read suggested conditions of approval and asked the Board to consider a method to prevent parking on the gravel area.

Proulx asked if they are changing the use of the property.

Sharples stated that one unit is being changed to a fast food use.

Delyani asked what the use is now.

Sharples stated that they are all condos with different uses but that this will be a more-intense use so it changes the parking requirements.

Bob Stowell with Tritech Engineering Corporation represented the applicant and addressed the Board. Stated that this is for one of the end units and that it will be a Subway Restaurant. Stated that the Building Inspector raised issues for parking and that common land can't be dedicated. Stated that it will be striped with 13 new spaces.

Public hearing opened 10:35 pm.

Public hearing closed 10:35 pm.

LeHoullier stated that they need to make sure people aren't parking in front of other retail uses.

Stowell stated that they can encourage people to park in front of the restaurant but that it is common land and cannot be dedicated.

Belmore asked if each condominium owner was notified of this meeting.

Sharples replied yes and the Condominium Association.

Witham stated that a fence was mentioned for the westerly part of the lot to prevent parking but that he thinks that area could be used for snow storage.

Stowell stated that it is snow storage and overflow parking but that it should be paved. Stated that he is not sure that overflow parking needs to be paved.

Sharples stated that since he has worked for the City all parking has needed to be paved.

Witham stated that he would like to see an effort to discourage parking on unpaved areas. Stated that he doesn't see that a fence would work. Stated that signs don't always work but that it is an effort and that he would like to see two signs put up.

Brandt Atkins, owner of five units in Barclay Square addressed the Board and stated that the rear area was designed for a third building but that it was never built. Stated that people started parking back there when there was an automotive guy in Barclay Square. Stated that now it is only really used for oversized trailers or box trucks and that it is rare that people park there. Stated that the snow is pushed far back past the pavement but that two signs could be put up.

Motion: Witham moved that the request of Michael Mooney & Southern NH Rapid River Group, LLC on behalf of the Barclay Square Condominium Association 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 signing the final plans. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
2. All new outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,
3. All conditions of approval shall be noted on the final plans; and,
4. Two no parking signs, with language and location approved by the City, shall be installed to prevent parking on the gravel area prior to any further Certificate of Occupancies being issued for the property.

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

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

None.

5) **WORKSHOP BUSINESS**

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

The Board did not address this item.

6) **COMMUNICATION AND MISCELLANEOUS**

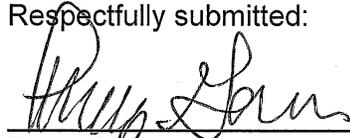
The Board did not address this item.

Motion: Belmore moved to adjourn the meeting.

Seconded by Maskwa. Motion carried with a 7-1 vote with Witham opposed.

Meeting adjourned at 10:45 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board