SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MAY 15, 2013

MEMBERS PRESENT:	**William Sweeney, Chairman, Brian Tapscott, Alternate City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Ernest Gallant, Dan Proulx, Paul Maskwa, Alternate and Chris Cortez, Alternate.**
MEMBERS ABSENT:	**Anthony Delyani, Vice 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 April 17, 2013. Seconded by Belmore. Motion carried unanimously.

2) COMMITTEE REPORTS

A) ZBA Report

See attached report.

B) City Council Report

Tapscott stated that at the last meeting the Council voted for a four-year working agreement with the Police. Stated that the Council approved a request to close Washington Street for a senior barbeque and to close Constitutional Way for a Friends of Somersworth fair. Stated that there was a memo from Belmore indicating that the downtown construction will begin in July of 2013 and should finish up in the fall of 2014.

C) Site Review Technical Committee Report

Sharples referred to the attached report and stated that no meeting was held.

D) Minor Field Modification Report

Sharples referred to the attached report and stated that there was a request for a fence at 7 Works Way and that it was approved. Stated that the fence is required by the State because of the Day Care Center at the property.

E) Strafford Regional Planning Commission Update

Tapscott stated that there is an annual meeting scheduled for May 30, 2013.

F) Vision 2020 Report

Belmore stated that Christine Davis is now a member of the Vision 2020 Committee in his place.

Sharples stated that the Committee will be meeting in the near future to discuss a new direction for the Committee and to market the City and their vision. Stated that they want to get the Somersworth name out and to market what the City is doing.

Sweeney stated that Erwin Grant resigned as a member of the Planning Board. Thanked Grant for the efforts and time on the Board.

3) OLD BUSINESS

A) Kenneth Faucher is seeking a conditional use permit and minor subdivision approval for a three lot subdivision on property located on Green Street, in the Residential Single Family (R1) District, Assessor's Map 08, Lot 79, CUP #01-2013 and SUB #01-2013.

LeHoullier recused himself from this item.

Sharples reviewed his memo (see attached) and stated that the application is for a three lot subdivision and conditional use permit on Green Street. Stated that two new lots would be created with no new utilities or roadways. Stated that the Conservation Commission unanimously recommended approval of the conditional use permit with the condition that the permit is limited to the access drive and any future development within the buffer shall require a conditional use permit in accordance with the regulations. Stated that the applicant wanted this item tabled at the last meeting so he could submit for a NHDES Wetlands permit, which is now pending. Stated that the applicant has also applied for a driveway permit.

Kenneth Faucher owner and applicant addressed the Board and stated that there has already been a public hearing. Stated that the application is to create two new frontage lots on Green Street. Stated that the conditional use permit is for the driveway to access the lots. Stated that the lots are oversized for the zone and that they meet all requirements.

Gallant asked if the application is for two or three lots.

Faucher stated that it is for two new lots plus the remaining land.

Sweeney stated that it looks like there is no plan for where the house and driveway will be located.

Faucher stated that the second page of the plan shows where the driveway comes in and forks off. Stated that the buildable area is set back.

Sweeney stated that buyers of the properties will have restrictions and limitations because of the wetlands.

Faucher stated that there is room for houses outside of the buffer but exactly where the house gets placed is up to the buyer. Stated that they would need to go back before the Planning Board for anything else in the buffer. Stated that the buyers will need to be made aware of the buffer and what the restrictions are.

Tapscott verified that there is a common driveway that will split.

Faucher confirmed.

Sweeney stated that there will need to be a shared cooperation with maintenance for the driveway.

Faucher stated that it will be part of the easement documents for the lots. Stated that anything in common will be part of an easement.

Proulx asked if the lots will have City sewer.

Faucher stated that City water and sewer are available across the street.

Sharples suggested having the condition of approval from the Conservation Commission noted on the final plans.

Sweeney asked for explanation of the conditional use permit for the driveway.

Sharples stated that the suggested condition of approval is to limit the conditional use permit to the driveway since that is all that is shown on the plans.

Cortez asked if the driveway would be paved.

Faucher replied yes.

Cortez asked if the driveway will be extended once the location of the house is determined.

Faucher replied yes.

Belmore stated that there are common driveway regulations.

Sharples stated that the common driveway regulations were deleted. Stated that this common driveway is good because there will only be one wetland crossing instead of two.

Motion: Belmore moved that the conditional use permit request of Kenneth Faucher be **APPROVED WITH THE FOLLOWING CONDITION**:

1. The permit is limited to the access drive and any future development within the buffer shall require a conditional use permit in accordance with the regulations. This note shall be added to the final plans.

Seconded by Proulx. Motion carried with a 6-0-2 vote with Sweeney and LeHoullier abstained.

Motion: Proulx moved that the minor subdivision request of Kenneth Faucher be **APPROVED WITH THE FOLLOWING CONDITION**:

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.

Seconded by Cortez. Motion carried with a 6-0-2 vote with Sweeney and LeHoullier abstained.

B) Any other old business that may come before the Board.
None.

4) NEW BUSINESS

A) Proposed Zoning Ordinance Amendment to Table 4.A.5 regarding uses allowed in the Business District and to Section 25 regarding definitions.

Sharples reviewed his memo (see attached) and stated that at the last meeting the Board voted to have a public hearing to amend the uses allowed in the Business (B) District and to amend Section 25 Definitions. Stated that the first part of the amendment is to prohibit the following four uses from the B District: Laundry and/or dry cleaning shop, Auto Convenience Market (gas station), Motor Vehicle Repair Garage/Station and Motor Vehicle Services. In addition, stated that the proposal is to break up the definition of Auto Convenience Market and put Convenience

Store in the Table of Uses. Stated that the definition of Convenience Store would be put into Section 25.

Public hearing opened 6:50 pm.

Public hearing closed 6:50 pm.

Sharples stated that there are two ordinances; one is for changing the Table of Uses and the other is to add the definition. Stated that both should be included in the motion.

Motion: Belmore moved that the proposal to amend Table 4.A.5 of the Zoning Ordinance regarding uses allowed in the Business District and to amend Section 25 regarding definitions be forwarded to the City Council for consideration with a recommendation for approval.

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

Belmore asked that when Sharples prepares a memo on the proposal for the City Council, to indicate how it coincides with the City's Master Plan.

B) Any other new business that may come before the Board.
None.

5) WORKSHOP BUSINESS

Sweeney stated that there are two items listed under workshop business but that there is actually a third item to discuss a conservation subdivision. Stated that the Board should talk about prioritizing.

Sharples stated that at the last meeting the Board was amenable to discussing a conservation subdivision but that he thinks that the Board may have too many balls in the air with the Central Business District ordinance and the COAST Bus request. Stated that he feels that the Board should focus on the conservation subdivision and temporarily put the others on the back burner for now. Stated that he has a draft ordinance if the Board would like to move forward with this.

Sweeney stated that they are looking to push this up because there has been discussion on the large parcel of land on Green Street.

General agreement from the Board on moving forward with a conservation subdivision proposal.

Sharples passed out a draft conservation subdivision ordinance (see attached) and stated that it is dense and that he doesn't suggest reviewing it line by line yet. Stated that he looked at several conservation subdivision ordinances from surrounding communities and the NHDES model ordinance. Stated that NHDES model was the most clear and he started with that one and revised it. Stated that on the draft he passed out, he highlighted some points that he thought were worthy of further discussion. Stated that he is hoping to get the ordinance review juices flowing and envision this for Somersworth.

Sweeney asked how many acres there are on Green Street.

Sharples stated that the area on Green Street known as the Sunningdale Properties has about 160 acres. Stated that the with conservation subdivisions you think about the contours of the land and the changes in elevation to make it look visually pleasing. Stated that the Sunningdale Property is a fantastic piece of land and reviewed specific features. Referred to the highlighted section of page three of the draft ordinance where it indicates that all residential subdivisions must be conservation subdivisions unless exempted. Stated that page four shows that the

Planning Board can allow a conventional subdivision for properties that are ill-suited for a conservation subdivision. Stated that it gives the Planning Board flexibility.

Sweeney asked if the Board would be limiting themselves in the future if they always require a conservation subdivision. Asked if they would all look the same.

Sharples stated that what they look like will depend on the lay of the land and the lots. Stated that you could let the applicant determine how to proceed but that this gives the choice of approach to the Planning Board.

LeHoullier stated that the open space area still needs to be buildable land.

Sharples stated that he is just looking to touch on specific points in the draft tonight.

Sweeney stated that if you have a piece of land and you take out all the undevelopable area and roadway, the land that is remaining, you divide that in half. Half of it needs to be green space and the other half can be developed.

LeHoullier stated that he is concerned with how it was done last time.

Sharples referred to page eight regarding percentages and stated that the State model requires 50% and that he wouldn't suggest going any higher than that and can look into reducing the amount.

LeHoullier asked if the houses still need to meet setbacks.

Sharples stated that page seven lists the minimum setbacks. Stated that he got the feeling from the Planning Board that they don't want to see common lots so this draft shows individual lots.

Sweeney stated that this is just a draft and changes can be made. Stated that everything is open for discussion.

Maskwa asked about section VII.B on page eight and asked if that indicates that the builder cannot add small pieced together to make up the required percentage.

Sharples stated that it is from the State model language and that he doesn't fully get it. Stated that he needs to talk with the State to get more clarification.

Maskwa stated that it is difficult to read but that he thinks that it says that spaces less than 100 feet wide cannot be used to meet the percentage.

Sweeney stated that they may want to consider a square foot requirement because a long traffic island could be used.

Tapscott asked if by reviewing this now if the City is covered by it.

Sharples stated that he would have to look it up again but that he thinks it doesn't have the effect of law until a public hearing has been posted.

Belmore confirmed that this draft is a State model sample.

Sharples replied yes and stated that he made some changes.

Belmore asked if they can add specific goals of the City's Master Plan to the purpose section of the draft.

Sharples stated that he can add goals.

Belmore referred to the highlighted area on page six and asked if they can add that the professional engineer has to be NH certified. Stated that he would want one that is familiar with State standards. Asked if they have the ability to require that the applicant pay a consultant to verify the yield plan.

Sharples stated that he thinks that third party review would be allowed. Stated that he will think about how to word it.

Belmore referred to page seven of the draft where it indicates that all individual lots shall have two trees and asked if instead it can say a "minimum" of two trees. Referred to page eight and stated that they should change the language in section D because the Conservation Commission doesn't have approval authority but can made recommendations to the Planning Board. Stated that section H refers to a natural resource professional and asked if they can add language indicating what the qualifications are for a natural resource professional.

Sharples stated that he will add a definition for it.

Belmore asked if sidewalks are allowed or discouraged.

Sharples referred to the existing subdivision regulations and stated that they are required on at least one side of the street.

Proulx referred to section D of page four of the draft and asked if that is in there so ensure that a developer doesn't first break up the parcel to sell for development. Asked if it is so the Planning Board can see a plan for the entire parcel first.

Sharples replied yes and stated that it is to see how it all fits in. Stated that it is a conceptual plan to look at the big picture.

Sweeney asked if a developer could use green space from an adjacent parcel to achieve the requirement.

Proulx referred to the formula on page five for determining the number of dwelling units and asked about the difference in density between a conventional and a conservation subdivision.

Sharples stated that the total would be the same. Gave an example of having 100 one-acre lots with 100 houses. Stated that the density would be the same with a conservation subdivision but everything would be developed on only 50 of the acres and the other 50 acres would remain open space.

Proulx asked what the Board would look at to determine if they should use the conventional or conservation subdivision.

Sharples stated that a conservation subdivision requires there to be open space when a conventional one does not.

LeHoullier had to leave the meeting.

Sharples went to the easel to draw examples.

Sweeney stated that he likes this concept that the he doesn't like that all subdivisions would have be conservation subdivisions unless the Planning Board allows different.

Sharples stated that it can be written so that the decision of which form to follow would be up to the applicant.

Belmore stated that they would have to check into that because he is not sure the Planning Board can require a subdivision to be a conservation one.

Sharples stated that the City of Dover had it as optional but that now they require it. Stated that the choice is up to the Planning Board and that it can be changed. Stated that a lot of developers would choose this option. Referred back to the examples he drew on the easel and showed that in one example, everyone owns their own lot and the other example there are no lot lines; it is just one big lot. Stated that with his proposal, there will be individual lots.

Sweeney stated that there are benefits to the City and benefits to the developer.

Sharples stated that a certain percentage needs to be buildable.

Sweeney stated that he understands the thought that builders want to put in as many lots as possible but they want to know that the development will be profitable and sometimes fewer lots can achieve that.

Sharples stated that developers are usually going to leave lots on the table.

Gallant asked who is responsible for paying the property tax on the open space.

Sharples stated that there is no tax bill for the open space. Stated that the value of the open space is worked into the value of each of the lots.

Sweeney stated that the price per square foot would be higher.

Sharples stated that the value of his house in Gerrish Commons is elevated because of the 22-acre open space area.

Gallant asked who's responsible for the cost of maintaining the open space.

Sharples stated that it depends on the way the open space is being held. Stated that some communities want public access but some want a homeowner's association. Stated that in Gerrish Commons, the homeowner's association has insurance on the open space.

Sweeney asked what the Master Plan says about creating desirable neighborhoods and keep with New Hampshire character.

Sharples stated that the Master Plan encourages compact development forms and recognizes the value and need for it. Stated that the Master Plan mentions smart growth principles but nothing specific about New Hampshire character. Stated that he feels that this type of development is happening in a lot of surrounding NH communities.

Sweeney asked if communities in other parts of the country have gone back to the conventional way thinking this new way might not be right.

Sharples stated that he hasn't done that kind of research but that he hasn't heard of anyplace going back. Stated that places, like Dover NH have revised their regulations but have not taken them away altogether.

Cortez stated that he is concerned with setbacks if there is a need for septics and wells.

Sharples stated that there is water and sewer available on Green Street and that there are only a few areas left in Somersworth without access to water.

Sweeney asked about putting the open space where a septic is.

Sharples stated that a leech field wouldn't qualify as part of the open space. Stated that the subdivision regulations require water and sewer for certain sized subdivisions.

Gallant asked if there could be multi unit buildings.

Sharples stated that it depends on what zone the subdivision is in.

Gallant asked if bigger lots usually allow for multi units.

Sharples stated that he has seen some regulations that allow for that but he didn't think Somersworth would want that so he wrote the regulations for single family.

Gallant referred to page five.

Sweeney stated that he wants everyone to be able to look at actual open space subdivisions for other communities. Asked Sharples to email a few examples to Board members so they can independently go and look at them.

Sharples stated that he will email some examples.

Sweeney stated that he is still not comfortable with requiring that all subdivisions have to be open space subdivisions. Asked if the City or State offers tax breaks for this kind of development.

Sharples stated that he is not aware of any.

A) Discussion on the creation of a Central Business District.
The Board did not discuss this item.

B) Review and discuss the request from COAST Bus to allow advertising on their bus shelters.
The Board did not discuss this item.

C) Any other workshop business that may come before the Board.
None.

6) COMMUNICATION AND MISCELLANEOUS
None.

Motion: Cortez moved to adjourn the meeting.

Seconded by Proulx. Motion carried unanimously.

Meeting adjourned at 7:52 pm.

Respectfully submitted:

Tracy Gora, Planning Secretary
Somersworth Planning Board