

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
AUGUST 21, 2013**

**MEMBERS PRESENT:** William Sweeney, Chairman, Anthony Delyani, Vice Chairman, Brian Tapscott, Alternate City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Paul Robidas, Ernest Gallant, Dan Proulx, and Chris Cortez, Alternate.

**MEMBERS ABSENT:** None.

**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**

Belmore noted a correction needed on page 12 of the minutes. Asked that it be noted that the motion to adjourn the meeting was withdrawn.

**Motion:** Proulx moved to accept the minutes of the meeting of July 17, 2013 as amended.

Seconded by Delyani. Motion carried with a 7-0-2 vote with Tapscott and Robidas abstained.

**2) COMMITTEE REPORTS**

A) ZBA Report

See attached.

B) City Council Report

Tapscott stated that he has nothing to report tonight.

C) Site Review Technical Committee Report

Sharples referred to the attached report and stated that the SRTC review one item for a parking lot expansion on Route 108. Stated that the SRTC determined that it is a minor application so they took jurisdiction over it and will hold a public hearing tomorrow.

D) Minor Field Modification Report

None.

E) Strafford Regional Planning Commission Update

Tapscott stated that there will be a Commissioner's meeting in September.

Sweeney asked for an update on the Vision 2020 Committee.

Sharples stated that they are having a meeting next.

Belmore stated that Constitutional Way is being permanently changed to a one-way traffic pattern entering from High Street and existing at Washington Street. Stated that the downtown project will be starting and parking on High Street will change and they are picking up parking

on Constitutional Way. Referred everyone to the City's website and newsletters for updated information.

Sweeney appointed Cortez as a voting member for tonight.

**3) OLD BUSINESS**

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

None.

**4) NEW BUSINESS**

A) Proposed City of Somersworth Zoning Ordinance Amendment, add a new Section 7 – Conservation Subdivision Ordinance.

Sharples reviewed his memo (see attached) and stated that at the last meeting the Board voted to hold a public hearing on a new Section 7 of the Zoning Ordinance. Stated that the Board has had several workshops and much discussion and revisions. Stated that if the Board votes to recommend approval of the ordinance, it would go to the City Council. Stated that at the last meeting the Board agreed to take the use of snowmobiles out.

Belmore asked Sharples to describe the new ordinance and how it meets the Master Plan.

Sharples stated that it's inline with the Master Plan for several reasons but specifically because the Master Plan suggests considering denser and more compact development. Stated that the underlying zoning must still be taken into consideration because the new ordinance doesn't allow for more units than are allowed under standard zoning but allows for smaller lots with protected open space. Stated that the last ordinance like this that the City had didn't require that buildable area be used for the open space. Stated that in the past, it was mostly unusable area that was set aside.

Sweeney complemented Sharples on a job well done.

**Public hearing opened 6:42 pm.**

**Public hearing closed 6:42 pm.**

Robidas stated that he thinks they got to where the Board is comfortable.

**Motion:** Robidas moved that the proposed Zoning Ordinance amendment to add a new Section 7-Conservation Subdivision Ordinance be forwarded to the City Council for consideration with a recommendation for approval.

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

B) Allen Grinnell, on behalf of MDHF, LLC is seeking site plan approval for a new structure with associated parking and infrastructure on property located at 472 High Street, in the Residential Commercial (RC) District, Assessor's Map 40, Lot 04, SITE #04-2013.

Sharples reviewed his memo (see attached) and stated that they are proposing a 4500 square foot freestanding building. Stated that there is an existing REMAX office building on the property now. Stated that based on the elevations there will be two units in the building with one use being a Laundromat and the other use being undetermined. Stated that the applicant went before the SRTC and the application was reviewed by CLD Engineers but that he just

received CLD's second review today. Stated that the applicant is seeking three waivers. Stated that one is from the bufferyard requirement, one is from the paved area setback and last one is from landscaping. Stated that there really is no landscaping being proposed because of the density of the site. Stated that they were originally going to put landscaping in the right of way but that the SRTC was concerned with that and wanted an agreement to be drawn up to do that. Stated that he feels that all comments haven't been addressed at this time and that he is not prepared with suggested conditions of approval.

**Doug LaRosa** of Trittech Engineering Corporation represented the applicant and addressed the Board. Stated that they went before the SRTC and received comments from CLD, which they have responded to. Stated that regarding the waivers, this property received a variance from setbacks because the facility that is currently there is within two feet of the property line. Stated that this 4500 square foot building would need 40 parking spaces but to fit them they would have to go to the property line. Stated that this is a unique property because Tri City Road is 20 feet from this property. Stated that the pavement abuts up to the Market Basket parking lot and that there is continuous pavement.

Sharples stated that 44 parking spaces are required but that the Board may allow a 10% reduction in parking.

Robidas asked if they require a waiver.

Sharples stated that the regulations don't say they need a waiver but just that the Board "may authorize" so it doesn't need to go by the waiver requirements.

LaRosa stated that they are looking for 40 parking spaces. Stated that there will be two entrances with two uses.

**Allen Grinnell**, applicant, addressed the Board and stated that he is a small business man and that he owns another facility in Derry, NH. Stated that he is proposing a Laundromat that is different, it is called Green Collar and is very progressive. Stated that they use green concepts in everything they do and that he has had good success in their Derry store. Stated that he has chosen this location because of its proximity to Market Basket and the neighborhood in the back. Stated that their expected customers are already using the Market Basket. Stated that 3500 square feet of the building will be for the Laundromat, which will have a drop off dry cleaning service that will go offsite. Stated that the use of the other unit will complement the Laundromat, like a hair salon. Stated that it won't be a restaurant or a store. Stated that there is a hair salon next to their store in Derry and that it seems to work. Stated that he thinks this area will be open for this type of service.

**Public hearing opened 6:56 pm.**

**Dave Francoeur**, property owner, addressed the Board. Stated that this property had been approved for storage and a car wash but that it went to court. Stated that he spoke with Jamie Steffen, the City Planner at the time, and he advised that we keep the existing building there because if they removed it they would have only had one year to rebuild. Stated that they have been looking for the right person to put there and that they have talked to many people. Stated that Grinnell's business would be evening and weekends which would be a good fit for the REMAX office use that is on the site.

LaRosa stated that Bob Stowell owns Papa Bear, which is an abutting property and that there will be a six foot fence along the property line.

Sweeney asked if the applicant would be responsible for maintaining it.

LaRosa replied yes.

Francoeur stated that they would be happy to accommodate what the Board wants for landscaping. Stated that they didn't bring forth a plan and that they need to work out the details. Stated that it would be on the City's land but that they are already maintaining it now and do a good job at it. Stated that there is landscaping in front of REMAX now.

**Public hearing closed 7:02 pm.**

Delyani stated that they might be putting the cart before the horse with the waivers. Stated that it seems that they want to build a building that is too big to comply so instead of building a building that does comply, they'll just dispense with standards. Asked if that is a reasonable summation of what is being presented.

Sharples stated that it is up to the Planning Board but the applicant indicated that this is what they need. Stated that if they reduce the building size then there is more room for landscaping or parking, etc.

Delyani stated that it seems that they have to choose between one or the other.

LaRosa stated that they met the criteria for the variance because they are keeping with the character of the neighborhood. Stated that when this was an old Inn, before zoning, there was pavement up to the property line. Stated that the proposed building will be approximately the same distance from the property line as the existing building is now. Stated that they are not changing the character and that this is a giant leap forward compared to what is there now. Stated that the applicant will have 50 to 75 customers a day and that they won't interfere with the existing REMAX use. Stated that this is a good complimentary use and that it is good for the tax base.

Sharples stated that the front does match but asked about the side.

LaRosa stated that there is a driveway and that they will be paving. Stated that they will add an infiltration system to handle the drainage. Stated that in a 50-year storm there will be no additional runoff because everything is being infiltrated.

Proulx stated that when talking about adhering to standards, if it is not the right size for the lot, make a smaller building or find another lot.

Sweeney asked how many parking spaces are required by code.

Sharples replied 44 but stated that 40 are shown.

Belmore stated that the regulations wouldn't include the ability to grant waivers if there wasn't the possibility to look at each property and the merits of each case. Stated that they need to look at it based on the merits rather than just say to find another site. Stated that he would like to know if it is contrary to the Master Plan. Stated that he wants to work through the waivers and give guidance on the parking. Stated that he is glancing on the CLD report and there are a lot of outstanding issues. Stated that he is not in the position to move forward with the applicant but consider the waivers.

Tapscott asked who owns the storage units.

Sharples stated that it is a different owner.

Tapscott mentioned the vinyl stockade fence but said that he saw that there would be difficulty for emergency personnel to access the building. Mentioned having a gate.

LaRosa stated that at the corner of the building there will be a gate to swing outward in case they need access.

Sharples asked if there would be an easement.

LaRosa stated that he is not sure one would be needed because it is just for emergency personnel.

Sharples stated that if there isn't an easement, the abutting property could install a fence on the property line which would prohibit the gate from opening.

LaRosa stated that they could make the gate swing in.

Sweeney stated that Belmore suggested addressing each waiver but that he would like to discuss the project first.

Sharples stated that it is up to the Board but that acting on the waivers can give the applicant an indication where the Board is going.

Robidas stated that there seems to be more unanswered questions and that he would like them to come back and act on the whole project. Stated that he is inclined to table everything tonight.

LeHoullier asked if there are any outstanding issues from prior decisions on this property.

Sharples read a condition of approval from a prior decision. Stated that two variances were granted in the past.

Sweeney stated that they need to give the applicant feedback on what the Board wants to see then they come back.

Sharples stated that they don't need to act on the waivers to give feedback.

Delyani stated that it was mentioned that if the garage is torn down they have a limited amount of time to build. Asked if the clock is ticking.

Sharples stated that a variance was granted so that is irrelevant.

Gallant stated that regarding the landscaping waiver request, the Board has been requiring greenery, especially on the City's through-ways. Stated that the Board has been strict on making a better looking community.

Grinnell stated that they are not looking for a pass on the landscaping and that they would like to improve this strip. Stated that at first, they would have put in six trees, which would have met the landscaping requirement but that they didn't want to have just that. Stated that they want to do something more pleasing with details built into it. Stated that they have a lot of pavement, which is unattractive. Stated that the goal is to showcase for future businesses and point to this facility as a standard for other stores.

Gallant stated that the waiver request doesn't really specify.

Sharples stated that the Board doesn't really have anything to look at for landscaping and that six trees wouldn't have met the regulations.

Grinnell stated that he wants something that looks nice.

Gallant, looking at an aerial photo, asked if the black area is a pond or wetland area.

LaRosa stated that it is a detention area on the abutting property.

Gallant how close they are to the City drainage area.

LaRosa stated that they hired a wetland and soil scientist and that they have a letter stating that there are no wetlands with 100 feet of the proposal.

Sweeney asked if he is saying that this pond is more than 100 feet away.

LaRosa stated that it is a manmade structure with no wetlands.

Sharples stated that LaRosa said that note #13 has been revised but that it still says the same thing.

Tapscott asked about snow removal.

LaRosa stated that it will be piled up and removed from the site.

Sweeney asked about the statement of it matching the character of the neighborhood.

Francoeur stated that the existing garage is on the back line and that there is just a fence across the street. Stated that all their trash comes onto his property. Stated that they are planning to do more than what is across the street.

LaRosa stated that they meet the character of the neighborhood for this area. Stated that they are continuing what exists now and that a lot of what they are proposing is what is there now.

Sweeney stated that he disagrees with the parking and that a new business would be busy during the day. Stated that he thinks timing would be different that what they are saying.

Grinnell stated that what they presented is unequivocally accurate and that he has data to show it. Stated that his store is completely electronic and that he knows when there are customers there. Stated that the busiest day is Sunday and the second busiest day is Saturday. Stated that the day customers tend to be the people that don't work but that most people have jobs. Stated that in the morning there is not a lot of traffic but it picks up later in the day and in the evening.

Sweeney stated that if this store closes and a restaurant comes in, he would be concerned with parking. Stated that they need to consider the long term use of the property.

Grinnell stated that they have a waiver system based on the merits. Stated that the business would be long term. Stated that they started in Derry in 2009, at the height of the recession. Stated that people still have to wash clothes in a bad economy.

Francoeur stated that they originally had a note on the plans that any change in use would need to come before the Planning Board and that he can put that note back on.

Belmore asked if a restaurant use would need to come back to the Planning Board for an amendment.

Sharples stated that it may and that it would depend on the number of seats or a change in parking.

Belmore stated that the Board can't review this based on what could be there in the future. Stated that they are just looking at what is being proposed now.

Sharples stated that the Board should talk about the sidewalk and curb cut because it was changed so a truck would have to back out onto High Street.

Cortez stated that the parking area looks gravel and asked if it is paved under the garage.

Francoeur stated that he thinks it is paved inside.

Cortez stated that he is concerned with the building and pavement and asked where the runoff is going to go.

LaRosa stated that it is Hinckley soil and that all the runoff would go into the infiltration system. Stated that there will be less runoff in a 50 year storm than what there is now. Stated that everything will be curbed and have catch basins.

Cortez asked if there is a culvert where the fence is going.

LaRosa stated that there are some existing trees on the Papa Bear property and an edge of an existing paved driveway that the fence can go along. Stated that it wouldn't go to the tree line but would replace the buffer that the existing garage acts as now.

Robidas stated that the Board needs to look at the waivers to give direction. Stated that he doesn't have a problem with decreasing the parking.

Belmore stated that he agrees with Robidas but that he is getting confused and that this seems disjointed. Stated that he has no problems going down on parking by 10% but there is a bunch of stuff to review.

**Motion:** Robidas moved that the request of Allen Grinnell, on behalf of MDHF, LLC for a site plan for a new structure with associated parking and infrastructure be **TABLED**.

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

- C) The Michael J. O'Connell Revocable Trust is seeking a Conditional Use Permit and an amendment to approved Site Plan #04-2007 to accommodate a mobile MRI unit on property located at 5 Clark Way, in the Commercial Industrial (CI) District, Assessor's Map 46, Lot 4J, SITE #04-2007.

Sharples reviewed his memo (see attached) and stated that they are seeking a plan amendment and conditional use permit for a mobile MRI unit. Stated that the original site plan was approved in 2007 but they are proposing minor changes for the mobile MRI unit like a concrete pad and walkway. Stated that they did appear before the Conservation Commission and they unanimously recommended approval without conditions. Stated that there will be no further encroachment into the wetlands than what exists today. Stated that his only suggested condition of approval is for submittal of an as-built plan.

**Daniel Sprague**, Project Development Coordinator for Pinewood Healthcare, Inc., addressed the Board and stated that the amendment is for property where the current annex building is located. Stated that the existing building is used for a lab and marketing. Stated that there will

be a concrete pad for the mobile MRI unit, which will be there part time. Stated that the hours of operation would be from 8:00am to 5:00pm and appointments are in 60 minute intervals.

**Scott Lawler** with Norway Plains Associates, Inc. addressed the Board. Stated that they will remove a section of the parking lot to construct a concrete pad the MRI trailer and a sidewalk from the door to the MRI trailer. Stated that they will remove some pavement and replace with a geopaver system. Stated that there will be a concrete sidewalk with a handrail. Stated that impervious area will decrease by 15%. Stated that they spoke with the MRI company and they said they don't need additional pavement.

Sharples asked if the gravel shoulder will be taken off the plans.

Lawler replied yes and stated that it won't be shown on the final plans. Stated that the total parking will be reduced from 30 to 24 spaces, however, only six spaces are required. Stated that the use will only generate one to two trips per hour.

**Public hearing opened 7:47 pm.**

**Public hearing closed 7:47 pm.**

Belmore asked if the unit is really "mobile".

Sprague stated that it does enter and exit the property.

Sweeney asked what happens to the tractor.

Sprague stated that it remains there.

LeHoullier asked if there are any conditions of approval from prior approvals for this property.

Sharples replied no and stated that they are staying within the disturbed area so it is consistent with variances.

Sweeney stated that this property has a large number of parking spaces and confirmed that they were to accommodate an abutting property.

Sharples replied yes and stated that the parking spaces are for a property that is two away. Stated that he has never seen this property having issues with parking.

Sprague stated that there are eight to ten parking spaces in use a day.

Robidas stated that he is familiar with mobile MRI trucks like this and that they are usually nice. Stated that the building is fairly private and that he doesn't have a problem with this.

Cortez asked if the power for the unit is internal or brought in.

Sprague replied that it is brought in.

Delyani asked if there are any screening issues.

Sharples stated that the pad is 36 feet long, there are some pine trees and that the building provides some screening.

Proulx mentioned concerned with maneuvering because it seems like a large unit.

Sprague stated that they discussed maneuvering and that the truck can come off of the right side of Clark Way since it is a private road.

**Motion:** Proulx moved that the request of The Michael J. O'Connell Revocable Trust for a Conditional Use Permit be **APPROVED**.

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

**Motion:** Proulx moved that the request of The Michael J. O'Connell Revocable Trust for an amendment to approved site plan #04-2007 for a mobile MRI unit be **APPROVED WITH THE FOLLOWING CONDITION:**

1. An electronic As-Built Plan of the proposed development with details acceptable to the City shall be provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

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

- D) Lawrence McManus is seeking an amendment to approved Site Plan #05-2012 for modifications to the interior and exterior of the structure on property located at 506 High Street, in the Residential Commercial (RC) District, Assessor's Map 40, Lot 09, SITE #05-2012.

Sharples reviewed his memo (see attached) and stated that they are seeking a plan amendment. Stated that he conducted a Certificate of Occupancy (CO) inspection and several items needed to be addressed, which were significant enough to come back to the Planning Board. Stated that there was a letter explaining the deficiencies and a letter from the applicant's attorney that offers solutions to the issues.

**Chris Wyskiel**, an attorney with Wyskiel, Boc, Tillinghast & Bolduc, P.A. represented the applicant and addressed the Board. Stated that there was an approved site plan, which included building elevations and passed out a drawing of what was approved. Explained the differences in the elevations. Stated that not all site plan reviews have specifications. Stated that there is no detriment to the community to have fewer windows on the building or a different pitch to the roof. Stated that the building would look nicer with an architectural band and referred to the bulleted items in his letter that distinguish what is missing. Stated that a bike rack will be installed and that the lights have been purchased and will be installed. Stated that the lawn is being kept up and the architectural band will be added. Stated that the foundation was going to be a slab or a crawl space with the building being closer to the ground but that during construction the concrete was raised up so the sill elevation was higher. Stated that the building was raised thus needing the handicap ramp that was installed. Stated that the concrete dealer offered more concrete for a full basement, which added finished floor area. Stated that it created problems with ADA requirements and for parking calculations. Stated that regulations require one parking space for every 200 square feet of finished area so now they need 16 parking spaces. Stated that a suggestion is to limit the property rights on what the space can be used for by saying it can only be used as office space. Suggested revising the site plan and recording it at the Registry of Deeds. Stated that the handicap ramp is an aesthetic issue but that it is an economic waste to tear it down. Stated that they offer the solution of painting the ramp to blend in with the building. Stated that the five parking spaces will also break up the view of the ramp. Stated that their request is not detrimental and the conditions are unique to the site because it is already built. Stated that a reasonable suggestion is to limit property rights. Stated that granting this request won't be contrary to the spirit of the ordinance. Stated that it was an unintended mistake.

Gallant stated that he thought that the concrete pad to the south was for a dumpster.

Proulx stated that there wasn't a dumpster proposed for the property.

Gallant asked if they want to make the space usable.

Wyskiel stated that they don't want to make it usable. Stated that the office use would only be on the first floor and the basement would be warehousing space.

Gallant stated that he would be concerned with uses down the road and if a tenet renovated the space.

Wyskiel stated that that is why they suggested recording the restriction at the Registry of Deeds.

**Public hearing opened 8:13 pm.**

**Lewis Fields** of 67 Kelwyn Drive addressed the Board. Stated that he hopes the Board lets him do this and that the boards over the windows don't make the property look good. Stated that they are being held up.

Wyskiel stated that the windows being boarded up were an insurance issue and that they will come done if they get relief.

**Public hearing closed 8:15 pm.**

Robidas stated that tearing down the building doesn't make a lot of sense. Stated that they talked about not using the basement for additional office space but that he doesn't know how that will be enforced. Asked how the windows will be opened with the ramp there.

**Larry McManus**, property owner, addressed the Board and stated that there are two windows that open all the way on the end of the building. Stated that on the front there are at least two windows that open all the way. Stated that half of the front windows can't open. Stated that the building is only 26 feet wide.

Robidas asked if that will be an issue with building codes.

Sharples stated that there is no code violation.

Sweeney stated that the original drawings show a New England style building but this is a modular structure. Asked where the rest of the windows are.

McManus stated that the tenet didn't like the three windows and that they were too close to the interior walls. Stated that he could put the windows back.

Delyani stated that he thinks the message is that if you botch a project, then do it bad enough to be able to get away with it. Stated that this seems backwards. Stated that they just put the first applicant through the paces but now this one has failed so badly that they have to let it go. Stated that there is inconsistency.

McManus stated that it was his mistake. Stated that the contractor offered to add three feet to give a full basement and that, not thinking, he allowed it and but in a full basement. Stated that he is sorry.

Sweeney stated that he can appreciate that but that what was constructed was not what was approved.

McManus stated that he can put more windows in.

Tapscott stated that he can't tell where the handicap parking access was supposed to be because it looks like it should have been on the other end.

Wyskiel stated that the building was originally supposed to be at level but was built higher. Stated that it is still accessible.

Tapscott suggested moving the handicap parking space.

Belmore stated that sometimes the Board gets renderings that aren't part of the approved plan.

Sharples stated that these were.

Belmore asked if they meet the standards as it is built now.

Sharples stated that it is questionable on the end cap but that overall, yes. Stated that the awnings aren't a requirement and that they are willing to do the band. Stated that maybe the roof could be higher but that in general they do meet the regulations.

Tapscott stated that he would like to see the ramp painted. Suggested lattice work under the ramp.

McManus stated that he can do that.

Cortez suggested vinyl instead because the wood will dry out.

McManus stated that he can do either way.

Sweeney stated that he was looking for something more like what the Board approved. Asked how they can dress this up.

Robidas mentioned that the applicant said that the building modifications went to Planning.

Sharples replied no and stated that the only thing he discussed with McManus was lowering the roof by two feet. Stated that no other standards were being waived.

Robidas mentioned having the handicap parking spot closer to the ramp.

Belmore suggested reviewing the items according the Wyskiel's letter.

Sweeney stated that the first thing is the full basement and asked what they can do to ensure it won't be used.

Sharples stated that Wyskiel suggested a note on the site plan and then record that at the Registry of Deeds, although he is not sure the Registry wants plans like this on file. Stated that if the use changed to a similar office use then it wouldn't need to come back to the Planning Board.

Belmore asked if it can be a deed restriction.

Wyskiel replied yes and stated that it can refer to the plans that are filed at City Hall.

Sweeney stated that the second item is the handicap ramp and that it was suggested to move the handicap parking space closer to the ramp.

Delyani asked if the ramp can be built to accommodate the parking space. Stated that the ramp almost goes the full length of the building.

Sharples stated that the ramp has to meet grade and that it can't be steeper.

Tapscott suggested moving toward the back by the other three spaces.

Sweeney stated that it would be on the right side.

Belmore stated that he is good with the ramp being a grey color and asked for feedback on the vinyl underneath the ramp.

General agreement for skirting under the ramp.

Cortez asked if the original design for the ramp was for pressure treated wood.

Sharples stated that there was no original design for the ramp because the building was supposed to be built on grade.

Sweeney stated that item number three was for the concrete pad not to be built.

Sharples stated that it was supposed to be for access but that it is not needed now.

Sweeney asked where the back door is.

Wyskiel stated that there is no back door.

McManus stated that there are eight windows that open.

Sweeney stated that item four was for the roof elevation and noted on the site plan. Stated that he would like to see a round window on the gable end of the building. Stated that it would give an architectural look to it.

Wyskiel stated that the conflict is with the user and the layout of the building. Stated that they want some wall space and not all windows.

Tapscott asked how visible the other end of the building is.

Sharples stated that it is not really visible.

McManus stated that he can put a window on the side and the gable end. Stated that it will be a round window.

Sweeney asked if they already have a tenet.

McManus stated that he has one tenet.

Robidas stated that he doesn't think the awnings are going to make a big difference and that he doesn't want to be unreasonable. Stated that it would look crowded.

Sharples stated that he is not sure the awnings would fit on the window.

Sweeney moved on to item five. Asked about landscaping on the gable end.

McManus stated that there was supposed to be stone put in.

Sharples stated that since there won't be an entrance then there could be landscaping.

Tapscott asked what they have for landscaping.

Sharples stated that there is quite a bit of landscaping.

Sweeney mentioned the sign.

McManus stated that it will be a freestanding sign with landscaping.

Tapscott asked about snow removal.

McManus stated that it will be plowed and removed.

Sharples stated that the general consensus was to agree with the modifications on the Attorney's letter. Stated that item was have the four conditions on the letter and that the site plan be recorded.

Sweeney asked what would happen if a Laundromat wanted to go in there.

Sharples stated that he would need to check if the use is allowed by zoning and if it meets all the requirements of the site plan. Stated that he wouldn't give a C/O for that.

Robidas asked what would trigger further review by the Planning Board.

Sharples stated that as long as the use is the same it wouldn't need to come back to the Planning Board.

Wyskiel stated that there is a condition that the basement not be used for office space.

Belmore stated that it will be put in the deed.

Sharples stated that item two will have the condition that the ADA parking stall will be moved closer to access the ramp and that skirting will be installed. Stated that item three doesn't have any conditions. Stated that item four has the condition of the addition of two windows. Stated that item five has the condition for additional landscaping.

Delyani mentioned that instead of the condition that the ramp needs to be grey, it should say that it needs to be the same color as the building.

Sweeney asked about needing a new as built file.

Sharples stated that he doesn't think that condition is necessary.

**Motion:** Robidas moved that the request of Lawrence McManus for an amendment to approved site plan #05-2012 for modifications to the interior and exterior of the structure be

**APPROVED AS FOLLOWS:**

- Modification Request #1: The full basement as built is allowed on the condition that:
  - a. The approved modified Site Plan clearly specifies the Property's use is and shall be limited to Office only (no Retail) without further approval of the Somersworth Zoning Board of Adjustment and/or Planning Board, as required;
  - b. The basement not be occupied;
  - c. The basement be used for general storage only (not spill over office space);

- d. The approved modified Site Plan shall show/note the above; and,
  - e. A suitable document subject to approval by the City, indicating the above information, shall be recorded at the Strafford County Registry of Deeds or other mechanism determined by the Director of Planning and Community Development.
- Modification Request #2: The handicap ramp as-built is allowed on the condition that:
    - a. The ramp be stained the same color as the body of the building's vinyl siding and said color/stain be maintained;
    - b. That this change be noted on the modified Site Plan;
    - c. The handicap parking stall will be moved closer to the entrance to the handicap ramp; and,
    - d. Skirting will be installed underneath the handicap ramp.
  - Modification Request #3: The concrete pad on the south end of the building need not be built, and this change shall be noted on the modified Site Plan.
  - Modification Request #4: The trussed roof peak elevation as-built is allowed, and this change shall be noted on the modified Site Plan.
    - a. A full-round window will be installed on the South Elevation; and,
    - b. One additional window will be added to the South side of the building.
  - Modification Request #5: The structure as-built is allowed.
    - a. No awnings are required;
    - b. An AZEK architectural band above the south elevation windows (from peak to peak), 10 inches in width, in white, be installed; and,
    - c. Additional landscaping/shrubbery will be added to the South side of the building to the satisfaction of the City.

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

- E) The Koula Koufos Revocable Trust and the Sophie Sibik Revocable Trust are seeking subdivision approval for a lot line adjustment on properties located at 8 & 10 Indigo Hill Road, in the Residential Single Family (R1) District, Assessor's Map 15, Lots 121 & 122, SUB #03-2013.

Sharples reviewed his memo (see attached) and stated that they are seeking a lot line adjustment. Stated that one of the lots is a flagged-shaped lot but that the lot line adjustment will make the two lots similar in size. Stated that he reviewed the plans and that the proposal doesn't violate any land use regulations as far as he can tell. Reviewed the suggested conditions of approval from the memo. Stated that no new lots are being created.

**Kevin McEaney** with McEaney Survey Associates, Inc. represented the applicant and addressed the Board. Stated that the two families are relatives and that the properties have been in the families for a while. Stated that the smaller of the two lots is 7300 square feet in size and that the desire is to make the two lots more equal and have a larger back yard. Stated that the smaller lot is nonconforming because of area and that this would make that lot more conforming. Stated that he is happy to put the granite bounds in but that he may need a waiver for the one at the far right hand side because of the telephone pole.

Sharples stated that he doesn't feel a waiver is needed because the intent is made.

**Public hearing opened 8:56 pm.**

**Caroline Parent** of 16 Indigo Hill Road addressed the Board. Stated that she is curious on what the lots could be used for in the future and how it would impact abutters.

Sharples stated that whatever zoning allows for now is what can be done on the properties. Stated that they can't store junk cars and that the City has a Property Maintenance Code.

Parent asked if another structure can be built.

Sharples stated that they can't build another unit but they could have a shed or something similar.

Public hearing closed 8:59 pm.

Robidas stated that anything that cleans lots up is a good thing.

**Motion:** Robidas moved that the request of The Koula Koulos Revocable Trust and the Sophie Sibik Revocable Trust for subdivision approval for a lot line adjustment be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. Three granite bounds will be set along Indigo Hill Road in place of the Iron Rods (I.R.) shown on the plans; and,
2. An electronic plan 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 Tapscott. Motion carried with a 9-0 vote.

F) 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 stated that the City received notice of a grant award for the Mast Point Dam on Salmon Falls Road. Stated that the grant will be used for creating a trail network, putting in picnic tables, etc.

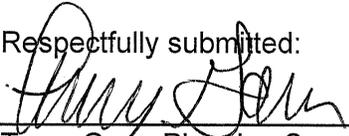
Sweeney congratulated Sharples.

**Motion:** Robidas moved to adjourn the meeting.

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

Meeting adjourned at 9:00 pm.

Respectfully submitted:

  
\_\_\_\_\_  
Tracy Gera, Planning Secretary  
Somersworth Planning Board