

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
APRIL 15, 2015**

**MEMBERS PRESENT:** Ron LeHoullier, Chair, Ernest Gallant, Vice Chair, Brian Tapscott, Alternate City Council Representative, Bob Belmore, City Manager, Harold Guptill, Aaron Fournier, Mark Richardson and Paul Maskwa, Alternate.

**MEMBERS ABSENT:** 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:** Maskwa moved to accept the minutes of the meeting of February 18, 2015 Seconded by Richardson. Motion carried with a 5-0-3 vote with Tapscott, Guptill and Fournier abstained.  
LeHoullier appointed Maskwa as a voting member for tonight's meeting.

**2) COMMITTEE REPORTS**

**A) ZBA Report**

Sharples reviewed the attached report and stated that there was an application for a variance to build a deck within rear setbacks, which was denied.

**B) City Council Report**

Tapscott stated that the Council is working on next year's proposed budget. Stated that the Somersworth/Berwick Bridge will be closed the first weekend in May.

**C) Site Review Technical Committee Report**

Sharples reviewed the attached report and stated that at the March meeting the Committee discussed a proposal from Fortier and Sons for a building addition on Green Street but that he is not sure if the applicant is going to move forward on the proposal. Stated that at the April meeting the Committee reviewed an application from Matthew DiNola for a multi-unit dwelling on Green Street and an application from Jeff Catalano for the sale and display of sheds on Route 108.

**D) Minor Field Modification Report**

None.

**E) Strafford Regional Planning Commission Update**

Tapscott mentioned the NHDOT Tiger Grant. Stated that the SRPC monthly meeting is this Friday.

LeHoullier stated that there is still a member vacancy on the SRPC and that if anyone is interested in joining they should contact the Planning Department.

**F) Vision 2020 Committee Report**

Sharples stated that the Committee met a few weeks ago and they are looking at ways to market and bring attention to Somersworth. Stated that they are putting banners up around the City, publishing press releases and highlighting the recent improvements. Stated that the Committee is meeting monthly again.

Belmore mentioned that there is only one new business item on the agenda and stated that it should be brief. **Moved** that the Board consider new business before old business tonight.

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

Sumner Properties, LLC is seeking a voluntary merger of two properties located at 415 & 417 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 56, Lot 08 & 09.

Sharples reviewed his memo (see attached) and stated that this request is to merge lots 08 and 09. Stated that voluntary mergers are governed by the State and no public hearing or public notice is required. Stated that the Planning Board shall approve voluntary mergers unless they create a violation of current ordinances. Stated that he researched this request and found that it will not create any violations but will address some existing nonconforming issues like frontage, minimum lot area and parking setbacks. Stated that the two properties are owned by the same entity.

**Motion:** Belmore moved that the request of Sumner Properties, LLC for a voluntary merger be **APPROVED**.

Seconded by Guptill.

Belmore asked if the building on lot 09 is a residence.

Sharples replied no and stated that there was a residence behind it but that it was torn down.

LeHoullier asked if the lot to the left is used for overflow parking.

Sharples stated that that is what the sign on the property indicates. Stated that this merger will not affect that property.

LeHoullier stated that he is worried about access and traffic on the other lot.

Sharples stated that he doesn't think that is relevant to this request.

Motion carried with an 8-0 vote.

### **3) OLD BUSINESS**

- A) John J. Flatley is seeking a conditional use permit and site plan approval to construct three apartment buildings with associated site improvements on property located on Tri City Road, in the Business (B) District, Assessor's Map 39, Lot 03, SITE #12-2014.

Sharples stated that he met with the applicant's agent yesterday and that they are not seeking approval tonight and they discussed having a sidewalk on Tri-City Road. Stated that yesterday he was presented with a proposed plan where there would be a sidewalk without vertical granite curbing from their property to the Market Basket plaza and then continue the sidewalk with vertical granite curbing to High Street. Stated that at the last meeting the Board requested a point-by-point analysis of the SRPC comments on the proposal and that was included with the packet.

**Motion:** Guptill moved that the conditional use permit and site plan applications for John J. Flatley be removed from the table.

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

**FX Bruton** an attorney with Bruton & Berube, PLLC represented the applicant and addressed the Board. Stated that there are a few issues and that they are hoping to get direction and input from the Board so they can decide if they are going to move forward with the project. Stated that this is a significant project that will cost 11 million dollars to build and they feel it is an investment in Somersworth. Stated that the property is located in an area that most people don't even know is a part of Somersworth and that the project will be farther back than the existing development. Stated that the DPW asked the applicant to consider providing an easement to complete the water loop and the applicant agreed. Stated that it was a tough winter and that when the Board did a site walk it was a bad day. Stated that the City was using the Verizon building parking lot to turn plow trucks around but that Key Auto was approved to redevelop that site and there will be parking where the trucks used to turn around. Stated that he doesn't think that this project caused the problem of where the plow trucks should turn around but that Board is asking is asking us to fix it. Showed new plan for a proposed turnaround and stated that the applicant will pay the full cost. Stated that there are constraints because the new Key Auto development has a lot of parking. Stated that Sharples did an analysis but wasn't clear on where the turnaround would go.

Sharples stated that it starts 100 feet from the property line and tapers out to 50 feet wide.

Bruton stated that they were constrained by Key Auto. Stated that they took exception to Sharples' calculation and opinion that this project should bare the entire cost. Stated that this issue isn't caused by this project. Stated that he provided a plan to Sharples showing what they are willing to do. Stated that the other issue is the sidewalk and they have gone back and forth about that. Stated that they took exception to Sharples' proportional share analysis and its conclusions. Stated that there was a discussion with Key Auto for a sidewalk but the proportional share analysis doesn't show the proper share for Key Auto. Stated that they want to look at an approach that will work for both parties. Stated that the existing plan shows a sidewalk with no raised granite curbing from their property line to the Market Basket plaza. Stated that in response to proposing something new, they could create a sidewalk from their property line to a point past Market Basket that would be all concrete with no granite curbing. Stated that there would be granite curbing from that point to High Street. Stated that this design is acceptable to the applicant. Stated that they did their own analysis and submitted it to Sharples and that they are willing to contribute 52% toward this design. Stated that they would like to see if they can work with the Board because paying more than that is unacceptable. Stated that they would like to get a consensus to whether this approach will be acceptable. Stated that another issue is interior curbing on the property. Stated that the applicant feels that granite curbing on the interior of the property is unnecessary and creates an industrial look. Stated that it is inconsistent with the adjacent property, which is owned by the same person. Stated that they are looking for a waiver to have a Cape Cod style berm or none at all on the interior. Stated that they are also considering an alternative regarding sewer because Somersworth has a unique ordinance with a significant hookup charge of \$1800.00 per bedroom. Stated that this project would cost over \$400,000.00 in total to hook up to City sewer. Stated that they recently did a similar project in Nashua, NH and the hook up was only \$300.00. Stated that they are not looking for approval tonight because they are hoping for a consensus on the issues brought up tonight and if they could do an on-site septic system. Referred to provisions in the sewer ordinance.

**Nathan Chamberlin** with Fieldstone Land Consultants, PLLC represented the applicant and addressed the Board. Showed a plan with concrete sidewalks and mentioned having Cape Cod

berms in some areas for runoff. Stated that there is sheet flow into an open drainage system. Stated that is the plan that was submitted but then were told that Cape Cod berm is not allowed. Showed the next plan with asphalt walks and showed where the granite curbing would be. Stated the rest would be gravel shoulders. Stated that there will be some landscaping that needs to be protected. Stated that they would like to develop the plan that they originally asked for but can go with this one. Stated that they didn't want to have to request any waivers. Stated that regarding landscaping, they can protect it and meet the ordinance but would like to go to a Cape Cod style berm. Stated that the adjacent property has asphalt with Cape Cod style berm and it is better for plowing and for drainage. Stated that the property is so far off the main street and will be completely maintained by Flatley because it is private. Stated that not much else on the plan has changed and that he thinks they are close to addressing all CLD Engineers' comments. Stated that they would like to get a read from the Board on the sidewalk and the use of Cape Code style berms. Stated that he feels the original plan is the nicer product.

Richardson stated that the fees from the City of Nashua were brought up and asked what other fees they paid there and how much they were.

**Kevin Walker** with the Flatley Company addressed the Board. Stated that Nashua has school impact fees of about \$21,000.00 that can be returned if the schools don't expand. Stated that there were sewer and water fees that he thinks were \$400.00 each.

Richardson stated that the Town of Londonderry was brought up at the last meeting because the same person who did the Fiscal Impact Analysis for this project did it for a project in Londonderry.

Walker stated that they are just talking about sewer fees. Stated that they are able to do an alternative system, otherwise the project might not be buildable.

Belmore stated that the applicant mentioned fees in Nashua but those are Nashua's fees and we are talking about Somersworth. Stated that this is the fee and he doesn't want to argue fee structures with this.

Bruton stated that they are not arguing the fee. Stated that he is looking at the ordinance and that it may not be right for a 144 unit development. Stated that it is just a way for them to look at alternatives.

Belmore stated that he just doesn't want to compare Somersworth to Nashua.

Bruton stated that he is just looking at why they are considering an alternative.

Tapscott asked if the on-site septic design would max out the site.

Bruton replied yes.

Tapscott asked if it is all in Somersworth.

Bruton stated that there is a small area for drainage in Rollinsford, which they got approval for, but that there will be no construction.

Richardson stated that it is hard to visualize the turnaround.

Bruton showed on the plans.

Maskwa stated that, regarding the turnaround, the proportional analysis mentions working with the adjacent landowner and asked what the difference is between the applicant's plan and the plan from the proportional analysis.

Chamberlin stated that about 17 feet from the existing edge of pavement the grade drops off so they have to be careful with the turnaround.

Sharples stated that the pavement would be expanded on both sides of the existing pavement and it needs to be kept within the right of way.

Bruton stated that it makes sense to have Chamberlin talk with Ducharme.

Sharples stated that the pavement tapers because the plow can't just make a sharp right turn.

Chamberlin stated that they are already paving into the site.

Belmore suggested that this may need to go back to the SRTC or staff to look at the different proposals. Stated that he can't make a suggestion without comments from staff. Stated that right now it is just drawings on paper and that he would like hard facts and info from staff.

LeHoullier asked if there is anyway for Key Auto to be pulled in on this to work with the applicant.

Sharples stated that he reached out to Key Auto and they respectfully declined.

Maskwa stated that he agrees with Belmore.

Sharples stated that he feels this can be worked out with staff and that they can get the turnaround to work.

Maskwa asked about where the granite curbing would begin on the proposed sidewalk on Tri City Road.

Bruton responded with the turn in for the storage unit and stated that there are two other breaks in the road heading toward High Street.

Maskwa asked how many feet will have granite curbing.

Chamberlin responded about 240 feet.

Maskwa asked what their estimate is

Bruton stated that from point A to point B would be \$48,000.00 and the applicant would agree to 52% of that.

Maskwa stated that he read that it would be contingent upon the City Council coming up with the remaining money within six years.

Sharples replied yes and stated that the rest of the money would have to be appropriated by Council. Stated that if the Council doesn't appropriate the remaining money then the applicant's money would be returned.

Bruton stated that the applicant would also be contributing money to the widening of Tri City Road at High Street.

Tapscott asked where the on-site septic system would be on the property.

Bruton stated that proposal would have to go to the State as well.

Chamberlin showed on the plans. Stated that they did their numbers on the sidewalk before he saw the City's numbers.

Tapscott asked if all 144 units are two bedroom units.

Bruton stated that they are all one and two bedroom units but most are one bedroom units.

Belmore stated that Director Sharples' memo mentions a timeframe to act on the application. Asked if they need something from the applicant.

Bruton stated for the record that they want the proposal to be held to next month's meeting. Stated that they want to talk with the SRTC about the turnaround. Stated that they need some sense from the Board on where this project is going so they can work on their septic design. Stated that he would like feedback on their alternative design for the sidewalk and on the interior berm. Stated that they feel like they are meeting the regulations and that they can't do granite on the interior. Stated that they would like to be continued until a date certain. Stated that they would like to get feedback from the Board so they can plan and design for the next meeting.

LeHoullier stated that they would need a list of waiver requests.

Sharples confirmed and stated that they will submit a waiver request to have bituminous curbing.

Bruton stated that they would like insight on the sidewalk, which is an exaction and not a waiver and on pursuing other means for sewer. Stated that those things are important to understand moving forward.

Sharples stated that they are asking for an opinion from the Board the sidewalk. Stated that he needs to look more into the idea of an on site septic system. Stated that condominiums are required to have sewer and he thinks that apartments do also but that he would have to look more into that.

Bruton stated that there is a provision that based on cost if it is more economical to do on site septic then the Board can grant that. Stated that they just want to know if septic is amenable to the Board. Stated that if the Board won't consider on site septic then they won't spend the money designing it.

Belmore stated that the conditional use permit is another thing to clean up and asked Sharples to refresh the Board on that.

Sharples stated that having an on site septic system would change that.

Tapscott stated that there are a lot of issues still up in the air and that he is not prepared to give an answer tonight.

Maskwa stated that he would entertain considering an on site septic. Stated that he doesn't care for the sidewalk but feels that it is a fairly decent compromise.

Gallant stated that he agrees with Maskwa on the septic and that if the State says it is okay they he is okay with it. Stated he is in favor of the sidewalk as well.

Belmore stated that he has five issues written down and that the first is the turnaround. Stated that it seems to be the consensus that it is in the hands of the engineers. Stated that the second issue is the sidewalk and that he is not sure how he would vote but that he is willing to look at it. Stated that the third issue is the interior sidewalk and stated that those are the applicant's roads not the City's so he is willing to look at that and he may be in favor. Stated that the fourth issue is the on site septic and that the fifth issue is the conditional use permit, which may have to go back to the Conservation Commission.

Guptill stated that the City's goal is to be safe and that he thinks this is a good compromise.

Fournier stated that he is more inclined to agree of the sidewalk if the granite goes farther down. Stated that he is fine with not having granite curbing on the property.

Bruton stated that it would be a City project.

Tapscott asked if it is a City street.

Sharples replied that it is all the way to the end of pavement.

Tapscott asked if there is a speed limit.

Sharples stated that he assumes so.

Tapscott stated that people speed down Tri City Road.

Richardson stated that he is willing to compromise on the sidewalk and that what they do on the inside of the facility is fine with him. Stated that he is not ready to comment on the septic system without seeing a plan.

Belmore stated that there is an issue with timing and working in the City's right of way. Stated that another condition would be City Council approval. Stated that the final overlay of pavement will be going on soon and then there will be a moratorium for cutting into it so that has to be taken into consideration.

LeHoullier stated that the application will be tabled until the next meeting.

Sharples stated that the next Planning Board meeting is on May 20, 2015 at 6:30 pm.

**Motion:** Belmore moved that the request of John J. Flatley for a site plan to construct three apartment builds with associated site improvements be **TABLED** until the May 20, 2015 Planning Board meeting.

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

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

None.

**4) NEW BUSINESS**

A) Sumner Properties, LLC is seeking a voluntary merger of two properties located at 415 & 417 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 56, Lot 08 & 09.

See above.

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

None.

**5) WORKSHOP BUSINESS**

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

Sharples stated that in the past there was a workshop item to discuss the Groundwater Protection Ordinance but that it was put on the backburner. Stated that he would like to put that back on the agenda as a workshop item.

Richardson suggested a workshop on impact fees because he feels the City is missing out. Stated that he didn't like that the last applicant implied that Somersworth's fees are exorbitant.

**6) COMMUNICATION AND MISCELLANEOUS**

Gallant stated that this is his last meeting as a member of the Board and thanked Dave and Tracy for their hard work. Stated that he received a letter from the Mayor regarding his reappointment to the Board and he was not thrilled with it. Stated that he found it off-putting that the Mayor nominates member of the Planning Board. Stated that it seems like the Mayor picks who he wants and that there are no "checks and balances". Thanked former Planning Board Chairman Bill Sweeney for encouraging him to join the Board. Stated that Sweeney wanted him on the Board because he is not a lifelong Somersworth resident so he may provide a different view on things. Read from the letter regarding having the Board member contact the Mayor for re-nomination and stated that he has been on the Board for four years and found it rather cold. Stated that he volunteers a lot for the City and that he feels the language from the letter could be more personable. Stated that he knows that the rule is for City Council approval. Stated that he was going to apply for the Ward 3 vacancy but changed his mind because of the letter. Thanked everyone on the Board for their hard work. Thanked Belmore, LeHoullier, Tracy and Dave and stated that you guys do a lot of work for the Board.

LeHoullier thanked Gallant for his service and comments tonight.

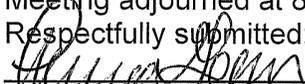
Tapscott told Gallant he will be missed.

Belmore thanked Gallant and told him he will be missed. Stated that it is the City ordinance and Charter that the appointing authority to the Mayor. Stated that the Mayor is often given names for new members from other Councilors and from Chairs of other Boards. Stated that the Mayor is in City Hall three days a week and does community forums every Saturday. Stated that he appreciates everyone volunteering for Board and that it is nice to have diverse opinions.

Sharples thanked Gallant for his service on the Board and stated that he is sorry to hear that he is leaving. Mentioned that there are training opportunities for Board members and that there is a UNH Stormwater training series that is very valuable. Stated that Witham attended it in the past and really liked it. Stated that the spring OEP conference is coming up and that he will send out an email regarding it.

**Motion:** Maskwa moved to adjourn the meeting.  
Seconded by Tapscott. Motion carried with an 8-0 vote.  
Meeting adjourned at 8:10 pm.

Respectfully submitted:

  
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Tracy Gora, Planning Secretary  
Somersworth Planning Board