

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
APRIL 20, 2016**

MEMBERS PRESENT: Ron LeHoullier, Chair, David Witham, City Council Representative, Bob Belmore, City Manager, Paul Robidas, Aaron Fournier, Mark Richardson, Jeremy Rhodes and Mark Fearis, Alternate.
MEMBERS ABSENT: Harold Guptill, Vice Chair.
STAFF PRESENT: Shanna Saunders, 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: Robidas moved to accept the minutes of the meeting of March 16, 2016.

Seconded by Rhodes. Motion carried unanimously.

2) COMMITTEE REPORTS

A) ZBA Report

See attached report.

B) City Council Report

Witham submitted the attached report and stated that the Council is progressing on the road resurfacing plan and that they are at the preliminary bid work stage. Stated that the work is planned for summer/fall 2016. Stated that the Council awarded the bid for the Maple Street culvert and stated that work is anticipated for this summer. Stated that the capacity study for the Waste Water Treatment Facility has been completed and the City needs to look into increasing the capacity with regard to BOD loading.

C) Site Review Technical Committee Report

See attached report.

D) Minor Field Modification Report

See attached report.

E) Strafford Regional Planning Commission Update

None.

F) Vision 2020 Committee Report

None.

LeHoullier welcomed the new Director of Planning and Community Development, Shanna Saunders.

LeHoullier appointed Fearis as a voting member of tonight's meeting.

3) **OLD BUSINESS**

- A) Brixmor Tri City Plaza, LLC is seeking site plan approval to re-develop the outparcel building on property located at 184 Tri City Plaza, in the Residential Commercial (RC) District, Assessor's Map 40, Lots 5 & 5E, SITE #02-2016.

Motion: Witham moved that the site plan application for Brixmor Tri City Plaza, LLC be removed from the table.

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

Attorney Matt Snyder with Sulloway & Hollis, PLLC represented the applicant and addressed the Board. Stated that the proposal is to redevelop the vacant outparcel into a new Dairy Queen restaurant. Stated that this is part of the bigger effort to revitalize the plaza. Stated that there will be improved landscaping, more green space and better pedestrian access. Stated that this application was tabled at the March meeting because of traffic, site lighting and for third party engineer comments.

Robert Osterhoudt with Bohler Engineering represented the applicant and addressed the Board. Referred to the plans and stated that they have a new sidewalk and cross walk as requested at the last meeting. Stated that there were site distance concerns with the dumpster location but they have addressed that. Stated that their three waiver requests were approved at the last meeting and they have shown all the shade trees on the plans. Stated that they have also added trash bins and bollards to the plans. Stated that the project has been review by Scott Bourcier at DuBois & King and that he has some mostly benign comments. Stated that most of the comments had to do with lighting, landscaping and traffic. Stated that any proposed lighting is just for the building but the property owner will be improving the lighting for the entire parcel soon. Submitted new landscaping plan to the Board. Reviewed and addressed the DuBois & King comments regarding landscaping. Stated that they exceed green space requirements and have added another tree along the southern property line. Stated that the Board requested that they review the main egress from the plaza. Stated that they have had many discussions with the DPW and other City staff trying to figure out if they can do something with the egress. Stated that there are several signalized intersections along this stretch of the road and they used to all be coordinated but that has gone to the wayside. Stated that what he took away from his discussion with Director Bobinsky is that there is an interest in coordinating the signalized intersection but that it is a long-term project that is not for this proposal. Stated that they can commit to looking into it with the City as part of a larger project. Stated that they have submitted a short traffic analysis and used the same format they used for the Staples proposal. Stated that for site distance, there is a lot of visibility at the intersection and they will not be creating a lot of new traffic. Stated that he does not think there are significant issues with traffic. Read from the DuBois & King comment letter and stated that he has spoken with Bourcier regarding his comments. Stated that if the use was not already there then they would be over the traffic threshold but the use was already there. Stated that traffic assessments look at many different scenarios and passed out a copy of the ITE code (see attached). Stated that they should not look at the traffic information from a maximum perspective and stated that he does not feel they will need to submit a full traffic study. Stated that he disagrees with comment number 12 from Bourcier's comments.

Jeff Benevides with Amaral Revite represented the applicant, addressed the Board, and showed the proposed menu board. Explained the height and style of the menu board.

Public hearing opened 7:01 pm.

Public hearing closed 7:01 pm.

Witham stated that he agrees with Osterhoudt regarding trip generation and that the nature of the business is that customers will be existing drive-by traffic. Stated that he does not think there will be additional traffic. Stated that he does not think that a full traffic study is needed. Stated that he is concerned with the signalized traffic intersection and that he would like a more concrete agreement for working on that second left turn lane. Stated that he would want a condition of approval that Brixmor would be responsible for paying for that.

Belmore stated that he thinks it would be required now and not for the future. Stated that he does not want to wait to get all the lights in sync and that it is a matter of safety and convenience. Stated that he is okay with not requiring a full traffic study but he does not want to wait for the second left turn lane.

LeHoullier stated that the cars are backed up because there is only one left turn lane.

Witham stated that he would like to see it done before an occupancy permit.

Osterhoudt stated that he talked with Director Bobinsky and that he is interested in this improvement but does not want to do something today that will affect the main road. Stated that he is willing to work on this but that they have to work with the DPW.

LeHoullier stated that it does impact the subject parcel.

Witham stated that he agrees with Belmore that it has to happen. Stated that it benefits the applicant to get the traffic out and would help the City as well.

Robidas stated that he does not think it is a DPW decision to make but is up to this Board. Stated that he is not worried about synchronizing with other intersections because there would need to be more cars to affect that.

Osterhoudt stated that he think the concern was the opposing traffic.

Belmore stated that they appreciate input from other City departments but it is a Planning Board decision. Stated that this is important for safety and traffic.

Richardson stated that he feels like the bigger syncing issue is the intersection at Target. Thanked the applicant for adding the cross walk on the Plaza side of the development and stated that it will be a strong benefit.

Fearis thanked the applicant for addressing issues that were raised at the last meeting. Stated that there are two businesses going in where they were previously vacant for a while. Stated that there are a lot more cars there now. Stated that the egress should be addressed also.

Witham stated that he feels the applicant has been very prepared and that this will be an improvement to the site and will be more inviting. Stated that they have been working with the City and the Board for a quality project.

Saunders passed out standard suggested conditions of approval and stated that she wants to add one for proper erosion control and that the work and the upgrades to the intersection need to be done prior to a certificate of occupancy.

Witham read a suggested condition of approval for upgrades to the intersection.

Belmore stated that they are not creating two new left turn lanes. Stated that there is already one there and that they would be changing the existing straight only lane to a left turn or straight lane.

Osterhoudt stated that they don't need to traffic heads but just need to reprogram the existing ones.

Motion: Witham moved that the request of Brixmor Tri City Plaza, LLC for a site plan to redevelop the outparcel building 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. All applicable municipal sewer and water connection fees shall be paid prior to the issuance of a building permit;
4. 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). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
5. 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;
6. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
7. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes;
8. Where applicable, all interior traffic signage (Stop Signs, Do Not Enter Signs, etc.) shall be replaced with signage meeting current MUTCD Standards and all bent sign poles shall be placed in their original upright condition;
9. Proper erosion controls shall be in place during construction;
10. The applicant will modify the signalized intersection to include signal heads and pavement markings to provide for two left turn lanes exiting the site to the satisfaction of the City prior to issuance of a Certificate of Occupancy;
11. The applicant addresses all past and future comments from DuBois & King, Inc. to the satisfaction of the Director of Planning and Community Development prior to signing the final plans and agrees that any unresolved items shall be brought back to the Planning Board on their next available agenda; and,
12. All conditions of approval shall be noted on the final plans.

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

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

None.

4) NEW BUSINESS

A) Reagan Estates Manufactured Housing Park, LLC is seeking a voluntary merger of properties located at 44 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 63, Lot 01.

Saunders reviewed her memo (see attached) and referred to the plan. Stated that this is only a lot merger and no public hearing is required. Stated that this was found by Assessing and that the two smaller lots just need to be merged with the larger lot.

Witham stated that he thinks the Board is obligated to approve the request unless it creates zoning issues.

Saunders stated that this was not part of the recent variance.

Motion: Witham moved that the request of Reagan Estates Manufactured Housing Park, LLC for a voluntary merger be **APPROVED**.

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

B) Sunoco Co., on behalf of Walmart R E Business Trust, is seeking site plan approval for interior and exterior renovations to the fueling station on property located at 59 Walton's Way, in the Residential Commercial (RC) District, Assessor's Map 37, Lot 10, SITE #01-2016.

Saunders reviewed her memo (see attached) and stated that this proposal is for a minor change to the property. Stated that there is an ownership change to the fueling station and some minor site modifications.

Gregg Ursprung with Bergmann Associates represented the applicant and addressed the Board. Stated that they are rebranding the existing Sunoco fueling station to a Walmart fueling station. Stated that the proposal has been reviewed by the SRTC. Stated that they are just making minor changes with landscaping and eliminating the dumpster. Stated that the existing landscaping does not comply with the originally approved plan. Passed out updated plans.

Public hearing opened 7:26 pm.

Public hearing closed 7:26 pm.

Fearis stated that there are 76 parking spaces for the gas station and asked if this is the forum to address issues on the site. Stated that he would like to bring back some green space and have some shade trees added. Asked if this is the time to bring this into compliance.

Ursprung stated that it was in compliance as one time.

Fearis asked if there were previous waivers granted for this site.

Saunders stated that she is not sure but can look into it.

Ursprung stated that they are just doing some improvements to the existing use.

Witham stated that he is intrigued by this conversation but that this is not a redevelopment. Stated that he is surprised that the removal of the dumpster brought the application to this Board. Stated that this is just an improvement and that the use and the traffic will not change. Stated that he appreciates the idea of more shade trees but this is not a redevelopment. Stated that there are requirements regarding the landscaping being alive and maintained and there can be a condition of approval for that.

Richardson asked how the trash would now be removed.

Ursprung stated that Walmart would pick up the trash twice a day and bring it to their dumpster.

Saunders stated that she spoke with a representative and there will be a site truck that brings the trash back.

Witham asked what will happen if the fueling station is rebranded again and is not Walmart anymore. Stated that they may need a dumpster at that time.

Saunders stated that it would be looked at then.

Belmore suggested a condition of approval for a digital file of the plans.

Witham stated that he would like a condition of approval that all lighting must be down-lit and shielded and that all vegetation remain alive or be replaced.

Motion: Belmore moved that the request of Sunoco Co., on behalf of Walmart R E Business Trust for a site plan for interior and exterior renovations to the fueling station 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 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;
2. All 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 landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes.

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

- C) Michael Davis is seeking site plan approval and a conditional use permit for a building addition on property located at 433 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 56, Lot 3B, SITE #03-2016.

Saunders reviewed her memo (see attached) and stated that she just received the DuBois & King comment letter today and that they have questions about drainage.

Geoff Aleva with Civil Consultants represented the applicant, addressed the Board, and stated that the proposal is for a 10,000 square foot building addition for warehousing and storage. Stated that the applicant went before the ZBA and received a variance to build the addition within the side setback and went before the Conservation Commission for a conditional use permit for some of the drainage within the wetland buffer. Stated that he received the DuBois & King review comments about drainage but that he thinks they are minor and technical and can easily be resolved. Stated that they started from scratch for the drainage design and that they are eliminating the driveway that connects to Hideaway Place. Stated that there were limitations on that driveway but now they are taking it away.

Public hearing opened 7:39 pm.

Public hearing closed 7:39 pm.

Witham stated that he agrees with the applicant that a lot of the DuBois & King comments were technical and asked if it is okay for a condition of approval that the applicant address all the items or if the Board should table the application. Stated that the addition doesn't bother him

since it is tucked away in the corner of the property. Suggested that a waiver request may be needed for building materials since metal cladding is not allowed.

Aleva stated that he wasn't sure if a waiver was needed because the new building materials will match the existing building. Asked if he can verbally ask for a waiver.

Belmore stated that he agrees with Witham on having a condition of approval that all drainage issues be addressed to the satisfaction of the Planning Director.

Aleva stated that they will address every point from the DuBois & King letter.

Saunders stated that she just wants to add that if there is something missing the applicant would need to come back to the Board.

Fournier asked if the addition will be visible from the road.

Aleva stated that you will see a portion but that it will blend in with the existing building.

Belmore stated that he wants to add that all comments need to be addressed prior to issuance of a building permit.

Rhodes confirmed that the proposal went before the Conservation Commission.

Aleva stated that it went before the Commission at their March meeting where it was recommended for approval.

Robidas asked if they need a written waiver request.

Saunders stated that she feels it can be verbally addressed.

Witham stated that he is okay with a verbal request.

Waiver Motion: Witham moved that the request of Michael Davis for a waiver from Section of the Site Plan Review Regulations regarding building material be **APPROVED**.

Seconded by Robidas.

Witham stated that they are carrying on the existing look of the building and it is tucked away. Stated that the Board is usually amenable to this type of request.

Belmore stated that he would like a waiver request filled out and added to the record.

Aleva stated that he will do that and add a note to the plans.

Motion carried with an 8-0 vote.

Conditional Use Permit Motion: Belmore moved that the request of Michael Davis for a conditional use permit be **APPROVED**.

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

Saunders read the suggested conditions of approval and stated that they should strike the one regarding internal signage. Stated that she would like to add a condition of approval for erosion control and that all DuBois & King comments are addressed before issuance of a building permit.

Motion: Belmore moved that the request of Michael Davis 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. A pre-construction meeting with the City is initiated and scheduled by the applicant and held prior to any site work;
3. All applicable municipal sewer and water connection fees shall be paid prior to the issuance of a building permit;
4. 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). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Foot coordinates;
5. 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;
6. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
7. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes;
8. Temporary erosion control measures including, at a minimum properly installed silt fence and hay bales shall be installed prior to any site disturbance. Erosion control shall be properly maintained and any breaks or breaches shall be fixed within 24 hours. The applicant shall install the permanent stormwater structures, including basins, before site construction occurs. This step is in addition to the required temporary controls;
9. The applicant shall address all comments from the DuBois & King, Inc. letter dated April 19, 2016 to the satisfaction of the Director of Planning and Community Development prior to signing the final plans and agrees that any unresolved items shall be brought back to the Planning Board on their next available agenda; and,
10. All conditions of approval shall be noted on the final plans.

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

- D) Gunwale Properties, LLC and No. Two Mill, LLC are seeking minor subdivision approval for a lot line adjustment on properties located at 44 & 50 Market Street, in the Business Historic (BH) District, Assessor's Map 11, Lots 187 & 188, SUB #01-2016.

Saunders reviewed her memo (see attached) and stated that the plan seems confusing with the access easement.

Brian Caple of Gunwale Properties addressed the Board and stated that Canal Street is not a public way and that they just wanted to ensure access to the back area. Stated that the easement is needed for access. Showed the proposal on the plans and stated that the lot line will be at the existing fence. Stated that he is getting the land behind the fence in exchange for my portion of Canal Street.

Public hearing opened 7:54 pm.

Public hearing closed 7:54 pm.

Witham confirmed that there currently isn't an easement over Canal Street.

Caple confirmed.

Robidas asked what will be out back.

Caple stated that it is parking for Levan Restaurant.

Witham asked if it is paved.

Caple stated that the first ten feet are paved and the rest is gravel.

Witham asked if it is used for deliveries.

Caple stated that a truck can't get back there.

Witham asked if the easement will be recorded at the Registry to make it a legally binding document.

Caple stated that is his understanding of it.

Belmore asked if there are conditions of approval.

Saunders passed out and read suggested conditions of approval.

Motion: Robidas moved that the request of Gunwale Properties, LLC and No. Two Mill, LLC for a lot line adjustment be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. An electronic plan of both properties with details acceptable to the City shall be provided prior to recording the Mylar. The electronic plan must be in dwg file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
2. Lot monumentation shall be provided and set in accordance with Section 7.C.10 of the Subdivision Regulations prior to recording the Mylar; and,
3. All conditions of approval shall be noted on the Mylar

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

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

None.

5) **WORKSHOP BUSINESS**

A) Nominations for membership to the Strafford Regional Planning Commission.

LeHoullier stated that at the last meeting Mark Fearis showed interest in being a member of the SRPC.

Motion: Robidas moved that the Planning Board recommend to the City Council that Mark Fearis be appointed a member of the SRPC.

Fearis stated that he just wants to extend his involvement with the City.

Witham stated that he hopes that the other existing members want to renew because membership is very important to the City.

Motion carried with an 8-0 vote.

Belmore stated that SRPC member William Connor has expressed in remaining on the SRPC and suggested that the Board vote on that tonight.

Motion: Belmore moved that the Planning Board recommend to the City Council that William Conner be reappointed a member of the SRPC.

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

Motion: Robidas moved that the Planning Board recommend to the City Council that Brian Tapscott be reappointed a member of the SRPC.

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

- B) Request from Vision 2020 Committee for the Board to review the Growth and Development Strategy Implementation Matrix from the City's Master Plan.

Witham stated that this seems like a project for a workshop meeting.

Belmore stated that he recommends that the Director provide an update on this for a workshop meeting.

Robidas stated that he would like someone from the Vision 2020 Committee be present to go over their request.

Fearis stated that the Committee seemed to want this by the end of March so they should supply this as soon as they can.

Belmore stated that he is okay with having the Planning Director respond on behalf of the Planning Board. Stated that it is just a matter of researching what has been done.

Witham stated that he agrees and would like to have a memo prepared for the next meeting.

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

None.

6) COMMUNICATION AND MISCELLANEOUS

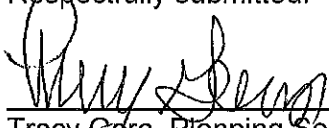
None.

Motion: Robidas moved to adjourn the meeting.

Seconded by Belmore. Motion carried unanimously.

Meeting adjourned at 8:06 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board