

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
FEBRUARY 18, 2015**

**MEMBERS PRESENT:** Ernest Gallant, Vice Chair, Dave Witham, City Council Representative, Bob Belmore, City Manager, Mark Richardson and Paul Maskwa, Alternate.

**MEMBERS ABSENT:** Ron LeHoullier, Chair, Paul Robidas, Harold Guptill and Aaron Fournier.

**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.

Gallant stated that Maskwa will be a voting member for tonight's meeting.

**1) APPROVAL OF MINUTES**

**Motion:** Witham moved to accept the minutes of the meeting of January 21, 2015

Seconded by Maskwa. Motion carried with a 5-0 vote.

**2) COMMITTEE REPORTS**

**A) ZBA Report**

Sharples referred to the attached report and stated that the request of Michael Penney for an egress platform was denied and the request of Marco Back Nine, Inc. regarding road frontage was approved. Stated that if they decide to move forward with the proposal, they will need site plan approval.

**B) City Council Report**

Witham stated that there is no report.

**C) Site Review Technical Committee Report**

Sharples stated that there was no meeting held.

**D) Minor Field Modification Report**

Sharples stated that there were none requested.

**E) Strafford Regional Planning Commission Update**

Sharples stated that he would like to add the reappointment of SRPC member William Connor to the agenda.

**Motion:** Witham moved that William Connor be re-nominated as a member to the Strafford Regional Planning Commission.

Seconded by Richardson.

Witham stated that Connor is a very active member of the SRPC and that he is at every meeting and is extremely engaged. Stated that he is an excellent representative.

Motion carried with a 5-0 vote.

F) Vision 2020 Committee Report

Sharples stated that there was no meeting held.

**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 reviewed his memo (see attached) and stated that they are proposing three new apartment buildings with a total of 144 units on a currently undeveloped site. Stated that there will be garage buildings and parking. Stated that a portion of the property is in Rollinsford but that they went before their Planning Board and got approval. Stated that they were before this Planning Board last month and several items were discussed. Stated that CLD Engineers has completed two reviews of the proposal and that the latest plan is dated 1/15/2015. Stated that there are several outstanding items such as a sidewalk and truck turnaround. Stated that the applicant hasn't addressed these issues and that he doesn't feel that they are ready for approval at this time. Stated that he recommends taking the item off the table and having a discussion on it. Suggested possibly acting on the waiver requests. Stated that revised plans are needed but that the applicant is still working on that.

**Motion:** Witham moved that the application for John J. Flatley be removed from the table.

Seconded by Maskwa. Motion carried with a 5-0 vote.

**FX Bruton**, an attorney with Bruton & Berube, PLLC represented the applicant and addressed the Board. Stated that he was not at the other meetings where this item was discussed but that he watched the videos. Stated that there is a large auto facility that abuts the subject property that just got site plan approval. Stated that issues have been raised like a potential contribution to the special education fund, the installation of sidewalks and a truck turnaround. Stated that at the last meeting Witham mentioned a request from the applicant for \$50,000 to \$100,000 for a special education fund. Referred to State law and stated that there is an impact fee ordinance but that it is very specific. Stated that exactions are limited to very specific improvements and that the language of the law is limiting. Stated that they understand the request but that it doesn't look permissible under State statute. Stated that an improvement like this wasn't part of the Sunningdale project or any other project. Stated that it is not an appropriate exaction and they will not support or consider it. Stated that it is more of a tax than an offsite improvement. Stated that regarding the sidewalk, from the beginning of the subject parcel to High Street is about 1500 linear feet and asked how that fits in with offsite improvements. Stated that you have to look at the State statute and the rational nexus test and the proportionality test. Stated that the cost has to be proportional to the applicant. Stated that this improvement isn't on the subject parcel and for the applicant to cover 100% of it does not meet the proportionality test. Stated that the City's Site Plan Regulations speak to bringing sidewalks to public areas but no request was made of Key Auto and they will probably have 25 employees. Stated that they need to come up with something that makes sense for the applicant and addresses the Board's concerns. Referred to the latest CLD Engineering letter and stated that it mentions a sidewalk to the closest COAST Bus stop. Stated that the bus stops at Market Basket and they propose to bring a sidewalk to it. Stated that the sidewalk would be environmentally friendly because there would be no raised granite curbing to maintain the existing drainage in that area. Stated that granite curbing will change the drainage. Stated that the sidewalk would be about 170 feet along the Key Auto property. Stated that they are trying to address the Board's concerns in

context of the regulations. Stated that he thinks that the sidewalk to Market Basket with striping or a crosswalk will go a long way to address the concerns and would be consistent with the regulations. Stated that a third issue was a turnaround for trucks. Stated that they approached Key Auto and they will make a small area available to allow for a turnaround. Stated that the applicant is committed to working with them on that.

**Nathan Chamberlin** with Fieldstone Land Consultants, PLLC represented the applicant and addressed the Board. Stated that he did get the latest CLD Engineers comment letter but that there wasn't really much left to do. Stated that they propose a paved shoulder, which the Conservation Commission recommended, to run along the right of way. Stated that there is an open drainage system on Tri City Road so they would like to avoid curbing as to not upset the existing drainage. Stated that they could put the sidewalk behind the catch basins and keep the drainage in tact. Stated that the sidewalk would extend to the self storage facility where there would be a cross walk. Stated that there is a wide shoulder and they can supply a safe route to a school bus stop if the bus doesn't go all the way to the property. Stated that trucks use the existing Key Auto curb cut to turnaround but that they are closing that curb cut so they will work together.

Witham confirmed that there will be the paved road, a grassy strip and then the sidewalk. Stated that the sidewalk needs to be at least five feet in width. Confirmed that it will fit within the public right of way.

Chamberlin replied yes and stated that they have a surveyed plan.

Witham stated that there was discussion with Key Auto about improvements to the end of Tri City Road. Stated that the Regional Planning Commission (SRPC) suggested sidewalks as well. Stated that the Planning Board made a strong case that access to the Market Basket Plaza is one step. Stated that Bruton mentioned proportionality but that he would still lean hard on this if Key Auto wasn't here. Stated that this project by itself is enough to warrant a sidewalk. Stated that he is leveraging the existing Tara Meadows with the project.

Bruton stated that proportionality takes into account the City's portion and they looked at who uses what. Stated that there is a lot of foot traffic from Market Basket to High Street, which has nothing to do with Key Auto or John Flatley. Stated that there will be at least 25 people from Key Auto. Stated that he feels that the applicant is already going beyond what the regulations and the law would require but they are trying to be cooperative. Stated that the City can't push its burden on the applicant. Stated that the project doesn't support this and it is not necessary.

Witham stated that the Board needs to consider safety and that this project will increase pedestrian and vehicle traffic along Tri City Road. Stated that adding 80 or 90 cars will create a safety issue with the existing pedestrian traffic. Stated that adding more vehicles could jeopardize the existing pedestrian traffic. Stated that it is dangerous out there and that he doesn't agree that there is enough room. Stated that they need to have a defined pedestrian area there.

Richardson stated that his initial concern was the sidewalk and where the children would be picked up.

Sharples stated that SAU56 said it is up to the bus company to enter private property.

Richardson stated that he is concerned that the sidewalk would go at least to the current bus pickup and they are taking care of that.

Maskwa stated that the full sidewalk would be 1500 feet and asked the length of the one they are proposing.

Chamberlin stated that it would be 900 feet.

Maskwa stated that is about 60% and confirmed that there wouldn't be curbing.

Chamberlin stated no and that there would be a green strip between the edge of pavement and the sidewalk.

Gallant stated that the City will maintain the sidewalk and stated that they need to look at the long term cost. Stated that he attended the site walk and that he didn't feel very safe at that time of night. Stated that he thinks a sidewalk off the road is safer and that they are moving in the right direction.

Maskwa stated that a third lane will be added to the end of Tri City Road and asked where that starts.

Chamberlin stated that he hasn't seen the plan but that he thinks it runs about 175 feet.

Witham asked if that cost is being shared.

Bruton replied yes and stated that they are sharing half that expense.

Maskwa asked about the development plan just off Tri City Road.

Sharples stated that the plan wasn't acted upon and the site plan is void.

Witham referred to the fiscal impact analysis and stated that it refers to the impact on City services. Stated that he is concerned with the school impacts, specifically special education. Stated that the report doesn't mention special education costs and that he thought the numbers were low. Stated that he did more research and found that Fougere also did a fiscal impact analysis for the Town of Londonderry about six months ago. Stated that their development was with about 27 children where Somersworth was for 25 so the two developments are relatively comparable. Stated that the Londonderry report talks about the percent of taxes going to education. Stated that about 59% of taxes in Somersworth go to education and that the percentage is higher in Londonderry. Stated that the Londonderry report specifically talks about special education costs but that the Somersworth report does not. Stated that he thinks it was purposefully left out.

Chamberlin stated that Fougere was unable to attend tonight. Stated that he can't speak for him but Fougere spoke with City staff when preparing his report.

Witham stated that his point is that the Londonderry report specifically talks about special education costs where the Somersworth report does not.

Bruton mentioned that the Sunningdale development will have more students than this project. Stated that Fougere went to the School Superintendant who indicated this wouldn't have an impact.

Belmore stated that regarding Sunningdale there were other things looked at to reach a compromise. Stated that they have a lot of money going into Millennium Park, they are building a sidewalk along Stackpole Road and doing other improvements. Stated that improvements for projects are never apples to apples. Stated that it is what is in the best interest of the community and that they need to do a point by point review. Stated that the SRPC reviewed the proposal and made recommendations but that he would like an analysis of their recommendations.

Maskwa referred to page five of the CLD Engineers comment letter where it notes the cost per student is \$300.00.

Bruton stated that it is not a payment to the City but an annual cost. Stated that it is what the cost presumes to be in contrast to tax revenue.

Richardson stated that he is not sure what the Superintendent was asked.

Witham stated that his question is what the special education impact will be from this project.

Gallant stated that he would like to have Fougere here to help figure this out. Asked, regarding the turn around, how trucks would back into the entrance.

Chamberlin stated that this road has been in this condition for 30 years and they have always been turning around down there. Stated that they will just use the entrance that will remain open.

Witham stated that they are currently using the most easterly entrance of the Key Auto property to turn around that it will be blocked off.

Bruton stated that Key Auto put parking in that area but that there is ten feet between the parking and the right of way. Stated that they want to work with Key Auto and that they are willing to deal with the cost of improvements. Stated that Key Auto will be keeping one of those entrances open. Stated that they will work with them but he doesn't think there needs to be a perfect answer now.

Belmore stated that the fiscal impact report doesn't seem to give the correct picture and that he doesn't see the numbers. Stated that it wasn't well crafted and that there is no indication of medical and fire calls. Stated that there is more police presence for apartments than for single family dwellings. Stated that this seems incomplete.

Maskwa agreed with Belmore and stated that regarding the sidewalk there would only be 600 more feet to cover and that there are curb cuts in that. Stated that he would like to find a way to get the sidewalk done.

Witham stated that they are heading in the right direction regarding the turn around but that backing up into an active entrance isn't a good idea from a risk management perspective. Stated that it is not an option for him and that there should be a hammerhead or something. Stated that he echoes Belmore's comments on the fiscal impact report. Stated that the report is too lean and that he would like to see more. Stated there is a proposed gravel access to Tara Meadows for use during emergencies but that he doesn't like that it is gravel unless it is gated. Stated that if it is gated he doesn't want it to be locked with a key but a preemption system. Stated that if it is designed for emergency access then it should be treated as such with an electronic opening. Stated that regarding the sidewalk, his contention is that they are adding lots of vehicles and it would affect the existing pedestrians.

Bruton stated that they will come back with a plan to incorporate Planning Board comments.

**Motion:** Witham moved that the request of John J. Flatley for a site plan to construct three apartment buildings with associated site improvements be **TABLED** until the March 18, 2015 Planning Board meeting.

Seconded by Maskwa. Motion carried with a 5-0 vote.

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

None.

**4) NEW BUSINESS**

A) Any 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**

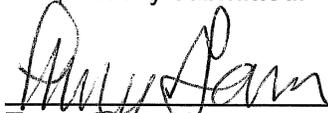
None.

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

Seconded by Maskwa. Motion carried with a 5-0 vote.

Meeting adjourned at 7:45 pm.

Respectfully submitted:



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Tracy Gora, Planning Secretary  
Somersworth Planning Board