

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
OCTOBER 21, 2015**

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice Chair, David Witham, City Council Representative, Bob Belmore, City Manager, Paul Robidas, Mark Richardson and Jeremy Rhodes.
MEMBERS ABSENT: 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.

1) APPROVAL OF MINUTES

Motion: Robidas moved to accept the minutes of the meeting of August 19, 2015.

Seconded by Guptill. Motion carried with a 6-0-1 vote with Witham abstained.

2) COMMITTEE REPORTS

A) ZBA Report

Sharples referred to the attached reports and stated a variance was denied for a small loan lender at Tri City Plaza and a variance was approved to exceed allowable sign area for Tri City Plaza.

B) City Council Report

Witham stated that the City has been rehabilitating the water tower on Rocky Hill Road and the work should be done by November 1. Stated that there were many improvements to some City parks as a part of Timberland's Serv-a-palooza. Stated that as part of that, Timberland visited Idlehurst School and supplied all the students with boots, socks and a backpack.

C) Site Review Technical Committee Report

Sharples referred to the attached report and stated that the SRTC discussed building addition and rehabilitation request that is on tonight's Planning Board agenda.

D) Minor Field Modification Report

None requested.

E) Strafford Regional Planning Commission Update

LeHoullier referred to the updates supplied in the packets.

Belmore noted the SRPC update from October 5, 2015 and stated that it is National Community Planning Month. Stated that he appreciates all the volunteers on the City's Land Use Boards and he is thankful of the time they commit to the City. Stated that there is a lot of work involved and that he thanks all members.

F) Vision 2020 Committee Report

Sharples stated that the Committee has met and are formulating “palm cards” to hand out to Realtors, which will hopefully be done soon. Stated that these cards highlight the advantages of Somersworth. Stated that the Committee is hoping to revive the Somersworth Monopoly game that was done in the past.

3) OLD BUSINESS

- A) Jeff Catalano, on behalf of Fred Schneider is seeking site plan approval for the sale and display of sheds on property located at 208 Route 108, in the Commercial Industrial (CI) District, Assessor’s Map 62, Lot 09, SITE #02-2015.

Sharples reviewed his memo (see attached) and stated that the applicant is seeking approval for the sale and display of sheds. Stated the applicant went before the SRTC and the Planning Board two months ago. Stated that he met with the applicant last week and there is a concern moving forward. Stated that there is an active purchase and sales (P&S) agreement with the neighboring property, which will include a lot line adjustment and would change the area where the sheds currently are. Stated that it doesn’t make sense to move forward with this proposal at this time and that the applicant requested that it be tabled until January to let this play out. Stated that the applicant is willing to move the sheds out back.

Motion: Guptill moved that the site plan application for Jeff Catalano be removed from the table.

Seconded by Witham. Motion carried with a 7-0 vote.

Jeff Catalano, the applicant, addressed the Board and stated that the neighbor wants to convert this area to her property and that the site plan will be correct after the changeover. Stated that everything that needed to be changed from the site plan is part of the property that will be sold so it didn’t make sense to move forward with this site plan. Stated that they will be moving quickly and that he will move the sheds to the back of the property until this is resolved.

Witham stated that the applicant started the sale of sheds on this property not knowing if it was allowed and it was fine until an abutter filed a complaint with the City, which is why the applicant is here. Stated that during the process it was noted that the drainage wasn’t done in accordance with the site plan from the 1990s. Stated that contaminants were spilled and needed to be cleaned up and the Board talked about where they were moved to. Stated that he would like to hear more about that. Asked what the property would look like to the rear abutter if the sheds were moved to the back.

Catalano stated that he would like this application tabled until the sheds can be added to the correct site plan. Stated that the site plan from the 1990s wasn’t completed. Stated that he submitted his documentation from Safety-Kleen and that the purchaser of the property will be doing soil tests so there will be more information.

Witham asked if there will still be enough room on the property to display sheds after the lot line adjustment.

Catalano replied yes and stated that there is still a lot of room. Stated that there is only one abutter that might see the sheds out back. Stated that either more trees will be planted or a fence will be put up as part of the site plan.

Richardson asked if the intention is to have the sheds in the front.

Catalano replied yes and stated it would be where the cars are.

Sharples stated that he got the Safety Kleen document and that there was antifreeze and oil that was disposed of.

Robidas asked about spillage.

Sharples stated that there was some spillage and asked if the soil was removed.

Catalano stated that it was removed by Fred Schneider, the property owner and that it is in a barrel and is not on the property now.

Sharples stated that they still need to know where the oil-impacted soil went.

Catalano stated that the owner said it is at another dealership, out of town, waiting to be disposed of. Stated that he can get rid of it but it hasn't yet.

Witham asked what the benefits of tabling the application are versus starting the whole process over again in January. Stated that now the property is changing and it makes less sense to table it.

Sharples stated that the Board held a public hearing and the application has been properly noticed but that it is no big deal.

Motion: Belmore moved that the request of Jeff Catalano, on behalf of Fred Schneider for a site plan for the sale and display of sheds be **DENIED**.

Seconded by Witham.

Belmore stated that he likes the idea of starting the process over again and having new plans. Stated that he would like abutters re-notified and have another public hearing.

Rhodes stated that there was an abutter that spoke at the last meeting who was concerned about noise and he supports denying this now so that abutter can be notified of the new plans.

Witham echoed those comments and stated that they haven't really gotten into the specifics of the application and the lot line adjustment will change things.

Belmore stated technically the property is in violation so this needs to stay on the radar to make sure they come forward with another application to keep this moving.

Robidas stated that if they restart the process he would like to see it sooner rather than later so they are not pressured in the spring.

Catalano stated that they buyers of the property are highly motivated and pushing fast.

Motion carried with a 7-0 vote.

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

Sharples stated that the parking issues at Contitech Thermopol were brought up at the last Planning Board meeting and that he has been working with Tom from Thermopol on them. Stated that they have striped the parking lot, put up cones and educated the employees are where to park. Stated that since then, he has notice there has been no parking on the grass, which they will replant. Stated that the issue seems to be resolved.

Witham agreed with Sharples and stated that he had received concerns about the parking but that it now seems to be resolved. Stated that they are moving in a positive direction.

4) NEW BUSINESS

- A) Brixmor Tri City Plaza, LLC is seeking site plan approval for an addition and building rehabilitation on property located at 20 Tri City Plaza, in the Residential Commercial (RC) and Business (B) Districts, Assessor's Map 40, Lot 5A, SITE #04-2015.

Sharples reviewed his memo (see attached) and stated that they are seeking a 1,936 square foot building addition and rehabilitation to the former movie theater. Stated that there will be some façade changes, pavement in the rear, landscaping and parking lot striping. Stated that the proposal went before the SRTC and the applicant has either addressed all comments or is working toward them. Stated that the existing stormwater was redesigned in 2010 and was completed with oversight by the NHDES. Stated that the proposal does not create any additional runoff so drainage is not part of this. Stated that they are seeking a waiver to have unclad masonry block, a waiver to have EIFS below eight feet and a waiver to not screen the roof top units. Stated that the roof top units will only be seen from High Street and not from Tri City Road. Stated that they submitted a short traffic impact analysis and found that the proposal does not warrant a full traffic analysis. Stated that there will be fewer trips during peak hours with a retail use than there were with a movie theater use. Stated that he has suggested conditions of approval if the Board moves in that direction.

Peter Imse, Esq. with Sulloway & Hollis represented the applicant and addressed the Board. Stated that they would like to renovate the theater and bring the unit back into use. Stated that they got a variance from the ZBA for the wall sign. Stated that they hope the Board looks favorably on this and votes in favor.

Robert Osterhoudt with Bohler Engineering represented the applicant and addressed the Board. Stated that this is an exciting project to bring new life to underutilized space. Referred to the plans he brought and showed where the addition will go. Stated that there will be architectural elements and all new green space along the side, which they are trying to clean up. Stated that some pavement will be removed and the mechanical elements will be moved. Stated that there will be nice landscaping and the access will be cleaned up. Stated that the parking area along the City's right of way has a fence and they are going to clean that up. Stated that there will be pavement striping, repainting stop bars and text and restriping the ADA spaces. Stated that there will be some pavement added to the back for loading and deliveries without having to use the City's right of way. Stated that regarding utilities, the SRTC mentioned connecting the existing water lines to the new one and that will be done. Stated that there will be a new fire hydrant. Stated that the electrical service is to remain from the pole and that there will be a new gas service connecting to the existing. Explained the landscaping and stated that the dumpster will have a concrete pad and will be enclosed with a fence. Stated that the stormwater for the entire site was improved a few years ago.

George Schnee with Schnee Architects, Inc. addressed the Board and passed out building images and drawings (see attached). Explained the interior floor plans. Showed the existing footprint with the proposed addition, loading dock and landscaping. Stated that this used to be a freestanding building but that it was infilled by Market Basket. Stated that the existing gable entrance will be removed from the front of the building and the entire façade will be re-facaded. Stated that this façade is set back from the Market Basket façade. Reviewed the materials that will be used and stated that the City's regulations do not allow EIFS below eight feet above grade and that he thinks this is because of potential damage to it. Stated that the front of this building is protected by a 12 foot sidewalk and the side by landscaping. Stated that EIFS is not proposed for the rear. Stated that, regarding the masonry block, the rear is currently painted concrete blocks and they want to do the same for the front. Stated that there will be a

corrugated metal element to it as well. Regarding the waiver for screening the roof top units, showed plans with the sight line looking from High Street and stated that Staples usually has four units and showed where they would be placed. Stated that the units would be set in on the rooftop and that they are planning on adding a one foot parapet on the front and side. Stated that due to the steep angle on the side, the units won't really be seen. Stated that he feels that due to the small scale of the units, visibility will be minimal.

Sharples stated that water and gas are shown on the subject property but that if there is a need to cut into pavement, there is a moratorium on cutting into the City's pavement and to do that would require Council approval.

Osterhoudt stated that there will be no impact to the pavement on Tri City Road and that the utility extension for the water will be entirely on private property. Stated that the gas service already comes into the property and that they are just connecting to the existing service at the meter.

Witham stated that to avoid jagged edges, he would like any pavement cutting to be saw cut.

Osterhoudt stated that it is in the plans already.

Witham asked if the sidewalk at the front of Staples will connect with the sidewalk in front of Market Basket because he feels that people will be walking along that part of the plaza.

Osterhoudt stated that the sidewalks will connect.

Witham stated that it was mentioned about having a hatched area to help with traffic flow at the entrance to the site off Tri City Road. Suggested a having a raised island instead would allow for more greenery and that hatching doesn't do much to control traffic. Stated that he would like it to be clean and an improvement to hatching. Stated that one of the existing parking lot lights was replaced with a spot light and that it will have to be changed.

Richardson stated that there appears to be roof top units on top of Market Basket.

Schnee stated that there are units on top of Market Basket and that they have a slightly lower parapet.

Richardson stated that he can see what currently exists now and that it would be less with the proposal.

Schnee stated that the unit is set back from the front.

Richardson stated that it highlights what you can already see next door.

Robidas stated that the Board talked about the curb cut in front of AAA and that people use it as a bee line to Market Basket. Stated that vehicles try to exit there as well and that he would like to see something done with that curb cut. Stated that he would like it to be safer and closed off. Stated that he doesn't want it used and that safety is an issue for him.

Witham stated that traffic is an issue. Stated that he has no problem with any of the waiver requests. Stated that the masonry block is consistent with the project site and that it wouldn't be a radical departure from what is there. Stated that he feels they have justified the waiver for having EIFS below eight feet. Stated that regarding the roof top units, it will be no worse, and may be even better than what is there now. Stated that, regarding the traffic and the proposed hatched area, he read the traffic assessment and suggests that the conditions in the plaza have changed. Stated that this Board recently approved two projects at the end of Tri City Road, one

of which is an apartment complex that will generate lots of traffic. Stated that there will be improvements to Tri City Road from that development and that there is also an automotive repair facility that will generate traffic. Asked if the short traffic analysis takes those changes into account.

Sharples stated that he thinks the analysis was just looking at the proposed use compared to the prior one.

Osterhoudt stated that the traffic analysis compared the prior theater use to a retail use and that it was strictly related to the proposed project. Stated that the traffic will be comparable or much less. Stated that this report has been submitted to the NHDOT but he hasn't heard back from them yet and will supply feedback when available. Stated that, as far as the AAA entrance, there is a concern there. Stated that they have incorporated some improvements to that access to hopefully keep vehicles from exiting the site there. Stated that there is existing signage there and that they have incorporated additional pavement markings. Stated that there will be additional striping and text and that they hope that helps.

Belmore asked why the NHDOT is involved since it is not their road.

Robidas stated that he appreciates the applicant's attempt with the entrance but he doesn't think it is going work and that he would like to see the entrance closed. Stated that there is already an entrance to the site from High Street and Tri City Road. Stated that people try to take a left out of there and that he is not in favor of just having signage.

Imse stated that there are some internal issues with tenants not wanting to change the access points during the terms of their lease. Stated that they can't close the entrance at this time but that the client understands. Stated that he has reached out to the Police Department for accident data and found no issues. Stated that they can't legally do anything about it now.

Guptill asked about the truck turn around and the pavement hatching area.

Osterhoudt referred to the aerial plans and showed the additional pavement and how the trucks will maneuver.

Guptill asked about the trucks continuing around the building and going through the traffic.

Osterhoudt stated that they are not proposing any signage and thinks that the drivers will be told where to exit the property. Stated that over time it would be common knowledge.

Witham stated that currently the trucks take a right by the cemetery.

Osterhoudt talked about how the trucks currently enter and exit the property. Stated that they would have to look into the possibility of having a traffic island rather than a hatched area. Stated that they would have to look at it closer and probably not get an answer tonight. Suggested deferring the topic and have it administratively reviewed in the future.

Witham asked about having and "either/or" option.

Osterhoudt stated that is okay with the applicant.

Robidas stated that he appreciates the constraints with the lease and the curb cut and asked if they would be willing to have a date certain when the lease is up and the curb cut gets closed. Stated that he won't support the project without this being addressed.

Imse stated that when the lease is up for renewal they can address it and work on it. Stated that he would need time to research the lease renewal dates to have a date certain.

Witham stated that multiple curb cuts are more dangerous and although there aren't a lot of accidents, there are a lot of close calls. Stated that he feels the curb cut is the issue and maybe they can find some middle ground. Stated that the existing curb cut is wide and looks like an entrance and exit. Stated that signage could be improved.

The Board took a recess from 7:51 pm to 7:56 pm.

Osterhoudt stated that they need to look into the lease documents but that they will commit to some improvements. Stated that they can reduce the size of the curb cut and that they are willing to accept a condition of approval to come back to City staff with proposed improvements.

Witham asked how they can write a condition of approval for that.

Imse stated that his client is willing to narrow the entrance and change the orientation of it so it can't be used as a left turn exit. Stated that they don't know when this can be resolved and suggested a condition of the certificate of occupancy to give them more time. Stated that they don't want to have to come back to the Planning Board.

Robidas stated that he is concerned because he doesn't feel comfortable voting for something he can't see.

Witham suggested that the modification to the entrance be made to the satisfaction of City staff or it has to come back to the Planning Board.

Sharples read a suggested condition of approval.

Belmore stated that he would like the modification to the entrance to be reviewed with the SRTC and the City's contracted engineer.

Witham thanked the applicant for working with the Board on this and stated that there are different types of traffic with the two uses. Stated that he anticipates people trying to dart in really quickly so they need to control traffic flow and not just counts.

Richardson asked about the freestanding sign.

Osterhoudt showed the existing sign on the plans.

Richardson stated that having the sign right by that entrance is like an invitation to enter there.

Osterhoudt stated that with the suggested condition of approval that was mentioned it would be a right-in only and drew a figure on the easel. Stated that they don't want to direct vehicles too far left and that they have to look at dimensions.

Richardson stated that they want to prevent vehicles from going out.

Robidas stated that it has to be uncomfortable to exit the site there.

LeHoullier asked if the existing Staples were moving here or if it is another one.

Imse stated that the existing Staples would move here.

Belmore stated that they are looking to approve this based on a Staples moving in and asked what happens if they don't come here.

Imse stated that Staples has signed a lease to come here. Stated that regarding the hatched area being a raised island, they are concerned with putting curbing there because of plowing but that they can change the pavement. Stated that they want everything to look nice so they are willing to commit to cleaning up the parking lot lighting.

Rhodes stated that they mentioned adding more pavement out back but that it looks like the amount of impervious surface will be reduced. Stated that he wants to make sure that the drainage doesn't slope to undeveloped areas.

Osterhoudt stated that the landscaping will offset the asphalt so there will be no net increase. Stated that they are not within the wetland buffer.

Unclad masonry block waiver motion: Witham moved that the request of Brixmor Tri City Plaza, LLC for a waiver from Section 11.7.b.iii of the Site Plan Review Regulations regarding the use of unclad masonry block be **APPROVED**.

Seconded by Robidas. Motion carried with a 7-0 vote.

EIFS waiver motion: Witham moved that the request of Brixmor Tri City Plaza, LLC for a waiver from Section 11.7.b.vii of the Site Plan Review Regulations regarding the use of EIFS be **APPROVED**.

Seconded by Robidas. Motion carried with a 7-0 vote.

Rooftop mechanical equipment waiver motion: Witham moved that the request of Brixmor Tri City Plaza, LLC for a waiver from Section 11.7.b.viii of the Site Plan Review Regulations regarding rooftop mechanical equipment being screened from public view be **APPROVED**.

Seconded by Robidas. Motion carried with a 7-0 vote.

Sharples read the suggested conditions of approval along with new ones mentioned tonight. Stated that the pavement needs to be saw cut and it is already shown on the plans. Stated that any cutting of pavement on City property would need City Council approval because of the current moratorium.

Motion: Guptill moved that the request of Brixmor Tri City Plaza, LLC for a site plan for an addition and building rehabilitation 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, Trucks Only 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. In addition to the striping shown on plans, all stop bars shall be restriped;
10. Any cutting of pavement on Tri City Road shall require City Council approval due to the existing five (5) year moratorium on this section of Tri City Road;
11. Asphalt being removed along Tri City Road shall be saw-cut through the depth of the pavement before removal;
12. All existing parking lot lighting shall meet condition #6 above and all nonconforming fixtures shall be removed prior to the issuance of a (C/O);
13. The striped traffic island approximately 20'x20' in size immediately on the right side as you enter the parking lot from Tri City Road shall be a raised island with granite curbing and plantings in accordance with our Site Plan Review Regulations. Final plans shall show this change. In the event a technical reason prevents the use of a raised island, (i.e. turning radius cannot be accommodated) the traffic island shall be stamped concrete or similar material. This shall require approval from the Somersworth Site Review Technical Committee (SRTC);
14. New black chain-link fabric and bottom rail shall be installed along the entire length of the existing chain link fence along Tri City Road with the fabric extending all the way down to the pavement.
15. The High Street curb cut between the lighted intersection and Tri City Road shall be reduced in width and designed to be a right hand turn-in only. The design shall be approved by the SRTC and the contracted City Engineer. This shall be completed prior to the issuance of a C/O; and,
16. All conditions of approval shall be noted on the final plans.

Seconded by Robidas. Motion carried with a 7-0 vote.

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

None.

5) WORKSHOP BUSINESS

A) Discussion on the fence at Foundry Place, 260 Main Street, SITE #03-2005.

Sharples stated that this site plan was approved in the mid-2000s and that there is a fence that extends between this property and one on the side. Stated that the fence panels are always breaking and the City has gotten many complaints. Stated that a Notice of Violation was sent but before they go to court the property owner cut the first two fence panels off and removed them. Stated that they tried to work out an agreement but that the issue is that the plow next door pushed the snow into the fence and damaged it. Stated that he inspected the area and that it appears that it what happens. Stated that they are required to have opaque screening and that this is a site plan violation because the site plan calls for a fence. He suggested that they plant arborvitaes in lieu of having the fence panels there but that he wants the Board's feedback on if that change would be okay.

Robidas asked about the condition of the plantings that there today. Stated that he is not sure if dealing with the fence panels would be worse than dealing with the plantings.

Sharples stated that the existing vegetation along the side of the property seems to not be bothered.

Robidas stated that he is okay with switching the fence to plantings but feels they are just trading one issue for another.

LeHoullier stated that they went a couple of years with trying to get the existing plantings to be maintained.

Sharples stated that these plantings would be part of the court agreement so they could take legal action.

Witham stated that he thinks he is okay with this as long as the plants are the same size as the fence was.

Belmore asked if this is a property maintenance issue and if there is a fine attached.

Sharples stated that the property owner asked for an extension of the court action to work out an agreement. Stated that he is only asking for feedback from the Board to see if this request can be handled administratively.

Belmore stated that he is not sure what he is agreeing to.

Sharples stated that he just wants direction from the Board.

Belmore stated that he can't agree to anything without seeing a proposal.

Richardson asked if Sharples is telling the court that the Board agreed to this.

Sharples stated that his only question to the Board is if they have an issue with allowing him to approve plantings instead of a fence administratively.

Rhodes stated that spirit is that there is a barrier in plan so there needs to be clarification on what the barrier is made of.

Belmore stated that he has a problem with this because he can't separate the property owner from the issue. Stated that they have had issues with his planting in the past. Stated that he would have to talk about the site plan and look at things as a whole.

LeHoullier stated that he would rather see the fence put back up.

Sharples stated that based on this conversation, the property owner will have to come back to the Planning Board to make the change.

Witham stated that he is fine either way. Stated that the issue is with the neighbor and would have to modify the site plan. Stated that he would hope that he doesn't need to come back to the Planning Board. Stated that this is complicated because of the property owner and that the existing plants are not surviving.

Belmore stated that maybe the regulations need to be written so there is no grey area.

B) 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 Guptill. Motion carried with a 7-0 vote.

Meeting adjourned at 8:34 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board