

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
SEPTEMBER 21, 2016**

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice Chair, Bob Belmore, City Manager, Dave Witham, City Council Representative, Jeremy Rhodes, Mark Richardson and Mark Fearis, Alternate.

MEMBERS ABSENT: Aaron Fournier and Paul Robidas.

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.

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

1) APPROVAL OF MINUTES

Motion: Richardson moved to accept the minutes of the meeting of July 20, 2016.

Seconded by Guptill. Motion carried with a 5-2 vote with Belmore and Fearis abstained.

2) COMMITTEE REPORTS

A) ZBA Report

See attached report.

B) City Council Report

Witham stated that regarding the City road projects, the Maple Street culvert is mostly complete, the Memorial Drive work is complete and the work on Indigo Hill Road is moving forward. Stated that they will be working on that for the remainder of the construction season. Stated that the Council authorized the City Manager to release a Request for Proposals for the development of the Hilltop School. Stated that there was a Hilltop School Commission set up and a report was written on development options for the school. Stated that the report is serving as a guide for what the developer should look at.

C) Site Review Technical Committee Report

See attached report.

D) Minor Field Modification Report

See attached report.

E) Strafford Regional Planning Commission Update

Fearis stated that tomorrow is the first quarter commissioner's meeting where they will discuss municipal dues and a 1% rate hike proposal. Stated that the City has a TAP project in the queue for approval.

Saunders stated that there are several components to it.

Fearis stated that the project is in the review process and there will be a decision by the end of the year. Stated that there is a NHDOT road safety audit program that the City can request through the SRPC.

Updates were included in the packets.

F) Vision 2020 Committee Report

None.

3) **OLD BUSINESS**

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

None.

4) **NEW BUSINESS**

A) Cumberland Farms, Inc. is seeking a lot line adjustment and site plan approval for a retail motor fuel outlet with associated site improvements on properties located at 208 & 216 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 62, Lots 09 & 11, SUB #03-2016 and SITE #10-2016.

Saunders stated that the application is complete for review purposes.

Motion: Witham moved that the lot line adjustment and site plan applications for Cumberland Farms, Inc. are complete for review purposes.

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

Saunders reviewed her memo (see attached) and stated that they are requesting a waiver regarding the required bufferyard and to have less than required landscaping.

Public hearing opened 6:41 pm.

FX Bruton with Bruton & Berube, PLLC represented the applicant and addressed the Board and stated that he represents Cumberland Farms all over the State and that they are looking forward to this investment in Somersworth. Stated that the local newspaper reported the incorrect location but that they are proposing to go where the existing Cozy Nest and a single family home are and showed on the plans. Stated that they are also looking for a lot line adjustment with the small auto dealership to the south of the site and once that goes through, they will raze everything on the property. Stated that this is a very typical Cumberland Farms store and is what you can find in other communities. Stated that this has been well received and that they use New England style architecture, will have five pump stations with a canopy and a 4686 square foot store. Showed the dumpster and outdoor seating area on the plans. Stated that they are here tonight to introduce the project but they will have to come back next month. Stated that they are requesting a waiver regarding the size of the bufferyard and that it was pointed out that the size measurement needs to be from the dumpster to the property line. Stated that the proposal was reviewed by the City's third party engineer and that his comments seem appropriate and can be incorporated into the project. Stated that they are still looking into asking for a waiver for some of the drainage but they will be prepared for that next month. Stated that it is interesting that the sign ordinance is very restrictive and that there is a lot of signage with gas stations. Showed the plans and where the signs will be. Stated that they are in the ZBA process for signage and that some of the signs have already been approved. Stated that they are still requesting a variance to have the green stripe on the canopy. Stated that they

will need to cut into Blackwater Road but that there is a moratorium on that because it was recently paved so they will have to go to the City Council for relief. Stated that the property across the street may need to cut into the pavement also so we may work with them but Cumberland Farm doesn't want to have to wait on them either. Stated that one abutter provided a letter that they would like Cumberland Farms to extend the vinyl fence and showed on the plans. Stated that as long as there are no visibility issues, Cumberland Farms has no problem agreeing to extending the fence. Stated that the abutter does want an eight foot fence and that it can be done.

Chris Tymula with MHF Design represented the applicant and addressed the Board. Showed the existing conditions plan and pointed out the curb cuts. Stated that they are proposing a lot line adjustment that will give about 36,000 square feet to the Cumberland Farms lot. Stated that mostly everything out there will need to be removed and that the tree line will be cut back. Stated that they are proposing a convenience store with ten fuel locations. Stated that there will be an enter only off of Route 108 near the Blackwater Road intersection and a full enter/exit a little farther south. Stated that there will be underground fuel storage tanks that will align with the curb cut and will be set back from Blackwater Road. Showed the truck movement through the site. Stated that the canopy will be set back 51 feet from the right of way. Explained existing roadway drainage and stated that they will be picking up a portion of Route 108 runoff. Stated that there will be no increase in runoff pre to post development and that they meet the requirements of the City. Stated that they will tie into the sewer on Route 108 and get water from Blackwater Road. Talked about utilities and stated that he is working with the City water department. Stated that they will having lighting that will be dark sky compliant and with no light spilling over. Talked about landscaping and showed before photos and post development renderings.

Jason Plourde with Tighe & Bond, Inc. addressed the Board and stated that Route 108 is under State of NH jurisdiction. Stated that they have been working on this for a while and that the State didn't get traffic comments from the City because of the transition with planners. Stated that generally trip generation will dictate what intersections to look at. Stated that in accordance with the ITE, they look to see if there will be an increase in traffic by 100 vehicles or more in one hour. Talked about when they did their review and what the peak times are. Stated that they did traffic counts and explained the process for finding the highest travel times. Stated that they looked at vehicle speed and crash data. Talked about the Route 108 and Blackwater Road intersection and site distances. Stated that they can meet site distance requirements. Stated that they looked at future conditions based on NHDOT guidelines. Stated that when doing their calculations they didn't take credit for the current use of the Corner Porch and that they assumed a vacant site. Stated that they will still be below the City regulations. Stated that they filled paperwork with the State in February and that they are still reviewing it.

Bruton stated that he has a sheet showing some of the finishes for the building elevations and passed them around for the Board to review.

George Allard the owner of the gas station at 202 Route 108 addressed the Board and asked how long it will take from when they get the approval to when they have their grand opening. Stated that Somersworth already has nine gas stations and asked why they are opening another one. Stated that he doesn't understand how it will help the City. Stated that he will probably get shut down when this one opens. Stated that he came in to City Hall to see if there were plans for this and they said there was nothing but the neighborhood said there was something. Stated that he wasn't provided this information.

Tom Banks of 92 Blackwater Road addressed the Board and stated that he purchased his house ten months ago. Stated that he has seen a lot of improvements but that he is concerned with the traffic pattern here. Stated that during rush hour it is bumper to bumper here and this won't work. Stated that there is a big lot next to this and they don't know what is going there.

Stated that these are two lane roads with really small break down lanes. Stated that he can't see a fueling station going there. Stated that there are already three gas stations within a mile of each other and another one just beyond that. Stated that this seems like a bit much to him. Stated that the people at the Global Station seem good and have been good with the City.

Nichole Hartin of 138 Blackwater Road addressed the Board and stated that she just wants to echo what the others have said. Stated that there is a lot of traffic at that intersection and that there are already three gas stations within a mile. Stated that she doesn't see how this is going to work and that she thinks it will be dangerous.

Gora read letter from abutter Glen Garvin of 8 Adams Court, see attached.

Bruton referred to the letter that was just read and stated that they had already seen that letter and are taking the suggestions in it to heart. Stated that they are working with and addressing the regulations.

Saunders stated that the Cumberland Farms application was submitted on July 18, 2016 and that there was nothing on record with the City regarding Cumberland Farms before that. Stated that she had spoken with the owner of the Global Station and he asked if the property had sold and if there was a plan but that when he came in there was nothing in the works at that point.

Belmore stated that until there is a formal submittal, we here the rumors also. Stated that until a developer comes to the City, we don't have record of it. Stated that the City often hears rumors that never come to fruition. Stated that the City shares everything in accordance with the Right to Know law. Stated that the regulations allow for this use.

Saunders stated that the applicant is requesting a waiver from bufferyard requirement and that she was hoping to take action on that tonight because it may determine if the plan needs to change.

Bruton stated that they would like to go forward with the waiver request tonight but he is concerned because the distance isn't labeled on the plan. Stated that the distance is from 78 to 80 feet to the property line and they will note those distances on the plan. Stated that Mr. Tymula had explained the setbacks and stated that the existing Cozy Nest is close to the road and they are trying to set the new development farther back on the site. Explained how other aspects of the development have to be a certain distance from the traveled way. Stated that there are about 15 to 20 feet of existing tree line and that will remain. Stated that they are willing to make the fence eight feet tall. Stated that they are agreeing to give the abutters what they are asking for. Stated that they have the added buffer of the fence so they are asking that this request be granted.

Witham stated that he understands the concerns about the other gas stations in the area and does worry about having a lot of the same type of businesses in the City but that this use is allowed by right. Stated that if citizens want to change the ordinance then they need to talk with their councilors. Stated that the use is allowed by right and they can do what they want. Stated that he feels that this is a positive snapshot of the project and that he has no issue with the bufferyard waiver. Stated that he is concerned most with traffic. Stated that the only traffic now at the Cozy Nest is cut through traffic, which might get worse with this project and he would like signage to alleviate that. Stated that he would be interested in seeing if the signal timing could be changed a little but that this signal is owned by the State of NH. Mentioned the location of the proposed freestanding sign and stated that this Route 108 corridor is in the NHDOT ten year plan. Stated that there has been talks of design considerations and that there has been discussion on removing the signal and putting in a roundabout. Stated that if the roundabout happens then there may be some land acquisition but that it is just conceptual right now. Stated

that there have been discussions on sidewalks and that he would want to see space for that or have an easement for that.

Bruton stated that the freestanding sign has been designed with the potential of sidewalks going in and that they have talked at length about a possible roundabout going in. Stated that he has it in writing from the NHDOT that a roundabout would not go here. Stated that the proposed sign meets required setbacks and that if the NHDOT makes changes then the sign can be moved. Stated that originally they wanted two points of access off of Blackwater Road but that they have removed one. Stated that the applicant has been addressing concerns as they come up.

Witham asked about signal timing.

Bruton stated that he would have to look at the possibilities but that he doesn't know how to respond now.

Richardson stated that he appreciates the fence on the southern side but that he is concerned with future development on the adjacent property and the fence extending farther. Stated that he is familiar with the new Irving Station in North Hampton and that it is really difficult for the traffic traveling north to south to turn left into the station. Stated that it creates a backup and can cause problems at other locations.

Bruton stated that there is a different kind of traffic on Blackwater Road than the example that Richardson used. Stated that his example has higher traffic.

Richardson stated that he wishes that the Blackwater Road entrance was farther away from the intersection.

Tymula stated that they have dual turning lane on Route 108 and that they originally had a second egress on Blackwater Road but they took one out. Stated that the farther back they push the access then the smaller the buffer gets.

Richardson asked when fuel deliveries will be made.

Tymula stated that Cumberland Farms has regulations but they can also specify times.

Bruton stated that he can talk with the operations people about that for the next meeting. Stated that it is not intended to have deliveries as peak times.

Fearis stated that this proposal looks like the Cumberland Farms in Eliot ME so he went to that one for comparison. Stated that the one Eliot only has eight fueling stations and that he is concerned with tanker access and that he feels it will be difficult to make deliveries. Stated that he has concerns with traffic and that it is a nasty intersection there in the afternoon and it should be looked at more. Thanked the applicant for adding the fence. Stated that he doesn't understand why they are proposing ten fuel pumps when Eliot only has eight. Stated that he is worried about sound and noise from mechanical equipment and that he is worried that the fence and the buffer won't block the sound. Asked a sound study has been done and stated that he would like one for the next meeting.

Tymula showed plans with the back of the building and stated that they have not done a sound study and can look into it. Stated that this store is different from the Eliot store as Cumberland Farms now puts vestibules on the side of their buildings and Eliot doesn't have that. Stated that Cumberland Farms wanted to have ten fuel pumps.

Bruton stated that having another pump add safety with minimizing queuing.

Tymula stated that they put the fuel tanks farthest away from the general public and that the location is best for the tanker trucks to deliver fuel.

Fearis stated that he would like a noise evaluation.

LeHoullier stated that traffic is a nightmare and that he is concerned with queueing at the intersection.

Bruton stated that there is already built a middle turn lane there.

LeHoullier stated that it is a confusing mess and he would like it looked at.

Tymula stated that they are working with the NHDOT on the intersection and are still waiting for their comments.

Rhodes stated that the third party engineer has some concerns with drainage and he wants to make sure that everything will be addressed. Stated that runoff is a concern.

Tymula stated that he did get a copy of the engineer's letter and has spoken with Saunders about it. Stated that they were mostly simple comments but that there was a little miscommunication. Stated that they will update the plans though.

Witham stated that the traffic seems to be a big concern and there needs to be a more robust look into it. Stated that he is generally satisfied with the project but asked how the green space that abuts the road will be maintained and kept alive.

Tymula stated that there will be an irrigation system and that Cumberland Farms prides themselves on clean sites.

Witham stated that the applicant will have to go to the City Council to request a waiver on the moratorium to cut into the pavement. Thanked the applicant for meeting with the abutter and addressing his concerns.

Tymula stated that the water line is on their side of Blackwater Road so they don't need to trench across the road. Stated that it will be a small impact but they will go to City Council.

Public hearing closed 8:13 pm.

Bufferyard Waiver Motion: Witham moved that the request of Cumberland Farms, Inc. for a waiver from Section 6.d.viii of the Site Plan Review Regulations regarding the size of the bufferyard be **APPROVED**.

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

Motion: Witham moved that the Cumberland Farms, Inc. application be **TABLED** until the October 19, 2016 Planning Board meeting for more information on traffic.

Seconded by Fearis. 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 Site Plan Review Regulations proposed amendments.

Saunders stated that she asked for this to be on the agenda but was unable to complete her research so she will have something for the next meeting.

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

None.

6) **COMMUNICATION AND MISCELLANEOUS**

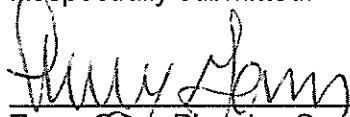
None.

Motion: Belmore moved to adjourn the meeting.

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

Meeting adjourned at 8:16 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board