

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
November 20, 2019**

MEMBERS PRESENT: Ron LeHoullier, Chair, Chris Horton, Jason Barry, Jeremy Rhodes, Bob Belmore-City Manager, , Harold Guptill-Vice Chair, Paul Robidas, Keith Perkins, Alternate, and Ken Vincent, City Council Alternate Representative

MEMBERS ABSENT: David Witham, City Council Representative

STAFF PRESENT: Shanna B. Saunders, Director Development Services, Dana Crossley Planning Secretary

The Meeting was called to order at 6:30 PM.

LeHoullier appointed Perkins as full voting members for the meeting.

- 1) **Approval of the minutes of the meeting of October 16, 2019.**
Motion: Robidas MOVED to approve the minutes of the October 16, 2019 meeting.

Seconded by Guptill.

The MOTION CARRIED by an 8-0-1 vote (Vincent abstained).

2) **COMMITTEE REPORTS**

Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC): LeHoullier stated the reports are in the board's packet if they have additional comments to add. No additional comments.

City Council Report: Vincent stated the Council discussed the pavement management program. He stated the system rates the roads from best to worst. He stated the results came in that the City is within the 62% range. He stated the recommendation is that it would require \$1.3 million to maintain the current state of the roads.

Vincent stated the downtown public parking ordinance is still being worked on in the subcommittee.

Minor Field Modifications Report: No Comments.

Strafford Regional Planning Commission Update: LeHoullier stated the board continues to receive the updates via email.

3) **OLD BUSINESS**

- A) **SNTG, LLC (Green Collar Laundry), is seeking site plan approval to add a 4,500 sq. ft. commercial building and associated parking and infrastructure to the existing commercial site on property located at 472 High Street, in the Residential Commercial (RC) District, Assessor's Map 40 Lots 4-A & 4-B, SITE#8-2019 PUBLIC HEARING**

Saunders stated they received the third party review report and have passed that out to the board. She stated late today they received a request from the applicant to have the application stay on the table to allow for time to respond to the third party review report.

Motion: Robidas stated, I move that the request of SNTG, LLC to add a 4,500 sq. ft. commercial building and associated parking and infrastructure to the existing commercial site REMAIN ON THE TABLE till December 18 to allow the applicant time to review and respond to the third party review report.

The MOTION was SECONDED by Guptill.

The MOTION CARRIES by a 9-0 vote.

B) Trio Investments, LLC, is seeking site plan amendment on event operations on a property located at 49 Market Street, in the Business with Historic Overlay (BH) District, Assessor's Map 11 Lot 78, SITE#09-2016 PUBLIC HEARING

Robidas MOVED to take the application off of the table.

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 vote.

Saunders stated that at the last meeting it was referred to the Traffic Safety Meeting to review the pedestrian crossing situation on High, Market and Main Street intersection. She stated the Traffic Safety met today and a memo has been provided to the board. She stated the Committee supported some sort of lighted pedestrian signage for downtown. There was discussion of a fourth crosswalk downtown but determined a traffic study was warranted but it was recognized that this applicant should not bear that entire cost.

Saunders stated within the board's packet is a proposal for a pedestrian enhancement idea for the downtown corridor that was submitted by Councilor Whitman. The proposal is for two lighted pedestrian crossing signs. The Committee discussed the pedestrian flow to the Hall at Great Falls and felt the signs should only be installed at the Beacon Street cross walk not exactly as the Witham proposal. Saunders stated that the proposal shows two different types of flashing signs. The signs that were included in the proposal were for a RRFB which would cost \$12,000 each or the pedestrian sign with a LED edge with the option of an on demand push button which would cost \$2,500.

Saunders stated the Committee wanted to present the information to the Planning Board and let them make the final decision.

Saunders passed to the Board the previous meeting memo and the reminded the board that the request was not only for the additional seating but also to increase the time frame to 10pm.

Applicant Statement: **William Berndtson**, of Trio Investments LLC attended the meeting to represent the application.

Berndtson stated the request is for an increase of the occupancy level from 115 to 315 and the time allowance for live or dj music to be allowed till 10 pm and events ending at 11pm. Berndtson explained the background of the requested changes. He stated it has been through the hoops with the last issue being the pedestrian safety.

LeHoullier opened for public comment.

No public comment.

LeHoullier closed the public hearing.

Saunders reviewed the proposed conditions of approval.

Board Discussion: Vincent asked if the building was sprinklered. Saunders stated yes.

Guptill asked if the applicant is willing to share the burden of the crosswalk resolution. Saunders stated the board will need to make a decision on that and can discuss cost sharing with the applicant. She stated Berndtson attended the Traffic Safety meeting and splitting the cost of the improvement was discussed.

Vincent stated the proposed signage to be added would be \$2,500 for each sign. He asked if applicant would be in the position to pay for half of the proposed signage, which would be the \$2,500 and the City would pay for the other half. Berndtson stated he did not have the information to confirm for that payment. He stated he did discuss the possibility of a required exaction with Sara Nadeau. Vincent stated he is in favor of increasing the occupancy and the extended noise allowance but wanted to know if the applicant had an answer to the money question. Berndtson stated he did not want to commit to a figure without talking with the other members of Trio Investments.

Belmore stated for clarity the Traffic Safety Committee discussed one crosswalk but there will be two signs; one sign for each side of the road.

Belmore stated he would be in favor of a condition that the applicant would pay a maximum of \$2,500 of the pedestrian crossing signs. He stated he would be in favor of the City splitting the cost, this improvement would not be considered if not for this project. He stated he would be in favor of a lag time as well, to allow the applicant time before being required to supply the money.

Robidas stated the board is supportive of having people in the downtown. He stated the time lag shows a willingness of the City and the City Manager to allow the applicant time to get their feet on the ground. He stated after final discussion he would be prepared to make a motion.

Horton stated he would echo the statements made. He stated he would be in favor of the City splitting the cost and giving the applicant a year to submit the funds.

Barry stated he also echoes the statements made. He stated this is a great project for the community.

MOTION: Robidas stated, I move that the request of Trio Investments LLC for a site plan amendment on event operations on a property located at 49 Market Street be APPROVED WITH THE FOLLOWING CONDITIONS:

1. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
 - a. The final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect. Please submit five folded 24" x 36" paper copies of the full set of plans to the Office of Development Services for final endorsement.
 - b. The applicant will be required to pay standard water and sewer connection fees assessed on new properties connecting to the water and sewer system. Water fees will be based on the size of water meter needed and the sewer connection fees will be based on estimate of water used and equivalent number of bedrooms; and,
2. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
 - a. Please conduct and submit to the Fire Department annual sprinkler and fire alarm inspection reports
 - b. All fire extinguishers shall be inspected and properly mounted
 - c. Please provide the flame roofing certificate for all draperies and curtains surrounding stage

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- d. Please ensure that the kitchen is not used for grease producing cooking until the automatic fire extinguishing system over the hood is working, tested and inspected annually.
 - e. The automatic fire extinguishing system above the hood is not in service, yet there are still tanks in the system. It is highly recommended that the system be disabled (tanks and nozzles removed) so that the system does not go off by accident.
 - f. All previously approved conditions from February 2017 approval shall stay in effect.
 - g. The applicant shall pay \$2,500 for offsite exaction related to pedestrian crossings of High Street that shall be paid within one (1) year of this approval.
3. **DURATION OF APPROVAL:** All conditional approvals shall be valid for a period of 120 days in which time all precedent conditions must be met or the approval shall be null and void. The applicant may request an extension no later than 14 days prior to expiration.
4. **APPEAL PROCESS:** Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.
5. **EXTENSIONS:** All requests for extension must be submitted in writing to the Department of Development Services no later 14 days prior to expiration with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void

The MOTION is SECONDED by Vincent.

Discussion: Horton stated he wants to ensure that the motion includes the increased occupancy allowance (315 guest) and to allow the extended noise allowance to 10 PM and events to 11 PM. Robidas stated he felt it was part of the motion.

The MOTION CARRIES by a 9-0 vote.

C) Discussion regarding site plan compliance including access management and landscaping for Cumberland Farms Inc., 216 Route 108, Map 62 Lot 11, SITE#10-2016

Saunders stated at the last meeting there was discussion of compliance issues with the Cumberland Farms property on Route 108. She stated the main topics of discussions were the turning movements of the delivery trucks on the Blackwater Road entrance, which has been ripping off the side of the pavement and in addition there have been several landscaping issues.

Saunders stated that they have reached out to Cumberland Farms who has responded that they respectfully deny that they are responsible for the roadway defect issue. She stated the next step as a Planning Board is to request Cumberland Farm attend a compliance hearing before the Board to discuss compliance of the conditions of approval.

Board Discussion: Robidas asked if Cumberland Farms takes responsibility for the issues what would be the resolution to the traffic problem. He stated he is in favor of having them come before the board.

Saunders stated the project has contributed to public roadway degradation and the fix would be at the businesses cost. She stated the second part to that is establishing how to ensure the problem is not recreated.

Vincent stated it would be Cumberland Farm's problem to find a fix for. Vincent asked about the landscape issues. Saunders stated this is not the first time they have been notified of landscape issues. She stated it would be an appropriate time to address it if they are before the Board anyways. Vincent stated he was in favor of requesting Cumberland Farms to come before the Board.

Barry stated during the design process truck turn radius is required to be looked at and asked if that documentation was submitted with this plan. Saunders stated it was and the answer is that the trucks can make the turning movement and stay within the travel lane but they are not.

Horton asked what the Board proposes would be to fix the issue. Saunders stated the degradation is within the right-of-way and it can be handled as an offsite improvement exaction to help an area that was affected by their business.

Horton stated he would be in favor of requesting Cumberland Farm's to attend a meeting and allow for the City to work with business owners to resolve issues.

Rhodes stated there are many options for remediation and prevention of the issue but it would be for Cumberland Farms to implement. He stated they have had to bring the business owner in previously for traffic issues and the landscaping has been dealt with outside of meetings. He stated they are showing in a continued pattern of not working in a way to benefit the community they work in.

Vincent stated he is frustrated with businesses not keeping up their property and businesses should be held to a standard.

Guptill stated he agreed they should come before the Board. He requested to have in their packets for the next meeting waivers granted for that site.

Robidas stated he thought the gasoline tankers were supposed to be coming from Route 16B. He noted that they had also wanted the entrance moved farther back.

MOTION Guptill stated I move to request Cumberland Farms come before the board for a Compliance Hearing.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES by a 9-0 vote.

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

No other old business.

4) **NEW BUSINESS**

A) **City of Somersworth, is seeking a voluntary merger of Map 20 Lots 05-87 through 05-177 with the open space parcel of the Sunningdale Subdivision.**

Saunders stated the original Sunningdale subdivision was approved for 177 lots and the open space lot. She explained the developer received an USDA Open Field's grant to put lots 05-87 through 05-177 into conservation. The developer deeded the lots back to the City and the lots have now become part of the open space land.

Saunders explained that at this time the lots need to be merged together with the original existing open space into one contiguous lot.

Board Discussion: LeHoullier clarified that it would become part of City property. Saunders stated yes. LeHoullier asked if the general public will be allowed access. Saunders stated yes. LeHoullier asked if there will be parking available. Saunders stated yes.

Motion: Robidas stated, I move the request to voluntary merge Map 20 Lots 05-87 through 05-177 be APPROVED.

The MOTION is SECONDED by Barry.

The MOTION CARRIES by 9-0 vote.

B) River Valley Development is requesting, per RSA 676:4-b.I, to have DuBois & King, Inc. be the third party consultant for the remainder of the construction of Townhomes at Green Ridge project, on a property located at 206 Green Street, in the Residential Single Family (R1) District, Assessor's Map 08 Lot 78, SITE#01-2018

Saunders stated Under RSA 676: 4-b.I, River Valley Development is requesting to use Dubois & King, INC to be the third party consultant for the remaining inspections of the development. She explained when the project was started Dubois & King, INC was the City's contracted third party engineer. The City's current contracted engineer is Horsley Witten. A copy of the quote from Dubois & King was provided in the packet, that quote was received by the applicant and it came in lower than the City's engineer.

Barry recused himself from this topic of discussion and stepped down from the Board.

Board Discussion: Robidas clarified that the applicant pays the fees for the third party engineer. Saunders stated that is correct. Robidas asked if the City would be protected by any third party engineer to ensure the work is being done correctly. Saunders stated she cannot say they did not do good work for the site review but the administrative process was difficult. Saunders stated they have had no issues with Horsley Witten and there have been things that they have even caught. She stated the applicant had expressed concern of having to pay Horsley Witten to get 'up to speed' on the project. Saunders stated she has not found that and the drainage system is very complex for this site.

Belmore stated the last request under RSA 676:4-b.I was a unique circumstance and that this is a different situation. He stated the City went out and interview different firms and chose Horsley Witten as the City's agent. He stated if the applicants are all picking their own engineer for third party review the City loses their strong interest agent. He stated he does not think it is in the best interest of the City and is not in favor of granting the request.

Horton clarified the role of the third party engineer in the development. Saunders reviewed what the City's Engineer does.

Horton stated the project was approved while the City was using Dubois & King as the City Engineer. He stated at this time he is on the fence.

Rhodes stated when the previous applicant came up with the same request he ran through a series of questions in his mind. He stated when thinking of those same questions he has different answers with this request. He stated he is not in support with this request.

Vincent stated he agrees with the statements made by Belmore. He questioned if they can allow this request but not allow future requests.

Belmore stated that the RSA allows for applicants to ask. He stated he would not be in favor of granting the request.

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LeHoullier asked if it was for more continuity sake that Belmore is not in favor. Belmore stated he sees no other rational besides money, for switching.

Vincent stated though he feels for the applicant he agrees with Belmore.

Robidas stated his concern is with the level of protection for the City's interest.

Vincent stated a third party engineer catches a lot of missed issues.

Horton stated he agrees and they want to ensure to protect the City's best interest.

Motion Robidas stated, I move that the request of River Valley Development to have DuBois & King, INC be the third party consultant for the remainder of construct of the Townhomes at Green Ridge project be DENIED.

The MOTION is SECONDED by Vincent.

Discussion: Saunders asked for clarification why the request is being denied.

Robidas stated his denial is based on consistency and the City's contracted engineer is going to protect the City's interest the best.

The MOTION CARRIES by a 8-0 vote.

Barry returned to the board as a full voting member.

C) Goodwin Community Health is seeking an extension of the Planning Board approval to construct an addition on a property located at 311 Route 108, in the Commercial/Industrial (CI) District, Assessor's Map 48 Lot 24E SITE #005-2019

Saunders stated that Goodwin was originally approved in June 2017 for two additions; one addition will be 2400 square feet, 2-story on the north side of the building and one addition will be 2400 square feet single story on the front/west side of the building. They were granted an extension until April 2019. Final plans for this project have been submitted and the Applicant has until April 2021 to start work on the project.

Saunders stated the applicant is requesting an extension (to submit final plans) for the site plan approval (SITE#05-2019) to construct a 2,000 square foot, one story addition on the south side of the existing building and a 460 square foot addition to the existing second floor of the building that was approved on May 15, 2019.

Applicant statement: **Gary DeColfmacker**, of Goodwin Community Health attended the meeting to represent the request.

DeColfmacker stated they have been working on the project to the point that they received RFQ responses when the Board of Directors notified them that this project was on hold. He stated that was due to conflicting priorities of the Board of Directors that felt the Portsmouth location was the priority project. He stated the intent is to move forward but are asking for an extension to allow them to move forward.

Board Discussion: Rhodes asked how long the applicant is seeking an extension for. DeColfmacker stated they would be looking for a year extension.

Horton stated he would not have an issue with granting a year extension.

Robidas stated his concern is for traffic count changes along with other things.

Saunders stated the previous addition was approved to 2021. She stated it would make sense to align this request as well. Saunders stated that this addition is not a huge change of use but really a small expansion to accommodate the building use.

Rhodes asked the applicant if having the two expansions be aligned would work for them. DeColfmacker stated that would be ideal.

Robidas stated he would be in favor to grant the extension to 2021 but would not approve another extension in the future.

Motion Rhodes stated I move that the request of Goodwin Community Health for an extension of the Planning Board approval of Site#05-2019 to construct an addition be APPROVED with a deadline of April 2021.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES by a 9-0 vote.

5) **WORKSHOP BUSINESS**

A) Saunders stated the board has received a copy of the special downtown parking overlay map for their reference.

B) Saunders stated the ZBA has been receiving many variance requests from the requirement to have commercial on the first floor in the Business District along Main Street. She stated they are finding that many properties south of GE want to renovate the properties but are not finding interest in commercial space for those areas. The ZBA is putting together a proposal to bring to the Planning Board to re-look at the area of the zoning district. She stated they would be looking to have a joint meeting to put something together to suggest to Council. LeHoullier stated that this has historically happened on Green Street as well. Rhodes agreed that this is something they should look at.

C) Any workshop business that may come before the Board.
No other workshop business.

6) **COMMUNICATIONS AND MISCELLANEOUS**

Horton stated he thanked City Manager for the presentation and in review of the CIP. He asked if staff could put a report together on what is left of the Master Plan and what is left to be done. Saunders stated that the Vision 2020 Committee had put together a matrix that she can email that to him.

MOTION: Robidas MOTION to ADJOURN.

Belmore SECONDS the motion.

The motion carries by a 9-0 vote at 7:32pm.

Respectfully Submitted,

Dana Crossley, Planning Secretary