

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

MEMBERS PRESENT: Ron Lehouillier, Chair, Harold Gupstill, Vice Chair, David Witham, City Council Representative, Bob Belmore, City Manager, Jeremy Rhodes, Paul Robidas, Chris Horton, and Jason Barry, Alternate

MEMBERS ABSENT: Jameson Small

STAFF PRESENT: Shanna B. Saunders, Director of Planning and Community Development

The Meeting was called to order at 6:31 PM.

Lehouillier appointed Barry as a full voting member for tonight's meeting.

1) APPROVAL OF MINUTES

Motion: Robidas MOVED to approve the minutes of the January 16, 2019 meeting
Seconded by Belmore. MOTION CARRIED with a 7-0 vote. Witham abstained from the vote.

2) COMMITTEE REPORTS

Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC)

Horton reminded the Committee of Spirit Day on May 4th

City Council Report

Witham stated that City Council had passed a change to the Zoning Ordinance in regards to parking in the Downtown Business District. Prior to this change, the Ordinance had required 2 parking spaces per business unit; it now has no parking space requirement. It would be up to the developer to come up with parking solutions. This allows for more flexibility in the Downtown Business District.

Witham reported that the City Manager had prepared the Fiscal Year 2020 budget which will take effect on July 1, 2019. Council will begin the schedule of budget hearings soon and finish sometime prior to the end of May.

Belmore stated that Council had accepted the resignation of one of the City's Strafford Regional Planning Commission representatives so there is an opening if anyone is interested. The position would first need to be recommended by the Planning Board before being ratified by City Council.

Witham said that on Monday, March 18 there had been a listening session hosted by NHDOT regarding the proposed Route 108 corridor upgrades. The project is slated for 2023 or 2024 and will look at upgrading drainage, streetscapes, bike lanes, sidewalks, signalizations, etc. There is a second listening session scheduled for Thursday May 2 at the Somersworth High School Career Technical Center.

Minor Field Modifications Report

None for the month of February

Strafford Regional Planning Commission Update

Lehouillier restated that there was an available vacancy on the SRPC.

Vision 2020 Report

Saunders stated that they are continuing work on the 2018 report and will come before council shortly.

3) OLD BUSINESS

- A) A) Hilltop School, LLC is seeking site plan approval to rehabilitate the abandon Hilltop School building into 22-28 residential apartments. Minor parking and access drive aisle reconfiguration will be required for the project. The design intent is to utilize existing utility service lines to the former school. Also waivers on property located at 17 Grand Street, in the Residential/Single Family/A(R1A) District, Assessor's Map 11, Lot 49, SITE #01-2019. PUBLIC HEARING

Saunders stated that this applicant had already appeared before the Planning Board for a design review, but this evening's presentation is the full proposal. There were several waivers discussed at the design review level:

- 1) Installation of granite curbing
- 2) Requiring comprehensive drainage calculations
- 3) Requiring 10% landscaped islands in the parking areas
- 4) Requiring parking lot perimeter trees and screening of parking areas
- 5) Overall landscape plan for the property
- 6) Waiver of site plan checklist items (e) and (cc) requiring exact dimensions and a stamped boundary plan

Saunders stated that she would agree with granting these particular waivers. The property is listed as a historic building. Requiring additional landscaping on site which may block the view of the building may not be in keeping with the City's desires for the property. Additionally, the cross-country drainage has existed for many years. It was built before conveyance systems which are used today on site plans. It is currently functioning well and per DPW there have been no flooding issues in the past. Therefore City Staff has no problem with the small amount of land based work and site alteration being added. They are also ok with the cross-country drainage system staying in place. There may be some swales which need to be cleaned out and re-graded, but they are currently functioning well.

IN terms of the property survey, Saunders stated that this property is bounded on all sides by right-of-ways. There is no real need to establish boundaries between this properties and abutters' property because there are no typical abutters.

Saunders said as far as the proposal itself, Staff recommends granting conditional approval with a few plan revisions. Staff would want to make sure lighting is down lit and fully shielded. The application needs to go through HDC for the lighting. Need to discuss snow storage now that the parking lot will be utilized regularly to avoid blocking drainage. There is also a water condition regarding the type of pipe that is used as well as the need for a bike rack on the plans.

Conditions needing to be met prior to final approval:

At the Design review, there was discussion on the possibility of a traffic report, which has been provided. Saunders stated she was unsure if the Board would want a third party review, so this was left as a placeholder condition if the Planning Board wants to require that.

The rest of the conditions are standard: Final plans, preconstruction meeting, sewer connection fees, erosion control, performance guarantees on landscaping, and additives in case trees on site were damaged during construction they could be replaced, and as-built plans.

Saunders recommends that the Planning Board accept application as complete and move forward.

Motion: Witham MOVED to accept the application materials as complete.

Robidas seconded the motion.

The MOTION CARRIED by an 8-0 vote.

Saunders spoke about an issue with the grading of the Prospect Street entrance to the property. The Fire Department ladder truck can't get into that entrance because of grading between lot and road. Applicant has a proposal which will be presented to grade it out.

Christian Smith, Engineer with Beal's Associates representing Chinburg Properties, addressed the Board. Mr. Smith referenced the swales. He stated said that the applicant would work with DPW during construction and there is anything in the swales needing improvement or overgrowth of brush, it will be handled at the time of construction. It has been confirmed with Rockingham Electric, project lighting designers, that the lighting is is downcast and fully shielded which allows for zero foot candle at property boundaries.

Mr. Smith stated that nothing has changed since design review other than adding a bike rack and he discussed their proposal for re-grading the entrance from Prospect Street to allow ladder truck access.

Mr. Smith reported that coming off prospect, the entrance jumps 2 feet in elevation within 11 horizontal feet. They have a plan to even it out to a grade of just over 8.2% and will review this plan with the Fire Chief. Mr. Smith stated that they are squared away with what needs to be done with water line and sprinkler system in the building and that Chinburg aware that basement may need booster pump.

Woodard Openo, Grand Street resident, spoke in favor of the application. Mr. Openo stated that he was pleased to see the school preserved.

Victoria Berg, Highland Street resident, expressed concern about the increased traffic going up the hill and inquired how many units are being proposed. Ms. Berg also asked about which entrances would be utilized.

Dennis Messier, resident, expressed support for the project. Mr. Messier also spoke about the proposed generator, and urged the city to find grants to pay for it rather than ask the developer to pay for it.

Smith stated that there is a proposal for period specific lighting around the edges of the lot. They have tried to minimize the lighting and only utilize what is needed for safety. Smith reiterated that these are downcast, fully-shielded lights, dark sky compliant, with zero foot candle off the property. Smith stated that they will be using the existing entrances off Prospect and Grove streets. They will be widening, upgrading and re-grading as needed.

Lehouillier closed the Public Hearing at 6:53 PM.

Witham stated that he is in full support of the project with just a few minor details to work out. Witham stated that there are currently 3 – 4 utility poles with mounted floodlights around the property which will need to be removed. These lights are City-owned and will need to be

removed from the ledger so the City is no longer paying for the electricity. Smith agreed with this and said that these particular lights are in the City's right-of-way and would be the City's responsibility. Witham stated that in the front walkway of the property there is a cobra-style light which he would like turned around to face street so it is utilized as a streetlight.

Witham asked Smith to address the Board in regards to the plan for a generator at the property. Witham said that City emergency services have a radio transmission tower at this site which needs to be powered. There was a suggestion that there could be an electric generator installed at the front of the property to power this tower. Smith stated that Chinburg would prefer not to install this generator. They did source price estimates and they feel that the cost is prohibitive to the project which is using federal funds for completion.

Witham asked if the antenna would remain and inquired if there would be easement language necessary for the City to maintain the tower. Smith said that the radio tower would stay in place and the easement language has been written into the deed of the property.

Witham spoke about the traffic review which had been done on the property. He stated that the majority of traffic entering the site would come up Highland Street and enter on Prospect Street. There is a short section of Highland Street abutting the property which is in very poor condition. Witham asked if the applicant would consider some off-site improvement to that section of Highland Street at the same time the parking lot on the site is being addressed. Smith said that the possibility of fixing this section of Highland Street had not been addressed in the past, but it can be discussed

Matt Assia, Chinburg Properties, said that the possibility of fixing the City owned street would be using funds which could be used for rehabilitation of the building.

There was a discussion on the probably cost of fixing the small section of Highland Street. Saunders said that DPW had done a rough estimate. For a full repair of the section of Highland Street it would be approximately \$30,000-\$40,000. For an overlay in that section it would be approximately \$10,000- \$12,000

Witham inquired if the applicant would consider an exaction to be used for paving that section of road. Assia reiterated that Chinburg preferred to use the majority of available funds to go towards rehabilitating the school. Witham countered that he felt that the City shouldn't have to bear the brunt of the cost to fix a road to benefit the whole neighborhood.

Robidas spoke to the Board regarding the proposed generator and stated that if power is lost to this area of town, emergency services will be down. He stated that he felt it was best to have the base work of adding electrical and natural gas hook-ups completed while there were already electricians working in the building so the generator could be added in the future with minimal work.

Witham agreed that the contractors could consider setting the space and groundwork for a possible generator while they are already working on the building, although he would rather see money go into repairing Highland Street than toward a generator.

Rhodes stated that the parking on site is sufficient to support 23 units, but the proposal says there will be between 22 – 28 units. Rhodes inquired if the apartment number was a fixed amount and if there was sufficient parking without additional labor. Assia stated that the number of units is fixed at 22 apartments and there is sufficient parking to support this number.

Witham suggested that if the applicant is not willing to consider an exaction to overlay the portion of Highland Street, the Board should consider tabling the application to have it reviewed by DPW and the applicant to come up with a repair strategy.

Belmore inquired if there was an exaction, if the developer would pay 100% or would the City pay a portion. Belmore also asked for clarification on the generator issue. He inquired, if the generator is a City responsibility, if the Board is asking the developer to do the groundwork at the City's expense, their own expense, or simply setting aside space for a future generator site.

Robidas clarified that even if the City does not require the developer to install the generator itself, the concrete pad, wiring and hookups should be installed for future use so if the City does decide to install a generator they will only have to hook it up. It was clarified that it could be placed anywhere on the building, not just the front as was discussed.

Smith stated that the Applicant is amendable to having electrical conduit ready for a future generator. Assia stated that there is already Natural Gas running to the property.

Belmore again inquired if the Applicants would consider fixing the small portion of Highland Street.

Assia stated that the goal of both the developer and the City is to preserve the school and return it to its original character. Completing this project to the Park Services standards comes at an expense and although Chinburg is trying to do what is right for the City and neighborhood while staying within the historic guidelines of the project. Chinburg would prefer not to pay for the street repair but will have to reconsider if that is the item which will prevent the application from being approved.

Witham summarized the City's annual road paving budget and explained variables in calculations regarding which roads are addressed first and discussed the annual budget for these road repairs. Witham expressed concern about further deterioration of this section of Highland Street. He asked if the developer would consider an exaction of around \$2500 to make repairs just to make it rideable and tide the city over. If agreed upon, this could appear as a condition for the applications approval.

Assia indicated that a \$2500 exaction seemed reasonable.

Saunders outlined the Staff recommendations. Under plan revisions:

E) Applicant regrade prospect street entrance to the specifications of the Fire Department and Public Works to allow the ladder truck to enter the site

F) Applicant prepare and plan for installation of a generator conduit including electrical wire hookup, planning for the Natural Gas hookup and concrete pad, preferably not in the front of the building to maintain the historic character

Under Conditions which must be met prior to final approval:

E) Submission of a \$2500 off site exaction for repair of Highland Street submitted prior to CO

Assia clarified the condition regarding the generator. He stated that Chinburg Properties would prepare a space and electrical conduit going to this area for potential future installation of a generator. Although the developer does not intend to run the wiring or install the transfer switch

Robidas reiterated that he would like to see a concrete pad as a space for a future generator, a transfer switch as well as a stub for gas hookup.

Witham agreed that to be minimally disruptive to future tenants it makes sense for the gas hookups and wiring to be handled while construction is ongoing. However, Witham felt it was not the applicant's responsibility to handle the transfer switch; this should be a City responsibility along with the generator itself.

Belmore inquired regarding the full cost of a generator.

Assia reported that the cost to run gas, electric, for the generator, transfer switch and hook up would be \$11,000 - \$13,000 for the full installation. He stated that approximately 1/3 of the cost is the generator and hardware, the rest is labor.

Robidas stated that it didn't make sense to run the conduit and install the wiring after the building is complete and tenants have moved in. It would be easier to do it when the electricians are working on the building prior to tenancy.

Belmore asked the applicant what they are willing to offer and how much it would reduce the \$11,000-\$13,000 cost.

Assia stated that they would remove the cost of the generator and transfer switch as well as the piping and wiring. The applicant intends to run plastic conduit for future wiring, to provide a space on the ground outside for the generator and having space on the façade for hanging the transfer switch. They do not intend to install anything, but rather prepare for future installation.

Guptill inquired if the intention is for the generator to be on the ground or the roof.

Robidas clarified that the generator would be on the ground

Guptill inquired if the conduit would run up to the roof to power the radio tower.

Assia clarified that conduit would be from basement to the outside of the building, not up to the roof. There would already be power up to the radio tower.

Belmore asked the applicant when construction would start if the application is approved.

Assia stated that spring, likely May, the construction would start and probably be completed in approximately a year.

Witham summarized that he felt the applicant is not responsible for the generator, but the applicant is open to planning for the installation of a generator by the City in the future. Witham stated that most City generators are acquired using state grants. It would be minimal work for the applicant to have the conduits ready as well as the space.

Witham asked Saunders how the condition in regards to the generator currently reads. Saunders summarized the conditions and staff recommendations as follows:

E) Applicant regrade prospect street entrance to the specifications of the Fire Department and public works to allow the ladder truck to enter the site

F) Applicant prepare and plan for installation of a generator conduit including electrical wire hookup, planning for the Natural Gas hookup and concrete pad, preferably not in the front of the building to maintain the historic character

Under Conditions which must be met prior to final approval:

E) Submission of a \$2500 off site exaction for repair of Highland Street submitted prior to CO

Motion: Witham MOVED that the request of Hilltop School, LLC for a waiver from Section 22A.11.4.b.iv of the Site Plan Regulations, requiring the installation of granite curbing be approved.

Horton seconded the motion.

Witham explained the reasoning behind granting this waiver. He stated that the City likes to see curbing where it's appropriate, where needed for traffic or drainage purposes. However, there is no need for curbing at this property.

The MOTION CARRIED by an 8-0 vote.

Motion: Robidas moved that the request of Hilltop School, LLC for a waiver from Section 22A.11.17 of the Site Plan Regulations, requiring comprehensive drainage calculations be approved.

Guptill seconded the motion. The MOTION CARRIED by an 8-0 vote.

Motion: Horton MOVED that the request of Hilltop School, LLC for a waiver from Section 22A.11.4.b.viii.1 of the Site Plan Regulations requiring 10% landscaped islands in parking areas be APPROVED.

Witham seconded the motion.

The MOTION CARRIED by an 8-0 vote.

Motion: Rhodes MOVED that the request of Hilltop School, LLC for a waiver from Section 22A.11.4.b.viii.5& 6&7 of the Site Plan Regulations, requiring parking lot perimeter trees and screening of parking areas be APPROVED

Horton seconded the motion.

Witham stated that he understood the waiver aimed to preserve the historic view of the school, but spoke regarding several parking spaces on the Grove Street side of the property and stated it would have been nice to have some screening in that area.

Assia reported that Chinburg Properties had hosted a meeting with the abutters of the school property. The Applicant will replace the dead maple tree on the Grove Street side with 2 -3 trees

Rhodes inquired about surety on any trees which may be damaged at the site during construction. It was clarified by Saunders and Smith that this is already an existing condition.

The MOTION CARRIED by an 8-0 vote.

Motion: Witham MOVED that the request of Hilltop School, LLC for a waiver from Section 22A.11.6 of the Site Plan Regulations, requiring an overall landscaped plan for the property be APPROVED.

Rhodes seconded the motion.

Witham asked the Applicant if they intended to remove the chain-link fence around the property's perimeter. Smith stated that the chain-link fence would be removed.

The MOTION CARRIED by an 8-0 vote.

Motion: Horton MOVED that the request of Hilltop School, LLC for a waiver from Section Site Plan checklist E and CC of the Site Plan Regulations, requiring exact dimensions and a stamped boundary plan be APPROVED

Robidas seconded the motion.

Witham said that his understanding was that “as-built” plans need to be submitted and asked if this would get in the way of that.

Smith said that with his engineering license he can do topographic surveys, he can do as-built, but he cannot touch boundaries

The MOTION CARRIED by an 8-0 vote.

Motion: Witham MOVED that the request of Hilltop School, LLC for site plan approval to rehabilitate the abandoned Hilltop School building into 22 residential apartments and some office space with minor parking and access drive aisle reconfiguration be APPROVED with the conditions outlined in the memo from Director Saunders dated March 13, 2019 with the addition of the three conditions outlined earlier in the meeting.

Robidas seconded the motion.

Belmore stated that the motion specified residential use but that the property could contain mixed use such as additional office space. Belmore inquired if this use should be added to the motion.

Witham AMENDED his motion to include mixed use. Robidas AMENDED his second.

Guptill inquired if the motion should reflect that there will be 22 units as opposed to a range of units. Witham and Robidas amended the motion and second to specify 22 units.

Witham thanked Chinburg Properties for taking initiative for fixing this vacant property as well as accepting the \$2500 offsite exaction

The MOTION CARRIED by an 8-0 vote.

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

No Discussion

4) NEW BUSINESS

A) Rosbury-Yoder, Arthur & Mona are seeking a merger on property located at 21 Shore Road Assessor’s Map 30 Lot 16 & Map 30 Lot 18

Saunders stated that this item is not a public hearing and therefore was able to be added to the agenda without notice. It is a request for lot merger.

Saunders summarized the proposal; the owner of the parcel purchased the parcel of land directly next to it and would like to merge the two.

Saunders said the conditions looked at in these circumstances are that there are no outstanding mortgages on either property. There are none. City Staff also determines if merging cause zoning issues with setbacks, etc. She stated there are no such issues with this parcel. Add more area to a front setback off of Blue Heron Drive

Saunders stated that she would recommend this merger. It will be a simple vote on which the Chairman will sign off, and then it is recorded.

Witham asked if these parcels would impact the area proposed for purchase of 3 additional acres for a conservation easement as discussed at the Finance Committee meeting.

Saunders stated that these parcels are not in the same area as the proposed conservation easement land

Motion: Belmore MOVED to APPROVE the motion for merger of the two parcels.

Robidas seconded the motion.

The MOTION CARRIED by an 8-0 vote

5) WORKSHOP BUSINESS

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

Saunders said that they hoped to start Planning Board workshops again in the near future. The new staff person will start in time to make the May meeting and the workshops will likely begin again at that time.

6) COMMUNICATIONS AND MISCELLANEOUS

Belmore asked Saunders to inform the board regarding the City going out to bid for a third-party plan review.

Belmore said there was a discussion at the Economic Development meeting about making a change to site plan regulations in regards to downtown parking. This will be coming back to Council for a vote in a month or two.

Saunders spoke regarding the 3rd party process. After releasing an RFP, the City keeps an engineering firm on call reviews to assist with third party reviews requested by SRTC or the Planning Board. It could include drainage, traffic report, off site improvement reviews, etc. The City had used the same firm for many years, and when their contract expired the City went out to bid. The City has now brought on Horsley Witten, a firm out of Massachusetts with an office in Exeter. They have already been brought in for the preconstruction meeting for Tara Fields and they will be slowly moved into further inspections.

Belmore stated that the City had received a handful of proposals and reviewed four of them. The panel reviewing the proposals felt that Horsley Witten would do very well for the City and they are excited to have them on board.

Horton spoke regarding downtown parking. He inquired if the proposed change to site regulations would help promote development of the property next to Teatotaler and asked if that development was stalled due to the parking issues.

Saunders explained that the proposal is to create a parking overlay district in the Main Street, Highland Street, Market Street area. Currently this area has house which go to side, front and back property lines. Unless a property owner was to buy abutting properties to demolish for parking purposes, or to create an underground parking structure, there are no other options for parking. Saunders stated that the City anticipated this change to site plan regulations will spur further development. Saunders stated that there are parking regulations in both Zoning and in the Site Plan regulations. Council has done their part to make Zoning changes; it is now up to the Planning Board to make the necessary changes to the Site Plan regulation. Saunders stated she will have those changes available within the next month or two for the Planning Board to review and approve.

Belmore clarified that this change meant that some areas of downtown will no longer be required to have on-site parking, but will be allowed to use public parking.

Witham stated that there is a fair amount of available on street parking as well as parking space in the Plaza. It would be up to individual applicants to come up with a parking plan that best suits their business.

Lehouillier spoke about a recent incident at the Hall at Great Falls; there was a function and there were many vehicles with out-of-state plates parked in front of the downtown businesses as well as parked on Prospect Street. Lehouillier stated there may want to be follow up to make sure the Hall is policing their own parking and preventing such issues.

Saunders said that there was an event this winter and the City did receive complaints. It was addressed with the owners of the Hall who were cooperative and stated that they would prevent this from happening again.

Horton asked for an update on the downtown plaza.

Saunders stated that the Economic Development Committee has moved forward with form-based codes proposal. Because that is an outstanding change to the Ordinance, the City has decided to put actively marketing the Plaza on hold so future developers will know what regulations to which they will be subject. Although the Plaza is not being actively marketed, Saunders stated that the City still has conversations with interested developers.

Guptill inquired about the Application for Calef Auto and the status of this application

Saunders said that the Applicant has withdrawn their application. Calef Auto may come back in the future with a new proposal.

Horton inquired if the cleared property across from Cumberland Farms on 108 is for sale.

Saunders said there has been discussion on the possibilities for that site, but there are currently no active plans.

Motion: Witham MOVED to ADJOURN the meeting.

Belmore seconded the motion.

The MOTION CARRIED by a 8-0 vote.

The Meeting ADJOURNED at 7:41 PM

Respectfully Submitted,

Cassie Givara