

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
OCTOBER 19, 2016**

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

**MEMBERS ABSENT:** None.

**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**

Richardson made a correction to page five of the minutes, changing Cumberland Farms to Irving.

**Motion:** Richardson moved to accept the minutes of the meeting of September 21, 2016 as amended.

Seconded by Guptill. Motion carried with a 7-0-2 vote with Fournier and Robidas abstained.

**2) COMMITTEE REPORTS**

**A) ZBA Report**

See attached report.

**B) City Council Report**

Witham stated that the Council voted to move forward with taking the deed for the Breton's Cleaners property for back taxes. Stated that the City didn't take it for a number of years because of hazardous materials on the site but now the City is looking to pursue a Brownfields grant, which we have to own the property to pursue the grant.

**C) Site Review Technical Committee Report**

See attached report.

**D) Minor Field Modification Report**

See attached report.

**E) Strafford Regional Planning Commission Update**

Updates were emailed to Board members as they were received.

**F) Vision 2020 Committee Report**

None.

**3) OLD 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.

**Motion:** Witham moved that the request of Cumberland Farms, Inc. be removed from the table.

Seconded by Robidas. Motion carried with a 9-0 vote.

**FX Bruton** with Bruton & Berube represented the applicant and addressed the Board. Stated that they are still working with the NHDOT and would like to get all his comments in order first so they are asking to be continued until the November Planning Board meeting.

**Motion:** Witham moved that the request of Cumberland Farms, Inc. be **TABLED** until the November 16, 2016 Planning Board meeting.

Seconded by Robidas. Motion carried with a 9-0 vote.

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

None.

#### **4) NEW BUSINESS**

- A) The Tin Shed, LLC is seeking a waiver from Section 8.4 of the Site Plan Review Regulations regarding technical review of their proposal to construct a new mini storage facility on property located on Willand Drive, in the Commercial Industrial (CI) District, Assessor's Map 43, Lot 1L, SITE #08-2016.

**Bob Stowell** with Trittech Engineering Corporation represented the applicant and addressed the Board. Stated that variances have been issued for the use and that they appeared before the SRTC twice. Stated that they are proposing a mini storage facility with outside storage on property that is currently vacant just beyond the Public Works Department. Stated that an Alteration of Terrain (AoT) permit application has been filed with the State and the application fee has been paid. Stated that the SRTC recommends third party engineering review of the drainage system but the applicant would like to forego that review and just use the AoT review. Stated that the third party review would be around \$2,000, which is what the applicant paid for the AoT permit application to be reviewed. Stated that it is like paying for, and having the same review done twice. Stated that many of the City regulations are verbatim with the State regulations.

Saunders stated that the waiver request memo from the applicant mentions traffic but the SRTC did not request third party review of traffic.

Witham stated that this is the first time he has seen this kind of request and stated that the applicant indicates that the application for the AoT takes City regulations into account.

Stowell stated that the City's regulations incorporate many of the State regulations so if they meet the State regulations then they meet the City regulations.

Saunders stated that there are some City regulations not included in the States ones.

Belmore stated that he would like the Director to review her memo and asked if the property is in the Willand Pond watershed.

Saunders stated that she didn't take a stance on if it is in the Willand Pond watershed. Stated that the City has a Groundwater Protection District that is local and not reviewed by the State. Stated that the State is also not familiar with the abutting properties and the topography. Read her memo and stated that Planning staff recommends third party review of the drainage. Stated that the SRTC determines what aspects of an application get reviewed by the third party and in this case the Committee just wanted the drainage reviewed.

Stowell stated that the Groundwater Protection District is in the State database and they take it into account.

Witham stated that his kneejerk was why not allow the request but now looking at the plan it seems like an intensive use and stormwater may be critical.

Robidas stated that is why he and the SRTC wants third party review.

Rhodes stated that he agrees and that there is a lot of impervious area and he is concerned with that. Stated that he also sees a lot of impervious area improperly maintained.

Fearis stated that the request is for both the stormwater and the traffic but he doesn't have a problem with the traffic request.

Saunders stated that the Board can take separate votes.

Witham stated that he is fine with granting the traffic waiver.

Belmore read from the applicant's request and that it refers to State statute.

Stowell stated that it was for analysis only. Asked if there is a hybrid review where they wait until the AoT review is complete and then have the third party reviewer only look at what the AoT doesn't cover.

Saunders stated that it is more clean and probably more cost effective to review the drainage compared with the City regulations.

**Motion:** Witham moved that the request of The Tin Shed, LLC for a waiver from Section 8.4 of the Site Plan Review Regulations for third party review of stormwater be **DENIED**.

Seconded by Rhodes.

Belmore stated that he is leaning toward supporting this motion. Stated that Planning staff supports this, he has never seen this request before and he doesn't know enough about the AoT process.

Motion carried with a 9-0 vote.

**Motion:** Witham moved to accept the applicant's traffic analysis as sufficient to meeting the City's requirements.

Seconded by Rhodes. Motion carried with a 9-0 vote.

- B) TCD Realty, Inc. is seeking site plan approval to construct a new building for auto detailing on property located at 189 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 44, Lot 26, SITE #11-2016.

Saunders passed out a new memo (see attached) and stated that the new memo has suggested conditions of approval. Stated that they are requesting a waiver for the use of metal siding and a waiver regarding parking lot mitigation. Stated that all the suggested conditions of approval are boiler plate except for the water hookup and backflow device.

**Bob Stowell** with Tritech Engineering Corporation represented the applicant and addressed the Board. Stated that the proposal is to build a small, 35'x50' building behind the Tri City Dodge building that will solely be used for auto detailing. Stated that have this use at Subaru but they want to move it here. Stated that the location for the building is an area that is currently paved so there are no concerns with drainage. Stated that there will be a pitched roof and runoff will actually be improved. Stated that the placement of the new building addresses concerns of the waiver because it is behind the other building and will be hidden. Stated that there are two commercial uses that will block the building from the public view. Stated that it is not visible from the south and just a small section can be seen if driving south.

**Public hearing opened 8:10 pm.**

Witham stated, regarding the metal siding waiver, that the Board has been getting this type of request for Route 108 and that they have been generous and that they usually require more when it is a brand new development. Stated that this building will barely be seen and that he is comfortable with granting this waiver and the one for landscaping.

Robidas stated that he has the business next door and that they won't be able to see the new building there. Stated that he agrees with Witham.

**Building Materials waiver motion:** Witham moved that the request of TCD Realty, Inc. for a waiver from Section 11.7.b.iii of the Site Plan Review Regulations regarding the use of metal siding be **APPROVED**.

Seconded by Robidas. Motion carried with a 9-0 vote.

**Parking Lot Mitigation waiver motion:** Witham moved that the request of TCD Realty, Inc. for a waiver from Section 11.4.b.viii of the Site Plan Review Regulations regarding parking lot mitigation be **APPROVED**.

Seconded by Robidas. Motion carried with a 9-0 vote.

Saunders read the suggested conditions of approval from her memo (see attached).

Witham referred to the last suggested condition of approval and asked if there is a drainage swale.

Stowell stated that there is a green area that will have infiltration.

**Site Plan Motion:** Robidas moved that the request of TCD Realty, Inc. for a site plan to construct a new building for auto detailing be **APPROVED WITH THE FOLLOWING CONDITIONS:**

**1. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL OR RECORDING OF THE MYLAR:**

- a. Construction Cost estimate for this project shall be submitted to the Planning Department; and,
- b. 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 Division of Economic Development and Planning for final endorsement.

**2. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:**

- a. A preconstruction meeting is required prior to the start of work. Please contact the Planning Department to schedule this at least 1 week prior to breaking ground;
- b. An escrow account, in an amount set by the City's contract Engineer and agreeable to the Office of Planning and Community Development, will be established for site and building construction inspections prior to any site work;
- c. An escrow account, in an amount agreeable to the Office of Planning and Community Development, but no less than 110% of the cost of construction determined by the engineer's estimate of construction value, will be established for on-site erosion control and site restoration prior to any site work. If all site work is completed as proposed this account will be refunded;
- d. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event; and,
- e. The applicant shall pay all necessary sewer and water permit fees prior to the issuance of a building permit.

**3. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION**

- a. The proposed building must be supplied with water by connecting to the existing water service after the existing water meter that now services the property. A testable RPZ back flow device must also be installed just after the meter to bring the property into compliance with the City of Somersworth's water ordinance;
- b. There shall be no wetlands degradation during construction;
- c. An electronic As-Built Plan of the proposed development with details acceptable to the Office of Planning and Community Development 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;
- d. A copy of the completed Inspection & Maintenance Log shall be provided to the Office of Planning and Community Development annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans;
- e. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as this site plan remains valid;
- f. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,
- g. The new drainage swale must be constructed prior to construction of the new building and associated parking. If the swale is used as a temporary settling swale during construction, the swale shall be cleaned out and brought down to proposed bottom elevation prior to CO of new building.

Seconded by Guptill. Motion carried with a 9-0 vote.

**C) Discussion on Micro Flats Zoning Ordinance amendment.**

Saunders stated that the idea of Micro Flats was brought forward by the Economic Development Committee (EDC) and they want to see if there is room for these in the City's regulations. Stated that Micro Flats are similar in concept to Tiny Houses and that this use is taking shape across the Country. Stated they are used instead of hotels for long stays and are usually close to town, have minimal parking and used by members of the community. Stated that the idea was to add the use to the Zoning Ordinance Table of Uses and allow it in the Business District. Stated that the EDC would like the Planning Board to review and have a discussion on this.

Belmore stated that the EDC is a standing Committee of the City Council and has four Council members on it. Stated that they would like the Planning Board's input. Stated that the units are small so less kitchen and dining area.

Saunders stated that there is opportunity for these not to be used as intended, like a boarding house, so there was discussion on having a reduced kitchen but having a larger community area. Stated that there would be a lot of shared space. Stated that there would be on-site amenities like bike storage. Stated that the intent is only allow it as a planned development with high quality amenities.

Robidas asked if there are other local communities doing this and if there have been any discussions with them.

Saunders stated that there is a development like this in Manchester NH that is under construction. Stated that it is walkable to downtown and a good fit for what they were looking for. Stated that time will tell if it is successful.

Robidas asked about this kind of development in other states. Stated that he is concerned with issues that may pop up years from now.

Saunders stated that she didn't really look out of state because the cities are too big.

Robidas asked if Somersworth is big enough for this kind of development.

Saunders stated that they are more like apartments or condos and don't necessarily stand along.

LeHoullier stated that they sound like new apartments and asked how it is different from allowed multi-unit buildings in the downtown.

Saunders stated that a lot of it has to do with marketing. Stated that there are more amenities and it is more planned as they are providing communities, not just housing.

LeHoullier stated that he is concerned because there were projects in the past that were presented as one thing but ended up very different.

Rhodes stated that there are reduced amenities in each unit and that he may be able to provide more information.

Witham stated that he feels like the concept is for large urban areas and are affordable. Stated that they have these amenities because owning a car in a large city is expensive. Stated that this puts more people in our downtown that will walk through and use the downtown. Stated that they would need to make sure they have high quality amenities so that it can be more upscale and not become a rooming house. Stated that he is apprehensive about parking because the odds are that people are going to have cars and parking will be a challenge. Stated that the devil is in the details.

LeHoullier asked if the units would be market-rate because at 260 Main Street they said it was going to be luxury apartments and they were sold and now they are not.

Fearis asked if this would be for new construction or could a building be renovated.

Saunders stated that it would be for both and that it would be an allowed use in the Zoning Ordinance.

Fearis asked if Planning Board review would be needed.

Saunders stated that the use can be allowed by right or by conditional use.

Richardson stated that he is concerned with parking also. Stated that it was mentioned that many different types of people would use it but that it sounds like a glorified frat house, which isn't needed. Stated that he likes the idea of condos better than rentals and stated that he has a lot of questions about this.

LeHoullier stated that he would like to see the record of how the use is going in other staets.

Saunders stated that she can research the use nationwide and report back to the Board next month.

Belmore stated that this is just a concept being explored right now and that the EDC just wants feedback from the Board. Stated that the Board may see this as a ordinance change in the future.

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

Fearis stated that after the last Planning Board meeting there was an SRPC meeting where he got information on the new law regarding in-law apartments or Accessory Dwelling Units (ADU). Stated that he email out some information and hasn't heard back from anyone.

Saunders stated that there has been talks of amending that law already so she suggests not making changes to the City's ordinance until the changes at the State get made.

Witham stated that the EDC feels the same way on that.

## 5) WORKSHOP BUSINESS

A) Discussion on Site Plan Review Regulations proposed amendments.

Saunders stated that he is still working on this and that she may be more ready to address it in January.

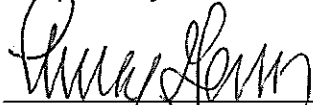
B) Any other workshop business that may come before the Board.

None.

## 6) COMMUNICATION AND MISCELLANEOUS

None.

**Motion:** Robidas moved to adjourn the meeting.  
Seconded by Belmore. Motion carried with a 9-0 vote.  
Meeting adjourned at 7:40 pm.  
Respectfully submitted:



Tracy Gora, Planning Secretary  
Somersworth Planning Board