

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
OCTOBER 18, 2017**

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

MEMBERS ABSENT: None.

STAFF PRESENT: Shanna B. Saunders, 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: Guptill moved to accept the minutes of the meeting of September 20, 2017.

Seconded by Horton. Motion carried with a 6-0-3 vote with Witham, Robidas and Fournier abstained.

2) COMMITTEE REPORTS

ZBA Report

See attached.

City Council Report

Witham stated that Pike Industries is paving a number of City streets and that they plan to be done by the beginning of November. Stated that it is \$800,000.00 worth of paving and that they seem to be on budget. Stated that the City is preparing for a complete streets project that will involve Main Street, Indigo Hill Road, Constitution Way and others. Stated that the City sent out an RFP and that nine proposals were received. Stated that they have narrowed it down to two firms and that they will choose one in the coming weeks to provide engineering for the project.

Site Review Technical Committee Report

See attached.

Minor Field Modification Report

See attached.

Strafford Regional Planning Commission Update

None.

Vision 2020 Committee Report

Saunders stated that they have not met.

3) OLD BUSINESS

A) Discussion on site plan application review fees.

Motion: Guptill moved that the Board review Old Business after they review New Business.

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

See below.

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

None.

4) NEW BUSINESS

A) Goodwin Community Health is requesting an extension of the approved site plan for a building addition property located at 311 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 48, Lot 24E, SITE #01-2017.

Gary DeColfmacker with Goodwin Community Health addressed the Board and stated that in June of this year they received site plan approval for an addition to the facility. Stated that they are seeking an extension to submit final plans and have a pre-construction meeting. Stated that they would prefer a one-year extension but can try to make it work with six months.

Belmore stated that they got approval in June and asked how long they have after approval.

Saunders stated that they have 120 days to meet the precedent conditions of approval and once they meet that, they have a year to begin active and substantial development. Stated that they are requesting an additional year on meeting the precedent conditions.

Guptill asked why they need the extension.

DeColfmacker stated that Goodwin Community Health relies on Federal funding and that was the plan for this addition. Stated that once the site plan process started, they found out that funding wouldn't be announced as early as thought. Stated that there has been a change of administration and there is concern with support and funding moving forward. Stated that they are hoping for the grant but that they may have to carry the debt themselves. Stated that they are hoping to slow this process to see the funding picture because it is uncertain right now. Stated that they are just waiting on the timing of Federal funding.

Witham stated that he was not present when the project originally got approved and asked if the addition is to expand services.

DeColfmacker replied yes that it is to expand services because they are busting at the seams now. Stated that they have added programs and providers and they really need the space.

Witham stated that with the NHDOT, the City is about to embark on the complete streets project on Route 108. Stated that although it is in preliminary stages right now, it is important to remain cognizant of it.

DeColfmacker stated that a condition of approval was for a \$5000.00 contribution for sidewalks in the future.

Robidas stated that he is okay with the year extension but then there is another year after that so it will feel like longer.

Saunders stated that this request is just for the precedent conditions and then they would have another year.

DeColfmacker stated that the issue is that it starts the clock ticking but there is uncertainty at the Federal level.

Motion: Belmore moved that the request of Goodwin Community Health for an extension to their site plan approval be **APPROVED**. Stated that this would be a six month extension expiring on April 18, 2018.

Seconded by Robidas.

Witham stated that if the Board grants this, they will then have one year to get started on development. Asked if they can request an extension at that point also.

Saunders replied yes.

Witham stated that he is okay with that.

Motion carried with a 9-0 vote.

The Board went back to Old Business A regarding site plan application fees.

Saunders stated that she is still doing research on this and gathering more information. Stated that this can be addressed at the next meeting.

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

None.

5) WORKSHOP BUSINESS

A) Discussion on new Accessory Dwelling Unit ordinance.

Saunders stated the proposed Accessory Dwelling Unit (ADU) ordinance was supplied to the Board in their packets along with copies of the adopted ones from Rochester and Dover. Stated that the State adopted this new law last spring but that Cities can adopt their own regulations in addition to. Stated that the new law allows for ADUs in any residential district. Stated that the City can have permitting and square footage requirements. Stated that the NHOEP provided a template for communities to use for an ordinance and she used that here. Referred to the Rochester and Dover examples and stated that they have adopted theirs.

LeHoullier asked about the 750 square foot size requirement.

Saunders stated that the State law is that the unit can be no smaller than 750 square feet but that the Board talked about 800 square feet instead. Stated that Rochester and Dover use that also.

Robidas stated that he is concerned with enforcement and monitoring.

Saunders stated that State statute requires that all communities allow this use. Stated that the City can make sure it is documented through the permit process. Stated that enforcement is going to be tough.

Witham stated that the City's hands are tied because we have to allow it but can put in the means to make sure it doesn't get out of control. Stated that she supports the 800 square foot size limit. Mentioned his concern about septic systems since the systems are built based on the number of bedrooms and now more bedrooms are being added. Stated that he is interested in parking and that he doesn't want it overlooked. Stated that the last thing he wants to see if people parking on lawns. Stated that there are some controls that he is comfortable with.

Saunders stated that the State statute requires that the property owner has to occupy one of the units. Stated that Rochester requires that the main single family dwelling be occupied by the owner.

LeHoullier asked about the number of bedrooms and what the limit is.

Saunders stated that they cannot limit the number of bedrooms.

Robidas asked if they can require that the owners re-file or re-permit every two years. Stated that he would like there to be a way to monitor it.

Belmore referred to page two of the draft and stated that it would need to be recorded at the Strafford, not Hillsborough, Registry of Deeds and that Somersworth does not have a Community Development Department. Asked that the NHDES be referenced in the septic section of the draft. Stated that he would like to know why other communities are using the 800 square foot minimum. Stated that he would like to hear the reasoning behind wanting the owner to occupy the main structure.

Richardson stated that he thinks he would like the main structure to be owner occupied especially when there is a sale. Stated that, from personal experience, real estate agents don't always disclose everything about a property and that with the main structure being owner occupied it would be easier to see everything going on.

Fearis stated that he is in favor of the main structure being owner occupied but that he doesn't see how that would be enforced. Stated that he can envision empty nesters moving into the second unit and renting out the main structure for income. Stated that setbacks would be reviewed during the permitting process. Questioned how the second unit would be assessed for taxes.

Guptill stated that he is concerned with having the main structure owner occupied. Stated that at first you could have your parents in the second unit but eventually the roles may change. Stated that they need to be as flexible as possible.

Fournier stated that he is curious about curb cuts and addresses for emergencies.

Saunders stated that she hasn't heard anything about taxation but since this affects the entire State, Assessing Officials are probably working on that. Stated that she will look into E911 concerns.

Witham stated that when talking about who will occupy the structures, there is a current ordinance that speaks to the number of unrelated people living in one property.

Saunders read from the Maximum Allowable Occupancy ordinance.

Witham stated that he doesn't know how they would enforce that. Stated that regarding parking, he would like to add that it be off street and that he doesn't want their parking space to be their front lawn.

Horton stated that he likes the idea of staying consistent with surrounding communities.

Barry stated that he is concerned with permitting and asked if they can have a re-permitting process. Mentioned having the ADU vacant at the time of a sale to encourage re-permitting.

Witham stated that he would be concerned with that.

Belmore stated that he likes the 800 square foot limit and being flexible with the main structure being owner occupied. Stated that he doesn't feel it would be legal for someone to have to be evicted when there is a sale. Stated that he would like to see something in our regulations like number eight of Dover's regulations regarding an annual renewal. Stated that he would like it to be annually so there is more control.

Rhodes stated that he agrees with the annual process. Regarding vacancy, asked if they could restrict that to arm's length sales only.

Saunders stated that she will have to check on the legality of that.

Robidas asked if there can be a fee with the annual renewal to offset the cost for City staff to do the work.

Saunders stated that she thinks they can do that.

Belmore stated that he is not sure if the State law would allow that.

Guptill supports permitting but not always doing an inspection.

Robidas stated that he would like someone to verify that it is in compliance.

Saunders stated that they can word it so that the City retains the right to inspect.

Small asked if they can have to prove residency when they renew their permits.

Saunders stated that they can limit the number of bedrooms but it has to be more than one.

Small asked if they can say no more than two bedrooms and not more than four people. Stated that he is concerned with parking and asked if they can require one parking space per bedroom.

Rhodes stated that Rochester seems to have limited theirs to a studio or one bedroom and that Somersworth should look into that.

Barry asked if they can limit or set a minimum for the size of a bedroom.

Saunders stated that there is code regarding the amount of space needed for particular rooms.

Barry stated that he would like Code Enforcement to confirm that bedrooms are sized to code.

Saunders stated that Code Enforcement will inspect because all building codes will still need to be met.

Belmore stated that Dover's regulations speak to a fee structure and that he would like to see that. Stated that he would also like a copy of the State law. Stated that he is not sure he likes the idea of one parking space per bedroom because what if someone uses the other bedroom as an office.

Witham stated that he is just concerned with vehicles being parked haphazardly.

LeHoullier asked if the other communities speak to parking.

Saunders read from their regulations.

Small asked if someone can appeal regarding the parking.

Saunders stated that if the City adopts this then an applicant could go before the ZBA for a variance but that there is a high standard to meet for a variance to be granted.

Fearis stated that bedrooms are required to have a closet. Stated that they would also need to work with the Fire Department for safety and to make sure there is a fire break between the units.

Fournier stated that he thinks Dover has a limit on the distance an ADU must be from the main structure.

Robidas asked if there are regulations about the ADU being attached.

Belmore stated that as long as a building permit is required there will be other codes that come into play. Stated that Code Enforcement and the Fire Department will be part of the process. Stated that he doesn't support having parking based on the number of bedrooms. Thought the next step would be an amended version and then a public hearing.

Saunders thanked the group for their comments and said she would bring an amended version to the next meeting.

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

None.

6) COMMUNICATION AND MISCELLANEOUS

Horton mentioned that he attended the Hall at Great Falls open house on Saturday and the facility the Planning Board approved on Market Street is beautiful.

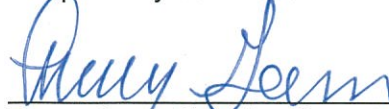
Witham echoed his comments.

Motion: Robidas moved to adjourn the meeting.

Seconded by Witham. Motion carried unanimously.

Meeting adjourned at 7:20 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board