

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
JUNE 21, 2017**

**MEMBERS PRESENT:** Ron LeHoullier, Chair, Harold Guptill, Vice Chair, Bob Belmore, City Manager, Mark Richardson, Aaron Fournier, Jeremy Rhodes, and Jameson Small, Alternate.

**MEMBERS ABSENT:** Dave Witham, City Council Representative and Paul Robidas.

**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.

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

**1) APPROVAL OF MINUTES**

**Motion:** Guptill moved to accept the minutes of the workshop meeting of May 17, 2017.

Seconded by Rhodes. Motion carried with a 5-0-2 vote with Fournier and Small abstained.

Small amended the regular meeting minutes by clarifying that he was not abstained of the motion to approve last month's minutes.

**Motion:** Richardson moved to accept the minutes of the meeting of May 17, 2017 as amended.

Seconded by Guptill. Motion carried with a 6-0-1 vote with Fournier abstained.

**2) COMMITTEE REPORTS**

ZBA Report

None.

City Council Report

None.

Site Review Technical Committee Report

None.

Minor Field Modification Report

None.

Strafford Regional Planning Commission Update

Belmore Stated that the SRPC annual meeting is tomorrow.

Small mentioned the grant for the old Breton Cleaner site that the City applied for.

Saunders stated that the City received the grant from the NHDES but not from the EPA.

Small confirmed that the City is still moving forward with demolition.

Saunders confirmed.

### Vision 2020 Committee Report

Belmore stated that the Committee gave a presentation to the City Council regarding Master Plan updates and stated that this Board should get a copy of that. Stated that there will be more information later but the City did get accepted for a Plan NH Grant. Stated that the event will be in September where there will be planning professionals looking to the vision of Somersworth. Stated that the target area will be Stein Park to the bridge. Stated that the Board will be invited and that it is another visionary project to continue to grow the downtown.

Saunders stated that it will be a two-day event with a meeting on a Friday afternoon and a presentation on Saturday afternoon.

### **3) OLD BUSINESS**

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

Saunders reviewed her memo (see attached) and stated that this item was continued from a few meetings ago. Stated that the applicant and the City met with COAST Bus and the NHDOT regarding placing a crosswalk across Route 108. Stated that the meeting was very productive but that although the crosswalk is a possibility, there are unknowns regarding the 10-year plan. Stated that the 10-plan will be expansive and would need to be done in phases. Stated that there may be grant money available but it would be competitive. Suggested that the Board look into an off-site exaction in lieu of the crosswalk. Stated that the State has closed solicitation of the 10-year plan and proposals have been submitted but not selected.

**Motion:** Guptill moved that the site plan application of Goodwin Community Health be removed from the table.

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

**Janet Laatsch**, CEO of Goodwin Community Health addressed the Board. Stated that she feels that the City has been successful attracting medical uses on Route 108 but hasn't kept up with pedestrian crossing. Stated that she is concerned with having a crosswalk at just one location will give people a false sense of security because people drive too fast. Gave the example of many crosswalks in the downtown forcing people to keep their speed down. Stated that she is willing to put \$5000.00 to this but she thinks it should be done strategically and while looking at others.

**Rob Doyle**, the project architect addressed the Board and stated that their main concern is the one crosswalk. Stated that Route 108 may be widened in the future and that he is not sure it would be safer with this crosswalk. Stated that this is a new design for this type of crosswalk because there will be actuated signals and it just doesn't make sense at this time. Stated that COAST Bus reiterated that coming on site to pick up and drop off was unsafe and would hurt their schedule so they are not going to do that.

**Public hearing closed 6:42 pm.**

Belmore stated that the applicant is willing to put in \$5000.00 but that if the money doesn't get used within six years it would go back to the applicant. Stated that he supports that. Asked that there be a condition of approval for underground irrigation for the landscaping.

Doyle stated that they would like the money to be attached to the building permit and not the Planning Board approval. Stated that regarding the irrigation, when they got their initial approval they didn't do irrigation as part of being LEED certified although they have hose bibs to water when needed. Stated that they chose drought-resistant plans so they didn't have to do irrigation. Stated that they would prefer to not have the condition of approval for irrigation.

Richardson stated that he is hearing a lot about the 10-year plan and asked what is the actual reality of it and when is it starting.

Saunders stated that the engineering bid is out now and they have to go through right of way acquisition. Stated that they are working with businesses along the corridor. Stated that she is hoping that by next spring they will have active conversations with NHDOT. Stated that the State has been working diligently on this and there is no doubt that it will move forward.

Guptill stated that COAST Bus won't come in to the site due to safety and stated that maybe an exaction of \$5000.00 is suitable for now.

Doyle stated that the safety concern was with bus traffic in the parking lot with people going to their cars. Stated that the parking lot wasn't set up for bus traffic.

Saunders stated that landscaping and sidewalk waivers have already been addressed so the only motion left is for the site plan. Read suggested conditions of approval from the memo.

**Motion:** Richardson moved that the request of Goodwin Community Health for a site plan for an addition be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL:
  - a. Construction Cost estimate for this project shall be submitted to the Office of Planning and Community Development;
  - 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 Office of Planning and Community Development for final endorsement; and,
  - c. Because of the increase impact to the COAST bus service and in particular the COAST bus stop crossing on Route 108 directly in front of this property the applicant shall submit an offsite exaction of \$5000.00 to be used for upgrades to that crosswalk.
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 Office of Planning and Community Development 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 construction inspections prior to any site work;
  - c. A performance surety, in an amount agreeable to the Office of Planning and Community Development, but no less than 110% of the cost of site 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. 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

- e. be based on estimate of water used and equivalent number of bedrooms;
- e. 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;
- f. A NHDOT Driveway permit must be obtained prior to building permit approval; and,
- g. The applicant must fill out an application for a "Water Only" meter for irrigation purposes and pay any associated fees.
- 3. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
  - a. There shall be no wetlands degradation during construction;
  - b. A copy of the completed Stormwater 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;
  - c. 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;
  - d. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,
  - e. The new drainage infrastructure must be constructed prior to construction of the new building and associated parking. If the infrastructure is used as a temporary settling area during construction, the infrastructure shall be cleaned out and brought down to proposed bottom elevation prior to Certificate of Occupancy (CO) of new building.
- 4. AS-BUILT PLANS.
  - a. Within thirty days of the completion of the project and prior to the issuance of an occupancy permit an electronic As-Built Plan of the proposed development with details acceptable to the Office of Planning and Community Development shall be provided on paper and on CD prior to the issuance of a Certificate of Occupancy (CO). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

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

Saunders both landscaping and sidewalks have already been addressed, only motion is for site plan

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

None.

#### 4) NEW BUSINESS

- A) John J. Flatley is requesting a two-year extension of the approved site plan to construct three apartment buildings with associated site improvements for property located on Tri City Road, in the Business (B) District, Assessor's Map 39, Lot 03, SITE #12-2015.

Saunders reviewed her memo (see attached) and stated that this applicant has been before the Board as recently as December and is requesting a 24-month extension. Stated that staff recommends only a 12-month extension because it is reasonable to check in with the applicant on a yearly basis. Stated that the ZBA granted a 12-month extension also.

**Kevin Walker** with the John J. Flatley Company addressed the Board and stated Saunders summed it up well. Stated that they agree with the 12-month extension, which the ZBA granted a few weeks ago. Stated that they are working on a large project and they want to be able to go full steam when they get started in Somersworth. Stated that they agree with Saunders for a 12-month extension to see where the City lies with development.

**Public hearing closed 6:51 pm.**

**Motion:** Belmore moved that the request of John J. Flatley for an extension of the approved site plan to construct three apartment building with associated site improvements be **APPROVED**. Stated that this approval shall be for 12-months.

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

- B) Breitling Holdings, LLC is seeking a waiver from Section 13.8.b of the Site Plan Review Regulations regarding third party stormwater review for property located at 67 Elm Street, in the Business Historic (BH) District, Assessor's Map 10, Lot 174, SITE #04-2017.

Saunders reviewed her memo (see attached) and stated that this project went before the SRTC. Stated that the proposal is to renovate the hotel with parking on both sides and to collect runoff and put it into the City's system. Stated that because of that, the SRTC felt that third party review is needed to be sure the City's system has the capacity to handle the additional runoff. Stated that a camera survey of the direct discharge pipes was suggested and that cost would be about \$1000.00. Stated that the applicant is requesting a waiver from both of those.

**Motion:** Belmore moved to move this item to the end of the agenda since the applicant is not present and there is a public hearing scheduled.

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

- C) Dave Francoeur is seeking a conditional use permit to build a single family dwelling within the 100-foot wetland buffer on property located at 31 Cole's Pond Road, in the Residential Single Family (R1) District, Assessor's Map 49, Lot 16, CUP #01-2017.

Saunders stated that she has no memo prepared because this project is moving fast. Stated that the applicant went before the Conservation Commission last Wednesday and did a site walk on Saturday. Stated that she agrees with the Conservation Commission on all their suggested conditions of approval and read them. Explained the proposed stormwater and infiltration.

**Dave Francoeur**, property owner, addressed the Board and stated that Tritech Engineering drew up these plans based on their meeting with the Conservation Commission. Stated that there is another change and they are going to the ZBA for a variance.

Saunders stated that this property is in the Groundwater Protection District and the regulations require that they hook up to City sewer but that it is two miles away. Stated that to connect it would be almost a million dollars to extend the sewer line. Stated that all development that has occurred has gone before the ZBA for a variance.

Francoeur stated that they have a tight lot and that they tried to design the house around the lot. Stated that they will have a slab foundation so they don't have to dig. Stated that they are doing the least amount of digging as possible and trying to disturb as little as possible. Stated that the vegetation on the sides will stay and they won't take much down.

**Public hearing closed 7:01 pm.**

Richardson stated that on the locus plan the wrong pond name is listed.

Belmore asked if anything needs to be added to the Conservation Commission's suggested conditions of approval. Asked about a NHDES permit.

Saunders stated that they will need a permit from the State.

Belmore asked if that should be a condition of approval.

Saunders stated that they can make is a condition of approval that they submit to the State but the regulations say the City can't condition its approval on a State approval. Stated that they are just here tonight for the conditional use permit and that the Groundwater Protection District is separate.

**Motion:** Belmore moved that the request of Francoeur Realty Trust for a conditional use permit to build a single-family dwelling within the 100-foot wetland buffer be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. The addition of two Wetland Buffer boundary markers shall be installed;
2. There are fertilizer restriction as per Section 13.7.A.7 and 13.6.C.2.a of the Zoning Ordinance;
3. There shall be stone-filled infiltration trenches installed along the length of the north and south sides of the house. They shall be twelve inches wide and eighteen inches deep and filled with pea stone or river stones to slow the runoff toward the pond;
4. An application shall be filed with the NHDES in accordance with the Shoreland Water Quality Protection Act; and,
5. As per the Planning Board, update the locus plan to show the correct water body.

Seconded by Richardson.

Small questioned if the project can still happen if the State denies their permit.

Saunders stated that she has never seen the State say that someone can't building. Stated that it may require amendments but they wouldn't just give a blanket "no".

Small asked if the septic is the biggest concern to the State.

Saunders stated that she feels that the long-term impact is a concern to them.

Small stated that most of the existing vegetation will stay the same.

Motion carried with a 7-0 vote.

D) City of Somersworth proposed various amendments to the Site Plan Review Regulations. (Copies of proposed revisions available in the Department of Development Services).

Saunders passed out additional handouts and stated that she would like to jump to the end of the document. Referred to page 22A.46 and stated that the Board wanted to see the fee structure of surrounding communities and she has provided some. Stated that the other thing the Board wanted more information on was the amount of surety that the City collects on page 22A.40. Stated that the City currently collects 110% of cost, which tends to be high, and that the Board talked about bringing that down to 25%. Stated that she looked at other communities and they don't give a percentage but say it is up to the Board. Read language from other communities. Stated that the rest of the suggested changes from the last meeting were incorporated into the document and asked if she should review each page or just let them look at it themselves. Stated that there is a public hearing scheduled for this tonight to hear from the public. Stated that the next step is to approve it.

**Public hearing opened 7:10 pm.**

**Public hearing closed 7:10 pm.**

Belmore stated that he would like to review this and vote on it at the next meeting.

Richardson stated that he is more comfortable with a set percentage for surety rather than leaving it for someone to decide. Stated that he is happy with 25%.

Saunders stated that would be her recommendation.

Guptill asked what the advertising fee is.

Saunders stated that it is for the legal notice to be published in the newspaper. Stated that the our costs are based on construction costs but that it is odd because we collect the fees up front and the proposed fee isn't checked by an our engineer. Stated that the actual construction cost could be very different. Stated that other communities either have flat fees or it is based on square footage. Stated that she doesn't have a recommendation on that. Stated that if the Board would like to have fees based on square footage then she can come up with a proposal for the next meeting.

Guptill stated that our fees are condensed compared with others and that they are charging for things that Somersworth doesn't charge for.

Saunders stated that there are some other fees like for the number of parking spaces. Stated that she doesn't think she would want to add more categories of fee but the cost could be more in line with other communities. Stated that there is a week between submittal and the meeting and she could have the engineer review the proposed cost. Stated that she feels that trying it by square footage isn't a bad thing. Stated that we could make simpler categories.

Guptill asked what would be done when it is a major renovation. Asked Saunders if she feels the City hasn't been charging appropriately.

Saunders stated that a detailed construction cost is required to be submitted as part of the Planning Board approval.

Richardson stated that he is thinking of an example from tonight where Flatley's cost could go up or down during the period of the extension.

Saunders stated that for the surety she makes sure they use up-to-date construction costs. Stated that the application fee is an up-front cost at the time of review.

Belmore stated that he would like to he would like to pick a project that was already done and compare costs with other communities.

Small stated that he likes the square footage idea and asked if there is a way to break it down for a renovation versus new construction.

Saunders stated that the Planning Board doesn't have jurisdiction over single family and two-unit residential properties. Asked if the Board wants to have a workshop or just put this at the end of a regular meeting.

Belmore stated that he is okay with this process.

**Motion:** Guptill moved that the proposed revisions to the Site Plan Review Regulations be **TABLED** until the July 19, 2017 Planning Board meeting.

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

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

Saunders stated that the Board still have agenda item 4B for Breitling Holdings, LLC to review. Stated that based on her conversations with the applicant she feels that he would have wanted to be here.

Belmore stated that this has been noticed for a public hearing so they should still have that.

**Public hearing opened 7:24 pm.**

**Public hearing closed 7:25 pm.**

Belmore stated that he wasn't clear on what the applicant is looking for and what he is willing to do. Stated that the SRTC recommends that they stay with the normal routine.

**Motion:** Belmore moved that the request of Breitling Holdings, LLC for a waiver from Section 13.8.B of the Site Plan Review Regulations regarding third party stormwater review by **TABLED.**

Seconded by Fournier.

Small asked if the City often checks out storm pipes.

Saunders stated that she has been working for the City for just over a year and that she hasn't seen the request before. Stated that other projects generally have newer systems but this is an older system. Stated that she feels this is a benefit for the applicant because they usually want to make sure the system is capable of handling the runoff. Stated that this isn't common anymore because of the new LID standards. Stated that the design is to dump stormwater into the City system and there is not LID design there.

Small asked if it is just gravel right now and will all be paved.

Saunders stated that there will be some green space but will have 30 parking spaces.

Motion carried with a 7-0 vote.

## **5) WORKSHOP BUSINESS**

A) Discussion on new Accessory Dwelling Unit ordinance.

Saunders stated that she is not ready to discuss this but will have something at the July meeting.

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

None.

## **6) COMMUNICATION AND MISCELLANEOUS**

LeHoullier asked how the turn lane is coming at the new Dairy Queen property.

Saunders stated that there is now a second left turn lane and the lights have been reprogrammed. Stated that the center lane now has a left turn arrow. Stated that the applicant



has submitted preliminary as-builts and that she has done a walk-through and they have done a great job. Stated that they are about a day or two away from allowing full occupancy but that she doesn't think they plan on opening until the end of July because of staffing.

LeHoullier asked what is going on with the South Street car wash property.

Saunders stated that the property has been on and off the market but that she has had inquiries lately. Stated that the property is still available.

LeHoullier asked who is responsible for the maintenance of the property.

Saunders stated that she will point out the property to Code Compliance Officer Wood.

LeHoullier asked about the landscaping around Walmart.

Saunders stated that they have been in touch with Walmart and that they are working on a plan to come into compliance.

Small pointed out that there a lot of dead or dying plants in the downtown and asked about replacement or maintenance.

Saunders stated that there is someone that take care of that and she will mentioned it to the DPW.

LeHoullier mentioned that a couple of fence panels are missing at 260 Main Street.

Saunders stated that she will look into that.

Fournier asked about Roger's Auto Body and if they are paving the right side of the property.

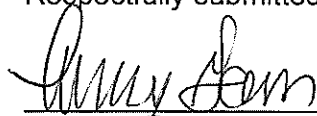
Saunders stated that she will look into it.

**Motion:** Belmore moved to adjourn the meeting.

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

Meeting adjourned at 7:35 pm.

Respectfully submitted:



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Tracy Gofa, Planning Secretary  
Somersworth Planning Board