

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
FEBRUARY 15, 2017**

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

**MEMBERS ABSENT:** Paul Robidas and Aaron Fournier.

**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 and Small as voting members for tonight's meeting.

**1) APPROVAL OF MINUTES**

**Motion:** Guptill moved to accept the minutes of the meeting of January 18, 2017.

Seconded by Richardson. Motion carried with an 8-0 vote.

**2) COMMITTEE REPORTS**

**A) ZBA Report**

See attached.

**B) City Council Report**

Witham stated that last week the Council authorized the City Manager to enter into a purchase and sales agreement with Eric Chinburg for the sale of the Hilltop School. Stated that there are many more steps for that project.

**C) Site Review Technical Committee Report**

See attached.

**D) Minor Field Modification Report**

See attached.

**E) Strafford Regional Planning Commission Update**

Fearis stated that the third quarter meeting is scheduled for next week but that he is unable to attend.

Saunders stated that she attended a CEDS meeting at SRPC and that she will keep the Board updated on that as the process moves forward.

**F) Vision 2020 Committee Report**

Saunders stated that the last meeting was cancelled but they are finishing the matrix of goals in the Master Plan. Stated that they are hoping to present something to the City Council in the next month.

### 3) OLD BUSINESS

- A) Trio Investments, LLC is seeking site plan approval for an event/meeting hall on property located at 49 Market Street, in the Business Historic (BH) District, Assessor's Map 11, Lot 78, SITE #09-2016.

Witham recused himself from the Board.

**Motion:** Richardson moved that the site plan application of Trio Investments be removed from the table.

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

Saunders stated that the Board continued this application for more detailed information on the hours of operation and the parking. Stated that the applicant provided that information and she suggests that the Board reopen the public hearing. Stated that she did amend the suggested conditions of approval and read what she added, which was based on new material that was submitted by the applicant.

**Sarah Nadeau**, owner addressed the Board and stated that she would like to answer questions from the last meeting. Stated that this would be for an event center which she thinks is a great use. Stated that it is a historic building and that they will keep the historic features. Stated that they will improve the landscaping. Stated that the hours of operation will be 7:00 am to 11:00 pm but live bands, DJs, etc. will cease by 9:30 pm. Stated that the noise ordinance will be complied with. Stated that parking is based on the ordinance and requires 50 spaces and they will have two handicap spaces on the property. Stated that the handicap spaces can be used prior to the event starting for setup of the event. Stated that they intend to be good neighbors and that there are more than 50 parking spaces on Main Street between Market and Washington Streets. Stated that there are additional spaces on Constitution Way and Washington Street. Stated that they will allow a shuttle service for parking. Stated that they have a vested interest and plan to work closely with businesses. Stated that they have lease language. Stated that they will not allow overnight functions.

Richardson stated that they thought about the night end of things with music having to cease by 9:30 pm and asked if they did the same for the mornings. Stated that they have a 7:00 am opening and asked if they plan that things will get started at 8:00 am.

Nadeau replied yes and stated that they don't want anyone being there earlier than that. Stated that, for example, business meetings may start at 8:00 am but they may need to get there to set up.

Richardson stated that he drove by the VFW and there was no one in their parking lot. Asked if Trio Investments can rent parking space from them. Thanked the applicant for addressing the questions from before and stated that he is more inclined to approve this than before. Stated that he feels this will be good for local businesses.

Guptill stated that he would like information on what they plan to do in the case of noncompliance with parking.

Saunders stated that if they add a condition of approval for parking then any noncompliance will be a site plan violation and they would need to come into compliance. Stated that usually a courtesy notice would be sent, then a violation letter then court.

Rhodes stated that he feels that the hours of operation are not a problem. Stated that regarding parking, any noncompliance would be an immediate situation and asked what happens at the time-a parking ticket? Asked if vehicles can be towed.

**Thomas Kefalas** of 9 Granite Way and 52 Market Street addressed the Board and stated that he is not here to give anyone a hard time but to bring reality to earth. Stated that there is an issue as it is down there. Stated that there are people in apartments that don't have a place to park and are told they can park on the street. Stated that he is sure that the applicants have good intentions but at the end of the day it won't work. Stated that it is a problem now and that all you have to do is drive by and see what is going on. Stated that, for example, if you have a ferry boat that can carry 100 people at a time, it can carry 2000 people at day but not all at once. Stated that he cannot see someone parking on Main Street and being all dressed up and walking to Prospect Street for the event. Stated that people will pull into wherever there is a spot. Stated that his business has been here for 30 years and that lately the parking has gotten worse. Asked if the owners plan on being there every day or if they just plan on handing over the keys to a renter. Stated that all the businesses he spoke with in the downtown agree with him on this. Stated that this is going to make things worse. Stated that he spoke with the Police Chief and that he agrees with him also. Stated that this is a problem and that he is tired of calling for the misuse of parking spaces.

**Ed Morale**, of 72 Market Street addressed the Board and stated that Mr. Kefalas said what he also wants to say. Stated that they used to park at the BP gas station when it was closed but that now it has reopened and he doesn't know where to park. Stated that customers keep driving around downtown until they find a spot. Stated that if there is 150 more people in the downtown then he will lose his business. Stated that he doesn't have dine-in customers anymore because people don't know where to park.

**Chris Horton** of 15 Francoeur Drive addressed the Board and stated that he has visited both establishments many times and has never had a problem parking. Stated that it has always been easy.

Kefalas stated that the notion that there are no other function places in Somersworth isn't right since there is the VFW and the American Legion.

**Kristen Watts**, owner addressed the Board and stated that she is in town everyone Monday night and that she has never had a problem parking. Stated that the House of Pizza people park in our spots and we are trying to be good neighbors. Stated that she has talked with business owners and that they say they want more foot traffic. Stated that she hopes parking will be enforced and that tickets are issued if a vehicle is not supposed to be there. Stated that they will do their part but that the town will have to do its part and enforce its rules. Stated that everyone can benefit from this.

**Geoff Aleva** with Civil Consultants represented the applicant and addressed the Board. Stated that there will be an event coordinator to let renters in the building and to lock up the building after. Stated that keys will not just be given out to renters and they cannot not be there by themselves. Stated that the hall probably won't be rented every day. Stated that this project has a parking plan. Stated that there are times when it is busy and it is hard to find parking and showed photographs of where they are telling people to park. Stated that there are no cars on this section of Main street. Stated that they will have a lease agreement indicating that parking will be enforced. Stated that this will be a positive impact, will be a good reuse of the building and will benefit the City.

**Public hearing closed 6:59 pm.**

Small asked what would happen if the unlimited parking on this section of Main Street changed to two-hour parking or something.

Saunders stated that if the City changes time limits on parking, it would need to go to the Council and there would be a chance for public comment on it. Stated that it would be public to discuss.

Belmore stated that the City has an ordinance that includes all parking regulations. Stated that vehicles in violations won't be towed but will be ticketed for the infraction. Asked if there has been a thought to reach out to the City to lease spots in the plaza. Stated that in the documents submitted you mention 150 people walking from Main Street and that there are several crosswalks but that he is concerned with speeding vehicles. Stated that he is concerned about pedestrian safety and any off-site improvements regarding that. Stated that he likes the idea of a condition of approval for safety.

Aleva stated that based on comments from the last meeting they ignored the plaza parking as an option because the discussion made it seem like it wasn't an option. Stated that regarding crosswalks, he feels that the downtown improvements made those crosswalks more prominent. Stated that he agrees that people don't always abide by speed limits but that he feels that sufficient pedestrian makings are already in place.

Belmore stated that he is concerned with crosswalks and lighting and that he doesn't agree that the City is failsafe. Stated that he is sorry about the misunderstanding about parking in the plaza but that all those things are still in play.

Aleva stated that the parking on this section of Main Street is underutilized and no one parks down there. Stated that they are doing what they can with event coordinators, the lease agreement and signage. Stated that he thinks it will work.

Richardson stated that he is glad that Belmore brought up parking in the plaza because he felt the same way Aleva did. Stated that the photograph submitted showing parking on a Friday night was an eye opener, even though it is winter. Stated that the language in the rental agreement is very important and that this proposed language looks pretty good. Stated that a good event coordinator can make it work. Stated that he feels that the applicant has done what is needed.

Fearis stated that the applicants have done a lot of work but that his issue is the dynamic of the business plan. Stated that he is having trouble understanding having this venue downtown but they are not creating any new jobs but people will be patronizing the businesses. Stated that if you go to a catered event you are not going out to eat after that. Stated that he feels this will do more harm than good.

Rhodes wonders about what an event coordinator can and cannot do. Stated that parking is underutilized and that he walks downtown and some of the parking is never used. Stated that the applicants want to be good neighbors and asked if there is a way to track the vehicles attending this facility to confirm where they park.

Aleva stated that he hopes that if businesses see someone park where they shouldn't that they would fall the function hall. Stated that he feels that ID tags could be a privacy issue but that maybe some sort of card could be placed on the dashboard.

Belmore asked the Director if the SRTC had any discussions on pedestrian safety. Stated that he would imagine this mostly used by adults but that there would be an influx of people all at a certain time. Stated that there will be heavy foot traffic that won't be filtering in; they will be coming all at once. Stated that he is concerned with safety.

Saunders stated that it wasn't discussed at SRTC but that there could be a condition of approval that the Public Works Department and the Police Department review for pedestrian safety.

Guptill stated that this is a difficult decision for him. Stated that there are current businesses with concerns about parking and fearful that it will get worse. Stated that the proposal is right in the middle of downtown. Stated that he is conflicted because he would love to see a new business and an increase in foot traffic and have the attitude to try to make it work but he is not convinced there is a good solution. Asked about having a resource officer for each event.

Richardson stated that the solar pedestrian signs for crosswalks are great but expensive and that there are less-expensive things available that could be put out during an event.

Small stated that he feels that a sign in the middle of the street is a great idea. Suggested having language to say what safety measures need to be in place based on the number of people attending the event. Asked what would happen with the building because he doesn't want to see it sit vacant. Stated that he feels this use would help the downtown. Stated that he feels that the parking can be addressed.

Belmore stated that he doesn't like having signage put in the middle of the road. Asked about pedestrian improvement costs that could be collected as off-site improvements. Stated that he likes the suggested approval language made by Saunders. Stated parking on Main Street and in the plaza are underutilized but that it is human nature to park close when going to an event. Stated that he appreciates all the work that has been done on this and that he doesn't see why the Board should reject it.

Aleva stated that he worked in another community where the installation of certain pedestrian improvements was \$12,000 and that he feels this is outside what this client can do.

Belmore stated that he just wants it explored and to get numbers.

Aleva stated that he feels that it makes sense to talk with the DPW on public safety. Stated that maybe the additional step is to put a parking pass on dashboards that would help identify people who are parking in the wrong place.

Saunders read suggested conditions of approval that were discussed tonight. Stated that one is for the Police and DPW to review pedestrian safety and that the other is that if there is a parking issue the applicant would have to come back before the Board.

Belmore stated that he is uncomfortable with the language.

Saunders stated that she is open to ideas on how to quantify it.

**Motion:** Belmore moved to reopen the public hearing.

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

Kefalas stated that he has always been practical and stated that what if he had a daughter getting married and looks here but that there is no parking; stated that he would probably so "no thanks" to renting it. Stated that it isn't going to work to have to tell his guests to park on Main Street. Stated that he feels that people will come into downtown and leave right away because of their experience with parking. Stated that the residents on Prospect Street have a lot of concerns. Stated that when the building was a church there were a lot of parking problems. Stated that he tells his employees where to park but that they don't always listen because it is human nature. Stated that because of parking he is down on money and that if he can't bring in

customers then he will have to shut down. Explained the busy hours for his business and stated that they are the same that the function hall will be open. Asked what would happen with his building and that it is worth something because of his business. Stated that property values will go down if the pizza places have to leave the downtown.

**Brian Russell**, owner addressed the Board and stated that he has a genuine concern that if this property doesn't become a function hall it will turn into a restaurant and you can't tell those customers where to park. Stated that there are other options for uses of this building but that you wouldn't be able to tell people where to park. Stated that there won't be much impact on the building and that we will be able to assist the neighbors and their concerns. Stated that this is one of the largest, most prominent buildings in downtown and that this is the best use of the building. Stated that he is curious as to what people think would be a different good use of the building.

Kefalas stated that there is a reason that this building has been empty and that is because of the parking. Stated that he understands what Mr. Russel is saying but that people don't all show up at the same time with a restaurant use. Stated that he asked what can be done with the building and that he suggests tearing part of it down and have a garage with apartments.

Morale stated that everyone is talking about a new business but asked about old businesses. Asked what Somersworth would be like without Villa Pizza. Stated that if only 80 attend a function and only 10 people park illegally then it will still ruin everything. Stated that the Board has to look at existing businesses also. Stated that every week he asks the residential tenets to park in the back and they do but the next day they park in the front again. Stated that he has no time to be looking and calling the police when people are parked illegally. Stated that they are already suffering because of the snow.

**Public hearing closed 7:40 pm.**

Belmore stated that it is not the Planning Board's task to determine what the building should be but instead to make sure the City requirements are met. Stated that he appreciates all concerns but that the Board has to work with legal requirements and the regulations. Stated that he is willing to consider not approving the proposal but that nothing has shown that the regulations aren't met. Stated that he likes the suggested conditions of approval but that he is hung up on some of the language. Stated that so far, this seems like it fits the City regulations so they can't deny it.

Saunders reviewed the suggested conditions of approval and stated that if parking becomes an issue then the applicant shall come back before the Board.

Guptill asked if they can define "significant issue".

Saunders suggested that it be according to the Police or the City's parking regulations.

Richardson stated that to him, a significant issue is if anything is occurring other than what was approved.

Belmore stated that it could be a significant deviation from what was approved.

Rhodes asked what the remedy is if this was to go to a compliance hearing.

Saunders stated that as she has seen it, the City would make a case for noncompliance, the applicant addresses that but if not, there is an option to revoke the site plan approval.

Rhodes stated that basically there is a warning and then the approval can be pulled.

Saunders stated that there would be a noncompliance hearing. Stated that if the Board decided to revoke the approval then it would need to be a separate meeting. Stated that there is always a chance to appeal any decisions.

Belmore stated that the City wouldn't issue a cease and desist so the property could still operate.

Saunders replied yes then read the suggested conditions of approval.

**Motion:** Richardson moved that the request of Trio Investments, LLC for a site plan for an event/meeting hall be **APPROVED WITH THE FOLLOWING CONDITIONS:**

**1. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL:**

- a. Construction Cost estimate for site work 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.

**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 start of work.
- 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 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 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.

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

- a. 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.
- b. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways.
- c. Events shall be limited to no more than 150 guests. If at any time the applicant/property owner wants to increase that amount they must return to the Planning Board to discuss parking.
- d. Event live music/DJ shall end no later than 9:30 PM with the function ending no later than 11:00 PM.
- e. The "Parking Information" plan submitted to the City on Feb 1, 2017 shall be part of the lease agreement between the property owner and each function lessee.
- f. The property owner shall provide an event coordinator for each event to direct guests and answer questions regarding parking.

- g. DPW and Police shall make a recommendation for street/infrastructure upgrades for pedestrian movements related to this project. If their recommendation includes significant changes the applicant must come back to the Board. If their recommendation includes only minor changes the Planning Director can approve under a minor field modification application.
- h. Should parking or pedestrian safety for events become a significant issue including any deviation from the submitted parking plan, the applicant must come back to the Board for a noncompliance hearing.

**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 (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.

Seconded by Belmore. Motion carried with a 5-2 vote with Rhodes and Fearis opposed.

LeHoullier had to leave the meeting so Guptill stepped in as Chair.

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

None.

**4) NEW BUSINESS**

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

None.

**5) WORKSHOP BUSINESS**

A) Discussion on Site Plan Review Regulations proposed amendments.

Saunders stated that since the weather outside is getting bad, she would like to put this off until the next meeting.

Guptill stated that there was talk about having a workshop meeting for this.

Saunders stated that she will schedule that for next week.

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

None.

**6) COMMUNICATION AND MISCELLANEOUS**

Witham stated that the Board has discusses Roger's Auto body in the past and their vehicle perch. Stated that there was a condition of approval for it to be removed. Asked if Code Enforcement can go look into that.

Saunders stated that she did have a conversation with the owner and his engineer but she will follow up on it.



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

Seconded by Small. Motion carried with an 8-0 vote.

Meeting adjourned at 7:53 pm.

Respectfully submitted:



---

Tracy Gora, Planning Secretary  
Somersworth Planning Board