

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
JUNE 15, 2016**

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

MEMBERS ABSENT: Mark Richardson 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 as a voting member for tonight's meeting.

1) APPROVAL OF MINUTES

Motion: Guptill moved to accept the minutes of the meeting of May 18, 2016.
Seconded by Rhodes. Motion carried with a 5-0-1 vote with Witham abstained and Robidas not yet in attendance.

2) COMMITTEE REPORTS

A) ZBA Report

See attached report.

B) City Council Report

Witham stated that he has nothing to report tonight.

C) Site Review Technical Committee Report

See attached report.

D) Minor Field Modification Report

See attached report.

E) Strafford Regional Planning Commission Update

See attached update.

Fearis stated that he had his orientation with SRPC today and that he is ready to move forward

F) Vision 2020 Committee Report

None.

3) OLD BUSINESS

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

None.

4) NEW BUSINESS

A) Peter Pope is seeking site plan acceptance and approval and three waivers to expand the existing self-storage facility by removing one building and constructing a new three-story self-storage building on properties located at 234 & 240 Route 108, in the Commercial

Industrial (CI) District, Assessor's Map 61, Lots 12M, 13 and an unnamed lot, SITE #06-2016 – PUBLIC HEARING.

Saunders stated that she recommends opening the lot merger as well since it is for these properties. Stated that it should be voted on separately though.

Jeff Merritt with Keach-Nordstrom Associates, Inc. represented the applicant and addressed the Board. Stated that there are two applications; one for a voluntary merger and one for a site plan to expand the existing self-storage facility. Reviewed the features of the three lots involved. Stated that it is in the CI district and that the rear of the property is the district boundary for the Mobile Home district. Stated that there are currently six buildings, an office and over 35,000 square feet of space. Stated that there is a curb cut off Route 108. Stated that the middle lot had a house on it and there are still remnants of the old driveway. Stated that the third, unnamed lot has Second Avenue, one of the accesses to Colonial Village, to it. Referred to sheet three and stated that they want to merge the three properties and that Second Avenue will be preserved. Stated that the existing access easement will remain. Stated that the merger will allow room for the new building, which will have a 19,000 square foot footprint, three stories and will have climate-controlled storage and a small office. Stated that one of the existing storage buildings will be removed so there will only be a net gain of 35,000 square feet of additional storage. Stated that they will keep the access and curb cut off Route 108. Stated that they are proposing another driveway off the site onto Second Avenue and they wanted it to be a full-movement driveway. Stated that the NHDOT had concerns about this full-movement driveway so it has been modified to be an exit only driveway. Stated that the driveway to the old house will be removed so a curb cut is being removed from Route 108. Stated that the existing site has eight parking spaces and that they are proposing an additional ten spaces for a total of 18. Stated that the regulations require 35 spaces but they are asking for less parking and that the basis for it is the nature of the facility and people just drive up to their unit and not park away from it. Stated that they anticipate the most parking spaces being used at once to be five. Stated that they looked to a similar existing facility for their parking needs and they indicated that they have never exceeded five parked vehicles at once. Stated that they will have 18 total spaces available. Stated that there will be a new sewer service to the building. Stated that they will use the existing domestic service but will have a new fire service to sprinkler the building. Explained the existing drainage and stated that for runoff of the new impervious surfaces, it will be collected and brought to a new underground infiltration system. Referred to the landscaping and lighting on sheet six. Stated that there will be building-mounted lights that shut off at 11:00 pm. Stated that there will be landscaping along the parking area and Second Avenue.

Jim Schulte with Bruton & Berube, PLLC represented the applicant and addressed the Board. Stated that they are requesting three waivers, one of which is for the bufferyard. Stated that a 35-foot bufferyard is required but there is already a six-foot stockade fence that will remain. Stated that the Storage Facility will hold the easement to maintain the fence. Stated that there are some pine trees to shield residences. Stated that with the fence and the trees he feels they satisfy the intent of the bufferyard. Stated that the second waiver request is for bike storage and that given the nature of the business, bike storage is not needed. Stated that the third waiver request is for appearance standards and they want to use high-grade metal sheeting. Stated that they want to replace portions of the existing buildings by changing the design in the front part and add a peaked roof. Stated that the siding will be pretty much the same as what the Works and Interstate Glass have. Stated that it will be consistent with the existing buildings. Stated that they will improve the overall appearance of the site.

Dennis Mires, PA, architect for the project addressed the Board. Stated that he wants to walk through the design of the buildings and that he has sample and pictures to show. Stated that they are proposing insulated metal panels and that the base of the building will be cultured stone. Stated that the office will have an aluminum storefront. Stated that there will be canopies and real windows. Stated that they are requesting a waiver because a lot of

properties in this area have metal siding in some form and showed pictures. Showed samples of materials they are hoping to use. Stated that the metal paneling will have no exposed fasteners.

Schulte stated that they don't have third party review of the drainage yet so this will probably be tabled but asked that the Board act on the waiver requests.

Merritt stated that there isn't much to say about the merger and referred to the last page of the plans and showed the easement.

Public hearing opened 6:56 pm.

Saunders reviewed her memo (see attached) and stated that because of timing, she hasn't received third party review of the drainage so she is hesitant to move forward with that. Stated that landscaping and perimeter trees are only proposed by the new parking area but the regulation indicate that there needs to be more. Stated that she has no additional comments on the waivers. Stated that she has suggested conditions of approval but that she expects there to be more after third party review. Stated that she has no issue with the lot merger.

Witham stated that he understands the rationale from NHDOT that the exit/entry from Second Avenue be an exit only and asked how they will restrict it to an exit only, beyond signage.

Merritt stated that the majority of traffic will use the existing exit/entrance but that there will be pavement striping and signage.

Witham asked if there is really a need for the second exit.

Merritt stated that it works well for truck circulation and helps with emergency vehicles.

Witham stated that if this gets tabled tonight, he would like to see updated plans showing the striping and signage for that. Stated that he understands that the drainage hasn't had third party review and that there is a low water table but asked if they considered using porous pavement.

Merritt replied no and stated that there is additional pervious coverage but that the increase is not as much as may be expected. Stated that they will be occupying a lot of space that is already paved or built on. Stated that he has heard mixed results with porous pavement and that he doesn't usually recommend using it because it usually requires a lot of maintenance to make sure it works well. Stated that given the soil conditions, they can achieve what they need to with what they have proposed.

Witham stated that the applicant makes a strong case for a waiver from the bufferyard requirement but that he wants more landscaping. Stated that he is okay with the waiver request for the bike rack. Stated that regarding the building materials, he is concerned with how the materials are applied. Stated that this Board is generally in favor of working with the applicant when amending an existing but where this is a new building, he is hoping they can do a little more. Stated that he is concerned with the street view of the building from Second Avenue because the proposal looks like a large blank wall.

Robidas stated that typically with expansion projects the Board wants to bring the site up to standards and stated that he feels that landscaping needs to be addressed for the whole site. Stated that he agrees with Witham on the materials and that they need to break up the view from Second Avenue.

Public hearing closed 7:08 pm.

Saunders stated that the plans can be accepted for review purposes.

Motion: Belmore moved that the site plan application for Peter Pope is complete for review purposes.

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

LeHoullier suggested acting on the merger request first.

Motion: Witham moved that the request of Peter Pope for a voluntary merger for APPROVED.

Seconded by Robidas.

Witham confirmed that Second Avenue has an easement that will be maintained.

Saunders confirmed.

Motion carried with a 7-0 vote.

Motion: Witham moved that the request of Peter Pope for a waiver from Section 11.4.d.iii.4.vi.2.a of the Site Plan Review Regulations regarding the bicycle parking storage requirement be APPROVED.

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

Motion: Witham moved that the request of Peter Pope for a waiver from Section 11.6.d of the Site Plan Review Regulations regarding a bufferyard be APPROVED.

Seconded by Robidas.

Belmore asked if approval for this waiver would affect the landscaping.

Saunders replied no.

Motion carried with a 7-0 vote.

Witham stated that he is still concerned with the building appearance on the Second Avenue side. Stated that he felt the engineer made a strong argument for not having porous pavement. Stated that he would like to see additional landscaping as well.

Motion: Belmore moved that the request of Peter Pope for a site plan to expand the existing self-storage facility be TABLED until the July 20, 2016 Planning Board meeting.

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

B) Peter Pope is seeking a voluntary merger of properties located on Route 108, in the Commercial Industrial (CI) District, Assessor's Map 61, Lots 12M, 13 and an unnamed lot.

See Item A above.

C) Georgianna Roberts Maher is seeking subdivision acceptance and approval for a two-lot subdivision on property located at 93 Cole's Pond Road, in the Residential Single Family (R1) District, Assessor's Map 50, Lot 13, SUB #02-2016 – PUBLIC HEARING.

Saunders stated that the plans are complete for review purposes.

Motion: Robidas moved that the subdivision application for Georgianna Roberts Maher is complete for review purposes.

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

Steve Ferguson with Norway Plains Associates, Inc. represented the applicant and addressed the Board. Stated that the intent of the proposal is to take the large parcel and break it into two.

Public hearing opened 7:19 pm.

Peter Houde of 104 Rocky Hill Road addressed the Board and stated that this subject goes back to 2010 so it has been going on for a few years and nothing has really changed. Stated that he wonders what the big picture is here with these lots. Asked if they are planning to develop it in the future. Stated that the applicant indicated that they do not plan to subdivide further but asked why one lot is so big and the other is smaller. Stated that the smaller lot could be bigger and still have frontage so a variance would not have been needed. Stated that this plan doesn't address wetlands and that he is nervous as an abutter.

Vince Kulickowski of 34 Cole's Pond Road addressed the Board and stated that Cole's Pond Road is a dirt road with no access in an emergency. Stated that they would have to go over his property and that two vehicles can't pass in the winter. Stated that he doesn't have a problem with the smaller lot but he is concerned with future development. Asked what the long-term goal is and if they want to subdivide more.

Steve Fermanis, brother of the owner, addressed the Board and stated that the ZBA approved one more lot and that the plan is to sell the house and keep the remaining property in the family. Stated that there is plenty of buildable land and that there are three access points.

Saunders reviewed her memo (see attached) and stated that a variance was granted and that this is in keeping with that approval. Stated that there were questions on the wetlands and that she provided a map from GRANIT that shows wetland soils. Stated that there are three criteria for wetlands and that the soils are just one of them. Stated that she suggests a condition of approval that they show the buildable area.

Fearis asked where the frontage is for the larger lot.

Ferguson showed on the plans.

Fearis stated that there is a map number error and asked that it be corrected on the next plans.

Ferguson stated that it is a year-round residence.

Witham asked if there is also a access easement on Blue Heron Drive.

Ferguson stated that there is access for the existing lots.

Witham stated that if the larger lot was further subdivided in the future then he would think they want more than one way out. Stated that one of the lots already has a house on it and asked if any additional buildings can be put on that lot without further subdividing.

Saunders stated that only a single family home is allowed on the lot so any more would need more approvals.

Witham stated that he is concerned with additional traffic on Cole's Pond Road.

Ferguson stated that the house already exists.

Witham stated that it could become an issue if they expand farther.

Fermanis stated that when the golf course was built an exit was taken away and easements were granted down Cole's Pond Road. Stated that there are sections owned by different members and that the City owns some land. Stated that the City uses his property for a turn around.

Witham stated that the City plows because the City owns some of it.

Fermanis stated that the new parcel has three frontages.

LeHoullier asked if it is public or private.

Belmore replied private.

Fermanis stated that legally it is public because the City owns some parts of it.

Witham stated that the large lot has public right of way access. Stated that the new lot with the house on it will have access from Cole's Pond Road only. Asked if they should clean up the understanding of Cole's Pond Road.

Ferguson stated that it is being plowed by the City and that there are public and private sections. Stated that the ZBA granted the right to create a lot with no frontage. Stated that the intent is that there is an existing house and that they are not creating any new use there. Stated that they are just separating the parcel on the other side of the brook.

Saunders stated that by the ZBA granting the variance, it removes the question of if Cole's Pond Road is public or private. Suggested having the easement as part of this file.

Ferguson stated that it was part of the ZBA file but that it is a moot point now because the ZBA approved the variance for no frontage and the use is existing.

Kulickowski stated that it is a private road and that it will be closed tomorrow for repairs and maintenance. Stated that the City plows it because they own a piece of conservation land. Stated that you can barely get a car down there. Stated that he is not against this proposal but it is a private road maintained by the people. Stated that there is no homeowners association.

Robidas stated that he just wants to make sure that if anything else goes on then they have to come back to the Planning Board. Stated that he is okay with what they are talking about for tonight but that anything else has to come back to the Planning Board.

Fearis asked if the property tax assessment would change because there is not a house on it.

Belmore stated that they would have to talk with the City Assessor about that however, in his opinion it is not relevant to this proposal.

Fermanis stated that he asked that question of former Director Sharples. Stated that the property is in current use and they are looking to keep it that way.

Houde asked if there is a way to put on record that this subdivision does not set a precedent for future subdivisions.

LeHoullier stated that the variance is specific to this lot.

Ferguson stated that this is just for a two-lot subdivision and that they would come back before the Board to further subdivide.

Public hearing closed 7:46 pm.

Saunders stated that she has suggested conditions of approval regarding revised plans, the Mylar, monuments to be set, a copy of the easement for Cole's Pond Road and to show buildable area.

Ferguson stated that they can show buildable area and that they have a copy of the easement deed.

Motion: Robidas moved that the request of Georgianna Roberts Maher for a two-lot subdivision be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. Please provide minimum lot size calculations per foot-note 13 of the Zoning Ordinance which states that:
"The definition of minimum lot area is the gross land area, minus any land area which supports slopes in excess of twenty percent (20%) as measured over a ten (10) foot interval, the regulatory floodway and floodplain as defined in the Zoning Ordinance, the surface areas of waterbodies and wetlands as defined in the Zoning Ordinance, private and public roads, and easements and utilities for utility or other public purposes which are located above ground."
2. Please submit copies of easements showing pass and repass rights from Coles Pond Road for the new lot of 13.31 acres;
3. Please submit one rolled and five folded 24" x 36" paper copies of the plat to the Division of Economic Development and Planning for final endorsement. In addition, please provide a check in the amount of \$53.50 plus applicable postage payable to the Strafford County Registry of Deeds to cover the recording costs. This fee includes the cost of recording a one-page 24" x 36" plan and the \$25.00 L-CHIP surcharge. The postage fee covers the cost of returning the plat back to the Engineer after recording. Please visit www.nhdeeds.com for other recording fees if applicable;
4. Lot monumentation shall be provided and set in accordance with Section 7.C.10 of the Subdivision Regulations prior to recording the Mylar; and,
5. An electronic plan of both properties with details acceptable to the City shall be provided prior to recording the Mylar. The electronic plan must be in dwg file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

Seconded by Guptill.

Witham stated that if the 13-acre parcel didn't already have a house on it then he would have reservations about this but there is a house already there. Stated that a single family home is all that exists and is all that can be there. Stated that he agrees that there is still a question of what can be done with the larger remaining lot but they would have to come back before the Planning Board to do more.

Motion carried with a 6-1 vote with Fearis opposed.

- D) The Monique Chasse Revocable Trust is seeking a voluntary merger of properties located on Green Street, in the Residential Single Family (R1) District, Assessor's Map 18, Lots 43 & 44.

Saunders stated that this request does not create a violation and recommends approval.

Motion: Belmore moved that the request of The Monique Chasse Revocable Trust for a voluntary merger be **APPROVED**.

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

- E) Proposed Chapter 22A, Site Plan Review Regulations, amendment to Section 4 regarding members of the Site Review Technical Committee – PUBLIC HEARING.

Saunders passed out her memo and stated that she made some small changes to the suggested language. Stated that, in summary, they are removing the Conservation Commission member from the SRTC and adding the Director of Public Works.

Public hearing opened 7:54 pm.

Witham asked if this will need City Council approval.

Saunders replied no.

Belmore asked if there would be value to having the Director of Public Works or their designee.

Saunders stated that would be a good idea.

Fearis asked if all members should also have a designee, like for the Code Officer.

Saunders stated that the Code Officer doesn't have someone who could step in in his absence.

Witham stated that if there was an issue with getting a quorum then the SRTC could table an application until more people are available.

Robidas stated that members can submit comments in writing.

Public hearing closed 7:56 pm.

Motion: Belmore moved to add the language "or their designee" after "Director of Public Works".

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

Motion: Witham moved to amend the Site Plan Review regulations as shown in Director Saunders' memo dated 6/15/2016 and as amended above.

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

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

None.

5) WORKSHOP BUSINESS

- A) Discussion on the definition of a minor site plan application.

Saunders stated that she would like to continue this item to the July Planning Board meeting.

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

None.

6) COMMUNICATION AND MISCELLANEOUS

Witham stated that, as an observation, the City recently changed third party engineering firms and noticed that there is a delay in their review and materials. Stated that he would like to see this addressed.

Fearis stated that he is a new Board member and is just getting his footing but that he is a little confused on something. Stated that with the Sunoco/Walmart site plan, it was only for a small section of the property and asked if it opens the entire property for review. Stated that they just focused on the section where the site plan was. Stated that it seems a little contradictory with Somersworth Storage and the trees and landscaping. Asked if they can or can't review an entire parcel when only a portion of the property is affected by the site plan.

Witham stated that he doesn't think it is a black and white answer. Stated that he considered the complexity of the changes and the application in front of them. Stated that the Sunoco/Walmart application was just for some minor changes and to remove a dumpster when Somersworth Storage is for a substantial development.

Fearis asked if they can challenge the applicant if they want.

Belmore stated that it is not crystal clear. Stated that if there is noncompliance then they can address it by other ways. Stated that they can't place new regulations on landscaping for an old site plan.

Robidas agreed and stated that they just have look at what is the right thing to do. Stated that it depends on the site and the size of the change.

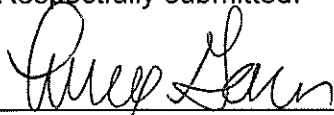
Rhodes stated that he looks at what part of the site plan is being modified. Stated that Sunoco/Walmart was a dumpster and some striping whereas tonight's item was for a new building and demolition.

Motion: Belmore moved to adjourn the meeting.

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

Meeting adjourned at 8:05 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board