

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MAY 18, 2016**

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

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

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: Richardson moved to accept the minutes of the meeting of April 20, 2016.

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

2) COMMITTEE REPORTS

A) ZBA Report

LeHoullier referred to the report in the packets.

B) City Council Report

None.

C) Site Review Technical Committee Report

Saunders referred to the report in the packets.

D) Minor Field Modification Report

Saunders referred to the report in the packets.

E) Strafford Regional Planning Commission Update

LeHoullier referred to the memo in the packets.

Fearis stated that he hasn't received any certification for his membership to the SRPC but that the annual meeting is next Thursday.

Saunders stated that she is waiting for her certification also and that they are just a little behind.

F) Vision 2020 Committee Report

Small stated that he attended a meeting recently and they talked about having new brochures to hand out showing what the City has to offer and why people should move here. Stated that they are hoping to utilize Channel 22 and 95 more.

3) OLD BUSINESS

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

None.

4) NEW BUSINESS

A) MDHF, LLC and SNTG, LLC are seeking site plan acceptance and approval to convert the existing building to recovery housing for men and to construct a new commercial building with associated parking and infrastructure on property located at 472 High Street, in the Residential Commercial (RC) District, Assessor's Map 40, Lots 04 A & 04 B, SITE #05-2016. Three waivers are requested.

Bob Stowell with Tritech Engineering Corporation represented the applicant, addressed the Board, and stated that they presented this project to the Planning Board in 2013. Stated that they went before the SRTC, had a thorough review by CLD Engineering, the City's third party reviewer at the time, and then got site plan approval. Stated the project has expired according to the Site Plan Review Regulations so there are here for approval again. Stated that Green Collar, a high-tech laundromat wants to build a new building, which is identical to what was approved in 2013. Stated that during the 2013 review the building in the front was being used as a ReMax office building and there were no proposed changes but now this approval is to use it for Bonfire Recovery Services. Stated that they went through the ZBA process and one of the conditions of approval from that was to get site plan approval. Stated that, based on SRTC they are adding a vinyl, stockade fenced area to the northern side of the existing building and there will be an additional water line being brought in for the sprinkler system. Stated that the sprinkler is needed because it will be a residential use. Stated that there are several new Board members since 2013 but that this proposal was vetted out before and there have been no changes in the Zoning Ordinance or the Site Plan Review Regulations that would affect this. Stated that they are okay with the suggested conditions of approval that were passed out and that they are hoping for approval like they got in 2013.

Public hearing opened 6:35 pm.

Dave Francoeur with MDHF, LLC addressed the Board and stated that the ex-tenet of the existing building was ReMax and that there was a lot of usage with 28 agents working there. Stated that the new use with Bonfire will have less of an impact and usage. Stated that there is more than enough parking and stated that there have been no changes since the 2013 approval.

Stowell passed out updated building elevations (see attached).

Gora read letter from the John J. Flatley Company into the record (see attached).

Stowell stated that regarding the drainage concerns from the letter, there has been much more information included than the letter suggests. Stated that the drainage was reviewed and approved by CLD Engineers and was fully vetted out with the Planning Board. Stated that a stormwater maintenance plan was submitted, there are water quality devices, and test pit data was provided. Stated that drainage has been dealt with.

Allen Grinnell with SNTG, LLC addressed the Board and stated that, regarding the abutter letter, they didn't have anything to say the first time around and that they didn't have any reservations then. Stated that he feels like this is a case of NIMBY (Not In My BackYard) because of the recovery center. Stated that they have had a difficult time finding a location and that this is an attempt to create a roadblock or to discourage this here. Stated that he

understands that everything needs to be addressed but that it has already been done. Stated that he has talked with Bonfire and that he is okay with them being in that building. Stated that he has photos and that the edge of the abutting residential area is 200 to 250 yards from the back of this property. Stated that there is dense vegetation and no site views. Stated that the residential property can't be seen.

Stowell stated that the adjacent area is owned by Flatley but it is a drainage area with drainage coming from High Street. Stated that it is encumbered by the State of NH and not an active part of the Tara Fields development.

Grinnell stated that he is an environmental engineer and he has a laundromat but that it is a progressive building model and this will be their flagship location. Stated that they will make it work to fit into the neighborhood. Stated that the wind turbine speaks to the green nature and image they want to promote. Stated that the wind tower won't be seen because of the 100-foot pine trees in the area and that it may not even work. Stated that he is taking it off the plans.

Francoeur stated that they reached out to Flatley several times, via email, phone, etc. and Flatley never responded.

Saunders reviewed her memo (see attached) and stated that a variance was granted with conditions for a group care facility. Passed out suggested conditions of approval and read the ones from the ZBA approval. Stated that this was approved in 2013 so some of these conditions of approval are from the previous approval. Stated that CLD Engineering reviewed this proposal in 2013 and most of their concerns were met. Stated that there will be new pavement and that they need to be careful when it is installed so that the grading is correct for sheet flow toward the catch basins. Added that as a suggested condition of approval. Stated that the landscaping in the City's right of way is now a nonissue and they are only retaining street trees. Stated that the proposed new building has metal panels in the rear and a waiver may be needed for that. Stated that the applicant is requesting three waivers and that she doesn't see an issue with re-approving them but that she does want to point out one concern. Stated that the parking lot and proposed building are close to the property lines and there is not much room for snow storage. Stated that snow may be removed from the site but there isn't much room for landscaping. Stated that there needs to be a condition of approval that a gate be added to the fence and that the water services need to be valved.

Public hearing closed 6:56 pm.

Fearis stated that it looks like some of this has already been approved and asked if they are reapproving because of the time lapse.

Saunders stated that the new building was approved in 2013 but it was not constructed and the approval lapsed. Stated that they now have a variance for Bonfire in the existing front building.

Richardson asked where the snow would be moved to.

Francoeur stated that currently he plows the property and that they didn't have to remove any snow last year. Stated that the guys next door have offered to do it and that it isn't really a big area. Asked where other people put their snow.

Richardson stated that he would like a condition of approval for where the snow will be brought because he would like to know where it is going.

Fournier asked about the proposed sidewalk on Tri City Road that was part of the abutter's approved site plan.

Guptill stated that the sidewalk is supposed to go from High Street to the bus stop.

Small confirmed that the building for the recovery service is existing and a new building will be constructed for the laundromat and a retail operation.

Saunders stated that the original plan for just for the laundromat building and the Bonfire use is new to this proposal.

Belmore stated that typically with site plans there is a note indicating where the snow will be moved to. Asked if there will be temporary storage.

Stowell stated that it would be on a storm-by-storm basis and changes year to year. Stated that it can be part of the annual report.

Belmore stated that he would like a condition of approval that snow storage be shown on the plans. Stated that the Board has to apply the rules to all properties.

Stowell stated that the snow would be taken off site when there is a lot of it. Stated that some parking spaces could be lost for a short time while waiting for the snow to be removed.

Belmore stated that he wants it to be addressed. Asked where the dumpster will be.

Stowell showed on the plans and stated that it will be at the northeast corner of the property. Stated that it will be enclosed with a vinyl stockade fence.

Belmore asked about the condition of approval for Bonfire regarding the residents.

Saunders stated that it, along with #13 was a condition of approval from the variance. Read suggested wording for a condition of approval for temporary snow storage.

Richardson stated that he would be okay with the suggested condition of approval.

LeHoullier asked if this would conflict with the site plan approval for John Flatley.

Saunders stated that she was unaware of that recent approval but that she can check on it.

Stowell stated that they are proposing a sidewalk from the parking area to High Street and they can integrate with what Flatley is doing.

LeHoullier suggested having a condition of approval that there be no conflict.

Belmore asked about the notation on parking lot lighting.

Saunders stated that it was discussed at the SRTC meeting. Stated that Bonfire is a 24-hour operation and they will have exterior lights so there is a condition that they be down lit and shielded.

Fearis asked what the energy source for the dryers would be.

Grinnell stated that they will run on gas and electric. Stated that a sprinkler system is not required.

Fearis asked if there is an automatic shut off valve and what they would do if there is a fire.

Grinnell stated that there will be a regulator outside and it will be treated just like any commercial building.

Fearis stated that suggested condition of approval is regarding opioids and asked if there will be opioids stored on the property.

Andrew West, co-owner of Bonfire Recovery Services addressed the Board and stated that there will be no opioids or narcotics of any kind on the property.

Richardson stated that he would like to comment that he applauds what is being done. Stated that he is fine with the use being in Somersworth and that this is a wonderful thing in this day and age. Stated that it is much needed.

Belmore stated that there was a discussion on appearance standards and that the City takes those very seriously. Stated that they worked a lot with the Dairy Queen regarding the appearance of their building. Asked if roof top mechanical equipment will be visible.

Saunders stated that until yesterday they didn't realize that the wrong set of building elevations has been submitted. Stated that the renderings that were passed out tonight are the correct ones.

Grinnell stated that there have been a couple updates to the renderings but that he thinks this final one will fit. Stated that it fits New England style architecture and that it is pleasing to look at. Stated that the design is similar to 400 High Street. Stated that they are using a more progressive retail design compared to other buildings in this area. Stated that the roof top units will not be visible from the street. Stated that the metal panels are in the back and there is a six-foot high fence next to it. Stated that the metal siding is for functionality. Stated that an exhaust is needed for each dryer.

Fournier asked how close the back of the building is to the abutting property.

Grinnell stated that the vents point down and there is a fence there.

Saunders stated that it is shown on the new renderings. Asked if the roof will be shingled.

Grinnell replied yes at this time.

Saunders asked about the siding.

Grinnell stated that it will be masonry clapboard.

Belmore asked if all the appearance standards are being satisfied and if there needs to be conditions of approval.

Grinnell stated that it will look like what is on the renderings.

Saunders stated that the rear siding is metal and faces a residential property. Stated that the residential use is a distance away but there are requirements in the Site Plan Review Regulations. Stated that she feels this needs to be a waiver.

Fournier asked about the requirements for handicap parking because there are only two shown on the plans.

Saunders stated that she will look into that.

Belmore referred to the landscaping waiver and stated that the Board advocates for nice landscaping. Asked if there can be more landscaping and suggested eliminating a parking stall.

Grinnell stated that they cannot eliminate any parking stalls. Stated that they originally discussed that where they were going to put trees is on City-owned property. Stated that they have tough visibility. Stated that he has mentioned having a signature piece with plantings in the middle to attract people.

Belmore stated that he would like to see more landscaping.

Grinnell stated that it would adversely affect them to have more landscaping.

Belmore asked if they can meet in the middle.

Saunders stated that parking guidelines are flexible so it is up to the applicant on whether he wants to reduce parking. Stated that the ADA Guidelines require two handicap stalls for the number of parking they are proposing.

Small asked about having solar panels or a living roof for drainage.

Grinnell stated that if it makes financial sense then they will but he would not want that to be a condition of approval for this plan. Stated that they have to determine the cost versus the benefit. Stated that it may not be a lot of return because it is a small roof. Stated that he is willing to look into it and that they want to promote the concept. Stated that since they are taking the windmill off the plans then there would be more room for landscaping.

Rhodes asked if the residents of Bonfire will have access to vehicles.

West replied no and stated that there will only be four parking spaces for staff.

Rhodes stated that there have been a number of projects recently approved in this area and that he is concerned with the aggregate impact on Tri City Road since there is no signal there. Stated that he wants to look at traffic as a whole.

Belmore stated that there is a moratorium on disturbance of High Street. Asked about the waivers.

Stowell stated that the first waiver is for a bufferyard, which is required when a commercial use abuts a residential use. Stated that they are required to have one since they abut Tara Fields but they are looking for a waiver because of the proximity of the residential use. Stated that they abut this residential use in land only and the residential use is not visible from this site. Stated that they do have a fence proposed but an addition buffer would not help. Stated that the second waiver is for the pavement setback. Stated that the existing parking lot is close to the property line and that they want to continue the use of that area. Stated that it is consistent with the plan that was approved by the Zoning Board. Stated that the third waiver is for landscaping, which was talked about during the original site plan. Stated that they had talked about having landscaping in the City right of way but they are not doing that now. Stated that they will have street trees but no plantings or beds. Stated that they look at needing a waiver for the metal panels a little differently because it will be screened.

Guptill asked if there is a fence there now.

Stowell stated that there is a dilapidated fence that will be removed and replaced.

Bufferyard Waiver Motion: Guptill moved that the request of MDHF, LLC and SNTG, LLC for a waiver from Section 11.6.d of the Site Plan Review Regulations regarding bufferyards be **APPROVED**.

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

Paved Area Setback Waiver Motion: Guptill moved that the request of MDHF, LLC and SNTG, LLC for a waiver from Section 11.4.b.vii of the Site Plan Review Regulations regarding the paved area setback be **APPROVED**.

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

Landscaping Requirements Waiver Motion: Guptill moved that the request of MDHF, LLC and SNTG, LLC for a waiver from Section 11.6.b, Section 11.6.e and Section 11.4.b.viii of the Site Plan Review Regulations regarding landscaping be **APPROVED**.

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

Metal Siding Waiver Motion: Guptill moved that the request of MDHF, LLC and SNTG, LLC for a waiver from Section 11.7.iii of the Site Plan Review Regulations regarding metal siding be **APPROVED**.

Seconded by Richardson. Stated that this is for the rear of the building only.

Belmore stated that he would like a condition of approval that the applicant supply a written waiver request for the metal siding to make it part of the record.

Motion carried with a 7-0 vote.

Saunders read suggested conditions of approval and added ones that were brought up tonight.

Belmore asked about internal signage.

Guptill suggested updating the conditions of approval to indicate a specific person or department instead of "the City", where applicable.

Fearis stated that as stated in the letter, Flatley is seeking confirmation that the variances are valid.

Saunders stated that she is not sure what they are looking for but the Zoning Board approved the use.

Site Plan Motion: Guptill moved that the request of MDHF, LLC and SNTG, LLC for a site plan to convert the existing building to recovery housing for men and to construct a new commercial building with associated parking and infrastructure be **APPROVED WITH THE FOLLOWING CONDITIONS**:

1. An escrow account, in an amount agreeable to the Director of Planning & Community Development will be established for site and building construction inspections prior to any site work;
2. A preconstruction meeting with City staff is scheduled by the applicant and held prior to any site work. Please contact the Code Enforcement Officer (692-9522) to initiate this meeting;
3. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breaches shall be repaired within 48 hours of the storm event;

4. There shall be no wetlands degradation during construction;
5. An electronic As-Built Plan of the proposed development with details acceptable to the Director of Planning & 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;
6. A copy of the completed Inspection & Maintenance Log in the Stormwater Management Inspection and Maintenance Plan dated May 4, 2016 shall be provided to the Department of Public Works annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans;
7. The final plans shall bear the stamp and signature of the engineer, and the licensed land surveyor;
8. The applicant shall pay all necessary sewer and water permit fees prior to the issuance of a building permit;
9. All detectable warning panels shall be constructed of cast iron or similar durable material approved by the Director of Planning & Community Development;
10. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced no later than the following growing season as long as this site plan remains valid;
11. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
12. All current and future CLD comments (particularly those in the August 20, 2013 memo) shall be addressed to the satisfaction of the Director of Planning & Community Development prior to signing the final plans and any unresolved items shall be brought back to the Planning Board in a timely manner;
13. The Bonfire facility shall only be used for opioid and alcohol treatment patients;
14. A minimum of 75% of the residents of the facility must be from Strafford County;
15. Parking lot paving shall be carefully installed to assure grading is correct so water flows to CBs at the new retail store and not onto abutting properties or on to Tri City Road. Parking lot spot elevations shall be shown on the as-built plan;
16. The small wind energy system will not be constructed and shall be removed from the plans. If the property owner wants to install said system in the future, additional Planning Board approval is required;
17. As part of the perimeter fencing, a gate that is in-line with the exit discharge of the stairway shall be added to the plans;
18. Water services need to be valved so that each building can shut off individually. The existing domestic service needs to have a testable RPZ in place. The fire service must have a testable dual check;
19. The location of temporary, on-site snow storage shall be approved by the Director of Planning & Community Development and the Director of Public Works and shown on the final plans. The snow removal contractor and the location of where the snow will be brought shall be included in the annual Inspection & Maintenance Log per condition #6;
20. The applicant shall work with the Director of Planning & Community Development to coordinate sidewalk detail with the abutters that were approved to construct three apartment buildings to ensure consistent design and installation; and,
21. All conditions of approval shall be noted on the final plans.

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

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

None.

5) **WORKSHOP BUSINESS**

A) Election of Officers

Motion: Belmore moved to re-appoint LeHoullier as Chair and Guptill as Vice Chair.

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

- B) Request from Vision 2020 Committee for the Board to review the Growth and Development Strategy Implementation Matrix from the City's Master Plan.

Saunders stated that the last meeting the Board wanted a report on this but other Boards/Committees in the City want that also. Stated that she has started pulling stuff together but she needs more time.

Belmore stated that he would like to authorize Saunders to move forward with this and just supply a copy of what she has to the Board in their packet. Stated that the Board doesn't need to approve anything but can leave this task up to the Planning Department.

General agreement from the Board.

- C) Review membership of the Site Review Technical Committee.

Saunders reviewed her memo (see attached) and stated that the regulations states who serves on the SRTC and a Conservation Commission representative is listed. Stated that the Conservation Commission voted to not participate with the SRTC since applications with buffer disturbance have to go to the full Commission anyway. Stated that the Director of Public Works is not listed as a member but would like to add that position. Referred to her memo with suggested changes to the wording of the regulations. Stated that if the Board agrees to these changes, a public hearing could be had at the next meeting.

Belmore stated that technically there is no longer a City Planner position so that should be changed to the Director. Stated that there is no longer a City Engineer position so that should be taken out. Stated that there would be seven SRTC members total.

Saunders agreed.

Motion: Belmore moved that the Planning Board hold a public hearing on the proposed changes to the Site Plan Review Regulations

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

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

Saunders stated that she is not prepared for this item tonight and that it will be on the next agenda.

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

Saunders stated that the Board members receive full sized plans and asked if they would also like 11"x17" sized plans.

Richardson stated that he would like them instead.

Fearis stated that he prefers smaller plans.

Saunders stated that we will supply 11"x17" sized plans now.

Belmore mentioned some Board members are not present tonight and they may prefer larger plans.

Saunders stated that she will reach out to them.

6) COMMUNICATION AND MISCELLANEOUS

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

Belmore stated that it is a Code Enforcement issue and that they can look into again.

Motion: Belmore moved to adjourn the meeting.

Seconded by Gupstill. Motion carried unanimously.

Meeting adjourned at 7:51 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board