

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

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

MEMBERS ABSENT: Harold Guptill, Vice Chair and Bob Belmore, City Manager.

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 Fearis as a voting member of tonight's meeting.

1) APPROVAL OF MINUTES

Motion: Robidas moved to accept the minutes of the meeting of October 18, 2017.

Seconded by Witham. Motion carried unanimously.

2) COMMITTEE REPORTS

ZBA Report

See attached report.

City Council Report

Witham stated that the road paving project around the City is close to wrapping up with some line striping left. Stated that the Bretton Cleaners building has been demolished and that the project should be completed by the end of the month. Stated that the City was not successful when applying for the Brownfields Grant from the EPA last year but are reapplying for it. Stated that the grant would be to clean the contamination on the site and make it available to sell and get back on the tax rolls.

Site Review Technical Committee Report

See attached report.

Minor Field Modification Report

See attached report.

Strafford Regional Planning Commission Update

Witham stated that he thinks that the City may be short one Commission member.

Saunders stated that she will check but that she thinks we are all set.

Vision 2020 Committee Report

Saunders stated that the Committee met today and that they are preparing for the transition of the new Councilors coming in. Stated that the Committee is hoping to go before the Council in January for an update to the matrix in the Master Plan.

3) OLD BUSINESS

A) Discussion on site plan application review fees.

Saunders suggested moving this item to after “new business”.

Motion: Witham moved that the discussion on site plan application review fees be moved to the end of “new business”.

Seconded by Robidas. Motion carried unanimously.

See below.

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

None.

4) NEW BUSINESS

A) Conceptual Review: Breitling Holdings, LLC is requesting a conceptual review of their site plan proposal to demolish the existing building and build a new apartment building with commercial space on property located at 67 Elm Street, in the Business Historic (BH) District, Assessor's Map 10, Lot 174.

Aaron Bennett with Seaport Engineering represented the applicant and addressed the Board. Stated that they are hoping to have a larger building than what was proposed months ago. Stated that they are proposing a 28 unit building that meets all zoning regulations except for parking. Stated that the building will be five stories tall with the fifth floor being used just for utilities. Stated that there are 26 parking spaces in the first floor garage, two deeded spaces off site and five spaces on Elm Street that will be for the commercial space. Stated that there will be two commercial spaces for office use, not retail.

Saunders stated that this is a conceptual review with no public hearing and abutters have not been notified. Stated that a design review requires a public hearing and abutter notification but that is not what this is.

Witham stated that he has been following this and that it has gone to the HDC. Stated that there are limitations with the existing building and that he appreciates the desire not to renovate but to rebuild. Witham stated that he read the SRTC comment letter and that most of the concerns revolved around parking and stormwater. Stated that with the initial proposal they submitted a waiver for third party review of stormwater and the City's capacity. Stated that it looks like they are proposing one parking space per unit and asked how many bedrooms per unit.

Justin Gargiulo, property owner, addressed the Board and stated that they will be market rate, mostly two-bedroom apartments.

Witham stated that parking was discussed recently at a charrette for the plaza. Stated that there was a lot of talk on having more residential uses in the downtown and an increase in foot traffic. Stated that if they were one bedroom units then he could understand but that he suspects that the parking capacity will be outgrown by some number. Stated that this Board

has approved development in the downtown with more restraints than this, for example, the function hall. Stated that he doesn't see this as a tremendous impact on parking and that some areas have more than enough parking. Stated that the biggest issue with on-street parking is snow emergencies and having a plan for that is important. Stated that he thinks there are options beyond on-street parking but that it doesn't worry him too much. Stated that he will rely on guidance from City staff and third party review regarding stormwater. Stated that is the wild card and they don't have answers for that now.

Bennett stated that there will be stormwater chambers under the lot. Stated that they still need to do test pits for infiltration information. Stated that they are only proposing to put into the City's system what is allowed for this property. Stated that they won't make it any worse.

Witham stated that there will be a lot of work coming up on Main Street and some of that infrastructure may be upgraded soon.

LeHoullier asked if there will be an on-site office with a building manager.

Gargiulo stated that is not the plan. Stated that he is in property management and that there would be a regional manager but no one always on site.

LeHoullier asked if the common areas will be maintained and cleaned.

Gargiulo replied yes stated that he is not planning to flip the property.

Fearis asked if the parking spaces will be dedicated or first come, first serve.

Gargiulo stated that each unit will have one dedicated space.

Horton stated that he feels that the design is good and he likes the mansard roof. Stated that he is concerned with the building size in relation to doing exterior maintenance. Stated that this is great for the downtown and it will fit into the long term plan. Suggested considering changing the windows on the office units so they are more inviting.

Barry asked if they know the height of the existing building.

Bennett stated that he is not sure the height of the existing building but the new one will be two feet shorter.

Barry used a building on Sixth Street in Dover as an example and stated that it was built too tall and that it doesn't look good and looks out of place. Stated that they have to look at the neighborhood and the character of the area. Asked about vinyl siding and if there is anything else they can use.

Gargiulo stated that they can look at other options like clapboard.

Barry stated that he is okay with the size of the building as long as setbacks are met.

Bennett stated that the existing building has vinyl siding and brick and what they are proposing now will be better quality.

Robidas stated that he is concerned with the size of the building and that he thinks it will look out of place. Stated that he is also concerned with parking as there are 28, two-bedroom units.

Gargiulo stated that they will only permit one car.

Robidas compared the size of the building with the size of the Queensbury Mill and stated that it will be tight and look out of place.

Small asked if the fifth floor is use for the utilities to hide them.

Bennett stated that they are doing that to keep it looking the way it does now and not have any roof top units.

Witham stated that this building conforms to zoning and that in the Business (B) District there are no setbacks or height restrictions. Stated that he appreciates the comments about the size of the building but that it meets zoning regulations.

Small asked where the garbage goes.

Bennett stated that there will be a trash area on the bottom floor. Stated that they are still working things out and can still be moved around.

Small stated that dumpsters will take up more room. Asked if the five commercial parking spaces are in the garage.

Bennett replied no and stated that they are on the street.

Witham compared with proposal with some market rate apartments in Dover.

Rhodes stated that the applicant is clearly making an effort to fit in with the Historic District. Stated that the parking doesn't concern him and that it is good to have parking under the building. Stated that he likes that the commercial uses will be offices and not retail.

Gargiulo stated that it is what he had in mind, like an attorney's office.

Fournier stated that he is concerned with trash. Stated that he is worried with the durability of the vinyl siding being so close to the road. Suggested maybe have stone for the first floor.

- B) Conceptual Review: Trittech Engineering Corp., on behalf of Roland & Donna Turcotte, is requesting a conceptual review of their conservation subdivision proposal on property located at 138 Rocky Hill Road, in the Residential Single Family (R1) District, Assessor's Map 54, Lot 01.

Dave Francoeur, property owner, addressed the Board and stated that he purchased the property from the Turcottes. Stated that he wants to protect the existing neighbors and utilize the sand pit area for the development to leave the existing forest intact. Stated that the lots will have City water and septic systems. Stated that they are using new septic systems that the State has approved for this area. Stated that there will be a lot of filtration so the water will be very clean. Stated that he dug test pits and that the sand is permit for septic systems. Stated that he is proposing 28 lots with one of the lots being the existing house lot. Stated that they are proposing smaller houses; only a few four bedroom homes.

Bob Stowell with Trittech Engineering Corp. addressed the Board and stated that they have done a lot of work at the site already. Stated that this is the first conservation subdivision he has done in Somersworth under the new regulations. Referred to the letter that was submitted with the conceptual plan and stated that the first part of the process was to find the density. Stated that they worked with the net area after taking out flood plains, steep slopes, etc. and that they can have 28 lots. Referred to the yield plan and stated that this was created using the underlying zoning characteristics and actual on-site data. Stated that they want to move forward with a 28 lot conservation subdivision and showed the plans and the aerial plan. Stated

that natural areas will stay natural and they will reclaim the soil areas for the house lots. Stated that the lot has two accesses and that they are using the one to the north because there will be no wetland impact there and it fits the topography better. Stated that the proposed cul-de-sac will be longer than 800 feet so they will ask for a waiver for that. Stated that the property is in the Groundwater Protection District (GPD) and in the flood plain. Stated that they are keeping the development to areas of the lot that are already developed so there will be no work within the flood plain and nothing in the wetlands or buffers. Stated that the area is in the GPD and he would like to discuss that. Stated that they went to the ZBA for a variance for on-site septic and that they have access to City water. Stated that they will go back to the ZBA because the variance was only for 15 lots and they want to have 28 lots. Stated that the NHDES has septic regulations for the GPD and they have to approve the subdivision. Stated that they are looking at the lot as a whole, not each individual lot when considering the conservation standards like percent of impervious coverage.

Witham stated that he likes the design as proposed and that he read the memo from DPW Director Bobinsky and he talks about sidewalks. Stated that he feels that having no sidewalks would be good because they wouldn't attach to anything. Stated that he doesn't see the value in sidewalks here because there is no connectivity. Suggested widening the road for better travel. Stated that, regarding how the site would be lit, he would like there to be some lighting but he doesn't necessarily want the City burdened with the cost. Suggested having an association. Stated that there needs to be fire hydrants every 500 feet. Asked what the City's rationale is for the 800 foot length cul-de-sac.

Saunders stated that he doesn't know the specifics for Somersworth but she has heard in other communities that it has to do with fire protection and the length of the fire hose. Stated that it is better for emergency response when there is only one access.

Witham suggested that may be a good reason to have a wider road. Asked if a traffic study is required.

Saunders replied yes.

Witham stated that he is interested in what the traffic engineer has to say about that. Stated that Rocky Hill Road turns into dirt and that he may want to talk about some improvements for that.

Saunders corrected that a traffic study is not a requirement but that the Board can request one.

Witham stated that it is on his radar and that the traffic on Rocky Hill Road will be increasing.

LeHoullier stated that he is also wondering about improvements to Rocky Hill Road.

Robidas stated that he feels that the cul-de-sac makes for a more attractive development and is less intrusive. Stated that he feels like the horseshoe design would change the dynamics of the lots. Stated that there must be granite curbing. Stated that there will be around 50 or so more vehicles and that he doesn't think that will be an issue. Stated that if they give them relief on the sidewalks then maybe they can get a few more feet of the road paved.

Stowell stated that they will have granite curbing.

Fournier asked what is there for train track signaling.

LeHoullier stated that there are just stop signs.

Fournier stated that he is concerned with that and asked about putting in lights or something.

Witham stated that the price is high on that.

Stowell stated that they have about 80 feet of frontage on Rocky Hill Road and that the lot was used commercial before. Stated that there will be an easement at the end of one of the cul-de-sacs for possible connection to another lot in the future.

Rhodes stated that there is going to be an increase in traffic and that he has safety concerns with that. Stated that regarding the road length it can be difficult for emergency responders. Stated that there is a single access for 28 lots and that is a concern. Stated that he feels that cul-de-sacs are more dangerous. Stated that regarding the septic, the new systems are better and well suited but this lot is in the GPD and there is no data on long term maintenance. Stated that this groundwater needs to be protected and that three lots are in the flood plain. Stated that in the past this area has become flooded and it could be worse because of the densely packed homes.

Fearis stated that he likes the consideration given to the current neighbors but that he is not in favor of the lot sizes. Stated that the formula allows for 28 lots but stated that they don't need that many. Asked where they plan to put everything. Stated that a four-bedroom house will be too big and houses are close together. Asked about green space and a place for kids to play.

Stowell stated that each lot is at least 100 feet wide and that there will be green space. Stated that 59% of the property will be undeveloped and open to all people living in the subdivision.

Francoeur stated that he has developed Rouleau Drive and others in Somersworth and these are the current regulations. Stated that they are leaving a lot of natural land and there is room for recreation. Stated that they are meeting all requirements except one. Stated that the Sunningdale development is also exceeding the allowed cul-de-sac length. Stated that they can put in the second entrance but that would be more costly now and in the future and would break up that block of land.

Small stated that he has never seen one of these subdivisions and that it is densely packed. Stated that he agrees with Rhodes and that there has been flooding out there recently. Stated that he is a little concerned with considering the entire lot when doing conservation percentages. Stated that he likes the idea of getting rid of the sidewalks but that he wouldn't expand the pavement. Stated that he is concerned with some of the lots being partially in the flood zone and close to the brook.

Barry stated that he is more in support of the yield plan. Stated that he feels the lot frontages are too small. Stated that it was compared to the Sunningdale development and that he feels that is too tight. Stated that they need to make this appealing and give the children a playground or something. Stated that he agrees that sidewalks are not needed as long as it is well lit. Stated that he disagrees with traffic having a negative impact on Rocky Hill Road and doesn't feel a traffic study is needed.

Witham stated that they are comparing it to the Sunningdale subdivision and that development is selling and is appealing to a lot of people. Stated that he agrees with Barry that the amount of traffic will be minimal. Stated that he lives on Rouleau Drive and that there a lot of people that walk on it and it is very active. Stated that there are no sidewalks and that the road is wider. Suggested that there may be less or slower traffic with a cul-de-sac. Stated that he likes the idea of the development being well lit but that he feels it needs to be on the association. Suggested decorative light poles with an overhead lamp at the exit onto Rocky Hill Road.

Horton stated that he likes the layout and that he thinks lighting will improve aesthetics.

Stowell stated that he is not concerned with the flood plain and that this fits in with the golf course on the other side.

LeHoullier stated that when Winslow Drive was development there were conditions to warm people of the firing range in the area. Asked if that should be done here.

Saunders stated that she will find out about that.

Fournier stated that he doesn't have a problem with the lot size but he is up in the air on sidewalks.

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

The Board revisited site plan application fees.

Saunders stated that she doesn't have a proposal ready for that yet.

5) WORKSHOP BUSINESS

A) Discussion on new Accessory Dwelling Unit ordinance.

Saunders passed out an updated draft ordinance. Stated that the draft ordinance was based on State law and surrounding communities' ordinances. Stated that she made updates to off-street parking and annual permitting. Stated that she would like final feedback and comments and the next step is to hold a public hearing. Stated that it would then need to go to the City Council for approval because the ordinance will be added to the Zoning Ordinance. Stated that it being in the Zoning Ordinance allows people to apply for variances.

Robidas stated that Section K talks about a certificate of use and it having to be renewed. Asked if someone will actually go to the property to check on it.

Saunders stated that her though would be that the Code Officer goes and inspects the property. Stated that there would be an annual application and the owner would have to indicate that they know there will be an inspection. Stated that there is similar language on other applications.

Robidas stated that is important to him and asked if they can increase to fees to cover staff doing the inspections. Stated that he is uncomfortable because it's like they don't have a single family district anymore. Stated that he doesn't want to make this difficult but he wants to make sure it is monitored and done right.

Saunders stated that \$75.00 is consistent with other communities.

Robidas stated that it is labor-intensive and the fees should offset the costs.

Barry stated that the State mandates this and that the tenet does not need to be related. Asked what the purpose of the ADU is and stated that there should be a hardship or burden. Stated that he is opposed to having every R1 property become an income property. Stated that last month he suggested that when the main property sells that the tenet has to be evicted and he is rescinding that comment.

Rhodes stated that he agrees that he would like to know why an ADU would be added to a property but they can't do that. Stated that it is now permitted by right.

Fearis asked about Section B of the State regulations referring to an interior door. Asked about requiring a common wall between the two units.

Saunders stated that she will look into that.

Witham stated that regarding having a common wall, if he was to put in an ADU it would be on top of his garage so there wouldn't be a common wall and that he thinks a lot of people would be in that position.

Fearis stated that in that case, you are within the structure, a common wall would be if it's an addition to the house.

Witham stated that they need to be careful with the wording of the ordinance. Stated that he is okay with the wording as it is and that he feels that parking has been addressed with the current language.

Horton stated that he has no more comments and that he thinks the draft is good as written.

Small stated that there is language that the property still needs to look like a single family and asked if there is any language that the ADU cannot exceed half the size of the main structure. Stated that he doesn't understand the difference between a two family home and a single family home with an ADU.

Saunders stated that the State regulations require that the ADU be no less than 750 square feet but they don't speak to its size in relation to the main structure.

LeHoullier asked if Saunders can look into Durham's regulations and see what they do. Stated that they have a lot of apartments for students but you can't always tell they are even there.

Saunders stated that she will look into that.

Saunders stated that a lot of towns were caught off guard with the 750 square foot minimum. Stated that Durham may have smaller units but that she will look into it.

Fournier asked about annual inspections are read from the State regulations. Stated that the regulations only say that they need a building permit and asked if the City has the right to inspect annually.

Saunders stated that inspections can be incorporated into the City regulations.

Fournier stated that the owner could live in the ADU.

Fearis asked about the number of postal addresses for the property.

Saunders stated that she will have to look into that.

Small stated that Rochester's regulations mention not having separate utilities.

Witham stated that addressing is important and that they have an E911 Committee and they should be checked with on how to number the ADU. Stated that should be included in these regulations. Stated that he wonders what the State's intent was when this was enacted. Stated that the intent may have been for parents as they age but it wasn't written that way. Stated that there may be unintended consequences.

Small stated that Dover's regulations require utilities to be on a single bill.

Fournier read from the State regulations and stated that he feels the State did this for work force housing.

Saunders stated that the regulations were but together by housing advocates.

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

None.

6) COMMUNICATION AND MISCELLANEOUS

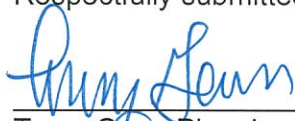
None.

Motion: Robidas moved to adjourn the meeting.

Seconded by Rhodes. Motion carried unanimously.

Meeting adjourned at 8:10 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board