

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
DECEMBER 19, 2018**

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

MEMBERS ABSENT: Chris Horton

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 for tonight's meeting.

1) APPROVAL OF MINUTES

Motion: Robidas moved to accept the minutes of the meeting of September 19, 2018.

Seconded by Guptill. Motion carried with a 7-0-1 vote with Belmore abstained.

Motion: Small moved to accept the minutes of the workshop meeting of October 17, 2018.

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

Motion: Guptill moved to accept the minutes of the meeting of October 17, 2018.

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

2) COMMITTEE REPORTS

Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC)

See attached report.

Minor Field Modification Report

See attached report.

City Council Report

Witham stated that at the last Council meeting they voted to table the adoption of the new HDC ordinance in hopes of a joint meeting with the HDC after the New Year. The Council also tabled the resolution to discontinue Fair Court. Stated that the road is in disrepair and isn't used much but State law is specific on this subject and they are working with abutters on this. Stated that the City received proposals to create form-based codes for a section of the downtown. Stated that is just getting started.

Strafford Regional Planning Commission Update

LeHoullier referred to the weekly email updates.

Vision 2020 Committee Report

Saunders stated that they haven't met since the last meeting but will have an annual report for the Council in January.

3) OLD BUSINESS

- A) Linda Hodgdon and David & Priscille Blaisdell are seeking a lot line adjustment and minor subdivision for properties located at 60 & 64 Stackpole Road, in the Residential Single Family (R1) District, Assessor's Map 36, Lot 45 and Map 20, Lot 07, SUB #06-2018.

Saunders stated that at the October meeting they talked about the roadway moratorium and how it might affect this project. Stated that staff has discussed this and feels that they are separate issues. Stated that the Planning Board has jurisdiction on the subdivision and lot line adjustment and staff has jurisdiction on the driveway permit. Stated that she suggests the Board move forward with this proposal tonight.

Motion: Witham moved that this application be removed from the table.

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

FX Bruton, an attorney with Bruton & Berube represented the applicant and addressed the Board. Showed existing conditions and the proposed changes on the plan. Stated that the proposal for the lot line adjustment is straight forward and then create a new lot with left over land. Stated that the only hiccup is with the driveway permit that Director Saunders mentioned. Stated that the sidewalk wasn't installed when they started the project but the Sunningdale project got amended and the sidewalk was moved to this side of the street. Stated that they feel that the moratorium doesn't apply to the sidewalk and that it only applies to streets. Stated that it may be a slippery issue because it could have impacts for future development. Stated that he has questions about the suggested conditions of approval from the Director and that this application had been tabled so the completion dates are off. Submitted a handout to the Board (see attached).

Saunders agreed that those dates need to be updated.

Bruton stated that the third page of the handout is language from the City's regulations on revocations occurring after four years. Stated that these timeframes could be tricky because they don't know how the sidewalk issue will play out with the Council. Stated that how it's written, the subdivision could lapse in a year but they may have to wait because of the moratorium. Stated that he would like the timeframe to be for five years. Stated that they may be delayed by the moratorium. Stated that the only other concern is regarding preserving trees. Stated that if there has to be two trees, he asks that the Board consider what is already there. Stated that there are no existing trees except for two and they won't be removed.

Witham stated that he is fine with everything the applicant is asking regarding the completion date. Stated that Stackpole Road will be paved next year.

Bruton stated that he has been working with DPW Director Bobinsky to make sure that when the project moves forward they will do the utilities right before they pave.

Witham stated that he agrees with Saunders about separating the two issues; stated that one is for the Planning Board and one is for Council. Stated that he is fine with the subdivision and with the timeframe being for five years.

Saunders stated that the 12 month deadline is for substantial completion like recording the Mylar. Stated that it's not good to give approval and then wait a long time for the recording.

Witham asked if it condition should be written specific for the recording of the plan.

Bruton agreed. Stated that it is not for utilities to be installed within a year.

Belmore stated that they have gotten a legal opinion on the sidewalk issue, which is that it is appropriate to include the sidewalk with the moratorium. Stated that he is fine with the trees and the minor subdivision.

Rhodes stated that his interpretation of the regulations about trees is to prevent clearcutting.

Saunders stated that it is hard for her to tell intent.

Rhodes stated that the trees are the birch trees.

Witham stated that regarding trees, the Board has been steadfast for mature landscaping when they serve as a buffer, like when there is commercial use next to residential area. Stated that isn't the case here.

Robidas stated that they can have the language that they have to replant the trees if they die when they are building.

Motion: Belmore moved that the request of Linda Hodgdon and David & Priscille Blaisdell for a minor subdivision to create one new lot be **APPROVED WITH THE FOLLOWING**

CONDITIONS:

1. PROJECT COMPLETION DEADLINES
 - a) Plan Revisions: January 2, 2019
 - b) Mylar, final plans: March 6, 2019
 - c) Completion: December 2019
2. PLAN REVISIONS:
 - a) If any trees are removed from the front yard they shall be replaced.
3. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL OR RECORDING OF THE MYLAR:
 - a) MONUMENTATION: Granite Bounds shall be installed at all intersections of lot lines and street right-of-way, as well as all property corners which do not abut the public right-of-way per Subdivision Regulation 22.7.C.10
 - b) PLAN FILING AND RECORDING: The applicant shall provide a Mylar suitable for recording, appropriate recording fees (depending on Mylar size), with separate fee for LCHIP, made payable to the Strafford County Registry of Deeds, and five (5) paper copies of the final plan as approved by the Board. The final plan shall reflect any and all changes required as part of the approval process. **Please submit one copy of the revised plan for final Board approval before submitting the additional 4 copies and Mylar.**

Seconded by Rhodes.

There was some discussion about the conditions of approval.

Motion carried with an 8-0 vote.

Motion: Belmore moved that the request of Linda Hodgdon and David & Priscille Blaisdell for a lot line adjustment be **APPROVED**.

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

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

None.

4) **NEW BUSINESS**

A) Hilltop School, LLC is seeking conceptual review of a site plan to convert the school into residential apartments on property located at 17 Grand Street, in the Residential Single Family-A, with a Historic Overlay (R1AH) District, Assessor's Map 11, Lot 49.

Saunders stated that this is a conceptual review only so no vote is being taken and there is no public hearing. Stated that they are just looking for feedback so they can have more complete plans when they formally submit an application.

Christian Smith with Beals Associates, PLLC represented the property owner and addressed the Board. Stated that they had conceptual review with the SRTC and that they have made changes to the plan. Stated that the intent is to have as little soil disturbance as possible. Stated that they have a few potential waiver requests that they would like feedback on. Stated that nothing said is binding but they would like a flavor of the Board's opinion.

Witham stated that he was initially surprised with the lack of changes to the exterior. Stated that he visited the property and that currently the school and yard are lit by large pole-mounted flood lights, which are not in compliance with the lighting regulations. Stated that removal of those lights will be important with effective yard lighting being put in by the applicant. Stated that the ordinance requires the lighting to be period specific. Asked about the existing chain link fence.

Smith stated that it will be removed.

Witham stated that the section of Highland Street from Grand Street to Prospect Street is in significant disrepair so he would be looking for an offsite improvement there. Stated that adding traffic to the bad section of the road is concerning to him.

Rhodes echoed Witham's comments on the lighting and used the new liquor store site as a good lighting model.

LeHoullier stated that the plans show the address as 25 Grand Street when the actual address is 17 Grand Street.

Small stated that he is in agreement on the lighting. Stated that because of nighttime traffic that wasn't present with the building was used as a school, he is worried about screening for vehicle lights at night. Stated that he is curious about the parking plan since there will be some commercial space as well.

Smith stated that regarding lighting, they were not going to put up new poles. Stated that they intend to have building-mounted lights that would be downcast and shielded. Stated that they were thinking of retrofitting some of the existing poles so that they meet the regulations. Stated that they plan on meeting with the abutters before coming back before the Planning Board. Stated that they want to rehab the existing building and keep it as a landmark. Stated that they don't want to screen it too much.

Witham stated that he is okay with building-mounted lighting but he doesn't want to see lights on utility poles.

Rhodes applauded the applicant for wanting to keep the historic aspect of the property and stated that he is happy with this proposal.

Barry asked if there will be any more pavement installed.

Smith stated that there will be about 1800 square feet more.

Barry asked where the water will go.

Smith showed on the plans and stated that it won't change. Stated that there will still be sheet flow. Stated that they will work with the DPW on stormwater to make sure the existing services are adequate.

Robidas stated that there are trees at the back corner and asked if that will be green space.

Smith replied yes.

Robidas stated that there is packed dirt there now so it will be a big improvement.

Smith stated that there will probably be a sprinkler system. Asked if the potential waiver requests seem to be okay.

Small stated that he is okay with them.

Robidas agreed.

Fearis stated that he has no problem with them. Asked about mail.

Smith stated that the postmaster will require a mail kiosk.

Witham stated that he is okay with the waivers except for the lighting. Stated that he doesn't think that granite curbing makes sense here.

B) Michael Turgeon is seeking a conditional use permit to build within the wetland buffer on property located on 26 Cemetery Road, in the Residential Duplex (R2) District, Assessor's Map 23, Lot 01, CUP #03-2018.

Saunders stated that she would like to both conditional use permit applications at the same time. Stated that they are two separate applications but the lots are adjacent to each other and one has a house on it and one does not.

LeHoullier stated that they will discuss both at the same time.

Saunders stated that there is a house being built on lot 01 and the applicant was told to stop construction because of the wetlands on his property. Stated that there are recommended conditions of approval from the Conservation Commission for both lots and read them. Stated that the Commission recommended that a 60 foot buffer be maintained for lot 01 and a 75 foot buffer for lot 1A.

Mike Turgeon, owner and applicant addressed the Board and stated that he saw the wetlands but was not aware of the buffer. Stated that he started working but has stopped to take care of this.

Belmore asked the applicant if he is okay with the suggested conditions of approval.

Turgeon replied yes.

Mike Derosier, an abutter at 34 Cemetery Road addressed the Board and stated that he abuts these lots. Stated that he doesn't know about the wetland boundaries but that his lot is big, high and dry but that his neighbor sometimes gets water in his backyard. Stated that it is dry for the most part. Stated that he has no issues with the proposed plans.

Belmore stated that he is good with approving this tonight but that he would like to change of the suggested conditions of approval that the planting plan be approved by the Director instead of the Conservation Commission. Stated that he doesn't want to hold up the project by having to send the applicant back to the Commission.

Witham stated that he is okay with that also. Stated that it looks like the lots started to be developed years ago and that this will be an improvement to what is there now. Stated that a bad situation is being made better.

Rhodes stated that he agrees with Witham that this will make the space better. Stated that he is okay with the planting plan being approved by the Director. Thanked the applicant for his work so far.

Small asked about the sediment barrier mentioned in the Highland Soil Services report that was with the application.

Saunders stated that the Conservation Commission discussed the difference between a silt fence and sediment logs or wattles. Stated that a silt fence isn't always installed correctly and they prefer to use silt soxx.

Robidas stated that he is going to make a motion that includes both applications.

Motion: Robidas moved that the request of Michael Turgeon for conditional use permits to build within the wetland buffer of lots 01 and 1A be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. Conservation mix grass seed shall be used to stabilize the ground in the buffer;
2. The vegetative buffer shall be replenished with native, noninvasive shrubs and ground cover;
3. The lawn shall not extend further into the riparian buffer than ten feet (10') beyond the 12'x12' rear deck;
4. Silt soxx shall be used for erosion control during construction and prior to any regrading of lot 1A;
5. Prior to implementing, a planting plan shall be submitted to and approved by the Director of Planning & Community Development; and,
6. Buffer encroachment is up to the 60-foot wetland buffer line for lot 01 and 75-foot wetland buffer line for lot 1A.

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

C) Michael Turgeon is seeking a conditional use permit to build within the wetland buffer on property located on Cemetery Road, in the Residential Duplex (R2) District, Assessor's Map 23, Lot 1A, CUP #04-2018.

See above.

D) John J. Flatley is seeking an amendment to SITE #12-2014 to relocate building #3, the garage and associated infrastructure on property located at Tri City Road, in the Business (B) District, Assessor's Map 39, Lot 03, SITE #12-2014.

Saunders stated that the applicant is seeking an amendment to what was approved in 2015 by changing the location of one of the three buildings. Stated that there will be a little more pavement and the Fire Department wants an additional hydrant installed. Stated that by approving this, it restarts project clock. Stated that they would have five years to complete the project. Stated that regarding offsite improvements, an abutting property, Key Auto, was approved at the same time as this and the offsite improvements were going to be done jointly. Stated that the approved site plan for Key Auto has expired but the offsite improvements still need to be done. Stated that her opinion is that the full responsibility of the improvements is on Flatley. Reviewed suggested conditions of approval, which are from the original approval and now added the additional fire hydrant.

Nathan Chamberlin with Fieldstone Land Consultants, PLLC represented the applicant and addressed the Board. Stated that they have gotten site plan approval extensions from the Board in the past and that they have now secured all the appropriate State permits. Stated that the Key Auto site plan has expired and Flatley has agreed to do all the offsite improvements. Showed on the plans what was originally approved and stated that one section is changing but that it is mostly staying the same. Stated that the impact on the wetland buffer has changed and now there is 500 square feet less disturbance. Stated that Flatley wants to change the layout because he wants more separation between this development and the existing Tara Fields. Showed the proposed changes on the plans and stated that everything else is staying exactly the same. Stated that they went to the SRTC and the Fire Chief wanted an additional fire hydrant placed in front of building three. Stated that there will be the same number of parking spaces and the utility connections have been addressed. Stated that the drainage plan is the same.

Robidas stated that dealing with this project is getting old and that he is confused that after three years they are changing things. Stated that it makes him wonder how serious they are about the project. Stated that the Board and staff has spent too much time on this project already and he doesn't want to restart the completion time on this.

Chamberlin stated that they have gone out to bid and that he has been assured that they are going to begin the project in 2019.

Witham stated that he is not sure if they are just proposing these changes to reset the clock and get more time. Stated that he would like a condition that there be a tight window of time. Stated that this is an area of the City that has substantially changed recently with the addition of Dairy Queen and the State Liquor Store. Stated that there is a lot of activity and a changing dynamic. Stated that he is okay with the change but needs a tighter timeline.

Belmore stated that his concern is the change in the community and not the change in the project. Stated that he wonders about traffic counts since there are more cars in the area because of new developments going in. Stated that the character is changing. Stated that restarting the completion clock is a concern to him.

Small echoed the comments already made. Stated that this is a multi-million dollar project and that the fee for this was only \$100.00. Asked about the fee structure.

Saunders stated that there is no new infrastructure but just swapping the placement of it.

Small stated that there has been a lot of City resources used already on this project and would like to see a higher fee associated with this type of thing.

Witham asked about the timeline from the last extension the Board granted.

Saunders stated that the last extension was in May 2018 and was approved until March 2019.

Witham stated that based on the last extension, they have to begin construction by March 2019.

Saunders confirmed.

Belmore asked if they can add conditions of approval, like an offsite exaction. Stated that traffic flow is going to increase and asked if the applicant can chip in for the City's match for a grant to improve the traffic lights in the corridor.

Saunders stated that if the concerns are with traffic flow they can ask for an update to the traffic report. Stated that she feels that the offsite improvements from 2015 were from the original traffic report.

LeHoullier stated that the project is for 144 market rate apartments and asked if they will be constructing one building right after the other.

Kevin Walker with the John J. Flatley Company addressed the Board and stated that they plan on starting construction in the spring. Stated that they also got an extension from the ZBA, which has the same timeline. Stated that the ZBA made it clear that they won't grant any more extensions. Stated that they will be starting in the spring.

Witham asked what the ZBA approval was for.

Saunders stated that the variance was for residential use on the first floor in the Business district.

Public hearing closed 8:01 pm.

Witham asked if it is reasonable to say that construction will be underway by April 2019.

Saunders stated that she is unsure and would like to consult with someone on that. Stated that State statute is clear.

Motion: Small moved that the request of John J. Flatley for an amendment to SITE #12-2014 to relocate building #3, the garage and associated infrastructure be **TABLED**.

Seconded by Belmore. Motion failed with a 1-6-1 vote with Belmore abstained.

Motion: Witham moved that the request of John J. Flatley for an amendment to SITE #12-2014 to relocate building #3, the garage and associated infrastructure be DENIED due to substantial changes in that area.

Seconded by Robidas.

Small mentioned that if the applicant moves forward with the original plan by March then there is no issue.

Belmore stated that he is not sure how to vote on this. Stated that he doesn't want to deny it if it is going to be a better project. Suggested tabling this to get more information on timelines.

Rhodes asked if the applicant can come back to the Board in January if they deny the proposal tonight.

Walker stated that they need to start the project in March anyway because of the ZBA decision. Stated that the Planning Board's decision won't extend the ZBA decision.

Witham stated that if the Board tables this, then they don't have to re-notify abutters, etc. but if it is denied they would and fees would need to be paid again.

Saunders stated that tabling this would give everyone more time.

Witham withdrew his motion to deny.

Motion: Witham moved that the request of John J. Flatley for an amendment to SITE #12-2014 to relocate building #3, the garage and associated infrastructure be **TABLED**.

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

E) Revocation-David & Wanda Saunders major subdivision approval of an eleven (11) lot conservation residential subdivision on property located at 271 High Street, in the Residential/Duplex (R-2) District, Assessor's Map 15, Lot 16A, SUB #07-2005.

S. Saunders stated that a revocation is when an approved subdivision plan has already been recorded. Stated that this cleans up the record of the property at the registry. Stated that typically a revocation is a two-step process; the first being to notify the applicant but in this case the applicant is in agreement so the Board can act tonight.

Public hearing opened 8:11 pm.

David Saunders, property owner, addressed the Board and stated that he wasn't really clear on the process but that Director Saunders explained it well.

S. Saunders stated that she has a letter from the engineer saying that the property owner has no issue with the revocation.

D. Saunders stated that it makes sense to him.

S. Saunders stated that a new subdivision plan will be subject to today's regulations and the old subdivision is expired.

Public hearing closed 8:13 pm.

Guptill stated that to be clear this will remove the old subdivision and there will be a brand new one moving forward.

S. Saunders stated that the old subdivision will be gone.

Witham stated that the emails refer to this being a condition of approval for the new subdivision but that it makes more sense this way.

Small stated that revoking this subdivision will mean that the new one has to start all over again.

Motion: Robidas moved that the revocation of David & Wanda Saunders's 11 lot subdivision be **APPROVED**.

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

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

None.

5) WORKSHOP BUSINESS

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

Saunders stated that she has no workshop business tonight but that she is planning on having a workshop in January to discuss Form-Based Codes.

6) COMMUNICATION AND MISCELLANEOUS

Small asked if the Board can finish reviewing the Conservation Subdivision ordinance soon.

Saunders replied yes and stated that she plans on that for February.

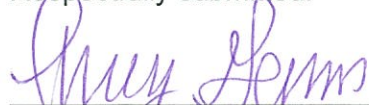
Fearis informed the Board that this would be his last meeting serving on the Planning Board and that he will not renew his membership. Stated that he enjoyed working with everyone and wished everyone well for the future.

Motion: Robidas moved to adjourn the meeting.

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

Meeting adjourned at 8:15 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board