

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
JUNE 20, 2018**

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice Chair, Kenneth Vincent, Alternate City Council Representative, Bob Belmore, City Manager, Jeremy Rhodes, Chris Horton and Jameson Small.

MEMBERS ABSENT: Paul Robidas.

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.

1) APPROVAL OF MINUTES

Motion: Belmore moved to accept the minutes of the meeting of May 16, 2018.

Seconded by Horton. Motion carried with a 7-0 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

None.

Strafford Regional Planning Commission Update

Saunders stated that the SRPC is working on updates to the Economic Development Strategy. Stated that they will bring the updates to each community in September.

Vision 2020 Committee Report

Saunders stated that the Committee hasn't met since the last Planning Board meeting.

3) OLD BUSINESS

A) River Valley Development Corporation is seeking site plan approval with waivers for 28 townhouses with associated site improvements on property located at 206 Green Street, in the Residential Single Family (R1) District, Assessor's Map 08, Lot 78, SITE #01-2018.

Saunders referred to the DuBois and King report and DPW memo that was on the member's desks when they came here tonight. Stated that how DuBois and King write their reports is that if a item of concern has been addressed, then it is taken out of the report. Only outstanding items remain on the report. Stated that the DPW memo written by Mike Bobinsky talks about the intersection at Green Street and Indigo Hill Road and the lack of a service analysis. Suggested putting money in an escrow for a traffic analysis once the development is built to see

if there is an impact. Stated that they are asking for a new waiver regarding traffic and there is still one outstanding waiver request regarding road design. Stated that there are some calculations that need to be done to ensure the road can handle heavy trucks. Stated that she reached out to the NHDOT about the feasibility of installing a sidewalk and they indicated that they do allow them within their right of way but there are maintenance requirements. Stated that they must be maintained by the City.

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

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

FX Bruton with Bruton & Berube, PLLC represented the applicant and addressed the Board. Stated that they have been busy addressing DuBois and King comments and they had a meeting with the planner and engineers last week. Stated that they have resolved a lot of issues already but that it makes sense to have some addressed as conditions of approval. Stated that the sidewalk issue came up with the sense that they didn't seem like a necessary element. Stated that the sidewalks would be off-site and an abutter is against it. Stated that the idea of sidewalks didn't come up during the SRTC process or at any other time. Stated that the NHDOT doesn't prohibit sidewalks within their right of ways but that he is not sure they have looked specifically at this area. Stated that DPW Director Bobinsky told him that if there ever was sidewalks put in then it would be a City project. Stated that the developer feels that if needed to financially contribute he can do that. Suggested that there are 28 units for the property and that he can contribute \$500.00 per unit, totaling \$14,000.00. Stated that money collected as an off-site improvement would need to be used within six years or be returned. Stated that a contribution wouldn't be limited like that and it could be used for any infrastructure in the City. Stated that the developer wouldn't expect the money back. Stated that they have tried to address the Board's comments/concerns fairly and that this is an example of that. Stated that concerns about people driving vehicles on the emergency access was brought up but that they have added language against that in the condo documents. Stated that they will also put signage up. Stated that there were concerns about lighting expenses but that they have added a common element responsibility to the condo documents. Stated that they are looking for approval tonight. Stated that the financial contribution would be submitted as each unit gets a certificate of occupancy.

Christopher Berry with Berry Surveying & Engineering represented the applicant and addressed the Board. Stated that the first DuBois and King review mostly had drainage and traffic comments and the traffic comments were from the lack of scope for pedestrian connectivity for Green Street and Indigo Hill Road. Stated that they have added that to their traffic report. Explained the traffic waiver request. Stated that the City has two levels of traffic analysis. Stated that the short form is for projects that have less than 1000 trips a day or less than 100 peak hour trips. Stated that the waiver is for having to demonstrate that there will be no delay at the intersection by more than 20 seconds. Reviewed how they collect traffic data and calculate the impact to the level of service. Stated that they are requesting a waiver from that. Stated that this project will have 14 peak hour trips, which is much less than what is needed for the full analysis.

Brian Grant, an abutter at 200 Green Street addressed the Board. Stated that the City wants to steal property from him. Stated that he owns the property that the sidewalk would be on and that is stealing. Stated that the developer has a good plan, better than the alternative, and they are not stealing. Stated that they can put a walking path going to Turgeon Lane. Stated that he is not happy with this and that he will do everything he can to prevent stealing of his property.

Richard Brooks of 18 Linden Street addressed the Board and stated that he is concerned with long-term planning. Stated that he has a friend that lives in a homeowner's association but that it has been disbanded and no one takes care of the plowing. Asked about the long-term of this

condo association and what will happen if no one participate. Stated that he just wants to protect the City from what could happen.

Public hearing closed 6:55 pm.

Belmore stated that the SRTC is a subcommittee and advisory committee to the Planning Board. Stated that the SRTC just reviews the technical aspects of plans and looks to the Planning Board for proper community development. Stated that the SRTC may not look at everything that the Planning Board wants and there have been times when the Board sends things back to SRTC for further review. Stated that whether the SRTC considered a sidewalk doesn't have an effect on if the Board considers one. Stated that sidewalks may be fit for this development and may be needed for access to the COAST Bus stop. Stated that he appreciates the applicant's offer for funding. Stated that each private property owner doesn't own up to the pavement on the street. Stated that the City doesn't take other people's property and will build sidewalk on the City's land if they get built. Stated that the sidewalks on Indigo Hill Road were just repaired and sidewalks here would provide a connection to the downtown or Jules Bisson Park. Stated that there is a letter from the DPW regarding traffic and intersection improvements. Asked if they know the costs of the sidewalk and where their suggested contribution plays into that.

Vincent stated that he urges the Board to waive the traffic study because he doesn't think it will be that big of an impact. Stated that regarding the sidewalk, personally he would love to see one on every City street. Stated that the City spends a lot of money every year bettering the City in all forms of travel so they are always looking at improving. Stated that it is tough when someone's property gets taken. Stated that the State makes the rules and laws and they have to look at the benefit to the City. Stated that he would like to see the cost of installing a sidewalk. Stated that Belmore mentioned a cross walk for the COAST Bus stop and that would be a part of the developer's cost.

Belmore asked if there is enough room in the right of way for a sidewalk without taking property.

Saunders stated that she doesn't know the answer now but would strive for it to be completely in the right of way.

Vincent mentioned that constructing a sidewalk could bring up property values.

Horton stated that there is a resident who doesn't want a sidewalk, a developer suggesting a contribution and then the Master Plan. Stated that he is trying to put it all together to make the best decision for everyone. Suggested that this may need to be tabled until another time.

Belmore asked Saunders to review the DPW memo.

Saunders stated that the memo talks about traffic impact and that Director Bobinsky feels that traffic may be heavier at that intersection. Stated that he reached out to a peer who thought that the trip generation numbers were low and that it would be more like 28 instead of 14. Stated that he is concerned with the long term impact to that intersection. Stated that the memo mentions denying the waiver request and putting money in an escrow account to do the traffic analysis a year after the development is done.

Belmore asked if the Board made a condition of approval if they would have the authority to make improvements if they are needed after the development. Asked who would pay for it if they did the study a year later and it is found that improvements are needed.

Saunders stated that the applicant would provide the money to do the study and the improvements that are a result of it.

Belmore stated that he is uncomfortable with that layout.

Bruton stated that it wouldn't be permissible by law.

Guptill stated that seems a bit messy and that there is no precedent to do that. Stated that they are just talking about 28 homes here and that even if everyone left at the same time they would still be under the peak trips.

Traffic Waiver Motion: Horton moved that the request of River Valley Development Corporation for a waiver from Section 11.4.d.iv.1 of the Subdivision Regulations regarding demonstrating that the proposed development does not cause a larger than 20 second delay at the closest intersection be **APPROVED**.

Seconded by Guptill. Motion carried with a 6-1 vote with Small opposed.

Guptill stated that regarding the sidewalk, he understands the City's Master Plan and having a walkable community. Asked if there would be sidewalks for one side of the street or both. Stated that he feels for the abutter that spoke. Stated that he would not be in favor of a sidewalk on that side. Suggested that maybe there is more room on the other side of the street.

Vincent stated that even if they didn't do sidewalks now there is nothing saying the City can't do one there someday.

Guptill stated that he is more just concerned with where the sidewalk would go regardless of when they do it. Stated that he feels there is less impact on the other side of the street.

Rhodes stated that sidewalks have to be maintained by the City and there is a cost to that. Stated that he feels that sidewalks should first be built in the areas that need it the most. Stated that they need to look at the highest need in the City first. Stated that the applicant suggested a contribution and although he voted for the waiver, he feels that a study may be a good idea for this area. Stated that there could be a significant impact and a contribution could be used for improvements for this area. Stated that he is not convinced that a sidewalk is needed here and the money can be applied better elsewhere.

Belmore stated that he appreciates the abutters being present tonight and that he wants to work with them. Stated that the Planning Board is charged with looking out for the entire community and not just one abutter. Stated that there is a lot of potential for development on Green Street and the Board needs to look at the future needs as well. Stated that this is a tough call and that he is not prepared to vote on it tonight.

Small talked about the future of Green Street with development and that they don't want to have to play catch-up with sidewalks. Stated that he might get stuck on the sidewalk issue. Stated that he likes the idea of a path to Turgeon Lane. Stated that he is still trying to figure out where the school bus will go and where the kids will be waiting for it.

Bruton stated that has been addressed with the revised plans.

Berry stated that the bus stop is going to be on the left side in the entrance. Stated that he has reached out to the school system and has not heard back from the bus department. Stated that they will provide a shelter for the kids to wait in. Stated that they can propose a pedestrian access to Turgeon Lane but he doesn't want vehicle connectivity.

Small asked if the bus shelter is shown on this plans.

Berry stated that it is not but showed where it will be.

Small asked about the mail kiosk.

Berry stated that that it will be there also.

Bruton stated that they looked at the Sunningdale bus/mail kiosk and that they want to do the same thing.

Small asked about the location of it.

Berry stated that it would be a little up the road so it is not sitting at the intersection.

Small asked what will happen with traffic with people stopping to get their mail.

Berry stated that there could be potential traffic issues regardless of what side of the street it is on.

Saunders asked if the kiosk will interfere with drainage in the area.

Berry showed on the plans and stated that there is a berm that the kiosk will be tucked into.

Rhodes stated that he is concerned that the mail kiosk is in a wetland.

Berry stated that it will be on the roadway shoulder.

Rhodes stated that it falls within the buffer area.

Berry stated that this whole area falls within the buffer and showed on the plans. Stated that they may have to adjust the berm a little but that the whole area is already being reconstructed.

Small suggested putting the mail kiosk farther up the road. Stated that at the last meeting they talked about additional landscaping around the units.

Berry stated that there are some additional perennials since the last time. Stated that they haven't resubmitted the landscaping plan yet.

Belmore asked about the idea of a pedestrian trail that leads out to Turgeon Lane.

Berry showed on the plans and stated that it would just be a walking trail to connect to Turgeon Lane for pedestrian access.

Saunders asked if Turgeon Lane is a public or private road.

Belmore replied that it is public.

Bruton stated he has never done this thing before and would have to look into it.

Saunders stated that there is still the waiver request for road standards.

Motion: Guptill moved that the waiver request for road standards be removed from the table.

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

Belmore asked if there are any suggested conditions of approval for this waiver.

Saunders asked if the waiver is just for the fire access road.

Berry stated that it is for the gravel depths for the entire roadway. Stated that Somersworth road requirements are higher than most.

Saunders stated that DPW Director Bobinsky doesn't have a problem with the request.

Belmore asked if there will be legal documents indicating that it will always be a private road.

Saunders replied yes and stated that it will be in the condo documents.

Bruton stated that is the intent. Stated that it was talked about at SRTC and that it is acceptable to the Fire Department and DPW.

Belmore asked if there is a mechanism for the condo association to petition to the City to accept the road.

Saunders stated that it is a private road and would be their issue.

Bruton stated that he doesn't see that happening here but the City could deny the petition if filed.

Saunders stated that there are State statutes for condo associations to stick to their rules.

Bruton stated that this is a great opportunity for housing in Somersworth and that it will be a lower price point than Sunningdale.

Appendix on Street Design Standards Waiver Request Motion: Horton moved that the request of River Valley Development Corporation for a waiver from #6, #15 and #16 of the Street Design Standards in the Appendix of the Subdivision Regulations be APPROVED.

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

Belmore stated that he is not sure if he wants sidewalks or not and that he would want more information on the pathway to Turgeon Lane. Stated that he envisions sidewalks on this side of Green Street so that pedestrians don't need to cross the street. Stated that he doesn't know if there is a need to sidewalks or if the pathway would help.

Saunders stated that if the Board is inclined to table this, they can plan a site visit.

Rhodes stated that he would like it tabled to see the bus/mail kiosk on the plans and see the updated landscaping. Stated that he would like that resolved first and that he would like a site visit.

Motion: Horton moved that the subdivision and site plan application for River Valley Development Corporation be **TABLED** until the July 18, 2018 Planning Board meeting. The application is being tabled for the following reasons:

- Concept plan showing possible extension of a walking path to Turgeon Lane.
- Cost of installing sidewalks on the east side of Green Street and putting in a crosswalk at the Green and Indigo intersection to connect to the COAST Bus stop.
- An updated landscaping plan.
- Specifications and location of a site specific mail kiosk/school bus shelter.

Seconded by Rhodes.

Vincent asked if there is no way to grant approval with conditions. Stated that the Board is holding them up and that time and money are important.

Belmore stated that it would be tabled to the next Planning Board meeting in July.

Bruton stated that the sidewalks are not a requirement of this project and the applicant wants to contribute to them. Stated that more development isn't going to happen right away on Green Street.

Small asked who will figure out the cost of the sidewalk.

Saunders stated that the City will work with the third party engineers.

Belmore stated that the Board may just need to figure out if we want the sidewalk.

Guptill stated that the applicant is willing to pay a contribution for off-site improvements. Stated that the Board is looking to hold up this project for issues that are outside of the project scope.

Motion carried with a 5-2 vote with Guptill and Vincent opposed.

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

None.

4) **NEW BUSINESS**

A) Review of traffic management associated with site plan approval for Cumberland Farms at 216 Route 108, Assessor's Map 62, Lot 11, SITE #10-2016.

Saunders stated that there is a June 18 letter from Attorney Bruton asking that this item be removed from the agenda but the Board can move forward with it. Stated that the Board has the authority to review traffic issues from a plan they approved. Stated that she supplied the conclusion section from the original traffic report and a turning radius plan in the packets.

Belmore stated that he had the request from two City Councilors asking that this be on the agenda because of concerns with safety and traffic flow. Stated that the concern is for the Blackwater Road entrance into Cumberland Farms. Stated that he travels that road every day and encounters issues. Stated that he would like to see the minutes from the meetings when this was approved because he remembers there being discussion of moving the entrance farther back.

LeHoullier stated that he thought that they agreed to move the driveway back and that it was supposed to be farther back.

Saunders stated that the original plan had that entrance closer so where it is now is moved back. Stated that she reviewed the minutes and the staff report and that it was recommended that it be moved back farther.

Belmore stated that a representative of the applicant has contacted the Planning Department to set up a staff meeting to discuss this.

Rhodes stated that he is having a hard time visualizing the problems but that in larger cities they ticket the cars that are causing the problems.

Saunders stated that she reached out to the NHDOT and that if the Planning Board wants to look at the traffic lights then they can come up with a plan.

Small stated that he sees this as a unique moment showing the importance of the Planning Board and what they do.

LeHoullier asked if there were plans to put the entrance farther back.

Saunders stated that there wasn't a plan showing that. Stated that they asked for it to be moved farther back but the applicant said that they can't. Stated that she thinks the directive is to have a meeting with staff and the applicant and go from there. Stated that she will put this back on the next agenda.

B) David & Pamela Landry are seeking a lot line adjustment between two properties located at 12 & 14 Down Street, in the Residential Single Family-A (R1A) District, Assessor's Map 03, Lots 55 & 55A, SUB #05-2018.

Saunders stated that the this proposal is for a lot line adjustment between two properties. Stated that they already received a variance from the ZBA because one of the lots won't have required lot area. Stated that she recommends the plans as complete.

Motion: Belmore moved that the Subdivision Application for David & Pamela Landry is complete for review purposes.

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

Christopher Berry with Berry Surveying & Engineering represented the applicant and addressed the Board. Stated that the properties are existing and are located on Down Street. Stated that they did receive a variance and have delineated the wetlands. Stated that there will be no conflicts with utilities.

LeHoullier asked about coming before the Planning Board when it was originally developed because of the abandoned street.

Berry stated that the street abandonment would be a Council issue and the easement right is still there.

David Landry, applicant, addressed the Board. Stated that he currently owns both homes and that the street abandonment was prior to 14 Down Street being built. Stated that they got a variance for frontage at the time. Stated that they are in the process of selling the other house but they want the existing garage and driveway to remain with their house.

Belmore asked if this lot line adjustment will create more buildable area. Stated that there has been drainage issues there for many years.

Saunders stated that there are wetlands and the buffer covers the lot so further buildout would be inhibited. Stated that the DPW didn't have concerns with drainage.

Rhodes asked if the spur off the driveway will be removed.

Berry stated that it is already gone.

Motion: Horton moved that the request of David & Pamela Landry for a lot line adjustment be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. Licensed land surveyor to submit statement that the proposed monumentation has been installed according to the approved plan, prior to plan recording.
2. **PLAN FILING AND RECORDING:** The applicant shall provide a wash-off 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 two (2) 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.
3. **APPEAL PROCESS:** As provided for in RSA 677:15, any aggrieved party may appeal this decision to the NH Superior Court within 30 days of the date of the filing of the decision in the office of the Planning Board.

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

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

None.

5) WORKSHOP BUSINESS

A) Review of Section 7 of the Zoning Ordinance titled Conservation Subdivision Ordinance.

Motion: Belmore moved that this discussion be moved to the July Planning Board meeting.

Seconded by Guptill.

Small suggested that the Board meet prior to the meeting to discuss this.

General agreement to have a workshop at 6:00 pm.

Motion carried with a 7-0 vote.

Horton stated that he has information that he would like to hand out regarding road construction. Stated that he looked at the City's road construction regulations in Chapter 22A.

Saunders stated that the Board can review the information and discuss at a future meeting.

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

None.

6) COMMUNICATION AND MISCELLANEOUS

Saunders stated that the firm that is doing the City's TAP grant has sent letters to Land Use Boards asking for any background information on the area the work is being done in. The work will on High Street, Cemetery Road, the pathway between the schools and street lights along Memorial Drive. Stated that if anyone has information or questions to contact her.

Small stated that if any conservation subdivision applications are submitted before the Board reviews the regulations, he would like them tabled until they do.

Guptill asked if the Board can do a site visit of the property on Green Street that they discussed tonight.

General agreement of the Board to have a site walk.

Saunders confirmed with the Board that 6:00 pm is good timing for a site walk and that Mondays, Thursdays and Fridays are not good days.

Horton stated that the food truck festival last weekend went well and was well attended.

LeHoullier stated that he would like more information on what approvals or reviews are needed when a new business moves into the Mill.

Saunders stated that she will look into that.

Motion: Belmore moved to adjourn the meeting.

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

Meeting adjourned at 8:15 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board