

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

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice-Chair, Dave Witham, City Council Representative, Jeremy Rhodes, Chris Horton, Jameson Small, Mark Fearis, Alternate and Jason Barry, Alternate.

MEMBERS ABSENT: Bob Belmore, City Manager, Jeremy Rhodes, and 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.

LeHoullier appointed Fearis and Barry as voting members for tonight's meeting.

1) APPROVAL OF MINUTES

Horton suggested an amendment to the minutes to clarify that the \$500.00 per unit shall be put into the Sidewalk Capital Reserve Fund and not the General Fund.

Motion: Horton moved to accept the minutes of the meeting of July 18, 2018 as amended.

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

2) COMMITTEE REPORTS

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

LeHoullier referred to the attached report.

Minor Field Modification Report

Small mentioned the minor field modification for Upland, LLC and asked what the conditions of approval were.

Saunders stated that she will send out a copy of the Notice of Decision.

City Council Report

Witham stated that the City went out to bid for road paving and it was awarded to Brox Industries. Stated that there will be a variety of streets done in the City to a cost of about one million dollars. Stated that the State of NH will repave a section of West High Street and replace a culvert. Stated that the Council is considering a bond request for renovations at Maplewood Elementary school. Stated that the renovations would include a vestibule, HVAC and a new roof. Stated that there would be reimbursement from the State. Stated that the bond for Idlehurst is maturing so potentially the new bond would replace that one. Stated that the impact on the tax rate would be minimal.

Strafford Regional Planning Commission Update

Weekly emails are sent out.

Vision 2020 Committee Report

Saunders stated that the Committee has not recently met.

3) **OLD BUSINESS**

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

None.

4) **NEW BUSINESS**

- A) Calef Auto is seeking site plan approval to expand the vehicle sales and to renovate the existing residential structure by adding an office on property located at 208 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 62, Lot 09, SITE #04-2018.

Saunders reviewed her memo (see attached) and stated that there is currently there is a septic system on site but that they will discontinue its use and tie into the City system. Stated that they are requesting waivers from sidewalks and for parking lot mitigation. Stated that most of the suggested conditions of approval are standard and reviewed them. Stated that she is reserving a possible condition of approval for an off-site exaction for the sidewalk waiver. Stated that there have been adjustments made to the existing on-site lighting but that remains an issue.

Chris Berry with Berry Surveying & Engineering represented that applicant and addressed the Board. Stated that as part of the Cumberland Farms recent approval, this lot was combined with the lot next to it so this property has Calef Auto and a single-family dwelling on it. Stated that they would like to renovate the existing house so that there is an office on the first floor and an apartment on the second. Stated that the entire site is in perspective for this review even though they are only changing a small section of the lot. Stated that they are proposing to install more pavement. Stated that there currently there is a septic system at the back of the property but that they are going to discontinue that and tie into the City system. Stated that there are currently two water services into the lot but the Water Department wants one removed. Stated that they have a lighting plan for the new and the existing lamps. Stated that the existing lamps were tipped up beyond 90 degrees so they have to be modified. Stated that the property is on a NHDOT roadway and the access to the site is narrow at 18 feet wide. Stated that they are hoping to widen that to 20 feet and open the radius to 24 feet. Stated that there is an access easement with Cumberland Farms and they are not looking to change that. Stated that, regarding traffic, the analysis shows that the conversion to an office will only increase traffic by one or two trips per day. Stated that the landscape waiver isn't for the front of the property since they want to enhance that but is for internal landscape islands. Stated that they are proposing perimeter landscaping and some internal as well. Stated that the existing tree line was cut beyond what is allowed and they have worked with the SRTC to enhance the buffer there. Stated that regarding sidewalks, the regulations require them. Stated that there will be sidewalks here but they are internal and are requesting a waiver for a sidewalk along the front. Stated that they are not increasing the intensity of the use and this is a small, local business. Stated that Cumberland Farms paid an exaction but this applicant is not in a position to build a sidewalk and the expense for an exaction they cannot bear. Stated that everything they do to this property will be an enhancement. Stated that they are updating stormwater, doing full utility upgrades and enhancing landscaping but the sidewalks could be the straw that breaks the project. Stated that he reviewed the City Master Plan and saw nothing that speaks to sidewalks in this area. Stated that they don't want to put money into an account when there is no plan to use it. Stated that they are requesting a waiver from external sidewalks.

Mike Hilliard, an abutter at 7 Adams Court addressed the Board and stated that his house is behind Calef Auto. Stated that he is asking for a buffer upgrade to an 8 foot opaque fence. Read through the cover sheet of the packet he submitted. Stated that he is opposed to the expansion and that the existing buffer hasn't worked. Stated that it is very loud.

Joseph Miller, an abutter at 3 Adams Court addressed the Board. Stated that the properties on either side of Calef Auto have fences to help mitigate the noise and that it makes sense to ask that here. Stated that they can hear the noise now so vegetation is not enough. Stated that it is not an unreasonable request since the two abutting properties have fences.

Glen Garvin, as abutter at 8 Adams Court addressed the Board and handed out a packet to Board members. Stated that the first page of the packet are the site plan bufferyard requirements and read from them. Stated that the regulations say they shall be provided and that they need to be landscaped. Stated that there is a varying intensity of uses where there are used car sales and a garage in the back of the property. Stated that there is a large roll-up door at the garage that has lifts and tools to repair vehicles. Stated that his house is directly behind Calef Auto and that homes are close to the garage. Stated that Cumberland Farms has an 8-foot fence and thanked them for working with the residents for that. Stated that the bufferyard works well over there and that he doesn't hear noise from Cumberland Farms. Stated that the Global station on the other side of Calef Auto has a fence in the back and it works great. Referred to and explained the three pictures he took and put in the packets that he handed out. Stated that the garage is 100 feet from the property line. Pointed out the existing bufferyard and that you can see through it. Stated that the garage sits higher than the houses. Stated that the garage door is open all day and they use loud power tools and that the noise is terrible. Stated that safety is a concern too as the bufferyard does little and people can walk into his backyard. Stated that he asks for a condition that the bufferyard be installed to stop the nuisances. Stated that he would like an 8-foot fence installed. Asked that there be a condition that after the bufferyard is installed it be evaluated on its effectiveness. Stated that his third condition is that the bufferyard be installed first as the existing one has never been effective. Stated that the residents endure these nuisances and he thought something would happen when the applicant came forward with the shed sales. Stated that he has called Code Enforcement and told they cannot do anything as the noise isn't past a certain decibel level. Stated that he called the Police but they said it is not a Police issue. Stated that this isn't the first time he has asked for help. Stated that this is his last ditch effort and that he is considering leaving Somersworth if something doesn't get done. Asked if he would have to tell perspective buyers how noisy the neighbors are if he tried to sell. Asked that the Board consider the three conditions that he suggested.

Peter Klevitch, an abutter at 4 Adams Court addressed the Board and stated that he wants to affirm what has already been said by the neighbors. Stated that he wants community interaction and a good neighbor policy. Stated that he see buffers that aren't maintained and fail. Stated that it would be common sense for continuity for a fence here.

Berry pointed out that the houses were built after the garage was built. Stated that he is sorry for how the former owners have been. Stated that the bufferyard regulations don't require a fence but is based on the lot. Stated that they recognize that the existing buffer is inadequate and that they propose to enhance it but they are not proposing a fence. Stated that Cumberland Farms put their fence on the property line and asked if their drainage structure is in the bufferyard.

Saunders stated that she is unsure.

Berry stated that it appears that their buffer was used for drainage. Stated that they want to keep the vegetation and add more to it, as the regulations require. Stated that he can discuss a fence but can't agree to it this evening as he would have to talk with his client. Stated that they are not proposing anything in that area other than drainage. Stated that all that they are doing is to the front of the site.

Public hearing closed 7:23 pm.

Witham asked if this property will need a variance as used car sales are no longer allowed by right and they would be expanding a nonconforming use.

Saunders stated that the SRTC mostly talked about the structures existing already so didn't feel that it was an expansion.

Witham stated that he disagrees and that the Council currently has an on-going case regarding a used car dealership. Stated that as a Councilor, there is no other property that he gets more complaints on than this one. Stated that the type of lights they are using now aren't even allowed by the regulations and new lights need to be put in. Stated that the Board usually leans toward natural vegetation when it comes to bufferyards however, the pictures show that the existing vegetation isn't alive. Stated that he feels that this project may need a fence. Stated that he is not prepared to act on this tonight because there are issues that need to be vetted out.

Fearis asked if the existing tanks will remain.

Berry replied yes.

Fearis stated that regarding sidewalks, he agrees that it doesn't make sense to have external sidewalks and Cumberland Farms doesn't have them. Stated that the idea that one applicant can afford it and one cannot needs to be discussed more. Stated that he is interested in the noise concern and would like that addressed. Stated that he is not in a position to act on this tonight and would like to do a site walk to get a feel for what is going on out there. Stated that he wants to review the abutter's concerns more.

LeHoullier asked what kind of work is being done at the garage in the back.

Berry stated that it is not a full mechanic shop but they do use hydraulic tools.

LeHoullier stated that with other mechanic garages the Board has asked that the door be kept closed because it is noisier when they are open. Stated that when this came before the Board in 1994 they were assured that it wouldn't be noisy. Stated that it should be on the new owner to keep the noise requirements met.

Guptill stated that this needs to be addressed once and for all. Stated that he likes the idea of the bufferyard being installed at the beginning of the project.

Witham stated that regarding a sidewalk for Cumberland Farms, there were calculations on how much it would cost to install a sidewalk and then a contribution was made into the sidewalk reserve fund. Stated that there is a plan and that the State is moving forward with upgrades to Route 108 and conceptually it includes sidewalks. Stated that the LED lighting on site now doesn't meet the City's regulations and that it has been brought up before and not handled. Stated that it needs to be addressed.

Fearis stated that the issues there need to be addressed regardless of the outcome of this proposal.

Guptill stated that there needs to be a fix and enforcement.

Witham stated that he likes the idea of doing a site walk to better understand the bufferyard issue.

Motion: Witham moved that the request of Calef Auto for a site plan to expand the vehicle sales and to renovate the existing residential structure by adding an office be **TABLED** until the October 17 Planning Board meeting.

Seconded by Fearis.

Witham stated that he would like to table this to vet out bufferyard issues and to do a site walk.

Motion carried with a 7-0 vote.

B) David Saunders is seeking conceptual review of an 11-lot single family residential subdivision for property located at 271 High Street, in the Residential Duplex (R2) District, Assessor's Map 15, Lot 16A.

S. Saunders reviewed her memo (see attached) and stated that this project was originally approved in 2006 but expired because it wasn't acted on. Stated that this is a non-binding, conceptual review with no vote tonight. Stated that after this, they will submit a formal applicant and go through the regular process.

Christian Smith with Beals Associates represented the property owner and addressed the Board. Stated that this project was approved in the past but they are ready to move forward with it. Stated that the project lapsed because the economy tanked. Stated that he has had a preliminary meeting with Director Saundmers and has gotten input from the SRTC. Stated that the water stubs have already been put in so there will be no disturbance on High Street.

S. Saunders stated that there is no relation between her and the applicant.

Witham stated that he would like updated traffic information.

Smith stated that they will update what was done in 2006.

Witham stated that it seems like a small subdivision but it is off a busy area of the City. Stated that there is heavy pedestrian traffic because of the schools. Stated that traffic is a concern for him and would like to see that. Confirmed that there would be a roadway, granite curbing and drainage onsite.

Smith confirmed. Stated that there will be curbing and an internal sidewalk.

Witham stated that he wants the new sidewalks connected to the existing ones to maintain connectivity. Stated that he would be open to a discussion on widening the internal road by eliminating sidewalks.

Smith stated that the traffic engineering will suggest sidewalks because of safety. Stated that what the Board sees now on the plans is what was approved in 2006.

S. Saunders stated that the yield plan approach will be used to determine density and that there may be more discussion on lot sizing.

LeHoullier stated that originally there were concerns with traffic, pedestrian access and a bus stop and suggested that the old minutes be read.

Small stated that there have been changes made to the conservation subdivision regulations and that the requirement is for 35% of the open space to be buildable. Asked about the lot in the back and what the potential is out there.

Smith stated that it is owned by someone else and that he is not sure what the use is. Stated that there is a water stub but that he doesn't see development potential there.

David Saunders, property owner, addressed the Board and stated that there used to be a salon there but that he is not sure what they are planning to do. Stated that originally there was a traffic study and fiscal impact study done with this and there were no issues.

Horton stated that he has no issues with this conceptually and that it fits with the City's Master Plan. Stated that he would like to see internal sidewalks for safety, especially in the winter.

LeHoullier stated that he wonders if this will affect the water table by the High and Middle schools.

Smith stated that originally it was modified so it has been addressed.

Fearis asked about one plan showing single family homes and one showing duplexes.

Smith stated that the duplexes were used for the yield plan.

Small stated that the regulations are different today so this plan will need to be amended to show that.

D. Saunders asked if the 35% of buildable land needs to be contiguous.

S. Saunders replied yes.

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

None.

5) WORKSHOP BUSINESS

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

None.

6) COMMUNICATION AND MISCELLANEOUS

Horton asked about plans for the downtown plaza.

Saunders stated that after the downtown charrette, the City went out to bid for updates to the plaza and the Economic Development Manager is following up on that.

Horton stated that he wants to know how redevelopment will fit into the downtown model.

Witham stated that the Plaza Commission report should be supplied to the Planning Board. Stated that the standing committee is looking at it again.

LeHoullier asked about businesses needing a special exception to go into the downtown mill.

Saunders stated that she will look into that.

Small asked about the old Somersworth motel.

Saunders stated that the current owners have decided not to move forward at this time and she will reach out to them again.

Motion: Guptill moved to adjourn the meeting.

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

Meeting adjourned at 8:06 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board