



# PLANNING BOARD

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## MINUTES OF THE PLANNING BOARD WORK SESSION

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Thursday, December 03, 2015 – 7:00 p.m. – Town Hall Conference Room

*Members Present:* Scott Baker, Courtney Homer, Chip Hussey, David Moore, Rich Winsor, Steve Gerrato (Alternate), James Connelly (Alternate)

*Members Absent:* Chair Stu Gerome, John McDevitt (Selectmen's Rep)

*Staff Present:* Mark Fougere - Consultant

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Vice Chair Winsor opened the Planning Board meeting at 7:00 p.m. A roll call was taken; he announced a quorum was present and the meeting was being recorded.

### 1. Zoning Ordinance Changes: Review for Public Hearing

Zoning Ordinances that have been forwarded to public hearing on Thursday, December 17, 2015, were reviewed. Forwarded, but not previously discussed, was Article III - Establishment of Districts and Uses, Section 3.6 - Table of Uses, Subsection 'E' - Medical Services: amend to allow both (2) Medical Offices and Clinics (outpatient only) and (4) Ambulatory Surgical Center as permitted uses in the Commercial C (CC) Highway District. *Explanation: Presently hospitals and clinics are allowed in the CC District; therefore, it is logical to allow these uses as well.*

M. Fougere explained that this item came about as the result of a discussion with the owner of March Farm Way (formerly 1533 Greenland Road). The owner would like to put a medical office building on the rear of the lot; the Building Inspector noted that it was not a permitted use in that zone. After talking to Chair Gerome, it was forwarded for discussion purposes. The Board spent a considerable amount of time on this several years ago; no one was quite sure why they weren't a permitted use. Hospitals, clinics (inpatient care) and a residential care facility are all permitted uses.

Vice Chair Winsor told the Board that when the ordinance was crafted, there was a great deal of discussion defining uses. At the time, the concern was the strip mall operations with medical offices that were "popping" up on a regular basis. They were trying to mitigate the challenges that those types of operations might present. That zone was where the large industrial and large scale commercial development would have happened. He continued that the premise behind it wasn't to not allow a Borthwick Avenue type of development, but rather to avoid the retail type facility.

Vice Chair Winsor suggested a Special Exception vs a full permit. Currently, anyone seeking to build either of those would need a Variance. When the Commercial Districts were designed, there was an attempt to allow the planning process to provide outlets and good solid planning

by using the Special Exception rather than “Not Permitted”. Vice Chair Winsor explained that if something is not permitted, the only way to seek relief was to go to the Zoning Board and prove hardship. M. Fougere stated that a Conditional Use Permit could be issued through the Planning Board. The criteria for a Conditional Use Permit should be defined in Article II. M. Fougere suggested adding to the definition “shall not be located in a retail strip mall”.

The consensus of the Board was that it should be an allowed use. M. Fougere suggested writing criteria for a Conditional Use Permit. There was discussion about allowing medical offices in other locations and their impact. It was noted that there are size restrictions based on location. Architectural design was also a consideration. Vice Chair Winsor noted that when the Master Plan was done, the voice of the residents was not to allow glass front buildings.

Vice Chair Winsor told the Board the options were to leave the ordinance written as it is (not allowed), amend to allow, or use more innovative zoning to allow it while providing the appropriate guidance. The Board felt innovative zoning may be the best option. The Table of Uses will be amended, if approved at Town Meeting, to make medical offices an allowed use in the Commercial C (CC) Highway District zone through a Conditional Use Permit; M. Fougere will write criteria for the next meeting.

Because this item has been posted, it will move to the public hearing on Thursday, December 17, 2015 for discussion. At that time, it can be tabled for further review.

***MOTION: D. Moore moved to forward Article III - Establishment of Districts and Uses, Section 3.6 - Table of Uses, Subsection ‘E’ - Medical Services: amend to allow both (2) Medical Offices and Clinics (outpatient only) and (4) Ambulatory Surgical Center as permitted uses in the Commercial C (CC) Highway District, to public hearing on Thursday, December 17, 2015. Second – C. Homer; all in favor. MOTION CARRIED***

M. Fougere noted that the Town Attorney had reviewed and approved all the zoning amendments.

## 2. Topics for Public Hearing: Thursday, December 17, 2015

Topics for the public hearing were reviewed. S. Gerrato told the Board he had received an email from the applicant at 90 Depot Road, and they would be continuing to the January meeting. The Board Secretary will confirm with the applicant.

## 3. Other Business

- CIP: C. Hussey reviewed the CIP with the Board. Vice Chair Winsor wanted to be sure that the School and Town were being fiscally responsible and not including items in the CIP as well as their budgets. C. Hussey responded that would be the Budget Committee’s responsibility. The CIP will be forwarded to the Selectmen, School Board and Budget Committee. Vice Chair Winsor clarified that the Planning Board was not authorizing the funding, but rather offering guidance. The CIP is a planning tool only. C. Hussey went on record stating that he wanted the Selectmen and School Board to decide what items should be included in warrant articles, and not one person. C. Hussey stated that the Town Complex and pedestrian bridge should be separate warrant articles; he felt they may be the most controversial. He also explained the pedestrian bridge and that TAP funds

from the State of New Hampshire may be available (covering 75% of the total cost). There was a question about the Recreation Committee and why they didn't participate in the CIP.

**MOTION:** *C. Hussey moved to forward the Capital Improvement Plan to the Board of Selectmen, School Board and Budget Committee. Second – D. Moore; all in favor. MOTION CARRIED*

- March Farm Way (formerly 1533 Greenland Road): M. Fougere told the Board that the Town Engineer was approached by the project engineer with lighting changes to Tractor Supply; the Town Engineer asked that the Board review the proposed changes. M. Fougere explained that Tractor Supply will be implementing new lighting in all their stores, and will be decreasing the number of poles from 14 to 9. There will be five less poles, but the lumens will not change. In addition, Portsmouth Water is reducing the domestic water line from 4" to 1" for Aroma Joe's and the retail building. M. Fougere explained that there will be minor changes on a project of this size that may be approved by the Town Engineer. Responding to a question about liability, M. Fougere stated that the Town Engineer would refer any significant changes to the Board. The Board would like a review from the Town Engineer for the meeting on Thursday, December 17, 2015.

**MOTION:** *C. Homer moved to forward the lighting plan revisions for Tractor Supply to the Town Engineer for review and continue to the meeting on Thursday, December 17, 2015. Second – C. Hussey; all in favor. MOTION CARRIED*

#### 4. Approval of Minutes

**MOTION:** *S. Baker moved to approve the minutes of Thursday, November 19, 2015. Second – C. Hussey; five in favor, two abstain (C. Homer, J. Connelly). MOTION CARRIED*

#### 5. Approval of Invoices

**MOTION:** *C. Hussey moved to approve payment of invoices in the amount of \$4,296.26 from the Escrow Account and \$1,211.70 from the Town. Second – S. Baker; all in favor. MOTION CARRIED*

#### 6. Adjournment

**MOTION:** *C. Hussey moved to adjourn at 7:55 p.m. Second – C. Homer; all in favor. MOTION CARRIED*

### NEXT MEETING

Thursday, December 17, 2015 – 7:00 p.m., Public Hearing, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Thursday, January 07, 2016