

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
OCTOBER 19, 2011**

**MEMBERS PRESENT:** William Sweeney, Chairman, Dave Witham, City Council Representative, Bob Belmore, City Manager, Ron LeHoullier, Erwin Grant and Dan Proulx.

**MEMBERS ABSENT:** Anthony Delyani, Vice Chairman, Paul Robidas and Matthew Durkee.

**STAFF PRESENT:** Dave Sharples, City Planner and Tracy Gora, Planning Secretary.

The meeting was called to order at 6:30 p.m.

**1) APPROVAL OF MINUTES.**

**Motion:** Witham moved to accept the minutes of the meeting of September 21, 2011.

Seconded by Grant. Motion carried with a 5-0-1 vote with LeHoullier abstained.

**2) COMMITTEE REPORTS**

**A) ZBA Report**

See attached.

**B) City Council Report**

Witham stated that at the last City Council meeting the Council voted to direct the City Manager to solicit cost estimates to demolish the Hilltop School.

**C) Site Review Technical Committee Report**

There was no meeting held, see attached report.

**D) Minor Field Modification Report**

None, see attached report.

**E) Strafford Regional Planning Commission Update**

Witham stated that Tapscott informed him that on Thursday, October 27, 2011 there will be a public hearing on 10-year highway improvement plans.

**F) Vision 2020 Report**

Belmore stated that the Committee hasn't met in a while but that the Economic Development Committee has met and invited the Vision 2020 Committee member to attend. Stated that several members attended and that the focus was a discussion on the reuse of the Hilltop School.

**3) OLD BUSINESS**

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

Sharples stated that there is none.

#### 4) NEW BUSINESS

A) Label Tech, Inc. is seeking site plan approval and a conditional use permit to construct a new building with associated site improvements on property located at 24 Interstate Drive, in the Industrial (I) District, Assessor's Map 58, Lot 6H, SITE #02-2011 and CUP #01-2011.

Sweeney stated that this item has been scratched for tonight and that it will be on next month's agenda.

B) Rymes Heating Oils, Inc. on behalf of Comtois, Newton and Leduc, is seeking site plan approval for a new LPG business on property located at 367 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 48, Lot 22A, SITE #03-2011.

Sharples reviewed his memo (see attached) and stated that they are constructing a new building to replace the existing structure. Stated that new building will be the same size, which is 20'x40', with wooden clapboards. Stated that, in addition, they will have a 30,000-gallon propane tank. Stated that the truck parking has gotten moved to the existing parking lot. Stated that they are not proposing to change much from the existing site. Stated that the SRTC review the application and sent out a comment letter. Stated that the applicant addressed some of the concerns but then submitted a new plan that was different from what the SRTC reviewed. Stated that he was in contact with the applicant and that they have now re-submitted plans and there aren't any further issues. Stated that the applicant is not requesting any waivers and that he has suggested conditions of approval.

The applicant passed out revised plans to the Board.

**Chuck Cosseboom** with Rymes Heating Oils, Inc. addressed the Board. Stated that he received the SRTC comment letter and he thought the City's intent was clear. Stated that the current plan meets the goal of the City.

**Public hearing opened 6:39 pm.**

**Public hearing closed 6:39 pm.**

Belmore stated that he would like an overview of the project.

Cosseboom stated that it will be a retail propane operation with a 30,000-gallon propane tank on site. Stated that they used SFC Engineers, which is an accepted fire engineer and that all codes are met. Stated that customers can stop in and make payments and that there will be small heaters on display. Stated that they will have three delivery trucks-one propane truck and two oil trucks. Stated that the oil trucks fill up in Newington. Stated that the landscaping is shown on the plans and that it is based on suggestions from the SRTC. Stated that existing pavement will be removed from around the sign. Stated that the propane tank is about 14.5 feet tall. Stated that the building will be single-story and less than 24 feet tall.

Sharples stated that the plans show the building will be 16 feet tall.

Cosseboom stated that it doesn't include the foundation, etc. Stated that the pitch of the roof can be increased. Stated that the lighting is noted on the plans and that it will be downlit.

Sweeney asked for information on the proposed fence.

Cosseboom stated that there will be a fence where the trucks are parked and where the tank will be. Stated that the fence will be locked with a Knox Box. Stated that the fence is required for security and that it will be chain link and about 5.5 feet tall.

Sweeney asked if there will be privacy slats.

Cosseboom stated that there can be.

Witham stated that in the original plans he got the parking was shown out back and the new plans show the parking in the front-asked why the change.

Cosseboom stated that the goal of Rymes and the City is to reduce impervious area on the site. Stated that there is already impervious area in the front with green area around the sign. Stated that there will be an overall reduction of impervious surface on the property.

Witham stated that if the Board approves the application, he would like a condition of approval to have privacy slats in the fence. Stated that he thinks that limiting impervious surface is a wise idea. Stated that he assumes the existing drainage will be in effect.

**Jeff Murphy** with SFC Engineers addressed the Board and stated that they are not proposing any drainage alterations.

Witham asked Planner Sharples if staff is happy with the current drainage.

Sharples stated that he visited the site during dry and wet conditions and explained the drainage. Stated that they will be reducing flow off site because of eliminating some impervious surface.

Witham stated that it looks as though they are using some non-paved surfaces for loading and unloading.

Murphy stated that the gravel drive is existing and that it is perfect for what they need to use it for. Stated that it will be for unloading fuel in the tanks.

Witham stated that the infiltration rate for gravel isn't much different from a paved surface. Stated that his concern would be the trucks kicking up dust and debris.

Cosseboom stated that all of their facilities have gravel drives. Stated that they are a heating business so they do much less deliveries in the summer months. Stated that the majority of their product gets delivered in the winter. Stated that propane has no spilling issues but that they can water the gravel if dusting occurs. Stated that they have never had a problem and that gravel is easier to maintain.

Sweeney stated that they have talked about the fencing running parallel to Route 108 and having privacy slats is good but would worry about more vandalism.

Cosseboom stated that they are amenable to some screening but they have to be able to see inside.

Witham stated that he has seen other large propane tanks and the company puts their name on it. Asked if that is a sign.

Sharples stated that they can use their tank for signage as long as they meet the regulations.

Cosseboom stated that the NFPA requires that the company name and phone number go on each tank.

Witham asked if the spare storage tanks are empty.

Cosseboom stated that there are other facilities that keep the out of service tanks but that they keep some usable tanks on site if one is needed right away. Stated that all of them have some product in them but that they try not to haul when they are more than 20% full.

LeHoullier asked about the inspection process.

Cosseboom stated that they will have a pre-construction meeting and give all the details to the Fire Chief. Stated that an engineering firm will supply the as-builts after the construction. Stated that basically they supply a drawing of what they intend to do, install it and then get inspected. Stated that there are no spill measures because the product dissipates into the air. Stated that all safety concerns are addressed.

Murphy stated that an annual inspection gets done by the local Fire Department and then fire engineers get called in if there is a concern.

Proulx asked if the residential tanks are full.

Cosseboom stated that the tanks are built to specifications and will have some product in them.

Proulx asked if they will be secured since the plans don't show any security measures.

Cosseboom stated that there are no NFPA rules for security on them but that he could put a fence up if the Board desires.

Proulx stated that he would refer to the City Planner for that.

Cosseboom stated that there are minimal amounts in them and that the valves have locks. Stated that security measures for that are usually at the discretion of the City. Explained what they have for other communities. Stated that they work with local fire departments for training.

Proulx asked if they usually do winter deliveries.

Cosseboom explained the capacity of the propane trucks and stated that each tractor-trailer load of product can fill a delivery truck three times. Stated that the trucks are filled at the end of each day.

Grant asked about the building elevations.

Cosseboom stated that it will be a single-story building with a pitched roof. Stated that there will be asphalt shingles, clapboard siding and the gable end of the building will face the road. Stated that there will be a small roof underneath the gable end for aesthetics. Stated that they can put grills in the windows and that they want the building to look presentable.

Grant asked if they would consider putting shutters around the windows.

Cosseboom replied yes.

Proulx asked for the hours of operation.

Cosseboom stated that the office will be open 8:00 am to 4:30 pm. Stated that trucks could come in anytime of day or night. Stated that after-hours activity is either a tractor-trailer making a delivery or an emergency residential fill up.

Proulx mentioned lighting

Murphy stated that there are two and one of them is on the eastern side of the propane tank.

Proulx asked if there will be any lighting on the back side of the building.

Murphy stated that there is none proposed at this time and that they are trying to limit lighting.

Sharples read the suggested conditions of approval and removed number four because it has already been completed. Added suggesting conditions from tonight.

Witham stated that he would like a condition for privacy screening because it is so close to the road. Stated that he would like a condition for dust control measures as necessary.

Cosseboom stated that it is reasonable.

**Motion:** Witham moved that the request of Rymes Heating Oils, Inc. for site plan approval for a new LPG business be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. An escrow account, in an amount agreeable to the City, will be established for site and building construction inspections prior to any site work;
2. A pre-construction meeting with the City is initiated and scheduled by the applicant and held prior to any site work;
3. An electronic As-Built Plan of the entire property with details acceptable to the City shall be provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
4. The applicant shall apply for a NHDOT change of use driveway permit and this permit shall be received prior to the issuance of a C/O;
5. The plans shall be reviewed and approved with the appropriate professional stamp by a Fire Protection Engineer prior to the issuance of a building permit;
6. Dust control measures for the gravel driveway shall be implemented as necessary;
7. Shutters shall be installed on the north, south and west elevations;
8. Grills shall be installed in the windows; and,
9. Privacy slats shall be installed on the chain link fencing along Route 108 (west side).

Seconded by LeHoullier. Motion carried with a 6-0 vote.

- C) Community Food Pantry, Inc., on behalf of First Parish United Church of Christ is seeking a site plan amendment for a storage building on property located at 176 West High Street, in the Residential Single Family (R1) District, Assessor's Map 48, Lot 01, SITE #04-2011.

Sharples reviewed his memo (see attached) and stated that this application is for an amendment to a site plan that was approved in 1982. Stated that they are proposing a 884 square foot building to be used as storage for the food pantry. Stated that there will be clearing and grading and that a variance was issued to conduct the use. Stated that the applicant has gone before the SRTC and all the comments have been addressed. Stated that they are requesting three waivers and one is from the bufferyard requirement. Referred to the aerial photograph to show the buffer that exists. Stated that they are also requesting a waiver from the bike rack requirement and from the traffic analysis. Stated that the SRTC discussed the waiver request from the traffic analysis and doesn't object to it because of the use. Stated that there is one suggested condition of approval for a escrow account for inspections.

Witham stated that he knows many members of this church but that he still plans on sitting in on this item if there is no objection from the Board.

No objections.

**Marty Dumont** from the Community Food Pantry, Inc. addressed the Board. Stated that the food pantry serves Somersworth and Berwick residents and that based on the current economy, usage has gone up. Stated that this food pantry is one of the largest volunteer pantries in the area. Stated that the Chamber of Commerce selected Reverend Rideout as Citizen of the Year in the past. Stated that in an effort to keep the shelves full, they have to use other facilities in the area for storage. Stated that having storage on site will eliminate deliveries and traveling. Stated the food pantry has a great relationship with the City's Welfare Department. Stated that the building will not be used for the public and will not go there for supplies. Stated that they go to the hall to get their supplies. Stated that the waivers they are requesting are reasonable and appropriate. Stated that the High School Building Trades Department is going to help with the construction of the building. Asked for compassion regarding the condition for an escrow account because they want their money to go to the needy. Asked the Board to grant the amendment without the condition.

**Public hearing opened 7:22 pm.**

**Public hearing closed 7:22 pm.**

**Bufferyard Waiver Motion:** Belmore moved that the request of The Community Food Pantry, Inc. for a waiver from Section 11.6.d.ix of the Site Plan Regulations be **APPROVED**.

Seconded by Proulx. Motion carried with a 6-0 vote.

**Bike Rack Waiver Motion:** Witham moved that the request of The Community Food Pantry, Inc. for a waiver from Section 11.4.d.vi.2 of the Site Plan Regulations be **APPROVED**.

Seconded by Proulx.

Witham stated that it is seldom that the Board waives this requirement but that he is okay with it since it is just for a storage facility.

Grant asked if there is a bike rack at the facility now.

Sharples stated that there is not one on this site.

Belmore stated that he wouldn't think people would be arriving on bicycles because they are picking up food.

Motion carried with a 6-0 vote.

**Traffic Study Waiver Motion:** Proulx moved that the request of The Community Food Pantry, Inc. for a waiver from Section 11.4.d of the Site Plan Regulations be **APPROVED**.

Seconded by Belmore. Motion carried with a 6-0 vote.

Witham asked about the suggested condition of approval for the escrow account.

Sharples stated that it is for the Electrical Inspector. Stated that he is a contracted agent who bills the City for his time.

Belmore stated that the cost seems minimal and that he can authorize the City to cover that cost.

**Site Plan Amendment Motion:** Witham moved that the request of The Community Food Pantry, Inc. for a site plan amendment for a storage building be **APPROVED**.

Seconded by Proulx.

Belmore stated that any time the City can be in a partnership to benefit the community he would like to take that opportunity.

Grant stated that he supports Belmore's statements.

Motion carried with a 6-0 vote.

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

LeHoullier stated that he has gotten concerns from citizens regarding the car wash on South Street. Stated that the property is in rough shape and it effects property values. Stated that the property owners requested a variance and were denied and now the property has been ignored.

Sharples stated that he welcomes citizen code complaints and that he will pass the information on to the Office of Code Enforcement.

LeHoullier stated that there is a concern for the cement wall on Grove Street that is falling away. Asked for the status on that and stated that it affects property values.

Witham stated that the owner of that property has been before the Historic District Commission (HDC) and that it has been ongoing for several months. Stated that the HDC took a site walk of the property and that there have been discussions on what to use to repair it. Stated that it is on the HDC agenda for October.

Proulx thanked the City for monitoring the issues with timber harvesting that has been going on. Stated that he knows of a citizen that was impressed with how staff has handled the situation.

## **5) WORKSHOP BUSINESS**

A) Low Impact Development (LID) Stormwater ordinance review and discussion.

Sharples referred to the second draft of the LID ordinance (attached) and stated that the items in bold were changes made based on the workshop that the Planning Board had in September. Stated that he has several revisions from this document as well. Stated that the Board can go through it and come up with another version. Stated that he took out the applicability section because this ordinance will become part of the Site Plan Regulations, which already has an applicability section. Stated that it would need an applicability section if it was a stand alone document. Talked about some of the changes he is proposing and incorporating an annual reporting requirement into it.

Witham stated that the workshop meeting with Brad Mezquita from Appledore Engineers was a give and take and was very good. Referred to page five of the draft where it mentions Willand Pond watershed and stated that at the workshop meeting the Board mentioned watersheds of other water bodies. Asked about incorporating other watersheds into the ordinance.

Sharples stated that Willand Pond is separate from Lily Pond and that Willand Pond got put in the draft regulations because there is a known phosphorous problem there.

Witham asked if they could add language if there were ever high levels in Lily Pond.

Sharples stated that they could but that Lily Pond is mostly residential and that there is not much room left to develop. Stated that there is a lot of area that could be developed around Willand Pond.

Witham stated that stormwater annual reporting is often done by the property owner. Stated that some property owners may contract the work out but that sometime they do it themselves. Stated that the Board discussed the accuracy of those at the workshop meeting. Stated that they discussed requiring a third party to do the inspections. Stated that he would like to see that in the regulations and that the property owner must cover the cost.

Sharples stated that he will incorporate some language for that.

Belmore referred to the last paragraph on page six where it talks about clear-cutting trees. Stated that he is concerned about prohibiting someone from a large timber cut without Planning Board review.

Sharples stated that the Planning Board only gets involved when site plan approval is required.

Belmore stated that there have been issues with timber cutting and drainage on properties. Verified that that unless there is site plan review, the Planning Board doesn't review it. Asked if there should be a stand-alone ordinance for that.

Witham stated that they could add to activities that trigger site plan approval.

Belmore suggested that the Board discuss that more and to check with the consultant and with what other communities do. Asked about having a public hearing on this or doing more review.

Sharples stated that he wanted to meet with the Board but then have another workshop with Mezquita before having a public hearing.

Belmore suggested that the final workshop meeting be televised or that there should be a presentation on the night of the public hearing so that everyone knows what this new proposal means.

Sweeney stated that it is a good idea and that these changes can affect people so they need to be made aware.

Witham stated that he wants to emphasize the issues raised by the City Manager. Stated that timber harvesting and substantial disturbance of ground effects drainage. Stated that the Board's decisions have a long lasting effect. Stated that clear-cutting means that the land is that way for the foreseeable future.

Grant stated that the opposite side of that is that the regulations infringing upon people and their rights. Stated that they have to take that into consideration. Stated that the Board has to be responsible but also have to maintain the rights of people and their property.

Witham stated that it is a good point and that there are a lot of variable to consider.

Belmore stated that the Board needs to be cognizant of rights. Stated that he is not saying that people can't timber harvest but that there should be a partnership to make sure there is a good plan in place and that it makes sense for abutters and the community.

Sharples suggested amending the proposal and having another workshop meeting with Mezquita to look it over again.

Sweeney suggested having it come back to the Board before bringing Mezquita back.

Sharples stated that regarding excavation of earth, a lot of communities have fill ordinances so that there is a limit to how much you can raise your land. Stated that it is to protect abutters because sometimes people are just transferring their problems to their neighbor's property.

Belmore stated that he is interested in knowing what other communities do.

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

None.

6) **COMMUNICATION AND MISCELLANEOUS**

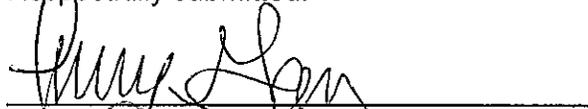
None.

**Motion:** LeHoullier moved to adjourn the meeting.

Seconded by Grant. Motion carried with a 6-0 vote.

Meeting adjourned at 7:52 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary  
Somersworth Planning Board