

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MAY 21, 2014**

MEMBERS PRESENT: William Sweeney, Chairman, Marcel Hebert, Alternate City Council Representative, Ron LeHoullier, Don Berrios, Aaron Fournier and Paul Maskwa, Alternate.

MEMBERS ABSENT: Bob Belmore, City Manager, Paul Robidas, Ernest Gallant, Thomas McCallion, Chris Cortez, Alternate and Harold Guptill, Alternate.

STAFF PRESENT: Dave Sharples, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

The meeting was called to order at 6:34 pm.

1) APPROVAL OF MINUTES

Motion: LeHoullier moved to table the minutes of the meeting of April 16, 2014.

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

2) COMMITTEE REPORTS

A) ZBA Report

See attached report.

B) City Council Report

Hebert stated that he has nothing to report.

C) Site Review Technical Committee Report

Sharples referred to the attached report and stated that all three applicants that went before the SRTC are before the Planning Board tonight.

D) Minor Field Modification Report

Sharples referred to the attached report and stated that there was a modification request submitted for Tri City Subaru at 195 Route 108. Stated that the request to extend the addition by an addition five feet was approved.

E) Strafford Regional Planning Commission Update

None.

F) Vision 2020 Committee Report

Sharples stated that the next meeting is scheduled for May 28, 2014.

3) OLD BUSINESS

A) Next Level Church is seeking minor subdivision and site plan approval to extend the parking lot on properties located at Whitehouse Road and 436 & 438 Route 108, in the

Commercial Industrial (CI) District, Assessor's Map 56, Lots 01, 1A & 02, SUB #01-2014 and SITE #01-2014.

Motion: LeHoullier moved that the applications of Next Level Church be removed from the table.

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

Sharples reviewed his memo (see attached) and stated that the applicant is seeking minor subdivision and site plan approval. Stated that there are two adjacent lots and they want to make them one by abandoning the lot line between them. Stated that this usually just requires a voluntary merger but that they are also doing a lot line adjustment with the rear lot. Stated that there will be one less lot of record and that there are no ordinance violations. Stated that both Route 108 lots have gotten ZBA approval for a place of worship but that it doesn't apply to the new section of land from the rear lot. Reviewed the suggested conditions of approval for the subdivision. Stated that the applicant received site plan approval in 2012 and then the City started receiving complaints that people were parking on other lots, which was a violation of their site plan approval. Stated that the City sent them a violation letter and they responded to it. Stated that this application went before the SRTC and was reviewed by CLD Consultants and their review is complete. Stated that there were questions on the future use of the residential property but that it has now been demolished. Stated that this application is for additional parking. Stated that the Board requested a full traffic study and it has been submitted and that CLD Consultants have not been asked to review it. Stated that he questioned the number of parking spaces because they are requesting more than the regulations require. Stated that the regulations require a written explanation for additional parking, which they submitted today. Stated that the regulations require using Low Impact Development (LID) if practical and a Board member mentioned using porous pavement. Stated that the SRTC questioned the total number of trips versus the number of parking stalls needed. Stated that the applicant is requesting a waiver from the parking area setback requirement. Stated that in this district the parking area setback is 25 feet but that they are requesting that it be about ten feet. Stated that he has suggested conditions of approval.

Bob Stowell with Tritech Engineering Corporation represented the applicant and addressed the Board. Stated that they were before the Board two months ago and that one of the major concerns was the use of the existing house, which has since been demolished. Stated that the other issue was traffic and that they have submitted a full traffic impact analysis. Stated that the traffic impact analysis was submitted to the NHDOT District 6 and that it is on file with them. Stated that they got rid of the house and are now adding even more parking. Stated that now there will be 220 parking spaces. Stated that it is the same design, just stretched out a little. Stated that a small part of the lot is in Rochester and that they have gotten approvals from them. Stated that regarding LID, they are doing infiltration and that all the water will get back into the ground. Stated that there will be some fill and that they have good soils. Provided a summary of what they are experiencing for the number of cars. Stated that they maximum number of vehicles was 177, not including Easter. Stated that they added a 25% buffer for larger events. Stated that this seems appropriate and that they didn't have enough parking after they opened.

Kim Hazarvartian with TEPP, LLC who completed the Traffic Impact and Access Study addressed the Board. Stated that they looked at the existing conditions and, as a typical component of a traffic study, went ten years in the future. Stated that currently the facility is using parking on both sides of Route 108 but at build out there will only be parking on the Church side of the road. Stated that they looked at more analysis hours than usual and explained. Stated that they took traffic counts a few weeks ago and looked at accidents at the intersection. Stated that they looked at site distances and that they are more than adequate. Stated that they considered future conditions and growth. Stated that there are two driveways now and that there will only be one, which will have two lanes going out and one going in.

Stated that they looked at the relationship between trip generation and parking at the hours when people are entering and existing the site. Stated that it ranges between 90 and 146 but that the overlap hour has 204. Referred to the ITE book and stated that it coordinates with what is anticipated.

Sweeney stated that they are not planning for LID and asked if that is acceptable.

Sharples stated that this is an LID design because it does recharge the groundwater. Stated that a Board member wanted porous pavement considered.

Stowell stated that the soil conditions aren't appropriate for porous pavement in all areas. Showed on the plans.

Public hearing opened 7:01 pm.

Public hearing closed 7:01 pm.

Subdivision Motion: LeHoullier moved that the request of Next Level Church for a subdivision be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. An electronic plan of the entire property with details acceptable to the City shall be provided prior to recording the Mylar. This electronic plan must be in dwg file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
2. The monumentation shown on the plans shall be set prior to recording the Mylar, and,
3. Expansion of the existing place of worship use onto any portion of the 1.83 acres of land being added by this subdivision will require proper approvals prior to its use. Currently, places of worship are prohibited in the Commercial/Industrial zoning district.

Sweeney asked what about if the Church wanted to use the new section of land.

Sharples stated that they would need to get proper approvals for that section of land.

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

Sweeney asked about the waiver request.

Sharples showed on the plans and stated that it is for the parking area setback at the front of the property.

LeHoullier stated that there is a large shoulder there.

Stowell stated that the right of way width varies in front of this site and that there is more room than normal. Referred to an aerial photograph and stated that other properties have pavement right to the property line.

Sharples stated that those probably pre-dated the regulations.

Stowell stated that without the waiver, they would probably lose about 30 parking spaces.

Maskwa stated that during the original approval the Board did a site walk and there was existing pavement. Stated that they didn't want to remove pavement and that the Board approved the waiver.

Sharples stated that the pavement was existing and that the prior owners didn't build for the 25 foot setback.

Daniel King, Pastor addressed the Board and stated that there was a compromise of the setback width. Stated that what they want to do is continue the pavement line from the original lot.

Maskwa stated that looking at the plans; it looks like it gets closer to the setback as you go farther north.

Stowell stated that the pavement line runs parallel with the property line but that the Route 108 pavement does get a little closer. Stated that the right of way is very large through there and that the pavement doesn't necessarily follow the line of the right of way.

Sharples clarified on the plans.

Sweeney asked about what would happen if Route 108 was changed to a two land road. Confirmed that it is State land.

Sharples replied yes.

Sweeney asked if they would be encroaching on State land.

Sharples stated that he wouldn't speculate on that.

Stowell stated that the State has a lot of room to expand without encroaching on Next Level Church land. Stated that there will be granite curbing.

Sharples stated that the property line ranges from 14 to 18 feet away.

Stowell stated that there was some discrepancy with the property line.

Sweeney asked about snow removal.

Stowell stated that it would all be pushed to the back.

LeHoullier asked if there are any suggested conditions of approval for the waiver request.

Sharples stated that it is approximately ten feet.

Maskwa stated that he thinks there should be a condition of approval to indicate a distance; like no closer than ten feet.

Sweeney agreed.

LeHoullier stated that they need the waiver because of the extensive right of way.

Stowell stated that the rationale is the excessive right of way width in that area.

Sweeney asked how the plan design would change if they didn't get the waiver.

Stowell stated that they would lose about 30 parking spaces. Stated that they would have to add too much fill.

King stated that it would also look visually strange.

Stowell stated that they will carry over the landscaping theme.

LeHoullier asked what footage they should limit it to.

Sharples stated that the plan shows about ten feet.

Doug LaRosa with Trittech Engineering Corporation addressed the Board and stated that the plan shows five feet.

Maskwa stated that he is not comfortable with that and that there was existing pavement last time. Stated that he doesn't want it less than ten feet.

Sweeney agreed with Maskwa and stated that he is comfortable with ten feet.

LaRosa stated that they are over 25 feet from the edge of pavement and that there will be green space there. Stated that the adjacent property has pavement to the right of way and that this is a consistent look. Stated that they are not trying for more of a waiver than is appropriate but that there is a green strip there.

Stowell stated that everything would shift and suggested shrinking the traffic island width.

Sharples stated that that may require a different waiver.

Maskwa stated that he would be more amenable to reducing the island width rather than the setback at the road.

Sharples stated that they would need a waiver from the setback and to decrease the island.

Stowell stated that it would work for them.

LaRosa stated that they would have to remove the trees in the landscape island but could do low plantings like in the front. Stated that they are removing the gravel driveways and that the area will have a green feel to it when driving by. Stated that this will be a really nice parking lot.

Stowell stated that he agrees with LaRosa and that it will be attractive.

Berrios stated that he thinks pushing it back five feet is fine.

Fournier agreed.

Waiver Motion: Maskwa moved that the request of Next Level Church for a waiver from Section 11.4.b.vii of the Site Plan Review Regulations regarding the paved area setback be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. The minimum setback shall be at least ten (10) feet; and,
2. The traffic island width shall be a minimum of five (5) feet and shall have appropriate plantings acceptable to City staff.

Seconded by LeHoullier.

Sharples stated that the intent is that all the waivers are in one motion and that it be built to plan.

Motion carried with a 6-0 vote.

Sharples read his suggested conditions of approval.

Site Plan Motion: LeHoullier moved that the request of Next Level Church for a site plan to extend the parking lot be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. An escrow account, in an amount agreeable to the City, will be established for site 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 any use of the parking area. This Certification must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
4. A Maintenance Log and Inspection & Maintenance Checklist for the stormwater management systems shall be provided to the satisfaction of the City prior to signing the final plans. A completed log and checklist shall be submitted to the City annually on or before January 1st. This requirement shall be an ongoing condition of approval;
5. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
6. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as the site plan remains valid;
7. The applicant addresses all past and future comments from CLD Consulting Engineers, Inc. to the satisfaction of the City prior to signing the final plans and agrees that any unresolved items shall be brought back to the Planning Board on the next available agenda; and,
8. All conditions of approval shall be noted on the final plans.

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

- B) Brandt Development Company is seeking site plan approval to convert an existing two unit building into a four unit building for property located at 18 Myrtle Street, in the Residential Multi Family (R3) District, Assessor's Map 09, Lot 45, SITE #02-2013.

Motion: LeHoullier moved that the application of Brandt Development Company be removed from the table.

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

Sharples reviewed his memo (see attached) and stated that the proposal is for a multi family dwelling. Stated that the property got a variance to have four units. Stated that this item was on the April Planning Board agenda but the applicant requested to remain on the table. Stated that the public hearing was opened at the April meeting and was continued until tonight. Stated that they went before the SRTC once and that there are not proposed changes to the dimensions of the building. Stated that there will be an overall reduction in impervious area. Stated that the SRTC was in favor of moving the curb cut so that vehicles are facing the subject house when pulling onto the property. Stated that he is prepared with suggested conditions of approval.

Chris Berry with Berry Surveying & Engineering represented the applicant and addressed the Board. Stated that currently the driveway curb cut is to the northeast of the site so the vehicles park so that their headlights face the other properties. Stated that the proposal is to move the curb cut so the headlights face the subject property. Stated that the building will be converted to condominiums. Stated that the base parking material is in good shape but there will be some pavement cutting. Proposed a note on the plans that reconstruction to happen on an as needed basis. Stated that the remainder of the site is to remain untouched. Stated that there was a

condition of approval from the ZBA that a fence be installed along the westerly boundary line and there is a note on the plans for that. Stated that they worked with the abutter for the kind of fence to be installed. Stated that there will be no change to utilities. Stated that there are some callouts for sediment control during construction.

Public hearing opened 7:44 pm.

Public hearing closed 7:44 pm.

Sweeney stated that they mentioned being converted into condos but that there could be one owner of all units and then rent them out.

Berry stated that it is possible.

Sweeney asked if there will be a condo association.

Berry replied yes and stated that there will be standard condo documents.

LeHoullier asked what the timeframe is to convert to condos

Sharples stated that it is within five years of the first certificate of occupancy being issued.

LeHoullier asked why the long timeframe.

Sharples stated that it was the ZBA's decision and that he thinks that is what the applicant offered.

Sweeney asked if there are any street improvements required.

Sharples stated that he doesn't believe so. Stated that they are just adding two units which will just be a couple cars. Stated that it is minimal if anything.

LeHoullier asked what will indicate that the five years are up.

Sharples stated that staff will have to be diligent and keep track.

Maskwa referred to the letter from Chris Berry that talks about waiving the 24 foot drive aisle requirement.

Berry stated that it is the drive aisle behind the parking spaces.

Maskwa stated that they only have 20 feet where 24 feet are required. Asked if they need to motion for the agreement for the fence.

Sharples stated that it will be covered when approving the site plan. Stated that the intent is there.

Maskwa confirmed that snow will be pushed to the back of the property and that there is plenty of room.

Sharples stated that is correct.

Sharples read his suggested conditions of approval.

Christopher Boldt of Donahue, Tucker and Ciandella, PLLC addressed the Board. Stated that the abutters they have the fence agreement with are here and that the note on the plan is for a six foot stockade fence but they want it to be a six foot metal picket fence per the agreement. Stated that this is for the western property line. Stated that it should be a condition of approval.

Maskwa stated that he assumes that the changing of direction for the parking was in consultation with the abutters.

Boldt replied yes and stated that they are in agreement.

Fournier asked how far the fence will go to the street.

Sharples stated that at the front of the house it has to step down to four feet.

Boldt stated that they will be in compliance with the Zoning Ordinance.

Motion: Maskwa moved that the request of Brandt Development Company for a site plan to convert an existing two unit building into a four unit building 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. An electronic As-Built Plan of the entire property with details acceptable to the City shall be provided prior to a Certificate of Occupancy on the new dwelling units. This Certification must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
3. All conditions set forth in the decision letter of the Zoning Board of Adjustment, dated June 7, 2012 and attached hereto, granting a variance to allow a four unit dwelling shall also apply to this approval;
4. All applicable municipal sewer and water connections fees shall be paid prior to the issuance of a building permit; and,
5. The stockade fence shown along the western property line shall be a six foot metal picket fence per agreement with the abutter.

Seconded by Hebert. Motion carried with a 5-1 vote with LeHoullier opposed.

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

None.

4) **NEW BUSINESS**

A) Election of Officers.

Motion: LeHoullier moved that this item be **TABLED** until the June 18, 2014 Planning Board meeting.

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

B) Jeff Todd is seeking site plan approval for a new building with parking and associated site improvements for property located at 361 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 48, Lot 23, SITE #05-2014.

Sharples reviewed his memo (see attached) and stated that the proposal is for an additional building on the property. Stated that the application went before the SRTC but that he hasn't gotten a written response yet. Stated that he expects that they will request a waiver from

needing the plans stamped by a Landscape Architect. Stated that they have recently submitted to CLD Consultants and their review hasn't finished yet. Stated that this is a developed site with a 3600 square foot structure on it. Stated that it used to be Gauthier's car dealership. Stated that they are looking to add a 4300 square foot building, parking, landscaping, etc. Stated that an updated NHDOT permit has been filed. Stated that some of the landscaping and the existing sign are in the right of way. Stated that he called NHDOT to discuss that but has been playing phone tag with them. Stated that he recommends having the public hearing and the discussion with the applicant but tabling it until June because they haven't gotten CLD review back yet.

Geoff Aleva with Civil Consultants represented the applicant and addressed the Board. Submitted a waiver request and responses to SRTC comments (see attached). Reviewed the existing conditions plan and stated that the trailer will be removed. Stated that they are keeping both entrances to the site and that they have submitted a driveway permit to the NHDOT. Stated that there is a construction company looking to move here because they would like a bigger office. Stated that there will be infiltration basins and that the drainage will be reviewed by CLD Consultants. Stated that they will have to slow down the infiltration rate. Stated that they are adjusting and reworking the parking.

Public hearing opened 8:02 pm.

Public hearing closed 8:03 pm.

LeHoullier asked if the parking is for the employees.

Aleva replied yes.

LeHoullier asked about the construction equipment.

Aleva stated that the bigger equipment will be stored in Rochester. Stated that they would like to rent out one unit and save some area for storage. Stated that he doesn't want the equipment outside.

Sweeney stated that the existing building has garage doors.

Aleva stated that they are using the whole building now but that there is no repair, it is just storage.

Sweeney stated that he has questions about the storage and asked if it will all be in the building.

Aleva replied yes and stated that the intent is to rent out space but they do not want construction equipment outside.

Sharples stated that they are not proposing a contractor's office/storage yard.

Sweeney asked that the need for all the parking is for employees.

Aleva replied yes and that it is also for the requirements of the office uses.

Sweeney asked if there will be curbing.

Aleva stated that there will be curb stops.

LeHoullier asked if the parking requirement is based on the square footage of the use.

Sharples replied yes and stated that if they changed the use to something that would need site plan approval then they would have to come back to the Planning Board. Stated that if they change it to something that requires less parking then they wouldn't need to come back to the Planning Board.

Aleva stated that the parking spaces they need are based on the Site Plan Regulations.

Sharples stated that the regulations encourage less parking if it is not needed. Stated that it can be put on the plans as "future parking if needed". Stated that the Board has allowed that on other plans.

Sweeney asked about water runoff.

Aleva showed the drainage on the plans and stated that there are three areas that capture the drainage. Stated that they will loam, seed and grass out a section that is gravel now.

Sweeney asked if the idea is to table this application for CLD Consultants review.

Sharples stated that he wouldn't recommend approval without the initial review by CLD Consultants.

Aleva stated that he thinks that his client would be amenable for "if needed" parking.

Maskwa asked what the regulations are for parking.

Sharples stated that they meet the guidelines.

Maskwa stated that he is okay with reducing the parking as long as they still meet the regulations.

Sweeney stated that he likes long term planning and would like to see what should be there.

Sharples read from the regulations and stated that the market will dictate what is needed for parking. Stated that there are a lot of places that have too much parking so the regulations allow for flexibility. Stated that the plans can show that the parking can be built if the demand is there.

Sweeney stated that he is concerned with leaving it open to the applicant.

Sharples stated that it would be a violation if they park on the gravel. Stated that there is a trigger in place and that there is a way to remedy it.

Fournier stated that a new business would need a certificate of occupancy and wouldn't get the permit if they didn't have the parking.

Motion: LeHoullier moved that the request of Jeff Todd for a site plan for a new building with parking and associated site improvements be **TABLED** until the June 18, 2014 Planning Board meeting.

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

C) Arbor Park, LLC is seeking site plan approval for a retail store with parking and associated site improvements for property located at 211 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 44, Lot 10, SITE #06-2014.

Sharples reviewed his memo (see attached) and stated that the applicant is looking to build a retail building with associated improvements. Stated that the application went before the SRTC and has been sent to CLD Consultants. Stated that the majority of the comments have been satisfied. Stated that they are proposing porous pavement for the parking stalls in keeping with the Terrascape Park plans. Stated that the Board approved a minor subdivision for a lot line adjustment a few months ago. Stated that this is not part of the Terrascape Plan. Stated that they submitted for an updated NHDOT permit and that they are waiting for a response. Stated that the use will be a Family Dollar. Stated that the SRTC determined that the proposed roof doesn't meet the "steeply pitched" that is referenced in the Site Plan Review Regulations so a waiver request has been submitted. Stated that this is subject to the bufferyard requirements and they are met. Stated that he has suggested conditions of approval.

Steve Haight with Haight Engineering, PLLC represented the applicant and addressed the Board. Stated that they are proposing a retail facility on Route 108 and that they went before the SRTC twice. Stated that all parking spaces will have porous pavement and all drive aisles will have standard pavement. Stated that the dumpster will be behind the building. Stated that the rooftop units will be shielded. Stated that they will maintain the linear landscaping look on Route 108. Stated that they will have a pedestal sign. Stated that lighting will be consistent with what exists. Explained drainage and stated that it will be infiltrated. Stated that they are required to have 43 parking spaces but they only want 35, which is consistent with the business model for this use. Showed the building elevations and stated that this is atypical for a Family Dollar store. Talked about the pitch of the roof. Stated that all windows will be glazed and have grills.

Public hearing opened 8:25 pm.

Public hearing closed 8:25 pm.

Sweeney stated that there is no waiver request for less parking.

Haight stated that they want less parking but that they have the capacity for 43 spaces.

Sharples stated that to have less parking it is not a waiver request; the regulations just allow the Board to be flexible.

Haight stated that they don't need all the parking.

Sweeney asked about the typical roof pitch.

Sharples stated that Family Dollar usually does a flat roof.

Haight stated that typical Family Dollar stores don't usually look like this one. Stated that this will look very nice.

Sweeney asked where the HVAC units will go.

Haight showed on the plans and stated that they will be shielded.

Sweeney asked about the fire access around the back.

Sharples stated that the Fire Chief reviewed the plans and didn't have any comments.

Haight stated that there is a fire hydrant in the front. Stated that the building doesn't need to be sprinklered and that there will be two separate water services.

LeHoullier questioned this originally being part of Terrascape Park.

Sharples stated that the Board approved a lot line adjustment with this lot and Terrascape Park, which added Terrascape Park land to this lot.

Haight showed on the plans and stated that the drive aisle is what was previously approved.

LeHoullier asked if this proposal conflicts with anything from before. Stated that it was presented as a low impact office park but now it is retail.

Sharples stated that this is different from Terrascape Park.

LeHoullier stated that he is just thinking of the impact to abutters.

Sharples stated that abutters did get notified.

Berrios stated that he is concerned with the safety of customers because the traffic gets heavy here.

Haight stated that a traffic study was done and submitted to the NHDOT. Stated that they are requiring that the shoulder be widened. Stated that all traffic numbers were incorporated into the NHDOT permit application.

Sharples stated that Route 108 is a State road and they have the say in it.

Maskwa confirmed that NHDOT approval hasn't been given.

Sharples stated that it is a long process and that the City regulations just require that the permit is at least pending.

Fournier asked if there is a COAST Bus stop nearby.

Haight stated that there is one across the street and that they do have a bike rack.

Sharples stated that the applicant wasn't required to contact COAST Bus. Passed out the suggested conditions of approval.

Sweeney asked about the roof pitch.

Sharples referred to the plans and stated that there will be both four and five pitch.

Haight mentioned possibly needing a waiver for the diameter of trees.

Sharples stated that he doesn't feel that a waiver is needed and that the intent is met.

Waiver Motion: Maskwa moved that the request of Arbor Park, LLC for a waiver from Section 11.7.b.iv.1 of the Site Plan Review Regulations regarding roof pitch be **APPROVED**.

Seconded by Berrios.

Maskwa stated this will improve the appearance of the structure and fits in with Route 108.

Sweeney stated that he is in favor of it.

Motion carried with a 6-0 vote.

Sharples read the suggested conditions of approval.

Sweeney asked about NHDOT approval.

Sharples stated that they have already submitted for the permit and that all conditions need to be noted on the final plans.

Site Plan Motion: LeHoullier moved that the request of Arbor Park, LLC for a site plan for a retail store with parking and associated site improvements 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. This Certification must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
4. A Maintenance Log and Inspection & Maintenance Checklist for the stormwater management systems shall be provided to the satisfaction of the City prior to signing the final plans. A completed log and checklist shall be submitted to the City annually on or before January 1st. This requirement shall be an ongoing condition of approval;
5. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
6. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as the site plan remains valid;
7. The applicant addresses all past and future comments from CLD Consulting Engineers, Inc. to the satisfaction of the City prior to signing the final plans and agrees that any unresolved items shall be brought back to the Planning Board on the next available agenda;
8. The Bufferyard area between the proposed use and the abutting residential shall have vertical opacity from six (6) feet above grade at the time of planting. This may necessitate additional plantings beyond what is shown on the approved plan;
9. All conditions of approval shall be noted on the final plans;
10. all necessary easements for access, drainage and utilities shall be provided prior to the issuance of a building permit;
11. Windows shall be multi-paned with grills between the glass; and,
12. A NHDOT driveway permit will be provided to the City prior to issuance of a building permit.

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

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

Sharples stated that a voluntary merger request was submitted after the agenda was posted but that they are not required to have public notice or a public hearing. Reviewed his memo (see attached) and stated that this request is to merge six lots at 450 High Street. Stated that the RSA states that the Board shall approve the request unless it causes a violation but he found that this would not cause any violations. Stated that this merger was a condition of the Planning Board's approval of the site plan for these lots.

Motion: LeHoullier moved that the request of 450 High Street, LLC to merge Map 38, Lots 37, 38, 40, 41, 42 and 43 be **APPROVED**.

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

5) WORKSHOP BUSINESS

A) Groundwater Protection District Ordinance discussion.

Sharples referred to his memo (see attached) and passed out the draft Groundwater Protection District Ordinance. Stated that he just wants the Board to take this home to read and digest for the next meeting. Stated that there are a few revisions that they will go over at the next meeting. Stated that this ordinance identifies the sensitive areas and prohibits a number of high risk uses. Stated that at the next meeting he will be prepared to go over the changes and will have a map showing the effected areas.

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

6) COMMUNICATION AND MISCELLANEOUS

Sweeney stated that Dan Proulx was a member of the Planning Board for six years and that he is disappointed that he was not reappointed as a member of the Board. Thanked Proulx for his years of service on the Planning Board.

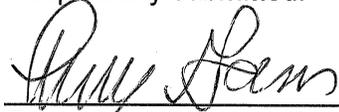
Sharples welcomed the new Board member, Don Berrios.

Motion: Maskwa moved to adjourn the meeting.

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

Meeting adjourned at 8:56 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board