

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
August 28, 2019**

**MEMBERS PRESENT:** Ron LeHoullier, Chair, Paul Robidas, Chris Horton, Jason Barry, Alternate, Jeremy Rhodes, Bob Belmore-City Manager, Ken Vincent-City Council Alternate Representative

**MEMBERS ABSENT:** David Witham, City Council Representative, Harold Guptill-Vice Chair

**STAFF PRESENT:** Shanna B. Saunders, Director Development Services, Dana Crossley Planning Secretary

The Meeting was called to order at 5:30 PM.

LeHoullier appointed Barry as a full voting member for the meeting.

1) **Approval of the minutes of the meeting of July 17, 2019.**

**Motion:** Robidas MOVED to approve the minutes of the July 17, 2019 meeting.

Seconded by Barry.

The MOTION CARRIED with a 7-0 vote

2) **COMMITTEE REPORTS**

**Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC):** LeHoullier stated the reports are in the board's packet if they have additional comments to add. No additional comments.

**City Council Report:** Vincent stated at their last meeting the Council accepted and approved the following:

- A conceptual design for the new Fire Station;
- The final design for the Veterans Memorial at Stein Park;
- The Special Parking Zoning Overlay Ordinance;
- Dealt with the special street paving projects for Pike Industries; and
- The re-write of the Historic District Ordinance.

**Minor Field Modifications Report:** No Comments.

**Strafford Regional Planning Commission Update:** LeHoullier stated the board continues to receive the updates.

**Vision 2020 Report:** Saunders stated she had nothing to report.

3) **OLD BUSINESS**

- A) Any old business that may come before the Board.  
No old business before the board.

4) NEW BUSINESS

A) **Linda & Daniel Burbank and David Zrimsek are seeking a lot line adjustment between the properties located at 34 & 24 Rocky Hill Road, in the Residential Single Family (R1) District, Assessor's Map 26 Lots 05 & 2A, SUB#01-2019 PUBLIC HEARING**

Saunders stated the applicant is here in result of a variance request that was denied for Mr. Zrimsek to construct an addition within the setbacks. This boundary line adjustment would give Mr. Zrimsek more room to be able to construct the addition and meet the setbacks.

Saunders stated it is a lot line adjustment between two properties. 34 Rocky Hill (Burbank) will be giving a 10' strip along the property boundary and a 31' strip that is adjacent to the existing structure of 24 Rocky Hill (Zrimsek) to 24 Rocky Hill.

Robidas MOTION to accept the application as complete.

Horton SECONDED the motion.

The MOTION CARRIES by a 7-0 vote.

Applicant Statement: Brian Barrington of Coolidge Law Firm represented the applicants. He stated the applicants are also present.

Barrington stated this is a fairly large parcel. He stated there was a reserved 10' access that is being released from the Burbank's to the Zrimsek's. There will also be a 31' portion transferred from 34 Rocky Hill to 24 Rocky Hill Road. The Burbank property will still be in conformance with the regulations.

LeHoullier opened the public hearing.

**Dan Burbank**, 34 Rocky Hill, stated he has been in discussion with Dave Zrimsek for a number of months. He stated Zrimsek has a vision for his property to help his family. He stated that his wife and he are in complete support of the project and lot line adjustment.

LeHoullier closed the public hearing.

Robidas stated the applicant went before the SRTC. He stated the application meets the zoning regulations and no one contesting the application.

MOTION: Robidas stated, I move that the request of Linda & Daniel Burbank and David Zrimsek for a lot line adjustment be APPROVED.

Seconded by HORTON

Discussion: Saunders stated there are some conditions. The conditions are that a final plan be submitted for recording and the duration of appeal.

Belmore clarified that electronic copies are required.

Saunders stated yes that is explained in the conditions.

Robidas and Horton were in favor of the amended changes.

MOTION CARRIES by a 7-0 vote.

**B) SNTG, LLC, is seeking site plan approval to add a 4,500 sq ft. commercial building and associated parking and infrastructure to the existing commercial site on property located at 472 High Street, in the Residential Commercial (RC) District, Assessor's Map 40 Lots 4-A & 4-B, SITE#8-2019- PUBLIC HEARING**

Saunders stated applicant is proposing to add a 4,500 SF commercial building. She stated this site is a commercial condo lot that includes an existing office building on the corner of Tri City and High Street. She stated this building is proposed to be built immediately behind that. Once constructed it will be two businesses on one lot.

Saunders stated the proposed use is a laundry mat and there is also a space labeled as room 105 on that plans. She stated the applicant has claimed that will be a commercial operation at some point.

Saunders informed the board this project has been reviewed in 2013 and approved in 2016. She stated much of the information is the same from the 2016 submittal. This includes the traffic and drainage studies. In 2016 those plans went through third party review and therefore did not require the third party review again with this submittal. She noted that if Planning Board requested it could be sent to third party review.

Saunders explained the applicant is requesting the following waivers:

- a) *22A:11.6.d- buffer yard requirement*
  - a. She stated this property abuts the Flatley property, which is the residential property and this property has a residential property buffer. The building is proposed to be within that bufferyard. The waiver was approved with the 2016 application.
- b) *22A:11.4.b.vii- Paved area setback*
  - a. Saunders stated this is for the paved area in the front of the lot. She stated the pavement area goes close to the front of the lot.
- c) *22A:11.6.b, 22A:11.6.e & 22A:11.4.b.viii- Landscaping Requirements*
  - a. Saunders explained this is for landscape requirements for parking lot screening. She explained the pavement goes to the lot line leaving little area for additional landscaping.

Saunders explained that two abutters submitted letters. The Chairman stated she may read them. Saunders read into the record letters submitted by the abutters Kevin Walker of the Flatley Company (see attached) and William Stowell (see attached).

Saunders stated for the proposed conditions of approval there were a few items that the SRTC reviewed and had comments on. One of those items is that the applicant is proposing a non-potable well and the SRTC wants to ensure it is metered for the flow into the sewer system with a backflow. She stated they would also request that the sinks be supplied with City Water to ensure that the public does not drink the water.

Saunders stated there is a landscaping plan associated with this property. She explained some of the landscaping is in conflict with the proposed improvements at the end of Tri City Road where it meets High Street. She stated specifically the dogwood tree and that it will need to be changed on the plans.

Saunders explained there was a concern about the room labeled as room 105 and what the future use would be. She explained the parking requirement has been met but it is very tight. The SRTC expressed concern that if it was used as retail or restaurant it would potentially cause a parking issue.

Saunders explained that the proposed parking does meet the requirements. She explained that snow storage has been proposed within some of the parking spaces because the building and pavement go

from lot line to lot line. There is a condition reserved if the board wishes to talk through that with the applicant about potential changes.

Saunders stated the CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL were the standard conditions.

Saunders stated for the most part the CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK are standard. She highlighted that this site requires condo documentation for the two commercial operations and the shared parking and utility easements. This will need to go through legal review and require an escrow. Saunders explained the new business will have a new address off of Tri City Road that will be established through the E-911 committee. She noted that Tri City Road's 5 year moratorium is not released until the end of October 2019.

Saunders stated the CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION are mostly standard with one exception. The proposed use of laundry mat does not include on site dry cleaning. If the application wishes to perform dry cleaning on site a sprinkler system must be installed.

Robidas MOVED to accept plans as complete.

Horton SECONDED the motion.

Discussion: Belmore asked if the plans are complete in regards to non-potable water hookup and well. He asked if Public Works and the Water Division are comfortable with everything on the plan and how the connections are made.

Saunders replied they are. She explained she reached out to DES to confirm what potential permits would be required. Saunders stated that because it is non-potable and small for capacity it does not require a permit through DES. She stated other than the plan changes regarding the back flow preventer there is not a lot of oversight that they or the State has over the non-potable well.

Robidas asked what the upside to the downside of the non-potable well was. Saunders replied the initial concern was the location of the well and potential protective radius. She explained that it does not have a protective radius according to DES. She stated she was unsure how to answer this is the first experience with non-potable and public water combination for a commercial use.

Robidas stated the thing that gives him pause is when it came up during SRTC he does not remember snow storage discussion. He stated he wants to ensure there is nothing that has been added that SRTC has not reviewed. Saunders stated that this project went through two SRTC reviews and it was the second SRTC meeting that the snow storage was shown on the plans.

Belmore asked if there was reports from the third party review. Saunders stated that the drainage and traffic reports were both review by CLD in 2016. She explained the reports were amended at that time to meet those requirements. Those amended reports were what were submitted in 2019. Saunders explained the SRTC did not require third party review but if the Planning Board requests it can be done.

Belmore stated he will not be voting to approve the application as complete without the third party review being completed.

Robidas stated that if the last time third party review was done in 2016, he questioned the amount of development that has gone in the surrounding area since then and the affect that may have had on the traffic.

Belmore stated there have been other concerns in writing and mention that third party review has not

weighed in on the location of the non-potable well and tree damage.

LeHoullier called for a vote on the motion to accept the application as complete.

Robidas stated he wants to RESCIND THE MOTION because third party has not reviewed the non-potable well.

Vincent asked if third party review is always done for projects. Saunders stated not always. She explained it is as the direction of the SRTC and Planning Board. Vincent asked if the SRTC asked for a third party review of anything. Saunders stated they did not. Vincent stated there are unanswered questions here that could need third party review. Saunders explained that the SRTC discussed it and there were some concerns of the intersection, but ultimately thought it would be a Planning Board decision for requirement of third party review.

LeHoullier asked for direction of the meeting at this point. Saunders stated they could not continue with the public hearing until the board accepts the application as complete. She stated if a third party review is what is required to make the application complete it would be a motion to table the application.

Robidas MOVED to TABLE the application to the September 18, Planning Board meeting to allow for third party review.

Belmore SECONDED the motion.

Discussion: Saunders asked for clarification on what the board would like reviewed by the third party. Robidas stated on parking, traffic and drainage along with the non-potable well.

Belmore stated that any changes from prior applications should be reviewed, such as how the water is being divided up.

LeHoullier stated the applicant is requesting to make a comment. Asked if the board would be in favor to hearing the applicant make a statement at this time.

Horton asked for the motion to be repeated.

Robidas stated his motion was to table for third party review on traffic, the well, and the drainage report. Robidas questioned if the potential of the applicant submitting a 1/3<sup>rd</sup> contribution to the Tri City Road upgrades would need to be reviewed. Saunders stated that it would not be necessary for third party to look that over, it would be a decision of the board.

Horton stated he would be open to allowing the applicant to speak. He stated they may be able to address some of the items that have been brought up.

Belmore stated that usually motion to table is not up for negotiation. He stated he would withdraw his second to allow the applicant to comment if that is the wish of the board. He stated he did not want to discuss the entire plan before all of the information was in front of the board.

Barry stated that he would like to hear from the applicant.

LeHoullier allowed the applicant's representative Bob Stowell of Tri Tech Engineering to address the board.

**Bob Stowell** stated that this project has been to two SRTC meetings and a third party review in 2013. In 2013 the project received Planning Board approval. He stated that it went through two SRTC meetings and third party review in 2016. He stated it was approved by the Planning Board in 2016 as well. The

drainage and traffic were reviewed both times during the third party reviews. He stated it has been to two SRTC meetings for this application as well. Stowell stated the building and pavement have not changed in the last 6 years. He stated it would be onerous to charge the applicant to go through a new third party review to look at the same pavement and roof. He stated there have not been changes in the zoning ordinance, site plan regulations or state regulations. He stated the traffic was reviewed during the SRTC and they feel it is a low count. Stowell stated he did not think the additional projects would impact it. He stated if there is a discussion of the applicant contributing 1/3<sup>rd</sup> contribution to the upgrades of Tri City Road he feels it would be best to be looked at. He stated he thought it would be more adequately a 1/10<sup>th</sup> contribution.

Stowell stated for parking review he stated it meets the regulations and is unclear what the third party review will determine.

Stowell stated the non-potable well did come up at the 11<sup>th</sup> hour and is not shown on the plans currently. He stated it can be added to the plans. He stated that having a third party review to find that there is not regulations on the non-potable well seems meritless.

Robidas stated his motion stands.

Belmore SECONDS the motion.

Discussion: Belmore stated he is fine with the scope of the third party review being up to staff to have the focus narrowed and not be a burden to the applicant.

Horton clarified the motion for third party review was of traffic and storm water.

Robidas stated also the well.

Horton stated he agrees if the plans have not changed from the original submission and design that was reviewed by third party should not be done again.

Robidas stated it is not the project itself that has changed but what has changed around it.

Belmore stated he would encourage drilling down on the contribution aspect as well.

Rhodes stated there are three pieces that have changed for this project since its last approval. One is what has gone in around it. He stated there is potential impact there which ties into the Flatley request for a contribution to the improvements. Another is the well, particularly where there is concern of the location of water and sewer lines. He stated he has concerns of the location to ensure it does not infringe on any existing utilities. He stated he would like to see the abutter concerns addressed. Rhodes stated he does not think a complete review would be necessary but with the changes around it could stand for another look.

Vincent stated he wants to make one thing clear and has respect for the Flatley concerns. He stated he sees their request if for the money to reimburse the Flatley Company. He stated the money that would come about should be additional to the Flatley upgrade. He stated it would be the board's decision and money from the project should be over and above.

Horton asked if the other projects submitted a dollar or percentage amount. Saunders stated that there was a dollar amount but does not know what it is, but it was split 50/50 between Flatley and 100 Tri City Road. Horton stated he feels it is a small contribution to the traffic on Tri City Road and the board should be subjective to that.

LeHoullier called for a vote.

The MOTION CARRIES by a 7-0 vote to TABLE the application to the September 18 meeting to allow for third party review.

5) **WORKSHOP BUSINESS**

A) **Section 19.24 Accessory Dwelling Units of the Somersworth Zoning Ordinance –  
Proposed Amendments**

Saunders explained there have been a few Accessory Dwelling Units come in since the new ordinance has been approved. She stated that through the last application it was discovered there was a discrepancy in the ordinance.

Saunders explained in Section 19.24.b it states “The ADU is contained within or will be an addition to an existing or proposed single family detached dwelling.” But then in Section 19.24.a states “...and must be located within or attached to the principal single family dwelling unit or attached or detached garage.”

Saunders explained that she believes the intent of the board was to have accessory dwelling units be attached to the single family homes and not to be in a detached structure. She is recommending to the board to remove “detached” from Section 19.24.a. so that the single family homes remain looking like single family homes. She stated the board’s job tonight is to review her recommendation and make a recommendation to the City Council as it is their ultimate decision.

Vincent stated that he has seen State wide that very few other communities allow ADU’s in detached garages.

Robidas stated the intent of the board was to have the ADU’s be attached and agrees with the Director’s explanation. He stated he thinks they need to make that change to remove the detached wording.

Robidas MOTION to recommend to City Council to remove the term ‘detached’ from Section 19.24.a of the Accessory Dwelling Units section of the City of Somersworth Zoning Ordinance.

Rhodes SECONDED the motion.

Discussion: Belmore asked for clarification on the change. Saunders stated they would be removing the term detached from Section 19.24.a.

The MOTION CARRIES by a 7-0 vote.

- B) Any workshop business that may come before the Board.  
No other workshop business.

6) **COMMUNICATIONS AND MISCELLANEOUS**

Saunders stated at the last meeting the chairman asked for an update on 16-18 Myrtle Street. She stated the Zoning Board approved the property for additional units in 2012 but they must be converted to condos within 5 years of the CO issuance. The Planning Board approved the construction in 2016. She stated they received the CO in 2017 and therefore the time is ticking on that item.

Robidas MOTION to ADJOURN. Vincent SECONDS the motion. The motion carries by a 7-0 vote at 6:47pm.

Respectfully Submitted,

Dana Crossley, Planning Secretary

470 High Street, LLC  
22 Coach Rd  
Stratham, NH 03885

8.28.2019

Shanna B. Saunders  
Director of Planning  
City of Somersworth  
One Government Way  
Somersworth, NH 03878

Re: Site Plan for SNTG, LLC

Good morning Shanna

I am submitting this correspondence for your review based on our discussions from our meeting on 8/27/19.

The owner of the property is 470 High Street, LLC and the tenant on the property is operating as Central Park Garage. I am the sole owner of the real estate and a part owner of the operating business.

I have 3 concerns regarding the Site Plan as proposed.

- The trench excavation required for the installation of the new water and sewer lines will be directly adjacent to several large trees that are located on my property. This excavation will destroy the root structure of these trees causing them to die.

Rather than deal with dying trees after the work is performed, it seems to make sense to be proactive and remove the trees prior to the work being performed.

My recommendation is that the City make a condition of approval that the trees be removed by the applicant prior to any construction.

I have also attached a letter to the Board from Burke's Tree Service, who has visited the site and reviewed the plans.



- The proposed location of the new water and sewer lines runs between the existing building on 472 High St. and my property line. This distance at one point is 10' +/- . I do not believe that it is physically possible to excavate a trench that is 5 1/2' deep, in the existing soil conditions without affecting both part of the foundation of the building at 472 High St and encroaching on my property.

In fact, the applicant encroached on my property, without permission, when the water main was tapped a few years ago for the new water service. This encroachment caused the removal of the existing property marker, which I have since reset.

I feel that the Planning Board, in reviewing this application, should be concerned with the ability of the applicant to actually construct the project as presented.

There are other options available for the extension of the water and sewer to the rear of the property.

- Unwanted foot, bicycle and small motorized traffic across my property from Tricity Road has always been a problem. There have been instances of vehicle damage and vandalism adversely affecting the business.

There is a proposed fence on the Site Plan. The fence as shown ends at the **rear** of the existing building on 472 High St. I am requesting that the approval include extending the proposed fence to the **front** of the existing building on 472 High St.

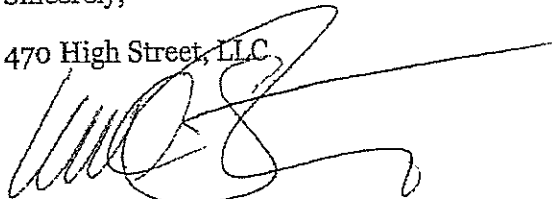
I have been involved in engineering, construction, development and business operations in the City for the past 45 years.

I am confident that you and the Planning Board will give this project its proper review.

Collectively, your expertise and good planning judgements will see that this is a hassle free project and an asset to the beautiful City of Somersworth.

Sincerely,

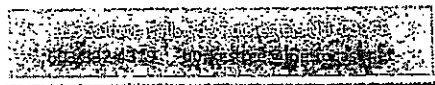
470 High Street, LLC

A handwritten signature in black ink, appearing to read 'William Stowell', with a long horizontal flourish extending to the right.

William Stowell, Member



August 27, 2019



To whom it may concern:

This is to confirm an estimate that was given to Bill Stowell – Central Park Garage located at 470 High Street, Somersworth, NH.

These trees on this estimate will die from a trench that is being put in.

It is my recommendation that these trees should be removed.

If you have any questions, please feel free to call the office at 603-332-4319 or my cell at 603-817-9445.

Thank you,

Dan Burke - Certified Arborist

Burkes Tree Service, LLC

## Shanna Saunders

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**From:** Kevin Walker <kevin.walker@johnflatleyco.com>  
**Sent:** Wednesday, August 14, 2019 4:04 PM  
**To:** Shanna Saunders  
**Subject:** RE: 472 High St Site Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Shanna, we have no issue with the building but do have a minor issue with the additional traffic that the site will produce. While I don't believe that the traffic produced for this site will adversely affect Tri City Road/High Street, there will clearly be additional traffic. As such, we would request that the Board require the applicant to provide at 1/3 contribution to the improvements that we will be making to Tri City Road/High Street as this site is a use that will result up to 16 trips per day per washing machine. While I'm unaware of the number of washing machines, I believe that 20-25 is a reasonable estimate, resulting in around 320-400 trips per day.

Based on the additional traffic, for which we are providing improvements to Tri City Road/High Street, we believe that a contribution by the applicant to the Tri City Road/High Street improvements is justified, just as the owner of the old Verizon building is contributing.

If the Board finds that this request is valid and reasonable, we would respectfully request that a condition be placed on the approval that a contribution of 1/3 be made to either the City, for reimbursement to the John Flatley Company, or directly to the John Flatley Company, prior to receiving an occupancy permit.

I would again like to make clear that we have no objections to the use of the site or the site design.

Thank you, in advance, for passing this on to the Planning Board. It is very much appreciated.

Kevin Walker, P.E.

**JOHNFLATLEY**  
Company

45 Dan Road - Suite 320, Canton, MA 02021  
Office: (781) 380-7731 x203  
[kevin.walker@johnflatleyco.com](mailto:kevin.walker@johnflatleyco.com) | [www.johnflatleyco.com](http://www.johnflatleyco.com)

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**From:** Dana L. Crossley [mailto:[dcrossley@somersworth.com](mailto:dcrossley@somersworth.com)]  
**Sent:** Wednesday, August 14, 2019 3:23 PM  
**To:** Kevin Walker  
**Cc:** Shanna Saunders  
**Subject:** 472 High St Site Plan Copy

Kevin;