

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
September 18, 2019**

MEMBERS PRESENT: Ron LeHoullier, Chair, Chris Horton, Jason Barry, Alternate, Jeremy Rhodes, Bob Belmore-City Manager, David Witham, City Council Representative, Harold Guptill-Vice Chair

MEMBERS ABSENT: Paul Robidas

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

The Meeting was called to order at 6:30 PM.

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

1) **Approval of the minutes of the meeting of August 28, 2019.**

Motion: Horton MOVED to approve the minutes of the August 28, 2019 meeting.

Seconded by Barry.

The MOTION CARRIED with a 5-0-1 vote (Guptill abstained)

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: Witham stated the Council has moved forward with removing the Site Plan Review Regulations and the Subdivision Regulations from the City Ordinances, these will now solely be under the purview of the Planning Board. The Zoning Ordinance will remain under the City Council's purview.

Witham stated in terms of infrastructure, the City is getting close to going out to bid for the upgrades at the Wastewater Plant. Wright-Pierce is the engineer that the City has chosen and they are in the final stages of bid documents. They expect to go out to bid at the end of the year and start the project in 2020.

Witham reported Continental Paving will begin work on Stackpole Road soon. He stated they expect work to begin at the end of the month subject to weather. He noted that this paving job is in conjunction with work that was required of the Sunningdale development on Stackpole Rd. Witham stated the City approved upwards of a million dollars in paving work that will be completed by Pike Industries of Tilton. He stated that work will be commencing at the end of this month as well. He stated there will be 20 streets that will be repaved. He noted that Council waived the noise ordinance for this project to allow for night work. The paving is expected to be completed by November 15th.

Horton asked for an update on the status of the Form Based Codes.

Witham stated he understands that the consultant developing the rendition of the Form Based Codes is nearing the end of their work. He stated he believed a presentation to the Council has been scheduled.

Belmore stated the consultant met with the Economic Development Committee on Monday. He stated they are in the final draft and received feedback from the EDC. Belmore stated the consultant has been working with himself and Saunders and expect to be completed in November for Council presentation.

Horton requested the board be informed of the presentation to be able to attend.

Witham stated the recent renovations of the Maplewood's School are near completion. He explained the different aspects of the school that have been upgraded.

LeHoullier stated it is nice to see items from the CIP being completed over time.

Horton stated he thinks it is great the City is making an investment in the roads. He asked how the work will be controlled in regards to inspections.

Witham stated that similar to the work done last year, the Public Works Director or City Engineer will be on site for the work. He explained they will have the tools to ensure that the quality of paving is to the standards from the bids. He stated they will be checking the cores too and there will be more oversight than in the past.

Minor Field Modifications Report: No Comments.

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

3) **OLD BUSINESS**

- A) SNTG, LLC (Green Collar Laundry), 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**

MOTION: Witham moved that the request of SNTG, LLC be removed from the table.

The MOTION is SECONDED by Rhodes.

Discussion: Belmore stated he would be voting no because the third-party review had not been completed.

Witham requested more information on the memo that was received by the board today. Saunders stated the memo was received by the office today and apologized for it being on the board's desk in short order. She explained that the City previously contracted CLD Engineering as the third party review agent and currently contracts with Horsley Whitten. Per the Board's request, Horsley Whitten was contacted in regards to completing a third party review and submitted an estimate of approximately \$6,000. The applicant is requesting, per RSA 676:4-b I, to have CLD Engineering complete the third party review as they did the review when this application went before the board previously in 2013. It is at the board's discretion to determine if they want to grant the request.

Witham stated he supports removing the item from the table to have discussion on this request. He stated he does not believe they should begin the review of the application without the third party review.

The MOTION CARRIES by a 6-1 vote.

Board Discussion: Belmore stated they have not received a quote from CLD, nor have a contract with them. He stated using CLD would entail more administrative work and without an estimate does not feel they have enough information to grant the request.

Horton stated some of the discussion from the previous meeting was the location of the well, he asked if the applicant has supplied a location of that well. Saunders stated it has not been supplied but the applicant is aware it is needed.

Witham stated he supports the third party review since things have changed substantially in that area of the City. He explained he was unable to attend the last meeting but did watch the meeting. He stated the well is a new item that is not part of the original proposal and along with the changes in development around the site feels that triggers the need for a third party review. He stated if the board decides to move in the direction to use CLD there should be no additional cost born by the City. Witham stated if there is additional review legally or staff time that should be woven into the cost and paid by the applicant.

Belmore noted in his experience staff engineers change fairly often and the engineers who did the previous reports may not still be employed by CLD. He stated he is willing to have further discussion but is not convinced that it will cost \$3,000 again.

Rhodes stated he agrees with the statements made by Witham and Belmore. He stated if there are no concerns of CLD's quality of work or timeliness of responses, he would not necessarily be opposed to having them perform the review. He stated he feels they need significantly more information before agreeing to have another engineer do the review.

Witham stated they should ensure that going with another engineer would not be a breach of contract with Horsely Whitten.

MOTION: Witham MOTIONS to table the application of SNTG LLC, to the October 16, 2019 Planning Board meeting to collect information to make a decision on the applicants request.

The MOTION is SECONDED by Rhodes.

Discussion: Saunders clarified that the tabling is to receive a cost estimate, contract requirements, and who will work on the project from CLD Engineering. Witham stated that is correct.

The MOTION CARRIES by a 7-0 vote.

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

4) **NEW BUSINESS**

- A) Ian Joseph Campbell LLC, is seeking site plan and conditional use permit approval to install 3 solar power arrays on pedestals on a property located at **413 High Street, in the**

Commercial Industrial (CI) District, Assessor's Map 36 Lot 3A, SITE#12-2019 & CUP#04-2019 PUBLIC HEARING

Saunders stated the applicant originally proposed to install 4 solar power pedestals. She explained the pedestals are an array of solar panels that are tracker arrays. She stated the impact to the ground from the pedestal is approximately 3' x 3'. Saunders explained that the original proposal had four arrays, was closer to the wetlands and the diameter of the array was over the pavement. She stated the SRTC encouraged the applicant to seek a variance from the ZBA to have the arrays within the setbacks, but farther from the travel way. During this progressing the number of arrays dropped to 3. She stated the applicant is also seeking a CUP since it was determined the arrays are also within the wetland buffer.

Saunders explained the proposal that went to the ZBA is similar to what the board sees now with the three arrays. She stated the ZBA granted the variance but stated the applicant must stay 20' from the property line. She noted that Penny Lane is a private driveway and the property line goes to the center of the Road.

Saunders stated that the applicant went before the Conservation Commission for CUP review. She stated the Conservation Commission recommends the approval of the project with the following conditions:

1. The encroachment shall be limited to the 50' - 100' No Disturb Wetland Buffer;
2. Stone shall be placed under the arrays to control erosion from runoff of the array panels;
3. Any damage done to the site's vegetation as a consequence of construction be remediated prior to completion of work;
4. The percentage of encroachment into the 100' buffer shall be calculated (and shown) on the final plans; and
5. Any replanting required on site shall be done with native seed mixes.

Saunders stated she recommends that the application be accepted as complete and is ready for review.

MOTION: Witham MOTIONS to accept the application as COMPLETE.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 7-0 vote.

Applicant Statement: Attorney Jim Shannon and Packy Campbell Member of Ian Joseph Campbell LLC attended the meeting. Shannon explained they have received the SRTC review, ZBA approval and Conservation recommended approval with conditions that they find acceptable. He explained that the applicant's property has a high usage of electricity during the peak usage time. He stated the goal is to provide as much energy as they can on site. Shannon stated the tracker solar arrays will track the brightest spot in the sky to generate the most energy. He stated the intent is to meet the electric needs of the car wash. He stated the arrays move and there are multiple panels on the array. Shannon explained the arrays are high tech and receive back side boost from the reflection off the stone under the array.

LeHoullier asked for public comment. No public comment.

LeHoullier closed public hearing.

Board Discussion: Witham clarified it is a conditional use permit request for the encroachment to the wetland setback and not a site plan approval. Saunders stated it is both.

Witham stated he supports the project and the rational of the business owner makes sense. He stated the location of the arrays does not appear problematic. He asked if there will be a glare off of the arrays as they rotate.

Shannon stated that the height of the arrays alleviates some of the concern of a glare. He explained that the array would be pointing at the sky most of the time. He noted that it is possible during the early part of the day there could be some chance of a glare. He stated they believe because of the height and angle there is little chance of a glare.

Witham asked if after construction of the arrays and if there is a notable glare on Commercial Drive, would the applicant need to address that per the regulations (Section 22A.28.8 Site Lighting). Saunders stated yes they would.

Packy Campbell stated the arrays are glass, see through and the light goes through the panel and hits the backside of them. He stated it is uncommon to experience glare. He stated that the manufacturer states it is scientifically impossible to experience glare. He added that 10' is the lowest point that the array will be and most of the time will be 16'-19' off the ground.

Belmore stated there has been a lot of discussion about glare and suggested a condition that if it became a traffic hazard that the applicant shall have to come back to the planning board or address it reasonably. He asked for clarification of the height of the array.

Shannon explained the height of the arrays. He stated the pedestal that the array is on is 10.2' high which is the lowest point that the array will be. He stated when the array is at an angle the entire height would be around 32'. He stated the array at its highest point will not be more than 35'.

Horton stated he supports this project. He noted that he passes a solar array like this in his travels and has not experienced any glare. He stated thinks this project will be a great initiative to be more carbon neutral.

Rhodes stated that one of the Conservation's conditions was for the percentage of the impact to the wetlands is shown on the plans. He asked if the applicant knew that number at this time.

Shannon stated that at the time of plan submittal did not have the number but have received it by the engineer. He stated it will be shown on the final plans and it is miniscule.

Witham stated the prior site plan approval for this property had 3-4 trees planted in the island between the parking lot and Penny Lane. He stated those trees have died off and would be looking to get those trees (3) replanted and addition of a COA to require vegetation to remain.

Saunders stated this topic was discussed during SRTC. She noted that trees become a problem with solar panels because of shading. She stated that the applicant requested to plant lilac bushes and the SRTC did not have an issue with that. Witham stated he would be fine with that.

Horton stated he would support that amendment as well.

Saunders reviewed the plan revisions and conditions of approval.

1. PLAN REVISIONS:

- a. The percentage of encroachment into the 100' buffer shall be calculated (and shown) on the final plans; and
- b. A minimum of three (3) Lilac bushes shall be planted and maintained in the parking lot island next to Penny Lane.

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL

- a. Construction Cost estimate for this project shall be submitted to the Department of Development Services
- b. Please submit five folded 24" x 36" paper copies of the final full set of plans to the Office of Development Services for final endorsement.
- c. FEDERAL AND STATE PERMITS - All Federal and State permits shall be in place before plan signing and recording, including NHDES Alteration of Terrain, NHDES Wetlands permit

3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

- a. A preconstruction meeting is required prior to the start of work. Please contact the Department of Development Services to schedule this at least 1 week prior to breaking ground;
- b. An escrow account, in an amount set by the City's contract Engineer and agreeable to the Department of Development Services, will be established for site construction inspections prior to any site work;
- c. A performance surety, in an amount agreeable to the Department of Development Services, but no less than 25% of the cost of site construction determined by the engineer's estimate of construction value, will be established for on-site erosion control and site restoration prior to any site work. If all site work is completed as proposed this account will be refunded;
- d. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breaches shall be repaired within 48 hours of the storm event.
- e. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the CUP and DES wetlands permit). Wetland buffers shall be marked with orange snow fence prior to any onsite activity, and such markers shall be maintained throughout construction.
- f. The encroachment shall be limited to the 50' - 100' No Disturb Wetland Buffer;
- g. ~~Stone shall be placed under the arrays to control erosion from runoff of the array panels;~~ Stone shall be placed under the arrays in an area equal to the diameter of the array when it lays flat and turns a full circle PLUS 2 feet to control erosion from runoff of the array panels;
- h. Any damage done to the site's vegetation as a consequence of construction be remediated prior to completion of work;
- i. Any replanting required on site shall be done with native seed mixes.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. There shall be no wetlands degradation during construction;
- b. A copy of the completed Stormwater Inspection & Maintenance Log for the drainage on the site shall be provided to the Public Works Department annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans;
- c. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as this site plan remains valid;
- d. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
- e. ~~If glare becomes an issue to traffic in the public right of way, the applicant shall remedy the situation to the approval of the Planning Board.~~

5. AS-BUILT PLANS.

- i. Within thirty days of the completion of the project an electronic As-Built Plan of the proposed development with details acceptable to the Development Services Department shall be provided on paper and on CD prior to the issuance of a Certificate of Occupancy (CO). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

DURATION OF APPROVAL: All conditional approvals shall be valid for a period of 120 days in which time all precedent conditions must be met or the approval shall be null and void. The applicant may request an extension no later than 14 days prior to expiration.

EXTENSIONS: All requests for extension must be submitted in writing to the Department of Development Services no later 14 days prior to expiration with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

Board Discussion: Barry stated one of the arrays is within the wetland buffer. He asked if there should be a limit to how far into the buffer the applicant can impact with the stone. Saunders stated the intent of the condition is that the stone be the diameter of the array. She stated it can be clarified to be only the length of the diameter.

Shannon noted that he believed the Conservation Commission wanted that to be extended outside of the array to control erosion from runoff of the array.

Saunders stated the COA can be corrected to be length of diameter plus 2'.

Horton stated he would like to address the glare condition (4e), he noted that the As-Built's section needed to be changed from 4 to 5.

MOTION: Belmore MOTIONS to approve the Conditional Use Permit for 413 High Street with the five (5) conditions as recommended by the Conservation Commission.

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by a 7-0 vote.

MOTION: Horton stated, I move that the request of Ian Joseph Campbell LLC to install 3 solar power arrays on pedestals be APPROVED WITH THE FOLLOWING CONDITIONS as stated by Planner, including 1b and excluding 4e.

The MOTION is SECONDED by Witham.

Discussion: Witham stated he agrees with Horton that the Site Plan Regulations control the light trespass enough to not require a COA.

The MOTION CARRIES by a 7-0 vote.

Witham stated he thanks the applicant for technology and looks forward to its use.

B) Somedowntown LLC, is seeking site plan approval to add a second floor and convert the existing building into a mixed-use structure with 3 residential apartments on property located at 8 Government Way, in the Business (B) District, Assessor's Map 11 Lot 209, SITE#09-2019- PUBLIC HEARING

Saunders stated this is an existing building and the applicant is looking to add to the building. She stated there is a full change to the landscape and parking plan. Saunders noted that this lot is within the Special Downtown Parking Overlay District and the applicant has a zero (0) parking requirement. Despite this the applicant provided a plan to show the 500' diameter of available public parking, which there is plenty. Saunders stated that the SRTC was split on the proposed architecture of the building. So she recommends the Planning Board discuss.

Saunders stated she recommends that the application be accepted as complete and that the board begin the review process.

MOTION: Witham MOTIONS to accept the application as complete.

The MOTION is SECONDED by Barry.

Board Discussion: Belmore questioned if there was any third-party review. Saunders stated they did not, because any impervious surface on the site due to parking, which is what would normally be reviewed, is being removed and converted to green space.

Belmore asked what else third-party reviews. Saunders stated they can review traffic, architecture and other aspects. Belmore asked whose decision it is to have third party review. Saunders stated it would be the Planning Board's decision, she stated her recommendation is only a recommendation. Belmore stated that he feels there should be more discussion at a later date, he stated he feels the process is disjointed. Saunders stated she believes the application is complete in her recommendation but if during the review the board finds that a third-party review is needed applications could be tabled for the review.

Witham stated he agrees in this case, everything that is being done is an improvement to the site. He stated he believes the traffic will be minimal and is not sure what they would find out with third party review. He stated he would look for what they would learn.

Belmore stated he is not suggesting a third-party review for this application and would be voting in favor to accept as complete.

Horton stated he feels the application is complete and does not think third party review is part of the parameters for acceptance of the application as complete.

The MOTION CARRIES by a 7-0 vote.

LeHoullier opened the public hearing at 7:18 pm.

Applicant Statement: **Ryan Greenhalgh from Groen Construction and David Baker of Somedowntown LLC** were in attendance.

Greenhalgh provided a visual aid to speak to the New England style design of the building. He stated for the architecture they tried to reflect all of the different elements of the surrounding properties and tie in New England characteristics. He showed similar architecture in the surrounding properties

and High Street. He stated the goal was to minimize the mass of the building since there is a small footprint.

Greenhalgh stated they tried various designs for the greenspace and parking. He stated they could not meet the parking requirements and have the greenspace be usable. He stated they then went to the full greenspace and they will be closing off the driveways and replacing the existing sidewalk to include a tip down to the crosswalk. He stated by closing off the driveway there will be the option for 3 additional on-street parking spaces.

LeHoullier asked for public comment:

Don Berrios, 117 High Street, stated he thinks the proposal looks good and hopes the board approves it. He stated it would be an improvement to downtown if everyone at the Plaza did a similar design.

David Baker of Sometown LLC, stated the front area of the lot will be public green space at a cost to himself. He explained that the living space above will subsidize the business area. He stated that the apartments allow him to charge under market rents for the businesses.

LeHoullier closed the public hearing.

Board Discussion: Horton stated he loves the architecture and the green space. He stated he feels it meets the vision for the Plaza development.

Rhodes stated he likes the project even more after hearing the presentation. He stated he likes their mixed use, greenspace, business design and feels the architecture does tie in with surrounding buildings. He stated he is in favor of the application.

Witham stated he echoes all the comments stated. He asked what material is the grey portion. Greenhalgh stated it is Hardie Board and Batten, this material will also be used to screen the HVAC. Witham asked if the board would need to grant a waiver from Traditional New England Architecture. Saunders stated they could but Traditional New England style architecture is not defined. She stated if it is different than the board has interpreted in the past, she would support the board granting a waiver. Witham stated he would support a waiver and felt the board could take time to workshop a definition to the traditional New England style architecture at a later date.

Belmore stated he agrees that traditional New England style architecture should be defined because he would not consider this plan to have traditional NE style architecture. He stated he thinks the project is great for the community and downtown.

Belmore clarified if parking spots were being created on City streets. Greenhalgh stated yes they are proposing 2 on John Parsons and 1 on Government Way. He stated there is currently two driveway accesses to the property that the plan is to close off.

Saunders stated that the applicant is aware that those parking spaces on the City Street will require City Council approval.

Belmore asked where the improvement of the sidewalk was going. Greenhalgh explained the sidewalk will follow a 90 degree turn around the building. He stated they will replace the corner sidewalk.

Belmore questioned if City Council would need to approve the sidewalk work as well. Saunders stated she would defer to the City Manager but in her experience when a project comes in under subdivision or site plan and the requirement for sidewalks is there it is implicit that the applicant would build the sidewalks within the right of way to City specifications but not need to go to City Council. She stated the public parking spaces would be different but would defer to what the City has done in the past.

Greenhalgh stated they have ensured to carry forward the City specifications for the sidewalks and have had discussion with the Public Works Director to work with him as this unfolds.

LeHoullier asked how many rental units. Greenhalgh stated there will be three.

LeHoullier asked what happens with snow removal and when there is a snow removal parking ban. Saunders stated the applicant will have to work that out with their tenants to have a plan for those instances.

The Board briefly discussed the Special Parking Overlay Ordinance.

Witham stated he has a comment, does not want it to become a condition of approval, he noted there should be a lamp post installed near their stairs.

Barry stated he agrees with the statements by other board members. He stated when looking at the grading plan, in the grass area it looks like there are grass bowls, asked for explanation of how the water will drain. Greenhalgh stated the grass area is an upper area as a collection area for runoff from sidewalks. There will be permeable pavement that the runoff will then transfer to.

Saunders reviewed the plan revisions and proposed recommended conditions of approvals.

1. PLAN REVISIONS:

- a. Please provide construction details of the porous concrete
- b. Please update the benches manufacture to: Victor Stanley-Classic Series Bench Model CR-10 Components, 4' or 6' length, Vertical Scrolled Steel Slats, Black; More details at VICTORSTANLEY.com
- c. Correct the statement on Sheet 4 of 6 of the proposed plans that state the" stop sign on John Parsons at Government Way is to be removed "to state "Stop sign remains."
- d. Please add snow storage to the plan.
- e. Please add roof HVAC screening to the architectural plans per 22A.11.7.b.viii
- f. Please replace the Honey Locust on the Landscaping plan. This type of tree is considered invasive in the State of NH
- g. New utilities must be underground per 22A.11.3.b
- h. Please add a note to the plan that trash totes for both residential and commercial floors must be kept in an enclosed closet space. Trash containers shall not be kept in the corridors or stairwells.

~~i. Reserved for pocket park lighting fixture requirement~~

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL

- a. Construction Cost estimate for this project shall be submitted to the Department of Development Services
- b. The final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect. Please submit five folded 24" x 36" paper copies of the full set of plans to the Office of Development Services for final endorsement.

3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

- a. A preconstruction meeting is required prior to the start of work. Please contact the Department of Development Services to schedule this at least 1 week prior to breaking ground;
- b. Work with DPW officials on following City construction standards on the proposed rebuilding of the existing sidewalks and curbing fronting the property on Government Way and on John Parsons Way. Will require Council approval.
- c. Because of the multifamily use of the building, a sprinkler system is required throughout the entire building per 2015 NFPA 101 Chapter 30.3.5.1.
- d. Water and Fire hook ups to the Municipal Water System must be coordinated through the Public Works and Utilities Department.
- e. An escrow account, in an amount set by the City's contract Engineer and agreeable to the Department of Community Development, will be established for site construction inspections prior to any site work;
- f. A performance surety, in an amount agreeable to the Department of Development Services, but no less than 25% of the cost of site construction determined by the engineer's estimate of construction value, will be established for on-site erosion control and site restoration prior to any site work. If all site work is completed as proposed this account will be refunded;
- g. The applicant will be required to pay standard water and sewer connection fees assessed on new properties connecting to the water and sewer system prior to the building permit. Water fees will be based on the size of water meter needed and the sewer connection fees will be based on estimate of water used and equivalent number of bedrooms; and,
- h. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.
- i. LANDSCAPING SURVIVAL SECURITY: Ten percent (10%) of the total cost of landscaping or a minimum of five hundred (\$500) dollars, whichever is greater, shall be held for a period of 2 growing seasons to guarantee the survival of the landscaping installation.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. There shall be no wetlands degradation during construction;
- b. A copy of the completed Stormwater Inspection & Maintenance Log shall be provided to the Public Works Department annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans;
- c. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as this site plan remains valid;
- d. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,

AS-BUILT PLANS. Within thirty days of the completion of the project and prior to the issuance of an occupancy permit, an electronic As-Built Plan of the proposed development with details acceptable to the Department of Development Services shall be provided in either .pdf and paper copy. Once approved by the Department of Development Services the applicant shall submit final Asbuilts in both paper copy and on CD. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;

DURATION OF APPROVAL: All conditional approvals shall be valid for a period of 120 days in which time all precedent conditions must be met or the approval shall be null and void. The applicant may request an extension no later than 14 days prior to expiration.

EXTENSIONS: All requests for extension must be submitted in writing to the Department of Development Services no later 14 days prior to expiration with the appropriate fees. Failure to comply with

the deadline dates without submission of a written request for extension will result in the approval being null and void.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

Witham questioned if the landscape security was a new condition. Saunders explained it was not and is used for heavily landscaped plans the City asks for the surety.

MOTION: Rhodes stated, I MOVE that the request of Somedowntown LLC to add a second floor and convert the existing building into a mixed-use structure with 3 residential apartments be APPROVED WITH THE FOLLOWING CONDITIONS as stated by the Planner Director.

The MOTION is SECONDED by Guptill.

Discussion: Saunders questioned if the board wanted to include a waiver from traditional New England Architecture (Section 22A.11.7.b.i).

Witham asked if it would be amendable to include it into the waiver.

Rhodes stated he would AMEND his MOTION to include the waiver from Section 22A.11.7.b.i the requirement to have traditional New England style architecture.

The AMENDED MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 7-0 vote.

5) **WORKSHOP BUSINESS**

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

6) **COMMUNICATIONS AND MISCELLANEOUS**

Horton stated this board should be in line with the Master Plan and its vision for either New England style architecture or similar to surrounding properties.

Witham stated he felt there were items discussed tonight that should be added to the board's agenda at the discretion of the Staff. Those topics being traditional New England style architecture and third-party review.

Belmore stated he felt the board take on the third-party review process as soon as possible.

Rhodes stated solar panels should be added to the list.

Saunders noted that architecture may be addressed in the Form Based Codes. She stated to ensure the board receives the most complete packet and remain business friendly would be happy to hold a workshop on third party review.

Horton stated he thinks they should hold a workshop for third party review prior to the next meeting.

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Belmore stated he would like the third-party review process cleared up. He stated SRTC is advisory and does not approve items.

Saunders noted that the SRTC has the power to vote on Minor Site Plans. She stated that Wednesday the 25th chambers is available.

The board members were in agreeance to hold a workshop in Wednesday, September 25 at 6:30pm.

MOTION: Horton MOTION to ADJOURN.

Belmore SECONDS the motion.

The motion carries by a 7-0 vote at 7:44pm.

Respectfully Submitted,

Dana Crossley, Planning Secretary