

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
October 16, 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, Paul Robidas, Keith Perkins, Alternate

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 and Perkins as full voting members for the meeting.

1) **Approval of the minutes of the meeting of September 18, 2019.**

Motion: Witham MOVED to approve the minutes of the September 18, 2019 meeting.

Seconded by Horton.

The MOTION CARRIED with a 7-0-2 vote (Guptill & Robidas abstained).

Approval of the minutes of the workshop meeting of September 25, 2019.

Motion: Robidas MOVED to accept the minutes of September 25, 2019 as presented.

Seconded by Rhodes.

The MOTION CARRIED by a 9-0 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: No Report.

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

The MOTION is SECONDED by Witham.

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The MOTION CARRIES by a 9-0 vote.

Saunders stated at the last Planning Board Meeting the Applicant requested under RSA 676: 4-b.I that the Board consider returning to CLD to obtain a Third Party review. CLD reviewed the original proposal in 2013. The City obtained a quote, as the board can see CLD is now Fuss & O'Neil. Saunders stated the quotes came in as follows:

The City's Contracted Third-Party Review Engineer Horsley Witten: \$6050
CLD which is now Fuss and O'Neill: \$1950

Board Discussion: Witham stated he is fine with CLD, now Fuss & O'Neil completing the review. He stated it does not matter who does the review as long as the review is done.

Horton stated he agrees with Witham and thinks CLD would meet the intent of the boards discussion.

Rhodes stated only concern if there is an exclusivity with Horsley Witten that would prevent the board from working with CLD.

Saunders stated they did not.

MOTION: Witham stated, I move to **TABLE** the request of SNT'G, LLC to the November 20, 2019 Planning Board meeting to allow **Fuss & O'Neil** to complete the Third Party Review of the following items:

- 1) Traffic
- 2) Drainage
- 3) Non-Potable Water Well

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by an 8-0-1 vote (Belmore abstained).

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

No other old business.

4) **NEW BUSINESS**

A) **City of Somersworth, is seeking conceptual site plan and conditional use permit review for upgrades to the Waste Water Treatment Facility located at 99 Buffumsville Road, in the Agricultural and Industrial (A&I) District, Map 01 Lot 01, SITE#13-2019 and CUP#06-2019.**

Saunders stated she had no comment and would turn over the presentation to Public Works Director Mike Bobinsky.

Bobinsky stated in attendance with him is Tim Vadney of Wright-Pierce Engineering, which is the engineering firm the City has contracted for the Waste Water Plant upgrade design work. He stated the objective is to give an overview of the plan improvements. He stated they have gone through reviews with the SRTC and Conservation Commission.

Vadney explained the background of the property and the upgrades. He explained the upgrade that is ongoing is a high priority upgrade of the operations building to address needed code compliant improvements. Vadney stated they will be adding a third secondary clarifier. He explained that because of the loadings to the plant the two existing clarifiers are required to always be online. He stated that by adding the third clarifier this will allow for maintenance and repair of the older clarifiers.

Board Discussion:

Horton complimented the work that has been done. He asked how much efficiency will be gained from these upgrades. Vadney explained a lot of the equipment is replacement and they are looking for more efficient equipment. He stated that a lot of the equipment is from when the plant was first constructed. He stated they are also looking to save energy with these equipment upgrades.

Witham stated the third clarifier is the exterior disturbance and other than that, the upgrade will not be very noticeable. He asked how deep the clarifier will be and if there is a concern of ledge impacts during construction.

Vadney stated it is deep, about 25'. He stated they have done geotechnical investigations and test borings to confirm depth to ledge. He explained that there will be a fairly rigorous groundwater dewatering effort that will likely involve sheeting of the riverside to minimize disturbance and point well and dewatering system.

Belmore noted that the City wastewater staff received an efficiency award for being one of the most efficient operations in the State of NH in 2019. He stated this is an over 13 million dollar project and expect to be going out to bid in the next month.

Witham asked how flood prone the property is. Vadney stated flooding is planned for and the clarifier height mirrors the existing clarifiers.

Horton stated he noticed the new clarifier location is an existing catch basin and outlet. He stated he saw they are going to plug that off and re-route. He asked for more clarification.

Vadney stated the drawings in the board's packet were preliminary and that design has been advanced since those plans. He stated yes it will need to be redirected.

Barry asked if the pavement will be expanded.

Vadney stated that depending on budget paving may not be done. He stated he does not believe that there is any pavement expansion.

LeHoullier asked if there is any action by the board required. Saunders stated this requires no action by the board.

Rhodes asked for more information on the note that states the underground storage tank that is being removed.

Vadney stated it was for diesel fuel storage and has been removed.

Witham stated this large upgrade will improve the City's capability to treat more flow and removal of solids. He stated this will be beneficial in a planning perspective for the large projects that come before the Planning Board.

B) Somersworth Falls LLC, is seeking site plan and conditional use permit approval with waivers to expand the existing parking lot on a property located at 267 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 46 Lot 4F, SITE#14-2019 and CUP#07-2019 PUBLIC HEARING

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Saunders stated the proposal is to expand the existing parking lot to provide needed parking for existing medical office building. The proposal includes installation of a Bio-retention basin to treat/detain and infiltrate stormwater. The site has 51 existing parking spaces and the proposal is to increase to 64 spaces. The proposal includes some 'double parked' spots which will be for employees only.

The project includes a Conditional Use Permit for wetlands buffer encroachments. The Conservation Commission recommended approval of the project with one condition:

1. Change the silt fence to mulch filled silt soxx

There are several waivers being requested:

1. 22.A.11.4.B.IV-requirement to have granite curbing- the existing project utilizes open drainage with no curbing.
2. 22.A.11.4.B.VII – pavement setback – the proposed parking is 50+ feet from road pavement.

Saunders stated she recommended the Board accept the application as complete and begin the review process.

MOTION: Witham stated I, MOVE to ACCEPT the application as complete for review.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES by a vote of 9-0.

Applicant Statement: Barry Gier of Jones and Beach Engineering attended the meeting to represent the applicant.

Gier explained the existing conditions of the lot. He stated there is one building with currently 51 parking spaces in the front and on the side. He stated the site utilizes open drainage with swales to direct the stormwater to a detention basin in the north central portion of the project. Gier stated the current tenant is Eyesight Ophthalmic who has been in business at that facility for over five years. He stated in that time they have found they lack sufficient parking to meet the needs of their customers, specifically the older customers.

Gier stated they are proposing to add 7 additional parking spaces in the front of the building and 9 on the side of the building. He stated of the 9 parking spaces on the side, 8 are proposed to be employee only double stacked parking.

Gier stated the addition to the front parking will cut into the existing drainage swale. He stated the drainage revision will include the installation of the bioretention basin in front of the parking lot. He stated there will be regrading of the existing retention basin to provide additional capacity. He stated there will also be installation of rain garden soil mix to the low point of the basin.

Gier stated the other improvements to the site include installation of additional trees to screen the parking lot. He stated they are requesting approval of two waivers. He stated they are requesting a waiver from 22.A.11.4.B.IV the project does not currently have granite curbing except for a small area in the front of the building. He stated they would like to maintain the existing drainage scheme. He stated they are seeking a waiver from 22.A.11.4.B.VII limiting parking to one half of the setback or 15' whichever is greater. Gier stated their setback is 50' which would limit the parking to 25' from the right of way. He stated they are requesting to have parking allowed 16.5' from the right of way. He stated the justification is that Route 108 has a large right of way in this area. He stated if granted parking would still be 50'+ from existing pavement.

Gier stated they are seeking Conditional Use Permit approval as well for work in the Riparian and Wetland buffers. HE stated the total impact in the Riparian and Wetland buffer is 7675 sq. ft. which is 23.4% of the total buffer. Gier stated in the woodland buffer the impact is 7125 sq. ft. and in the vegetative buffer the impact is 550 sq. ft. HE stated there is no impervious surface within the vegetative buffer and the closest disturbance to wetland is 38'. He stated the design intent of the stormwater was to offset the loss of the buffer.

Gier stated the comments from SRTC and Conservation have been addressed.

LeHoullier opened the public hearing at 6:54PM.

No public comment.

LeHoullier closed the public hearing at 6:55PM.

Board Discussion:

Witham stated he is fine with the waivers being requested. He stated he visited the site while they were open and did see that their parking spots were almost all full. He stated he supports the granite waiver request in this case because there is very minimal granite on site. He asked if the State's upgrade to Route 108 would impact this property.

Gier stated his understanding of the expansion, is that it does not include this area.

Saunders stated because the applicant is close to being across from the Velcro green space the traffic flow is smooth in this area and DOT data shows there is minimal accidents. The road width is not proposed to expand in this area.

Witham clarified that the sidewalks are not proposed to go this far. Saunders stated it is still to be determined.

Rhodes stated the Conservation Commission had no problems with the design of the proposal run off is controlled well. He stated there is a need for the parking expansion at this site.

Horton asked for more information on the double stacked parking.

Gier stated the double stacked parking is for employees only. He explained there will be some instances that employees will have to move the car for another to leave, but in his experience has not found a big issue. He stated it is for the benefit of the patients.

Horton asked if there is a possibility that people may drive across the grass. Gier stated they have proposed to plant additional trees to prevent that.

Belmore stated the front sheet of the plans needs to be corrected from Town of Somersworth Planning Board to City of Somersworth.

LeHoullier asked if there is anything from this proposal that conflicts with the previous approval.

Saunders stated not that she is aware of. She stated the drainage was reviewed to ensure the capacity was retained. It is even being upgraded.

Saunders stated that the double stacked parking was reviewed during SRTC and the Fire Department had no concern of it.

LeHoullier asked if there was any detriment to the residential abutters. Saunders stated there is a buffer yard associated with the rear of the property that will not be impacted.

Witham stated that this property is exceptionally well maintained, all aspects.

Conditional Use Permit Motion: Belmore stated, I move that the request of Somersworth Falls LLC for Conditional Use Permit to expand the existing parking lot within the 50' and 100' Wetland buffer be APPROVED WITH THE FOLLOWING CONDITIONS

1. Change the silt fence to mulch filled silt soxx

The MOTION was SECONDED by Rhodes.

The MOTION CARRIED by a 9-0 vote.

Saunders reviewed the conditions of approval:

1. PLAN REVISIONS:

- a. The cover sheet shall be corrected to say 'City of Somersworth'*

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.
- c. All Federal and State permits shall be in place before plan signing and recording, including NHDES Alteration of Terrain, and NHDES Shoreland Permit, NHDES Wetlands permit and NHDOT driveway 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. Ten percent (10%) of the total cost of landscaping or a minimum of five hundred (\$500) dollars, whichever is greater, shall be held from the Performance Surety for a period of 2 growing seasons to guarantee the survival of the landscaping installation.
- e. 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.
- f. 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.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. There shall be no wetlands degradation during construction;

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- b. A copy of the completed Stormwater Inspection & Maintenance Log shall be provided to the Development Services 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,
- e. The new drainage infrastructure must be constructed prior to construction of the associated parking. If the infrastructure is used as a temporary settling area during construction, the infrastructure shall be cleaned out and brought down to proposed bottom elevation prior to return of performance surety.

5. 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;

- 6. **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.
- 7. **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.
- 8. **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.

Belmore added the one change to the plan that Town should be changed to City of Somersworth.

Waiver Motions:

Granite Curbing Waiver Motion: Witham stated, I move that the request of Somersworth Falls LLC for a waiver from Chapter 22A Section 11.4.B.IV of the Site Plan Review Regulations regarding granite curbing be APPROVED.

The MOTION was SECONDED by Robidas.

The MOTION CARRIES by a 9-0 vote.

Pavement Setback Waiver Motion: Belmore stated, I move that the request of Somersworth Falls LLC for a waiver from Chapter 22A Section 11.4.B.VII of the Site Plan Review Regulations regarding pavement setback be APPROVED.

The MOTION was SECONDED by Robidas.

The MOTION CARRIES by a 9-0 vote.

Motion: Robidas stated I move that the request of Somersworth Falls LLC for site plan approval to expand the existing parking lot be APPROVED WITH THE CONDITIONS stated by the Director and plan revisions.

The MOTION was SECONDED by Belmore.

The MOTION CARRIES by a 9-0 vote.

**C) Twelve Month LLC, is seeking subdivision plan amendment to eliminate a small section of the approved sidewalk on a property located at Villages at Sunningdale, in the Residential Single Family (R1) District, Assessor's Map 20 Lot 05, SUB#05-2013
PUBLIC HEARING**

Saunders stated the subdivision was previously approved in 2014. At that time sidewalks were proposed from Stackpole Road up Sunningdale Drive around the sharp 90-degree corner toward Green Street but then only to Cattail Circle Road entrance. They did not connect to Green Street. Green Street has no sidewalks.

While constructing the sidewalk the applicant noticed that the slope along lots 65, 66 and 67 was very steep and proposed to move the sidewalk to the other side to the street. This would involve a crosswalk. As an alternate it was proposed to remove the sidewalk altogether from that 90-degree corner to Green St. The applicant agreed and is requesting to remove a portion of sidewalk that goes from the 90-degreed turn across lots 66, 67 and 68.

Saunders stated she recommends that the Board accept the application as complete and begin the review process.

MOTION: Witham stated I MOVE to ACCEPT the application as complete and begin the review process.

The MOTION was SECONDED by Guptill

The MOTION CARRIES by a 9-0 vote.

Applicant statement: John Krebs of Twelve Month LLC attended the meeting to represent the application.

Krebs stated he brought a larger plan to show the entire overview of the subdivision and the area that which they are requesting to remove sidewalks from. He stated lot 65 and 66 are fairly steep in the front yards which would impact building the sidewalk.

Krebs stated he met with the City to discuss moving the sidewalk to the other side of the road. He stated during that discussion it was suggested they request the removal of the sidewalk. He stated he is here tonight with that request.

LeHoullier opened the public hearing at 7:10PM.

No public comment.

LeHoullier closed the public hearing at 7:11PM.

Board Discussion:

Witham stated he recalls from the original approval a long discussion of sidewalk and initially sidewalks were required on all of the streets in the development. He stated it was then determined that sidewalks would be eliminated in the cul-de-sacs but to keep sidewalks on the remaining roads.

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He stated this was done because they expect higher traffic on the main road of the subdivision rather than in the cul-de-sacs. He stated there are no sidewalk connectivity to Green St and no intention to have sidewalks on Green St. He stated that is why the sidewalk ends at the last cul-de-sacs in the development.

Witham stated he does not care which side the sidewalk goes on but would support the sidewalk remaining in place and not eliminating it.

Horton asked for more information on the challenges of installing the sidewalk on the other side of the road.

Krebs stated none; it would impact the home owners of the lots there. He stated in terms of construction none.

Robidas clarified the sidewalk layouts of the subdivision. There was a brief board discussion of the layout of the sidewalks in Sunningdale.

Horton stated he is in line with Witham and would recommend the sidewalk to remain.

Motion: Witham I move that the request of Twelve Month LLC, for subdivision plan amendment to eliminate a small portion of the approved sidewalk be DENIED but allow it on either side of the roadway.

The MOTION is SECONDED by Horton.

Discussion: Saunders clarified if the applicant would need to come back before the board if the request is to move the sidewalk across the street.

Witham stated he is comfortable with the applicant working with DPW & Dev. Service based on the discussion from tonight.

The MOTION CARRIES by a 8-0-1 vote. (Belmore abstained.)

D) Piccadilly Properties LLC, is seeking site plan amendment to convert office space to residential units on a property located at 97 High Street & 10 Highland Ave. in the Residential/Business with Historic Overlay (R/BH) District, Assessor's Map 11 Lots 37 & 39, SITE#02-2019 PUBLIC HEARING

Saunders stated the proposal is to convert first floor office space into 2 residential unit, and basement office space in to one unit. There are existing 5 units on the 2nd and 3rd floors. The property owner received ZBA approval for the maximum density of 8 units in the building.

This project originally went before the Planning Board in April 2019 and was approved for 5 residential units.

Saunders stated she recommends that the Board accept the application as complete and begin the review process.

MOTION: Robidas stated I MOVE to ACCEPT the application as complete and begin the review process.

The MOTION was SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 vote.

Applicant statement: Paul Delisle of Piccadilly Properties LLC was in attendance to represent the application.

Delisle stated he did not have a lot more to add. He stated they have advertised the commercial spaces for rent and have had no interest. He stated it is not conducive to commercial because those tenants would have to walk through residential space to get to the commercial space. Delisle stated the best and highest use is to have the entire building be residential units.

Saunders added that there is no on street parking in front of the building and no option to come in the front door.

LeHoullier opened the public hearing 7:18PM.

No public comment.

LeHoullier closed the public hearing 7:19PM.

Board Discussion:

Guptill asked if the property had sufficient parking for 8 units.

Saunders stated it did.

Witham stated this property is within the parking overlay that does not require onsite parking.

Horton stated he watched the Zoning Board meeting that addressed this topic. He stated it was not addressed then that there are stairs in the front of the building that do not lend itself to a commercial property.

LeHoullier clarified if the units are market rate apartments.

Robidas noted that the property has a high historic value to the City and wants to ensure the outside remains.

Delisle stated they will not be changing the outside, he stated they have painted and will upgrade the landscaping. He stated the units that have gone in they have made very little changes to the building. He stated they are keeping as many original walls as possible.

Horton asked for more information on the community room. Delisle stated the community room is in the basement. He stated it will be half of the basement and will have laundry, TV and a sofa. He stated the community room has seen use with the tenants that are currently there.

Witham stated this property is within the HDC and exterior modifications would require approval by the board.

MOTION: Witham stated, I move that the request of Piccadilly Properties LLC for site plan approval to convert first floor office space into 2 residential units and basement office space into 1 unit to have a total of 8 residential units on the property located at 97 High Street and 10 Highland Ave be APPROVED.

The MOTION was SECONDED By Robidas.

Discussion: Saunders requested that the approval contain the following conditions.

1. PLAN REVISIONS:
 - a. None
2. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
3. The applicant will be required to pay standard water and sewer connection fees assessed on new properties connecting to the water and sewer system. 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,

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
 - a. Water & Sewer Connection Permit must be resubmitted to include these 3 new units, if approved.
 - b. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,
 - c. All previously approved conditions from April 2019 approval shall stay in effect.
5. 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.
6. 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.
7. 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.

Witham stated he would amend his motion to include the conditions of approval.

Robidas stated he would amend his second as well.

The MOTION CARRIES by a 9-0 vote.

Witham recused himself from the next item (Trio Investment) on the agenda.

E) Trio Investments, LLC, is seeking site plan amendment on event operations on a property located at 49 Market Street, in the Business with Historic Overlay (BH) District, Assessor's Map 11 Lot 78, SITE#09-2016 PUBLIC HEARING

Saunders stated the application was previously approved by the Planning Board in 2017.

The property owner has hosted some local events but wishes to expand the venue's repertoire. They are currently in discussion with a production company that brings the N.E Region's top talent to small downtown venues. The production company, in order to use the Somersworth venue has some requirements.

The applicant is requesting the following amendments:

- To allow no more than 315 guests
- To amend the noise restriction in the NOD to allow the live music/DJ to end no later than 10PM and events at 11PM.

The applicant has supplied a life safety plan that supports the 315 guest occupancy and has met with the Fire Department to review their requirements.

Saunders stated she recommends that the Board accept the application as complete and begin the review process.

MOTION: Horton stated I MOVE to accept the application as complete and begin the review process.

The MOTION was SECONDED by Guptill.

The MOTION CARRIES by an 8-0 vote.

Applicant Statement: Sara Nadeau of Trio Investments LLC, attended the meeting to represent the application.

Nadeau explained that in 2017 the Hall of Great Falls was approved as more of a function hall. She stated the original approval for seating was based on round tables which is the most appropriate seating for the wedding and party events. She stated at this time they are looking to work with a production company and are seeking to expand their seating capacity. Nadeau stated that she has been working with the City's Economic Development Manager on utilizing the Hall of Great Falls as a center for the arts in Somersworth.

Nadeau stated she worked with her Engineer on calculations for seating capacity. She stated this will be for the second floor only. The Engineers calculations showed that they could fit 315 guests with auditorium seating.

Nadeau explained that they are not asking for a change in where the guests will park. She stated they would still use the same parking plan that was approved in the original approval. She stated that they have not had any issues with the parking or complaints from guests. She stated she has not received any complaints from surrounding businesses about the parking either.

Nadeau stated that the 2017 approval requires events to end at 9:30 PM and for the building to be closed down at 11 PM. She stated they do not anticipate having loud performances, but for the production company they are seeking to work with the events will go from 8PM to 10PM. She stated they would still be closing the building at 11PM. She stated they are seeking approval for the live performances and DJ's to be able to play until 10PM.

Nadeau explained that for the production company to partner with them they would need to receive approval for the higher seating capacity.

LeHoullier opened the public hearing at 7:31PM.

Saunders stated a letter was submitted by Sara Nadeau via Email from Emmett Soldati of Teatotaler, the letter was read into the record (attached).

No other public comment.

LeHoullier closed the public hearing 7:34PM.

Board Discussion:

Rhodes stated he thinks that this type of expansion to an arts venue would be beneficial and is in support of the application.

Robidas asked if the Fire Department reviewed this application or a Fire Safety Engineer.

Saunders stated the applicant had an Engineer look at this and submit to the Fire Department. She stated the Fire Department did a site review. Saunders read from the conditions the Fire Chief has requested be part of the approval if approved.

- a. Please conduct and submit to the Fire Department annual sprinkler and fire alarm inspection reports
- b. All fire extinguishers shall be inspected and properly mounted
- c. Please provide the flame roofing certificate for all draperies and curtains surrounding stage

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- d. Please ensure that the kitchen is not used for grease producing cooking until the automatic fire extinguishing system over the hood is working, tested and inspected annually.
- e. The automatic fire extinguishing system above the hood is not in service, yet there are still tanks in the system. It is highly recommended that the system be disabled (tanks and nozzles removed) so that the system does not go off by accident.

Saunders stated it was reviewed at SRTC and the Fire Chief did not have issue outside of those requested conditions.

Robidas stated he thinks the board should consider a crossing light, similar to Indigo Hill. He stated he is concerned about the increased amount of people crossing and there being an accident. He suggested having it go through the Traffic Safety Committee.

Belmore asked if there is a parking space requirement.

Saunders stated there is not because it is within the Parking District overlay.

Belmore stated he is not sure he agrees that there are as many parking spaces available as stated with the new businesses that have gone in.

LeHoullier stated there is not parking requirement now but need to ensure the safety element is addressed.

Horton stated he would echo the comments. He stated the Hall of Great Falls is a great asset to the downtown and an arts venue would be a great support to the downtown.

Saunders stated that under the 2017 approval they asked the Police to look at the crossing. She stated at that time they came back with no issue. Saunders stated they could have the Police look at it again or have the Traffic Safety Committee review the application if the board wanted.

Robidas stated he thinks they should table to refer the application to Traffic Safety for further discussion.

The board held a brief discussion of tabling the application for Traffic Safety Committee Review.

Belmore ensured that all of the abutters were notified. Saunders stated yes they were.

Barry stated he is in support of this project and what they are looking for to have businesses in the community working together.

Saunders reviewed the conditions of approval:

1. PLAN REVISIONS:
 - a.
2. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
 - a. 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.
 - b. The applicant will be required to pay standard water and sewer connection fees assessed on new properties connecting to the water and sewer system. 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,

3. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. Please conduct and submit to the Fire Department annual sprinkler and fire alarm inspection reports
 - b. All fire extinguishers shall be inspected and properly mounted
 - c. Please provide the flame roofing certificate for all draperies and curtains surrounding stage
 - d. Please ensure that the kitchen is not used for grease producing cooking until the automatic fire extinguishing system over the hood is working, tested and inspected annually.
 - e. The automatic fire extinguishing system above the hood is not in service, yet there are still tanks in the system. It is highly recommended that the system be disabled (tanks and nozzles removed) so that the system does not go off by accident.
 - f. All previously approved conditions from February 2017 approval shall stay in effect.
4. 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.
5. 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.
6. 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

Motion: Robidas stated, I move that the request of Trio Investments LLC for a site plan amendment on event operations on a property located at 49 Market Street be TABLED to November 20, 2019 for Police and Traffic Safety Committee review.

The MOTION was SECONDED by Guphill.

Discussion: Belmore stated he was in favor of tabling to ensure that any improvements are taken care of that are needed to by the applicant.

The MOTION CARRIES by an 8-0 vote.

Witham returned to the board as a full voting member.

Barry recused himself from the board for the following agenda item.

F) River Valley Development Corp., is seeking site plan amendment to modify curbing, trail design and clarify rain garden design on a property located at 206 Green Street, in the Residential Single Family (R1) District, Assessor's Map 08 Lot 78, SITE#01-2018
PUBLIC HEARING

Saunders stated this development was approved by the Planning Board in 2018.

The applicant is requesting three modifications to the plans:

1. To remove granite curbing from the islands - In place the applicant is proposing to use field stones to create walls and use natural bollards to complete his aesthetic plan.

Planning Staff does not necessarily support this proposal. There is very little to differentiate the pavement from the much planting bed on either a dark night or a snowy day. I am afraid that the quality of the planting bed will suffer after a couple years of being driven over and plowed up.

2. To remove plantings from the rain garden (would plant grass only) - The applicant wishes to be in line with the Alteration of Terrain requirement which does not require plantings in rain gardens because they do not survive.

Planning staff supports this request 100%. The UNH Stormwater Center came out with this recommendation just a couple years ago. For Maintenance purposes grass is a better choice yet provides the same nutrient attenuation as more showy plantings. The most critical part of a rain garden/bio swale/pond is the soil media on the bottom.

3. Use stone dust for the sidewalks along the trail to Turgeon Lane.

If the expectation of the Board is that this trail would be used year round then pavement is best. If the trail is only for seasonal use then stone dust is fine.

MOTION: Witham stated I MOVE to ACCEPT the application as complete and begin the review process.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by an 8-0 vote.

Applicant statement: Mike Patenaude of River Valley Development attended the meeting to represent the application.

Patenaude provided a handout of pictures of the site. He stated he is requesting to remove certain things and change the plans that were approved.

Granite Curbing: He stated granite curbing is absent throughout the entire project. Patenaude stated it is open drainage concept. He stated there are more plants and natural rock bollards added into the islands that were shown as peninsulas on the plans. He stated the peninsulas did not allow for safe access an egress to the front of the buildings. He stated he added more plantings, natural rock bollards and added field stone retaining walls with granite steps at each unit. Patenaude stated it is for safety and aesthetics the retaining walls.

Rain Garden: Patenaude explained that it does not make sense to have the expensive plants in the gardens. He stated that in his experience the plants typically die because they drown or do not get enough water. He stated by removing these plants he is putting the plants in other locations on the site.

Remove paved sidewalk to Turgeon and change to stone dust: Patenaude stated that by removing the pavement and installing stone dust for the sidewalks will keep the gravel under that the Planning Board requested. He stated the stone dust has not been installed yet. He stated he is trying to keep the natural existing surrounding. He stated by having paved sidewalks there would be a burden to the home owners. He stated the goal is to keep the condo fees to a minimum. He stated the people he has talked to stated they would not be using the sidewalk to Turgeon in the winter time.

Patenaude stated when considering the modifications to the plan. He stated it is a private neighborhood under a home owners association. He stated these are fees the home owners will incur to ensure a safe and aesthetic neighborhood. He stated the areas in question are within the individual parking areas and will not see much vehicular traffic at all. He stated it is the same as anybody's driveway. The granite islands are roughly 34 linear feet and not in the flow of traffic.

LeHoullier opened the public hearing 7:53PM.

No public comment.

LeHoullier closed the public hearing 7:54PM.

Board Discussion: Rhodes stated the stone dust walk way he did not have concerns. He stated to remove the plantings from the rain garden the data is on the applicant's side. He stated the plantings actually detract from the rain garden and is in support of this. Rhodes stated in regards to the granite curbing he asked for more information.

Patenaude stated that on the original plan it was peninsulas. He stated with the modifications to the plans he found he needed to put something there which was the field stone retaining walls. He stated he missed that there was granite curbing on the plan.

Rhodes stated it is the purple areas on the plan. Patenaude stated yes.

Horton stated he had no issues with the sidewalk feel the stone dust meets the intent. He stated he had no issue on the rain garden. But he stated he is stuck on the granite curbing, feels it keeps the aesthetic and protects the landscape.

Patenaude stated if the board is looking to differentiate between the edge of pavement and plantings area if they would approve bituminous curb. He stated he does not agree but would find more amendable. He stated the HOA has a large landscape budget.

Witham stated at the original approval of this project there was a robust discussion on the sidewalk on Green St. He noted that as a result the board decided to have the sidewalk connectivity to Turgeon Lane. He stated he thinks the access to Turgeon should be maintained through the winter and that was the boards intent. He stated he is fine with the stone dust but save for the 40'-50' that connects to Turgeon Lane. He stated he wants to ensure there is not excess of dirt tracked onto Turgeon.

Witham stated he is fine with no plantings in the rain garden. He stated he is in favor of some sort of curbing to remain as well.

Saunders reviewed the conditions of approval. She stated it sounds like the board wants to approve the trail construction, require the trail be maintained through the winter, approve the rain garden and approve some sort of curbing.

MOTION: Witham stated I MOVE to approve plan amendment for a stone dust walk way in lieu of paved walkway to Turgeon Lane with exception of last 30-50 be paved and maintained through the winter.

The Motion is SECONDED by Robidas.

Discussion: Saunders stated she wanted to ensure the conditions of approval are included to motions to keep the language from the previous approval and work before construction.

The MOTION CARRIES by a 9-0 vote.

MOTION: Horton stated I MOVE the plantings from the rain garden be deleted and replaced with grass be APPROVED.

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Rhodes seconded the motion.

Discussion: Witham asked if they need to be specific on the grass. Saunders stated no.

The MOTION CARRIES by a 9-0 vote.

The board held a brief discussion on the curbing.

MOTION: Rhodes stated I MOVE to permit the removal of granite curbing from the islands and replace in the same locations with cape-cod berm and all of the conditions of approval to remain in place.

The motion is seconded by Guptill

The motion carries by a 9-0 vote.

Barry stepped back to the board as a full voting member.

5) **WORKSHOP BUSINESS**

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

6) **COMMUNICATIONS AND MISCELLANEOUS**

Witham stated he wanted to draw attention of staff to the Cumberland Farms on Route 108. He stated there has been a fair amount of right turn traffic from Blackwater that is causing road degradation. There is also road degradation on the opposite side of the road as well from left hand que turns into their property. He stated he feels traffic flow should be revisited for that.

Robidas stated the delivery and tanker trucks appear to be coming form Route 108 when they said they would not be.

Belmore stated that he had alerted staff of the issue. The Director of Public Works and Development Services reached out to the company. He stated he has not seen the response but has heard that Cumberland Farms feels that it is not their fault.
Witham stated that their landscaping is also sub-par at the location. He feels it is an awful looking establishment.

Belmore stated there was parking spot created on High St. made of brick and wood. He asked if it needs HDC approval to make that modification. Saunders stated she would review the ordinance.

Witham stated they are using wood to make a retaining wall for their consideration too.

MOTION: Robidas MOTION to ADJOURN.

Belmore SECONDS the motion.

The motion carries by a 9-0 vote at 8:12pm.

Respectfully Submitted,

Dana Crossley, Planning Secretary