

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
June 17, 2020**

MEMBERS PRESENT: Ron LeHoullier, Chair, Jason Barry, Jeremy Rhodes, Bob Belmore- City Manager, David Witham, City Council Representative and Mark Richardson, Alternate, Paul Robidas Harold Guptill- Vice Chair & Keith Perkins – Alternate and Chris Horton

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

The Meeting was called to order at 6:33 PM.

LeHoullier appointed Perkins as full voting members for the meeting.

Director Saunders stated due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to watch to this meeting through the Local Government Cable Access Ch. 22 (Comcast), and streamed live through the City's website at www.somersworth.com. Although this is a public meeting, the public is encouraged not to attend and instead to leave comments or concerns at the following phone number # 1-603-841-2936, by emailing planning@somersworth.com or by sending written comment to Planning Board, 1 Government Way, Somersworth NH 03878. Comments must be received no later than 4pm the day of the meeting. She stated all votes will be taken by roll call votes.

Roll call attendance was taken: Rhodes, Barry, Witham, Richardson, and Horton were in attendance remotely and were alone. Belmore, Robidas, LeHoullier, Perkins, Director Saunders, and Planning Secretary Crossley were present in Council Chambers of City Hall.

1. **Approval of the minutes of the meeting of May 20, 2020.**
Motion: Robidas MOVED to accept the minutes as presented.

Seconded by Horton.

The MOTION CARRIED by a 7-0-2 roll call vote. (Guptill and Perkins abstained)

2. **COMMITTEE REPORTS**

Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC, Minor Field Reports):

Horton stated the extension of the pavement at the Liquor Store site is a great egress improvement.

City Council Report: Witham reported that the City Council has approved the construction of a dog park at Millennium Park. He stated the construction should start over the summer. He stated a 3.8 million dollar bond has been approved for the Complete Streets project on Cemetery Road. He stated the Council has approved a zoning amendment to the sign ordinance regarding the Somersworth Plaza signage. He stated the Council will be holding a workshop before their July 13th meeting to discuss Form Based Codes. He stated the Fire Station bond has gone through the first reading and a vote will be taken at the July meeting.

Strafford Regional Planning Commission (SRPC) Update: No comments.

3. **OLD BUSINESS**

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

4. **NEW BUSINESS**

- A) **Palmer Gas & Oil, is seeking site plan and conditional use approval for LPG Bulk Storage Tanks with associated infrastructure on a property located on Gator Rock Road, in the Commercial Industrial (C/I) District, Assessor's Map 47 Lots 1-I & 1-J, SITE#02-2020 & CUP#02-2020**

Saunders stated the waivers being requested for this application are drainage structure setback and paved area setback. She stated the Conditional Use Permit was reviewed by the Conservation Commission for impacts to the wetland buffer. She stated the Con. Com recommended approval with the following conditions:

1. The final plan shall be stamped by a Certified Wetland Scientist;
2. The information required by Section 19.13.8.C of the Somersworth Zoning Ordinance shall be added to the application/plan; and
3. A copy of the completed Stormwater Inspection & Maintenance Log shall be provided to the Department of Development annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans.

Saunders stated Horsley Witten reviewed the applicants Stormwater. She stated the comments from that review have been incorporated into the plan set that is before the Board. She stated she recommends that the application is complete for review and should be accepted.

MOTION: Robidas stated, I move to accept the application as complete for review and discussion.

The MOTION is SECONDED by Witham.

The MOTION CARRIES by a 9-0 roll call vote.

Robert Stowell, Tritech Engineering, **Jody Ameden** of Crown Energy Solutions, and **Peter Billip** of Remax were in attendance remotely to represent the application.

Stowell stated the site is located on the southern end of Gator Rock Road. He stated it encompasses two lots that they are requesting be merged. He stated there will be 4 large, 30,000 gal LPG storage tanks on site. He stated the site will have a lot of pavement in order to facilitate the truck movements as required. He stated a utility building will be on site for control of the tanks and as a place for employees to check in. He stated there is a 40' x 50' area on the easterly end of the site for parking of the local delivery trucks. He stated there will be a dumpster and they have located a pad next to the utility building for a porta potty, since there will be no onsite bathrooms.

Stowell reviewed the plan set sheets. He noted the drainage was reviewed during the Third Party review and received a clean bill of health after they satisfied the initial comments. He stated the drainage is a surface drainage concept, with a swale on the lower end and swale on the easterly side that drains into a forebay for pre-treatment then to the bio retention area.

Stowell stated they met with the Conservation Commission for review of the CUP. He stated because they are close to the wetlands, there is the 100' riparian buffer that is associated with the wetlands on site. He stated there is pavement and landscaped area requested to be within the buffer. He stated the application was well received by the Con. Com. and the comments and conditions will be added to the final plans.

Stowell stated they are requesting a waiver for stormwater rip rap. He stated the grades were such to get the water out of the drain they had to get to the elevation at the tip of the site. He stated it drains into the significant parcel next door where there is no development in the area. He stated the second waiver they are request is for the pavement setback at the front property line. He stated they have the appropriate green space at the north and south of the drive. He explained because of the cul-de-sac bulb the pavement encroaches into the required setback.

Stowell stated they are proposing to have a porta potty on site. He stated there is no water and sewer proposed for the site, though it is available. He stated the staff will only be on site for minimal amounts of time. He noted the staff report has suggested tucking the porta potty behind the utility building for additional screening.

He stated the building is a standard metal building and looks like a typical utility shed with a shallow roof. He stated there was some discussion at SRTC about adding additional design elements to the building such as a window. He stated he is looking to have more discussion with the Board about that.

Stowell stated the landscaping provides a visual screen. He stated evergreens will screen the building. He stated in the front of the lot there are street trees and there is also underlying landscaping. He stated the building is bland but the landscaping makes up for it.

Ameden stated they had to perform a fire safety analysis that was started with the previous Fire Chief and completed with the current Fire Chief. She stated the final comment was that the Fire Chief is satisfied. She stated the recommendation moving forward is that the Fire Chief wanted more training for the Department. She stated it can be done for site specific and Palmer Gas has agreed to send staff to the NH Fire Academy to attend the 3 day emergency response training. She stated that typically takes place in September but unsure the status of it during COVID. She stated it can be done in the future though.

Witham asked for more information on the orientation of the tanks in regards to the event of a failure. Ameden stated the site is completely fenced in and is crash protected around the tanks. She stated it is designed that no trucks will be backing up. She stated there is usually a design to have the valves on the same side but this site has emergency shut offs all around the tanks.

Witham clarified he is inquiring about the east/west alignment over a north/south alignment. Ameden stated that was done so that the tanks would fit on the site with all the other developments on site.

Stowell added that this design keeps them farther from the wetland buffer.

LeHoullier opened the public hearing at 7:01 PM.

Saunders stated there were no comments received via mail, email or phone for this application.

LeHoullier closed the public hearing at 7:01 PM.

Horton asked for more information on off gassing with the use of nitrogen. Ameden stated they use nitrogen for their safety program. She stated they have internal valves at the bottom that work on an actuator that has nitrogen charging it. She stated there is plastic tubing along all of the piping, if it breaks or melts it closes all of the valves to prevent a fire. She stated the nitrogen is stored in the shed.

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Horton asked if the voluntary merger required a formal vote. Saunders stated no but it can be a condition of approval since the infrastructure straddles both lots.

Witham stated he thinks this is the perfect location for a project of this scope. He stated he has no heartburn over the project or layout. He inquired if a waiver would need to be granted to allow the utility shed to have metal siding. He stated he felt it was the right fit for the site.

Saunders stated yes a waiver would be required.

Witham noted that there are no street lights on Gator Rock. He inquired if there could be a dual head installed on the light pole to light the cul-de-sac.

Stowell stated the applicant would be fine with that. He stated at SRTC there was a discussion about the site lighting and making it all motion sensor activated. He asked if a waiver would be required to allow that.

Saunders stated the discussion at SRTC centered on drawing unnecessary attention to the site since it sits back from Route 108. She stated a waiver would be required to allow site lighting off site. She stated a waiver would also be required from the requirement for sidewalks, since they are not proposing any.

Witham stated a waiver would be reasonable in this case regarding the lighting. He stated in other cases they would require a street light to be installed but for this there is already a pole on site being proposed.

Witham asked if Gator Rock Road is a City Road.

Saunders stated yes the roadway is an accepted street. She stated there is a private sewer pump station located on site.

Witham stated the pump station is currently private and asked if it would be proposed to be taken over by the City. Stowell stated he does not think that is an option for the applicant. He stated it is a complete gravity system to the pump station. He stated this subdivision was approved recent enough that the City will not end up with the pump station.

Rhodes stated the Conservation Commission did not see any significant risks to this proposal. He stated the applicant is doing well to control stormwater. He stated the landscape plan was well done also.

Richardson asked for clarification on the porta potty. Stowell reviewed the proposed location.

Richardson stated porta potties are ugly and inquired if there is a way to make its appearance more pleasant. Stowell stated the appearance of the site does matter to the applicant. He stated they are interested in purchasing the surrounding lots. He stated he does not think the porta potty will look like one at a construction site and there will be landscape screening as well.

Richardson noted that dumpsters have screening requirements.

Saunders suggested the porta potty could be pushed back so that it was in line with the building and tucked away.

Stowell stated the only concern of that location is the slope down to the drainage ditch but yes.

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Barry inquired where the swale is being drained to. Stowell stated it is within the same wetland. He stated it allows them a chance to treat and pretreat before discharge.

Barry asked what will be below the tanks. Stowell stated there will be a crushed stone base that allows for drainage infiltration. He stated it also keeps vegetation down.

Barry asked if there is possibility of a liquid gas spill. Ameden stated if propane leaks it evaporates when exposed.

MOTION: Witham stated, I move that the request of Palmer Gas & Oil for a waiver from Section 11.17.a.vi.8 of the Site Plan Review Regulations regarding the drainage structure setback be APPROVED.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Witham stated I move that the request of Palmer Gas & Oil for a waiver from Section 11.17.b.vii of the Site Plan Review Regulations regarding the paved area setback be APPROVED.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Witham stated, I move that the request of Palmer Gas & Oil for a waiver from Section 11.8.b of the Site Plan Review Regulations regarding site lighting be APPROVED WITH THE FOLLOWING CONDITIONS:

1. The site lighting shall be motion activated, with the exception of the light illuminating the cul-de-sac which shall be on from dusk till dawn.

The MOTION is SECONDED by Belmore.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Horton stated, I move that the request of Palmer Gas & Oil for a waiver from Section 11.7.b.III of the Site Plan Review Regulations regarding building features and materials to allow metal siding be APPROVED.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Belmore stated, I move that the request of Palmer Gas & Oil for a waiver from Section 11.5.c of the Site Plan Review Regulations regarding sidewalks be APPROVED.

The MOTION is SECONDED by Horton

DISCUSSION: Witham stated many times when a sidewalk waiver is granted the Board requests a contribution towards connecting sidewalks. He stated this project is so far separated from any other sidewalks or proposed sidewalks that it would not make sense. He stated even with the proposed Route 108 upgrades are not coming this far north to make sense.

Rhodes stated another aspect is that this project will not be creating any pedestrian traffic.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Belmore stated, I move that the request of Palmer Gas & Oil for a conditional use permit for site grading and stormwater management within the woodland buffer be APPROVED WITH THE FOLLOWING CONDITIONS:

1. The final plan shall be stamped by a Certified Wetland Scientist;
2. The information required by Section 19.13.8.C of the Somersworth Zoning Ordinance shall be added to the application/plan; and
3. A copy of the completed Stormwater Inspection & Maintenance Log shall be provided to the Department of Development annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES by a 9-0 roll call vote.

Saunders reviewed the proposed conditions of approval.

Motion Belmore stated, I move that the request of Palmer Gas & Oil for a site plan and conditional use approval for LPG Bulk Storage Tanks with associated infrastructure be APPROVED WITH THE FOLLOWING CONDITIONS:

1) PLAN REVISIONS:

- a) Please provide channel protection calculations and update the plans to specify the minimum rip-rap dimensions needed.
- b) Per the Con Com approval the information required by Section 19.13.8.C of the Somersworth Zoning Ordinance shall be added to the application/plan including hydric soil and narrative of the species and distribution of existing vegetation within the buffer. Please include any significant trees
- c) Please add a note to the plan: A stub was previously put in at each of these 2 lots. With the merger please formally abandon one of these stubs and cap it back at the main. Please contact the Water Division for details.
- d) A light head shall be added to the light pole closest to the cul-de-sac to shine on the cul-de-sac. This light shall be on from dusk till dawn and all other site lighting shall be motion activated.
- e) The porta potty shall be moved closer to the building, behind the front face of the structure, to be hidden from sight of the travel way.

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. FEDERAL AND STATE PERMITS - 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.
- d. A lot merger shall be completed and recorded at the Strafford County Registry of Deeds at the cost of the applicant at the time of final plan approval for Map 47 Lots 1-I and 1-J

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. 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,
- 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.
- g. 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.
- h. This property requires a new address. Please submit a request for a hearing before the E-911 Committee to the Police Chief. This hearing must occur prior to the issuance of a CO.

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 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; (with the exception of the lighting granted by the waiver to light the cul-de-sac).
- e. The new drainage infrastructure must be constructed prior to construction of the new building and 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 CO of new building.
- f. Palmer Gas has agreed to provide additional training to Fire Department Staff. Please schedule this with the Fire Chief at a mutually agreed at time as agreed on by the Fire Chief.

5. AS-BUILT PLANS.

- a) 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;

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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 than 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.

The MOTION is SECONDED by Robidas.

Discussion: Witham inquired if the CO requiring Fire Department training, if the COVID-19 would prevent or stall training.

Saunders stated there could be language that could allow for flexibility on that.

Belmore stated he would AMEND the CONDITION of is MOTION in that, 4.f the CO time frame be struck and replace with 'at a mutually agreed at time as agreed on by the Fire Chief'

Robidas stated he seconds the motion still.

The MOTION CARRIES by a 9-0 roll call vote.

B) Diamond Capital LLC, is seeking a 6 lot conventional subdivision approval by special use permit with waivers for a property located at Blackwater Road & Old Rochester Road, in the Residential Single Family (R-1) District, Assessor's Map 67 Lot 09, SUB#01-2020

Saunders stated this proposal is for a 6 lot conventional subdivision. She stated the ordinance requires subdivisions to be developed following the rules for a conservation subdivision. She stated in order for the applicant to have a conventional subdivision a Special Use Permit will need to be granted.

Saunders stated the applicant is seeking 3 waivers for drainage calculations, soil erosion and sedimentation control plan and sidewalks. She stated there is no infrastructure associated with this development. She stated therefore there was no third party review on drainage. She stated the applicant proposes to use the existing roadway without construction of sidewalks. She stated the applicant has worked to limit the number of trench cuts across Blackwater Rd, which is appreciated by the City. She stated the subdivision regulations do not require a traffic report and therefore there was no third party review completed. She stated she recommends that the application be accepted as complete and begin discussion.

MOTION: Guptill stated, I move to accept the application as complete for review and discussion.

The MOTION is SECONDED by Barry.

The MOTION CARRIES by a 9-0 roll call vote.

Bob Stowell of Trittech Engineering, Attorney **FX Bruton** of Bruton and Berube PLLC Attorneys at Law and Wetland Scientist **Tom Sokoloski** were in attendance remotely to represent the application.

Bruton stated this project does not have any infrastructure to it. He stated to address sight line issues of the Blackwater and Old Rochester brought up in a study, they have had discussions with NHDOT and Somersworth DPW. He stated NHDOT requested a few items and they have provided those elements for them. He stated the 6th lot, in the middle, will be restricted by the deed with conservation restrictions. He stated the useful part of the lot will remain closer to Blackwater Road.

Stowell stated the subject lot is 25 acres of land. He stated they have completed the wetland mapping to establish the developable land. He stated they completed a site specific soil report and investigated vernal pools. He stated the wetlands drove how the lot was developed. He stated the developable area of the lot is along Blackwater mostly, with another pocket of developable land that is enclosed by wetlands and the rear of the lot gets wet again.

Stowell stated one lot will have a driveway access on Route 108 which they have received the driveway permit approval from NHDOT. He stated the remaining lots will have driveways on Blackwater. He stated they were informed early on about the road safety audit and the safety concerns for this intersection. He stated NHDOT's main concerns were to keep the driveways of lots 1 and 2 as far from the intersection as possible. He stated the driveways are at least 200' from the intersection over the normal 150'. He reviewed the building envelopes and septic system locations, they have received NHDES subdivision approval.

Stowell stated there will be 2 pavement trenches to install water connections on Blackwater and no road disturbance for the connections on Old Rochester Rd. He stated they are proposing a hydrant across from Lot 6 driveway entrance.

Stowell stated in addition to working with DOT to establish the driveways, the other item requested was to provide a 10' non-vegetated easement, a sight line easement that has been filed with NHDOT. He stated that is part of the driveway permit for lot 1. He stated they have proposed a non-vegetated sight line easement along Blackwater Rd as well to ensure visibility of the intersection. The easements are the developer's responsibility to clear initially and then the State and City will be able to clear as necessary. Stowell stated he understands the abutters have concerns about the intersection. He stated they have reviewed the safety audit and taken measures to make the intersection safer.

Stowell stated regarding the special use permit, they feel they meet the goals of an open space development but without the cluster development that goes with one. He stated the most buildable area of the lot is along Blackwater Road and Old Rochester Road. He stated the building sites laid out like a conventional subdivision and did not see the benefit of a cluster. He stated they are proposing to include a conservation area on lot 9 that will be restricted within the deed. He stated it will be protected in perpetuity and feels this is the best approach for the property.

Stowell stated they are requesting 3 waivers, drainage calculations, soil erosion and sedimentation control plan and sidewalks. He stated drainage and erosion control is part of the checklist for a major subdivision. He stated because this is more than three lots it is within the category of major subdivisions. He stated they do not have the infrastructure and therefore the drainage is moot. He stated the nearest sidewalks to this site are at least 1 mile away or farther. He stated a small section of sidewalk to be maintained did not make sense to them especially when considering the existing safety issues.

Stowell stated the traffic safety audit is far more comprehensive than a traffic study. He stated it was completed in January of 2019. He stated he feels the aspect of a traffic study has been achieved with this audit.

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LeHoullier opened the public hearing at 7:55 PM.

Saunders read into the record the correspondence received for public comment:

Tammy Sembler, 257 Old Rochester Road, submitted an email on June 15, 2020 stating the following: I can't believe that the city of Somersworth would even consider this proposal! The 4 way intersection at Blackwater Rd & Old Rochester Rd has been a very dangerous issue for years (accidents). There has been an ever increasing amount of traffic on Old Rochester Rd over the past few years. Adding to this is the very large apartment complex just over the Rochester line. Village at Clark Brook has very large apartment buildings with a lot of apartments which equals many, many cars which (I assume) most of them drive down Old Rochester Rd, if they want to go anywhere besides Rochester. On top of that, there is more construction going on there right now. On top of that, I was pretty much forced to let the city/state remove all trees from my property to help with visibility. I was also told that the road would be moved over onto this currently empty lot. Now on that very dangerous intersection, a proposal of 6 house lots? That would be very dangerous for both the drivers and the people that live there (if this is approved). I'm pleading with you to deny this request! I believe that adding houses right on this Very Dangerous intersection would be a big mistake for everyone involved.

Tammy Sembler, 257 Old Rochester Road, submitted an email on June 15, 2020 stating the following: The first thing that I'm concerned about is how many people this notice was sent out to? I spoke with someone who lives across street from my barn and they didn't get any notification. This issue affects a lot of people and I think that this notification should have gone out to everyone around that corner so they know what is being proposed. I can't believe that the city of Somersworth would even consider this proposal! The 4 way intersection at Blackwater Rd & Old Rochester Rd has been a very dangerous issue for years (accidents). There has been an ever increasing amount of traffic on Old Rochester Rd over the past few years. Adding to this is the very large apartment complex just over the Rochester line. Village at Clark Brook has very large apartment buildings with a lot of apartments which equals many, many cars which (I assume) most of them drive down Old Rochester Rd, if they want to go anywhere besides Rochester. On top of that, there is more construction going on there right now. I'm pleading with you to deny this request! I believe that adding houses right on this Very Dangerous intersection would be a big mistake for everyone involved.

Tammy Sembler, 257 Old Rochester Road, submitted an email on June 17, 2020 stating the following: I am writing in regards to the proposed 6 lot subdivision being proposed for the corner of Blackwater Rd. & Old Rochester Rd. This intersection has been a major problem for Residents, drivers, etc. for many years! The traffic has been increasing a lot over the past years! Putting houses right at this intersection will make this dangerous intersection even more dangerous! Assuming these houses will have families, people entering or exiting their driveways would be Very Dangerous! Also, the threat of children running into the street, balls going into the street, etc. will make this intersection even more dangerous. Please, for the safety of everyone involved, I beg you to deny this request!

Gabrielle Casey, submitted an email on June 16, 2020 stating the following: I am writing in regards to the proposal to build a six lot subdivision at the intersection of Blackwater Road and Old Rochester Road in Somersworth. I am concerned that such a proposal would increase the risk for motor vehicle accidents for Somersworth residents. My parents have owned property at this intersection for many years, and over the years I have seen an increase in traffic. As a result, my parents were asked to remove trees from their property that posed risk to visibility for drivers. I believe that such a request acknowledges the danger that is already present at this intersection. The intersection is set up with no stop signs on Old Rochester Road, which has resulted in accidents over the years. I personally have avoided quite a few close calls when drivers have pulled out in front of me on this intersection due to visibility issues.

Attached are just a couple examples of accidents that have occurred at this location:

<https://www.fosters.com/news/20180524/two-badly-hurt-in-somersworth-crash>

<https://www.wmur.com/article/man-killed-in-somersworth-crash/9997140> While I understand the desire to build and develop the city of Somersworth, I believe it is important to consider the needs of the residents who have been residing in the city for years. The safety of my parents and their neighbors in Somersworth is very important to me and I would appreciate if you could consider my request to reconsider building a six lot subdivision at this location.

James Solloway of 283 Old Rochester Road, submitted an email on June 16, 2020 stating the following: My name is James Solloway and I live at 283 Old Rochester Rd, Somersworth, NH. I am one of the abutting neighbors to the proposed development on Blackwater Rd. I have been involved in this proposed development from the time it was presented to the zoning board. I appreciate your time as I express my concerns. Please see below as to why I feel as though this plan should not occur. For the last 5 years, we have seen and heard numerous accidents at the intersection of Blackwater and Old Rochester Road. Unfortunately, we hear the potential accidents via tires screeching and horns, and are the first to hear the sound of a crash if and when it occurs. There unfortunately has been over half a dozen fatalities since we moved here. My neighbor directly across the street, Chris Jerram, was in a motor vehicle accident totaling his vehicle and he was seriously injured requiring hospitalization/rehab. Now it has come to my attention and the information you should all have in front of you, is that the NH DOT did a traffic survey on this area and came up with a multi-phase approach to improve the intersection. Now phase 1 was completed by removing the 9 tall pine trees which did help but they also list potentially more work to be done including vegetation trimming and possible re-engineering and moving the road/intersection to lead into either a 4 way stop or rotary. Now as you are all aware this Blackwater development includes six homes throughout the property. Two of these homes are very close to this intersection. I **do not** believe that these two homes should be allowed to be developed since building two homes directly at the intersection will negate all future possibilities of improving the intersection further. These two homes also would interfere with the potential redirection of Blackwater Rd as explained in one of the potential phased improvements. Public safety for the thousands of daily motorists and local residents should be of the highest importance. I want to be clear that I do not foresee the remaining four homes proposed to be an issue as they are further up on Blackwater away from the intersection. However, I have an issue with the first two closer to Old Rochester Rd as previously stated they would negate any possible improvements suggested by NH DOT. As a close resident of this area and someone who frequently travels through this intersection I believe all options should be left on the table in the name of safety. More accidents are bound to happen and development of those two homes close to the four way, in my opinion, negates any improvements to be had as previously stated. Having a driveway that close to such a dangerous intersection will lead to an increased risk for accidents to occur. Safety of the Somersworth residents as well as those who travel through this area should be of top priority. I thank you for taking the time to consider my letter, as I would have loved to speak in person. I hope you take my letter into consideration at the meeting.

No other communications were received by mail, email or phone.

LeHoullier closed the public hearing at 8:03pm

Horton asked for more information on the fire truck movement plan submitted. Stowell stated the Fire Chief requested this plan to be completed. He stated it demonstrates how a fire truck will be able to access the single family driveways.

Horton inquired if the leach field will be mounded. Stowell stated there are new systems that allow for less dramatic of a mound. He stated it is possible there could be a 2' mound instead of the historic 4' mounds.

Horton stated in regards to the residents comments, he understands the severity of the intersection but feels the applicant has taken the measures to address issues. He stated with driveways being

moved to 200' from the intersection and the sight line easements are good steps towards making the intersection better.

Witham stated the Blackwater and Old Rochester Road intersection has been dangerous for many years. He stated the safety audit report presented phased approaches to see if the intersection can be improved, removal of some trees and larger signs. He stated those improvements have so far been favorable in result. He stated the second phase is to trim back even more vegetation. He stated 6 homes do not add significant traffic. He stated the issue of the intersection from the report is not the traffic volume but rather the intersection itself. He stated he hears the appeals of the residents and understands the danger but does not think this will make it more dangerous but rather offer improvement.

Witham stated in regards to the sidewalk waiver he is in favor of granting it. He stated in the future they hope to have sidewalks closer. He stated he appreciates that they have minimized the number of cuts across a newly paved road.

Richardson stated the installation of sidewalks would create a sidewalk to nowhere but he sees value for children waiting for the bus. He stated he cannot see the kids walking to a central area to congregate without sidewalks. He sees value in installing sidewalks for safety.

Belmore suggested the sidewalks with granite curbing might have a traffic calming effect.

Rhodes asked for more detail on what drove the applicant to choose a standard subdivision. Stowell stated the Conservation Subdivisions he has worked on in the past have internal infrastructure, home owners associations that can share in the maintenance of the open space. He stated for this lot we are working with existing infrastructure and there would not be a home owners association. He stated they are doing the conservation area of the conservation subdivision, just not in the same format. He stated there is existing road frontage and the development is going to be close to the road. Bruton stated the only intent in creating conservation restrictions is to get the benefit of going through a conservation subdivision.

Rhodes stated that brings up a concern he has for conservation subdivisions, this plan as proposed satisfies the spirit of the conservation subdivision by putting the wetlands into conservation. He stated as a whole he would like to look at the conservation subdivision rules in the future.

Rhodes stated his other concerns were in regards to traffic. He stated it is a concerning intersection but the sight easement will help.

Belmore stated during the safety audit there was discussion about additional signage. He stated when going into Dover towards Long Hill Road, there is a solar light on the stop sign to alert drivers from a distance. He stated he would be in favor of adding those stop signs on Blackwater Road.

Stowell stated that would be something the applicant would be amendable with. He stated he has some concern about installing a sidewalk along the extensive frontage. He stated it will be costly especially with granite curbing. He stated if they install a sidewalk, drainage would also need to be installed. He stated there is a large shoulder on Blackwater Road that is maintained year round. He stated this sidewalk would not be high on the maintenance list during the winter months. He stated it would take away from the large shoulder that would be plowed in the winter. He stated he understands the concern about the congregation point for school bus stops. He stated he thinks a good congregation spot would be across from the proposed fire hydrant.

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Witham stated he remains with his position on sidewalks. He stated he would expect a small portion of sidewalk in this location would be very low on the winter maintenance list. He stated the focus is on the school walking routes, downtown and High Street corridor. He stated he is not sure it would have the calming affect desired on traffic. He stated the issue of the intersection is more of not seeing the intersection.

LeHoullier stated if the road ever did get realigned they would tear up the sidewalks.

Horton stated he thinks that new issues would arise from not pushing the snow far enough back too.

Robidas asked if the flashing lights would be on both sides of Blackwater. He stated the ones in Dover can be seen from quite a distance away. He thinks it is a great idea to add it as a condition of approval.

MOTION: Robidas I move that the request of Diamond Capital LLC, for a waiver from Section 6.C(3) of the Subdivision Regulations regarding drainage calculations be APPROVED.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Robidas I move that the request of Diamond Capital LLC, for a waiver from Section 6.C(4) of the Subdivision Regulations regarding soil erosion and sedimentation control plan be APPROVED.

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Robidas I move that the request of Diamond Capital LLC, for a waiver from Section 7.M.1 of the Subdivision Regulations regarding sidewalks be APPROVED.

The MOTION is SECONDED by Guptill.

Discussion: Horton stated it seems everyone has come to an agreement on the sidewalk issues. He stated if the waiver is granted for the sidewalks the lighted stop sign should be a condition.

Saunders stated it could be at the full site plan approval.

Horton was comfortable with that.

The MOTION CARRIES by a 9-0 roll call vote.

Saunders reviewed the proposed conditions of approval.

Bruton stated there will not be a conservation easement deed recorded. He stated the deed for that lot 9 will have conservation restrictions.

Saunders stated it can be amended that medallions are to be hung at the recording of final plan.

Witham asked for the stop beacon condition to be read again. Saunders stated *New stop signs at Blackwater Road, for both directions, with solar powered flashing lights. Installed at the expense of the applicant.*

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Witham stated he was unsure if they needed new stop signs. He stated he thinks it should be added to satisfaction of the City Engineer.

Rhodes stated the Conservation Commission is trying to catalog all conservation land in the City. He asked if the applicant would provide a copy of the plan to them as well. Applicant was in favor.

MOTION: Rhodes stated, I move that the request for a special use permit to develop a “conventional” subdivision be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by a 9-0 roll call vote.

Motion Horton stated, I move that the request of Diamond Capital LLC for a 6 lot conventional subdivision approval by special use permit be APPROVED WITH THE FOLLOWING CONDITIONS

1. PLAN REVISIONS:

- a) Hydrants must be red in color. Please add a note to the plan.
- b) Where trees are not preserved in the front yard, each lot shall have two trees of not less than 2” caliper. Please add a note to the plan.
- c) The service connection from the utility’s overhead lines to the SFH must be underground. Please add a note to the plan.
- d) Please update the plan to include the offsite exaction that was approved per RSA 674:21(V)(j) that includes two new stop signs at the Blackwater/Old Rochester Road intersection, on Blackwater Road in both directions, with solar powered flashing lights. The sign purchase and install shall be at the expense of the applicant and to the satisfaction of the Public Works Department.

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 provide draft copies of the deed protecting the open space, as well as the site easement deeds for review by our legal counsel. This will require a legal escrow to cover the cost of review.
- c) Conservation tags shall be hung on the boundary of this conservation area identifying what it is. The City will provide those tags. These must be hung at the time of the recording of the final plan.
- d) The final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect. Please submit six folded 24” x 36” paper copies of the full set of plans to the Office of Development Services for final endorsement.
- e) FEDERAL AND STATE PERMITS - 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.
- f) The offsite exaction that was approved per RSA 674:21(V)(j) that includes two new stop signs at the Blackwater/Old Rochester Road intersection, on Blackwater Road in both directions, with solar powered flashing lights shall be at the expense of the applicant and to the satisfaction of the Public Works Department and shall be completed PRIOR to the Final Plan being recoded.

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

- a) 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;

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- b) 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;
 - c) The applicant shall apply for a new Water and Sewer Connection Permit; 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,
 - d) 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.
 - 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) These lots require a new address. Please submit a request for a new address to the City Engineer. If a hearing before the E-911 Committee is required, this hearing must occur prior to the issuance of a CO.
4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
- a) There shall be no wetlands degradation during construction;
 - 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,
5. AS-BUILT PLANS.
- a) 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.

The MOTION is SECONDED by Witham.

The MOTION CARRIES by a 9-0 roll call vote.

Chairman called a 5 minute recess at 8:35 PM.

Called back into session at 8:40 PM

C) Brixmor Tri City Plaza, LLC, is seeking site plan approval to construct 3,500 SF medical/dental building and site improvements with waivers on a property located at 8 Tri City Plaza, in the Residential/Commercial (R/C) District, Assessor's Map 40 Lot 5C, SITE#03-2020

Saunders stated this project is a proposal to construct an Aspen Dental building at the Tri City Plaza in place of the existing 'AAA building'. She stated the waivers being requested at for pavement setback and shade trees. She stated this proposal is taking an impervious surface and replacing it with another impervious surface and so drainage on site is not changing and impervious surface is being removed with the installation of landscape islands. She stated the traffic study was reviewed by the City's third party agent.

MOTION: Robidas stated, I move to ACCEPT the application as complete for review and discussion.

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 roll call vote.

Joey Fonseca of Bohler Engineer, **Giles Ham** of VAI and **Reuben Twersky** of Brixmor were in attendance virtually to represent the application.

Fonseca stated the project area is located at the corner of the Tri City Plaza by High St and Tri City Road. He stated the main entrance to the site is located off of High Street, there is a secondary access off of Tri City and a right-in-only off of High Street. He stated the existing site has a 3,000 SF commercial building that is known as the former 'AAA building' with existing parking. He stated the proposal is to demolish the existing building and construct a 3,500 SF Aspen Dental building. He stated the new building will be set back an additional 25' from High St. He stated they are within the front setback to Tri City Road and they have received ZBA variance approval to be within 10' of the setback. He stated in positioning the building in this location it has allowed them to reconfigure the parking arrangement around the building. He stated the general site layout remains the same.

Fonseca stated landscape islands will be installed that will assist the traffic flow within the Plaza. He stated the islands will give the drive aisles more structure and decrease impervious area. He stated the parking count remains the same, with 28 spots in this developed area. He stated site circulation will remain similar to what exists today. He stated the grading is flat and there is an existing stormwater system on site with a detention pond located behind the main Plaza building. He stated there is an existing ridge line on the right-in-only egress to prevent stormwater interchange between the site and High Street. He stated the only addition to the stormwater is a storm drain in front of the building that will tie into the existing site.

Fonseca stated they plan to re-use the existing utilities as much as possible. He stated the electricity and gas will come from Tri City Road. He stated the water service will come from High Street. He stated there is an existing sewer system within the Plaza that they will tie into. He stated the proposed landscaping will improve the existing conditions with the addition of 7 shade trees and 135 shrubs plus ornamental grass. He stated it will be a 3,700 SF decrease of impervious surface which will improve the stormwater runoff. He stated there is an existing free standing sign that will be re-used and re-faced. He stated there is an existing light pole in this site area that will be relocated into a landscape island.

Fonseca reviewed the architecture elevations. He stated as part of the third party review there was a comment regarding a 'do not enter' sign. He stated the 'do not enter' signs that are on site by the right-in-only will remain in place. He stated there was a concern about the ADA van parking spot and the configuration with the cross walk. He noted that this configuration allows vans to still be able to back out and the crosswalk to be a minimal angle.

Saunders asked that the honey locust shown on the plan be replaced with a non-invasive species. She noted that the architecture of the building is similar to surrounding architecture. She stated the proposal does have EIFS (exterior insulation and finish systems) siding, which is not permitted below 8' but is proposed that way. She stated the City strongly discourages it above 8' and if the Board has no other architecture changes, still would be looking to change that material under 8'.

Twersky stated they would be fine with that condition to make it work.

LeHoullier opened the public hearing at 8:56 PM.

Saunders stated no comments were received via email, mail or phone regarding this application.

LeHoullier closed the public hearing at 8:57 PM.

Witham stated he does not have a lot of difficulty with this request. He stated it is a one for one replacement. He stated the proposed landscaping and architecture will be an improvement to the site. Witham stated one concern he has is in regards to the traffic and questioned if there can be a way to encourage people to use the signalized egress on High Street.

Ham stated there could be an exit sign directional but most people on the site will know the access points. He stated an arrow sign may also be helpful.

Witham stated it may be helpful to put in a crosswalk across the right-in-only ingress. He stated he would like to see that added as a plan amendment. He asked if from Tri City Road would you be able to see any of the roof top units, because those do need to be shielded.

Twersky stated the roof top units are under the parapet height and should not be able to be seen from the road. He stated if there is further screening needed they can accommodate that.

Guptill stated he had concern of the position of the building and felt it should be moved away from the roadway of Tri City Road. He stated he was also concerned that the trees in the landscape islands could shield cars at the stop signs.

Saunders stated the regulations require the parking lot shade trees.

Guptill stated he felt they would be setting up a traffic issue and concerned of when the trees grow more it would block a car.

Saunders stated from what she has seen in the past is the trees do not get large enough to become a sight line issue.

Fonseca stated they can look at planting a more vertical tree. He stated the trees are set back from the drive aisle.

Guptill stated his biggest concern was for the travel way with all of the islands and cars pulling into that travel way.

Rhodes stated he was glad Saunders caught the honey locust. He recommended the applicant review the approved plantings list provided in the Site Plan Regulations.

Richardson stated he is familiar with other Aspen Dental sites in surrounding communities. He stated those sites do not have their own entrance light and right turn, in-only lane. He stated that entrance is misused a lot and wants to discuss eliminating that entrance all together.

Fonseca stated the right-in-only is an existing curb cut.

Richardson stated he understands that. He stated his suggestion is to have it closed off.

Ham stated historically it used to be an in/out access point and was changed to a right-in-only. He stated it is a safe design and was confirmed in the review by the Third Party agent.

Witham stated this was part of the discussion when Staples went into the Plaza. He stated that was when it was redesigned to the right-in-only. He stated the redesign has helped to deter people from exiting this access but not those making a left turn in off of High St. He stated he is open to the idea of closing it off all together.

LeHoullier stated it was originally installed because of the old restaurant use. He stated since it is not a restaurant any longer, perhaps it could be re-imagined.
Rhodes stated he would be in favor of closing it off as well since he does see many people misuse the egress.

Robidas stated the right-in-only access points are hard to control. He stated in similar situations, like the right-in-only at Walmart, traffic rules are not followed.

MOTION: Robidas stated, I move to close off the right-in-only and add a sidewalk as a condition of approval.

The MOTION is SECONDED by Witham.

Discussion: Belmore clarified the sidewalk construction would be at the expense of the applicant and would be constructed to the satisfaction of the City Engineer to City Standards.

Robidas and Witham stated they were in favor of that clarification.

Perkins stated at the Zoning Board meeting when the applicant was before them, there was discussion of moving the building farther from Tri City Road. He stated that the applicant stated there is language in the lease with Staples that gives them clear access and sight line. He stated closing off the right in only would affect more than just Aspen Dental.

The Board allowed the applicant to make a statement.

Twersky stated Perkins statement was correct. He stated he does not mind the closure but it would put them in full violation of the lease with Staples. He stated the Zoning Board was provided with the information about the access required in the lease and that can be provided for this Board as well.

Witham stated another way to maintain the entrance would be to extend the traffic island on High St. further north which would prohibit drivers from crossing lanes. He stated it would achieve the goal without impact the lease with Staples.

The MOTION and SECOND were RESCINDED by Robidas and Witham.

The MOTION is MOOT.

Witham stated if they were not to close off the right-in-only, the concern would be satisfied if the traffic island on High Street was to be extended.

Motion Belmore stated I move that the request of Brixmor Tri City Plaza, LLC, for site plan approval to construct 3,500 SF medical/dental building and site improvements be TABLED for the following reasons:

1. To allow the applicant a chance to present options to alleviate incorrect turning movements and traffic use of the right-in-only entrance to the Tri City Plaza. Two options presented at the meeting were closing off the entrance altogether and installing sidewalk OR extending the center median of High Street. Please have a traffic engineer look at any proposed options.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES by a 9-0 roll call vote.

D) Somersworth Retail LLC, is seeking site plan approval to construct 6,000 SF motor vehicle repair facility with associated site improvements with waivers on a property located at 442 & 444 High Street, in the Residential/Commercial & Residential Single Family (R/C & R1) Districts, Assessor's Map 38 Lots 3, 3A & 4, SITE#04-2020

Saunders stated this proposal straddles three properties. She stated one of the lots is within the Residential Single Family District. She stated the applicant received a special exception and variance approvals. She stated they are seeking the following 5 waivers: mitigation for impact of parking lots, 10% interior landscaping of parking lots, mitigation for impact of parking lots, perimeter shade trees, sidewalks (along Middle Street), bufferyard requirements class B and site lighting: 2 footcandles at property boundaries. The traffic report and drainage report were reviewed by Horsley Witten. She stated the comments from Horsley Witten have been included as changes to the plan. She stated today they received new architectural plans from the applicant. She stated also received today were the comments from the applicant regarding the third party review. She stated she does recommend accepting the application as complete and beginning the review process.

MOTION: Robidas stated, I move to accept the application as complete for review and discussion.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by a 9-0 roll call vote.

Matthew Bombaci of Bohler Engineering **Ethan Conley** and **Chad Brubaker** of Somersworth Retail, LLC were in attendance remotely.

Bombaci stated there are two single family dwellings on site today. He stated they received a special exception and multiple variances to allow the proposed motor vehicle repair facility in January 2020. He stated the variances granted were to be 25' within the front setback of Middle Street, to allow the trash enclosure within the portion of the lot that is zoned residential and to allow a commercial use on a lot less than 40,000 SF.

Bombaci stated the proposal is for a just under 6,000 SF, motor vehicle repair facility with 8 bays. He stated there will be an in/out access on High Street and a right only exit onto Middle Street. He

stated the project is a low traffic generator with an expected 28 trips during peak hour (Saturday midday). He stated the traffic report went through the third party review. He stated the comments they received included the low effect on traffic and suggested the addition of signage in the median of Middle St that it is a one way. He stated the review also suggested a stop sign and bar be installed on Ruel St. He stated the applicant is amendable to suggestions from the Third Party agent. He stated they are proposing 27 parking spaces. He stated the regulations require 32, but the third party review supported the 27 parking spaces. He stated that will be a waiver they are requesting.

Bombaci stated the drainage also went through third party review. He stated drainage for the site will be caught in two subsurface drainage beds, one in the front and one in the back of the lot. He stated there is some runoff coming off the site in existing conditions but not a significant amount. He stated they have designed the basins to meet the 50 year storm event to hold and infiltrate it all. He stated they are proposing an overflow connection to High Street. He stated the one comment they received from the review was inquiring if this is a high load use. He stated all of the operations of the business are within the building and do not believe it will qualify as a high load use.

Bombaci stated the site is serviced by City water and sewer. He stated all utilities are underground. He stated there are two existing water/sewer connections and one will be capped as per the DPW's request. He stated they are proposing to connect the new water/sewer service on Middle Street.

Bombaci stated they are seeking a couple landscape waivers. He stated they are proposing a solid 6' wood fence along the property sides that abut residential areas. He stated they are also proposing to plant arborvitae as another screening method. He stated there is a wooded brush area that abuts Lot 5, 2 Ruel St, they are proposing to keep in place as discussed at the Zoning Board meeting. He stated they are requesting waivers regarding perimeter trees and interior landscaping. He stated the interior landscaping is specifically for the back parking lot area and the perimeter trees they have provided arborvitae and fir trees. He stated they can introduce shade trees but it would break up a dense yearlong buffer. He stated the existing property line runs close to the overhead lines and did not want a shade tree that interfered with those.

Bombaci stated they are seeking a waiver for lighting. He stated they want to keep the lighting consistent across the site. Because of the size of the lot the lighting is 0.2 to 0.1 at the line. He stated they could meet the ordinance if required by it would minimize the lighting on site or the lighting would be very low and inconsistent across the site.

Bombaci stated the architecture of the building went through a few variations. He stated they reviewed surrounding architecture and found that the architecture utilized at 450 High Street inspired the current submission before the Board. He stated the siding will be fiber cement with a brick finish at the bottom. He stated there will be varied roof height with a parapet to block rooftop units.

Bombaci stated the issue of noise came up with the ZBA and during staff reviews. He stated the rear doors of the building will remain closed during business hours. He stated they prepared a noise study for when the doors are open. He stated they received a strong message from staff review that the preference is to keep the doors closed.

Bombaci stated he had two additional waivers that the Director had not mentioned. He stated a waiver for number of parking spots, if necessary. He stated they are also seeking a waiver for driveway width.

Bombaci stated the sidewalk waiver is for a sidewalk along Middle Street to be waived. He stated they intend to redo the High Street sidewalk along their frontage. He stated the waivers they are requesting are for interior landscaping as stated. He stated they are seeking a waiver for the

bufferyard requirements because of the size and shape of the lot. He stated they are providing the heavy fencing and landscape as a buffer. He stated another waiver is for the lighting. He stated the final waiver is for granite curbing. He stated there is granite curbing in the front of the site that is visible from the front right of way. He stated they are proposing bituminous curbing in the rear of the lot.

Bombaci stated they reviewed the staff report and found it to be agreeable. He stated the driveway is 20' from the apron to the curb and can request the waiver if necessary.

Saunders stated the wording in the regulations regarding parking spaces is that the Board can grant permission for less parking but does not require a waiver. She clarified with the applicant that they are proposing to keep the doors closed even during June, July and August.

Bombaci stated yes, all year round.

Saunders stated there was some question about the Middle Street egress about the design, if it should be a raised island rather than just striping.

Bombaci stated the striping is there because they need that area to allow emergency vehicles and delivery trucks to make the turn. He stated there can be a raised gradual island if required by the City.

LeHoullier opened the public hearing at 9:49 PM.

Saunders read into the record the correspondence received for public comment:

Lisa Marchi & Dave Parker, 1 East Street: My husband and I live at 1 East Street in Somersworth, in the neighborhood behind the two lots for which Somersworth Retail LLC is seeking site plan approval to construct a 6,000 SF vehicle repair facility.

We have several concerns about this which we would like the Board to address.

1. We do not want the business to impact traffic flow in the neighborhood. In other words, we do not want customers or employees entering or exiting the business through any part of our neighborhood. Also, we currently have a very safe, divided entrance and exit to the neighborhood and do not want that changed.
2. We do not want the sight of or sounds from the business to impact the peaceful quality of our neighborhood. This may entail limiting hours of service so that loud sounds do not start too early (e.g.- not before 7:00am weekdays, 8:00am weekends) or too late (e.g.- not after 7:00pm weekdays, 8:00pm weekends). It would also require a fence to keep the grounds of the business separated from the neighborhood on all relevant sides (as was done for what is now the Bali Sate House).
3. We do not want the business to impact further the drainage in our neighborhood. Ever since the Target/Home Depot plaza, the Cash for Title (formerly Amatos), and other newer businesses have been built, basements now flood during rain which was not the case prior to those developments. Care was taken to address this when the Goodwill plaza was built and we would expect the same now.
4. We expect that there would be full compliance with hazardous materials codes and disposal, as well as spill containment.

This is one of the few remaining safe, family-friendly neighborhoods because there is no transient traffic, and very little noise for a city location. We do not wish to see these key values of the neighborhood eroded. They are the primary reason we moved here.

Matthew P. LaFrenier, 5 Meadow Ln. Rochester, direct abutter: I am the owner of the property located at 440 High Street "440" in Somersworth and am writing you in concern to the proposed development of the properties at 442 and 444 High Street. I have been the owner of 440 for roughly fifteen years and five years ago put this property up for sale as I was told that the properties at 442 and 444 were to be developed for

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commercial use. When 440 was on the market there was a potential buyer that was interested in it for commercial use, but as the property lacks the frontage and square footage to be solely a commercial lot. On January 29, 2020 my brother John LaFrenier attended the Public Hearing with the Zoning Board as I was unable to attend, he stated that I was not opposed to the construction of the proposed facility at 442 and 444 High Street, but there were concerns about the affects to 440. In the minutes from the Zoning Board meeting concerns were discussed between members of the Board Brad Fredette, Matt Keiser and Coty Donohue about the potential decreased property value, isolation of the lot at 440 high Street, concerns of smells, noise and trash, and new traffic patterns associated with an auto repair facility constructed in close proximity to a residential neighborhood. I am asking the Planning Board in making their decision to consider the potential of my lot not being able to be developed in the future and the potential loss of property value I will incur. I believe that allowing this structure may be in the best interested of the development of High Street but ultimately will be detrimental to my property. I urge the board to use due diligence when looking at the potential impacts to quality of life at 440 and raised concerns about increased traffic patterns directly adjacent to a residential driveway. I thank the board for their time and look forward to a response.

Michael Machado, 2 Ruel Street, direct abutter: I own the residential lot adjoining the proposed site (lot 38-5 shown on the site map) My comments and concerns are listed below:

1. The "Green Buffer Zone" (noted on the attached site map in green) should remain complete and undisturbed. This green space consists of mature trees and underbrush (see attached pictures) and acts as a noise filter from the street noise on High Street, and if altered may limit or impede the full benefit and use of my property. It could also effect my property market value.
2. An 8 ft. white vinyl fence should be installed on the project side of the Green Zone vice a 6 ft. fence. This would correspond with the 8 ft. white vinyl fence currently in place between the other commercial/retail properties and the residential properties abutting them (in particular the car loan office location and Walton Road/Walmart)
3. The exit road being suggested onto Middle Street may in fact cross the end of my lot line according to the plot map attached (refer to "B"). I would like to have that verified by the Somersworth Retail LLC in writing that it does not infringe on my property. Thank you for addressing these concerns and comments.

Saunders noted that the exit road that Machado is referring to is an existing dirt driveway for the residential property. She stated the new development is not proposing an exit on that side of the lot.

LeHoullier closed the public hearing at 9:56PM

Robidas noted that they were approaching the time frame that would require them to wrap up Board business.

MOTION: Witham stated, I move to suspend Board rules to allow the meeting to go past 10 PM for the purpose to hear the application of Somersworth Retail, LLC.

The MOTION is SECONDED by Gupstill.

The MOTION CARRIES by an 8-1 roll call vote (Belmore voting in the negative)

Horton inquired about the impact of the proposed developments' drainage to surrounding groundwater and basement flooding.

Bombaci stated the hours of operation are 7 AM – 7 PM Monday through Saturday and 9 AM – 5 PM on Sundays. He stated in regards to stormwater, they are collecting and infiltrating on site. He stated they are providing a connection to High Street for overflow and limits the run off that would go off the back of the site.

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Horton stated his top concern is the noise it may create. He stated he would be in favor of requesting an 8' vinyl fence to keep with the surrounding fences and mitigate noise.

Brubaker clarified that would be in replacement of the 6' wooden fence. Horton stated yes.

LeHoullier asked if the new end of Reul St had sidewalk. Saunders stated she did not know but could look into it.

Witham stated given the lot constraints the team has done a good job with placement and addressing the various issues. He stated he likes the idea of the improvement of the High St sidewalk in lieu of a new sidewalk on Middle Street. He stated his one outstanding concern is Middle Street, the section that exits the neighborhood, is in poor condition. He stated it is about 80-100' from their proposed exit to about 20' from the end of Middle. He stated he thinks it needs to be repaved in order to handle the increased traffic and truck travel. He suggested it be an offsite exaction.

Belmore clarified if Witham is just speaking to the exit of Middle St.

Witham stated yes because the applicant is only proposing an exit onto Middle St.

Bombaci asked if he was thinking mill and overlay. Witham stated at least a shim and overlay.

Brubaker stated they could agree to a pavement improvement from their exit to the High Street improvement along Middle St.

Belmore stated it would be important that the applicant fill out the waiver requests for the ones that were identified at this meeting.

Motion Witham stated, I move that the request of Somersworth Retail LLC, for a waiver of Section 11.4.b.viii.1.a of the Site Plan Review Regulations for Mitigation for Impact of Parking Lots, 10% interior landscaping of parking lots be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by a 9-0 roll call vote.

Motion Witham stated, I move that the request of Somersworth Retail LLC, for a waiver of Section 11.4.b.viii.5 of the Site Plan Review Regulations for Mitigation for Impact of Parking Lots, perimeter shade trees be APPROVED.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 9-0 roll call vote.

Motion Witham stated, I move that the request of Somersworth Retail LLC, for a waiver of Section 11.5.c.1 of the Site Plan Review Regulations for Sidewalks be APPROVED WITH THE FOLLOWING CONDITIONS:

- 1) The High Street sidewalk shall be improved at the applicant's expense to the satisfaction of the City Engineer as outlined on the plan.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES by an 8-1 roll call vote (Guptill voting in the negative)

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Motion Witham stated, I move that the request of Somersworth Retail LLC, for a waiver of Section 11.6.d.v of the Site Plan Review Regulations for Bufferyard requirements Class B be APPROVED WITH THE FOLLOWING CONDITIONS:

- 1) Where the plan shows a 6' wooden fence, replace with an 8' vinyl fence.
- 2) The rear doors shall remain closed during operations with the exception of vehicles entering and exiting.
- 3) The vegetated buffer of Lot 5, 2 Reul Street, shall remain intact as outlined on the plan.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by a 9-0 roll call vote.

Motion Witham stated, I move that the request of Somersworth Retail LLC, for a waiver of Section 11.8.b of the Site Plan Review Regulations for Site lighting: 2 footcandles at property boundaries be APPROVED.

The MOTION is SECONDED by Horton.

Discussion: Horton noted that the fence would likely help in the matter of the lighting.

The MOTION CARRIES by a 9-0 roll call vote.

Motion Guptill stated, I move that the request of Somersworth Retail LLC, for a waiver of Section 11.4.b.iv of the Site Plan Review Regulations for granite curbing be APPROVED.

The MOTION is SECONDED by Witham.

Discussion: Horton stated he would like to see the granite curbing stay. He stated the Board bends a lot with waivers to accommodate the applicant and this would be a design element to stick to.

Bombaci stated there is granite curbing in the front of the site and would essentially be asking for it to not to be required in the rear.

The MOTION FAILS by a 4-5 roll call vote. (Barry, Guptill, Rhodes & Witham voting in the affirmative) (LeHoullier, Robidas, Horton, Belmore and Perkins voting in the negative)

Motion Guptill stated, I move that the request of Somersworth Retail LLC, for a waiver of Section 11.4.b.i.3 of the Site Plan Review Regulations for driveway width be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by a 7-2 roll call vote. (Robidas and Belmore voting in the negative)

Saunders reviewed the proposed conditions of approval. She stated *a. driveway on the NW corner does not quite meet our width requirement of 24 feet. It measures 20 feet to the sidewalk* can be removed due to the waiver request. She stated a plan revision that granite curbing shall be added to the remainder of the site shall be added. She stated *b. Per third party review, please adjust the infiltration system for a high pollution-load use*, a comment from third party review, can be removed as it has been addressed. She stated these items can be removed *Driveway island if needed, Landscaping if needed and Architecture if needed*. She stated a revision to reflect the paving of Middle Street and additional waiver requests from tonight's meeting be submitted. She stated under conditions to be met prior to final approval addition is that a lot merger shall be recorded. She stated under conditions applicable during and after construction condition b. has been changed to that the doors shall remain closed all year except when vehicles are

entering and exiting. She stated the Fire Department has requested that the building permit plans be stamped by a fire protection engineer. She stated the ZBA also requested there be a condition that if the area that has the dumpster is significantly change that the application come back before the ZBA and PB because it is the portion of the lot within the residential district.

Witham requested that the condition regarding the pavement of Middle Road be to the satisfaction of the City Engineer.

Motion Guptill stated, I move that the request of Somersworth Retail LLC, for site plan approval to construct 6,000 SF motor vehicle repair facility with associated site improvements be APPROVED WITH THE FOLLOWING CONDITIONS

1. PLAN CHANGES
 - a. Please add granite curbing to the plan to be in compliance with the denied waiver.
 - b. Please confirm that the stormwater run off flowing to the abutting parcel M 38, L2 will not be altered as a result of the proposed development.
 - c. Please add MUTCD signage per the Vanasse & Assoc report.
 - d. Please add site triangle areas for the Project site driveway intersections to the plan, as well as the note per the Vanasse & Assoc report.
 - e. Please submit the results of a Truck Turning analysis per the Vanasse & Assoc report.
 - f. There were two waivers added at the Planning Board Meeting. Section 11.4.b.i.3- two-way traffic, aisle width shall be at right angles to the aisle and shall be a minimum of 24' in width and Section 11.4.b.iv granite curbing. Please submit waiver requests for these.
 - g. Please change the fence at the rear of the property to 8' vinyl.
 - h. Please add a note to the plan about the existing vegetation on the northeast side of the lot along the property line between the applicant's property and Map 38 Lot 5 shall be preserved in effort to retain a buffer from the commercial use
 - i. Please add a note to the plan that the rear garage door shall remain closed during business operations with the exception of allowing vehicles to drive in and out.
 - j. Please update the plan to include the offsite exaction that was approved per RSA 674:21(V)(j) that includes a shim and overlay of the egress side of Middle Street from a point approximately 20' from High Street (the edge of the High Street apron) to a point approximately 100' up into Middle Street.
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. FEDERAL AND STATE PERMITS - 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.
 - d. Please submit a lot merger form for lots M38 L3, L3A and L4. This will be recorded at the cost of the applicant at the time of final plan approval.
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 inspection escrow, 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. The applicant shall apply for a new Water and Sewer Connection Permit; 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,
 - 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. 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.
 - g. This property requires a new address. Please submit a request for a new address to the City Engineer. If a hearing before the E-911 Committee is required, this hearing must occur prior to the issuance of a CO.
4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
- a. There shall be no wetlands degradation during construction;
 - b. Noise – The rear garage door shall remain closed during business operations with the exception of allowing vehicles to drive in and out.
 - c. 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;
 - d. 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;
 - e. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,
 - f. The new drainage infrastructure must be constructed prior to construction of the new building and 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 CO of new building.
 - g. Fire Protection Engineer stamped plans shall be provided with the Building Permit submittal.
 - h. This approval is contingent on the plan submitted to the ZBA and the PB for their meetings. If there are substantial changes to this plan in subsequent years, the applicant must return to

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the ZBA and PB for approval.

- i. The offsite exaction that was approved per RSA 674:21(V)(j) that includes a shim and overlay of the egress side of Middle Street from a point approximately 20' from High Street (the edge of the High Street apron) to a point approximately 100' up into Middle Street shall be completed per the specifications of the Public Works Department PRIOR to the CO being issued for the building.
5. AS-BUILT PLANS.
 - a. 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.

The MOTION is SECONDED Horton.

The MOTION CARRIES by a 9-0 roll call vote.

MOTION: Belmore stated I move to suspend the Board rules and continue the meeting past 10:30 PM.

The MOTION is SECONDED by Witham.

The MOTION FAILS by a 2-6-1 roll call vote. (Witham and Horton voting in the affirmative.) (LeHoullier, Guptill, Robidas, Barry, Rhodes and Perkins voting in the negative) (Belmore abstained)

MOTION: Robidas MOTION to ADJOURN.

Guptill SECONDS the motion.

The MOTION CARRIES by a 6-3 roll call vote at 10:26 PM. (Horton, Witham and Belmore voting in the negative)

Respectfully Submitted,

Dana Crossley, Planning Secretary