

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
March 17, 2021**

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

STAFF PRESENT: **Michelle Mears, Director Development Services, Dana Crossley Planning Secretary**

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

Director Mears 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 # 1-603-692-9519, 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: **Robidas, Barry, Horton, Witham, Belmore, Guptill, Rhodes and Richardson** were in attendance remotely. **Perkins and LeHoullier** was in attendance at City Hall Council Chambers. Director Mears was in attendance remotely. Secretary Crossley was in attendance remotely.

LeHoullier appointed Richardson as a full voting members for the meeting.

1. **Approval of the minutes of the meeting of February 17, 2021**

Motion: Robidas MOVED to accept the minutes.

Seconded by Barry.

The MOTION CARRIED by a 7-1-1 roll call vote. (Guptill abstained and Horton voted in the negative)

2. **COMMITTEE REPORTS**

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

Horton inquired on a status update for the Dome project, he noted it went before the SRTC.

Mears stated the application still needs to go through 3rd party review. She stated the hope is that it will be scheduled on the April agenda for the Board to review.

Rhodes noted that they came before the Conservation Commission for review of a Conditional Use Permit to fill a wetland. He stated the Commission recommended approval.

City Council Report: Witham stated took action to move forward with seeking a general permit for nitrogen discharge from the Waste Water Treatment Facility. He stated the EPA has moved the target of total nitrogen that can be discharged rather significantly because of impacts to the Great Bay watershed. He stated this might require additional work at the WWTF to meet the established goal for nitrogen discharge. Wright Pierce, the consulting engineer for the City, is guiding us through the process.

Witham stated Council took action on the Riparian and Wetland Buffer Ordinance. He noted credit to the Conservation Commission for helping for the language clarity of that ordinance update.

Witham noted that bids are due at the end of the week for the Cemetery Road construction for the complete streets project.

Witham stated the Fire Station project continues to move forward. He stated at this stage they are soliciting contracts from different general contractors to establish the GMP (guaranteed maximum price). He stated the Fire Station Building Committee had to take action to reduce project costs. It was determined they needed to cut about \$500,000 from the project costs. He reviewed some of the changes that were made in the plan.

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) **Patriots Power Sports, Trucks and Equipment LLC is seeking site plan approval for Automobile Sales of new and used tractors, motor vehicles, recreational vehicles, snow blowers and lawnmowers for a property located at 375 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 58 Lot 05, SITE#08-2021 PUBLIC HEARING**

Mears stated this application is before the Board because there is a provision under the table of uses that requires automobile sales to come back to the Board for a site plan approval. The applicant has worked to bring the site closer to compliance with additions of landscape improvements. She stated staff recommends that the application be accepted as complete and to begin the review process.

Witham stated, I move to ACCEPT the application and contents as complete to begin review.

The MOTION is SECONDED by Robidas.

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

John Chagnon of Ambit Engineering, **Jon Hanson** and **James Hanson** of Patriots Power Sports were in attendance remotely to represent the application.

Chagnon stated the site is located at 375 Route 108 and was approved some time ago for other uses. He stated they will be reusing the existing building. He reviewed the existing conditions of the site. He stated the site plan shows minor changes to accomplish the reuse of the site.

Chagnon stated they are adding two new parking spaces that will be ADA compliant with a sidewalk that will connect the spots to the building entrance. He stated they will be re-striping the parking lot. He stated there is a note that there is no increase in impervious coverage and are cutting out some pavement to increase the landscaping. He noted the plantings that will be added to the property.

Chagnon stated the applicant is requesting to have a fenced in storage area. He stated there are no dock high doors and so they are constructing a ramp that will allow for the tractor trailers to back up and ramp to retrieve the material. He stated that material will be stored in the fenced in area.

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Chagnon stated the only change to the utilities will be to add a new gas line service. He stated there is also included in the packet is the renderings of the building and sign. He noted the wetlands have been delineated. He stated a trip generation had been calculated. He noted the lot used to be larger but on three sides land was taken from NHDOT to expand the highway. He stated that is in part the reason for the waiver request from Section 11.6 for landscape design.

Chagnon stated they are seeking two waivers. One from Section 11.4 for vehicular circulation and parking, he explained there are some things in the ordinance that do not match up to what exists. He noted they are coming into conformance for the ADA parking. He stated they are seeking a waiver from Section 11.6 Landscape Design Standards, and explained they have tried to introduce more landscaping but due to the reduced lot size because of NHDOT land taking it makes conformance difficult. He noted they meet the buffer yard requirements to residential neighborhoods to the SE of the property.

Chagnon reviewed the staff memo and recommended conditions of approval. He noted they have made the required plan changes. He stated they agree with the staff recommendations. He stated all the permits for State level is existing and do not have any they expect will be required. He stated they find all of the other conditions acceptable.

Rhodes clarified this is the former Somersworth KIA site directly across from Hilltop Chevy.

Chagnon stated yes.

Rhodes stated there are good egress and ingress and has no concern of the traffic flow. He asked if there are plans to vehicle service on site.

Chagnon stated there are 6 existing service bays and those will remain and be used, yes there will be servicing.

Rhodes noted the site abuts directly to a wetlands area, knows it is not a requirement for the stormwater control to be updated, but he would like to mention it and to have the existing stormwater controls to be checked out. He stated he appreciates they are giving up some of the existing paved area to put in landscaping. He stated his only concern is that one of the plantings, #3, the June Creeper is not invasive but can get aggressive. He stated having that near designated wetlands could result in some overgrowth in there. He asked if the applicant would be able to switch that out for a plant that does not affect groundwater in that way.

Guptill stated on the parking along W. High street there appears to be double parking spots.

Chagnon stated being an existing site they are constrained and since they want to be able to drive around the building for better access they created 18 stacked parking spaces. He stated the requirements in the ordinance require 4 spaces/bay and 24 of the parking spots are for the service bays. He stated they find it to be acceptable though stacked, they will be used by staff to park vehicles that are in for serving and shuffle around.

Guptill asked if the storage area will be raised and how it would look from the road.

Chagnon stated the pavement will stay the same, 6' fence, the ramp just a standalone ramp that goes from the pavement to the 4' level of the truck. He stated they are not changing the grade of the parking area.

Guptill asked if the fence is stockade.

Chagnon stated it is a chain link fence. He stated at the SRTC meeting they were asked if they could plant the fence, the plan shows a Virginia creeper vine to make the fence green.

Witham stated overall he likes the project and the site fits the reuse. He noted the gas line that is proposed to go under Route 108, the State will likely require them to bore that. He stated in regards to condition 4.e that the applicant stated was agreeable, the existing site lighting are pole mounted flood lights which would not comply with 4.e. Inquired what they are intending to replace the lighting with. He stated it appears they are looking to reuse the existing sign that shows to be in a state of disrepair.

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Chagnon stated the applicant's will be leasing the facility and were informed by the property owner that the gas line work was to take place and will pass that information on to the property owner. He stated there is no plan to replace any lighting at this time. He stated he believes the idea of the condition if they are to replace lighting it will only be replaced with conforming lighting. He stated the applicant plans to reuse the sign location and repurpose the sign in accordance with the sign ordinance.

Witham stated he would defer to City staff in regards to condition 4.e and if what the applicant understands is in conformance with the Site Regulations.

Mears stated the existing likely does not conform and if they were to replace anything they would need to upgrade to conforming lighting. She inquired if Witham felt they need a waiver for that.

Witham stated that would be the only other option since they have not proposed anything else. He stated he would be okay with it, if the applicant would add a shield on the flood lights to control them.

Jim Hanson inquired if they were referring to the street lights in the outer perimeter or the building mounted lights.

Witham stated parking lot lights, they are at the outer perimeter but point to the parking lot.

Jim Hanson stated those poles are located within the State's property. He stated he would need to talk to the owner of the lot to see if there is a way to adjust those lights.

There was a brief discussion to when the lights were installed and location of the lights.

Jon Hanson stated to the best of his knowledge there are no lights along the roadway that lights the site. He stated it is more building mounted lights. He stated they will be able to come into compliance with those existing lights.

Witham stated the condition 4.e would govern those lights and leave it to staff to ensure the site is in compliance.

Belmore stated on sheet C-2 it lists the owner as Hanson Corner Realty but it has been stated the owner is Rollins Janetos.

Jim Hanson explained Janetos is the property owner but the lease will be through his holding company Hanson Corner Realty LLC for the property.

Belmore inquired about the monitoring well shown on sheet C-3.

Chagnon stated he does not have information on the monitoring well. He stated it is not located within the site boundaries.

Belmore stated in regards to waivers, typically they require the request in writing with justification.

Mears stated yes and they did receive that for this application.

Chagnon stated he did not find a form but provided a written response in the cover letter.

Belmore requested that the waiver requests be filled out after the fact.

Belmore stated in regards to utilities, he did not see any reference to if there would be a change in any utility poles or new poles installed. He requested confirmation of any changes to the poles with this plan. Chagnon stated he believes the site is well served. He stated that there is an existing pole with the power drops and no plan to change the poles. He stated no need for the applicant to set a new pole.

Rhodes stated the perimeter poles extend over Rt. 108 and W. High but do not appear to be directed onto the applicant's property.

Waiver Requests:

MOTION: Hoton stated, I move the request of Patriot Power Sports, Trucks and Equipment LLC, for a waiver from Section 11.4 of the Site Plan Review Regulations regarding vehicular circulation and parking be

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APPROVED.

The MOTION is SECONDED by Robidas.

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

MOTION: Rhodes stated, I move the request of Patriot Power Sports, Trucks and Equipment LLC, for a waiver from Section 11.6 of the Site Plan Review Regulations landscape design standards be APPROVED.

The MOTION is SECONDED by Horton.

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

LeHoullier inquired if the Board felt the need for any additional waivers.

Witham stated condition 4.e. addressed his concern for lighting.

LeHoullier opened the public hearing at 7:11 PM.

Mears stated there were no public comments received via mail, email or phone.

LeHoullier closed the public hearing at 7:12PM.

Mears reviewed the proposed conditions of approval.

Witham stated in review of Google Earth for the site, unless it has been removed, there appears to be a wooden pole in the front corner closest to W. High St. with industrial flood lights to the parking lot. He stated he does not see it on the plans.

Belmore suggested the addition of the following conditions:

- If the pole exists, it shall be shown on the plans; and
- If the pole exists, the applicant shall come before the Planning Board for a waiver or the lighting shall conform to the Site Plan Requirements.

Motion: Horton stated, I move that the request of Patriots Power Sports, Trucks and Equipment LLC for site plan approval for Automobile Sales of new and used tractors, motor vehicles, recreational vehicles, snow blowers and lawnmowers be APPROVED WITH THE FOLLOWING CONDITIONS + site lighting not being addressed on plans.

1. PLAN REVISIONS:

- a. Add a note that there shall be no parking of recreational or automobiles on grass surfaces;
- b. If the light pole at the front corner closest to W. High Street exists, it shall be noted on the plan.

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL

- a. If the pole exists, the applicant shall come before the Planning Board for a waiver or the lighting shall conform to the Site Plan Requirements.

- 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.

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

- a. The backflow device shall be inspected prior to the issuance of the CO;
- b. Plans submitted for review to FD must be approved and stamped by a certified Fire Protection Engineer licensed in NH.
- 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. This shall be completed prior to the issuance of the CO; and,
- d. LANDSCAPING SURVIVAL SECURITY: Ten percent (10%) of the total cost of landscaping or a minimum of five hundred (\$500) dollars, whichever is greater, shall be held for a period of 2 growing seasons to guarantee the survival of the landscaping installation.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. The backflow device shall be tested twice annually
- b. There shall be no wetlands degradation during construction;
- 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 all parking area lighting shall be equipped with a timer and shall shut off no later than 10 p.m. each day and remain off until the following evening;

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 As-builts 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 Gupstill.

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

- B) **FFF Holdings, LLC is seeking conceptual review for a proposed subdivision on a property located on Bernier Street, in the Residential Single Family (R1) and Residential Duplex (R2) Districts, Assessor's Map 36 Lot 24**

Mears stated this is a conceptual design review of a potential subdivision on Bernier Street. She stated the lot is covered by two different zoning districts, partly in the R1 and R2. She stated the applicant has brought forward two different plans for the Board to review. The second plan with 4 lots would require a Special Use Permit for reduced frontage.

Bob Stowell of Tri Tech Engineering and **David, Collin and Drew Francoeur** of FFF Holdings LLC were in attendance remotely to represent the application.

Stowell stated they have brought a couple of design options to present and discuss with the Board for a potential subdivision. They have completed the standard density calculations. He stated the first plan for a 7 lot subdivision, falls into the criteria for a Conservation Subdivision.

Stowell explained this lot is left over from the 1965 subdivision that created Bernier Street. He stated the portion of the subdivision that was on this lot was revoked by the Planning Board in the early 2000s.

Stowell reviewed a potential 7 lot conservation subdivision with a cul-de-sac. He stated the feedback they had received when developing the Greenview Development was that lots get to be very small under a Conservation Subdivision.

Stowell reviewed a potential 4 lot subdivision by granting a special permit that reduces the frontage requirement. He stated this design has two shared driveways proposed. In this development they are proposing to have a buffer between the back lots of the existing lots and the new proposed lots, no cut/no disturb buffer. He stated they will have the open space requirement as well with this development. He stated it would be the same amount of land conserved and have no new City Road.

Stowell stated they are looking for feedback from the Board and to see which design they favor.

Rhodes stated he will always have concern with developments around wetlands especially for stormwater control. He stated he favors the 4 lot subdivision proposal. He stated the overall impact to the land would be lesser, less impervious surface and impact to the ground to build the structures. He stated there would be less traffic and the buffers create a more inviting neighborhood. He stated he feels it meets the intent of the Conservation Subdivision.

Horton stated his comments would fall in line with Rhodes' statement. He stated the 4 lot proposed subdivision meets the intent of the ordinance and is a less impactful development. He stated the buffer

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zone helps maintain the value of the surrounding properties. He inquired if there was a reason to why the design was revoked in 2000.

Stowell stated it was due to that it had not been built and the roadway no longer meet the design standards.

Barry stated he would also echo the statements made. He stated he supports shared driveways. He stated he likes the way the proposal is working with the environment and feels the 4 lot proposed subdivision is the better development.

Robidas stated he likes the layout of the development but he is not a fan of a shared driveway. He inquired if they could keep the layout but have individual driveways. He stated it is not a deal breaker to him but would like to see an alternative.

Stowell stated there is enough room to have separate driveways. He stated the shared driveways would cut down on the impervious surface being installed. He stated the developer is aware of the impact of the shared driveway. He stated the shared driveway seemed to fit the Conservation Subdivision intent better.

Dave Francoeur noted that for the open space a Home Owners Association is required and that can address the driveways as well.

Belmore stated has questions about the shared driveways also. He stated it has been a point of controversy over the years and is not sure if it's allowed in the regulations. He stated he is not in favor of the shared driveways for a compliance perspective and thinks it should be researched. He noted that HOA's are not always active.

Stowell stated they can look into alternative plans as well.

Witham stated he is fine with the 4 lot subdivision plan. He stated he has reservations of the shared driveway as well. He inquired if these lots would be on City water/sewer.

Stowell stated yes to City Water but private sewer.

Witham noted that if it comes to a shared driveway he wants to ensure there is a way to clearly identify the lots for E-911 purposes.

Richardson stated he had similar thoughts on the shared driveway. He stated he appreciates the buffer area around the existing homes.

Barry stated there is the buffer for the back yard but will there be a buffer on the side yards along the driveways.

Stowell stated they have not gotten to that point in the design. He stated with the use of the common driveway it allows for a larger buffer between the roadway and the existing residents. He stated separate driveways would not allow for a buffer.

- C) **Forget Management LLC, is seeking an extension of the Planning Board approval to complete conditions prior to final approval to expand the existing automobile sales and service facility with infrastructure improvements on a property located at 285 Route 108, in the Commercial/Industrial (C/I) District, Assessor's Map 47 Lot 08, SITE#09-2020 & CUP#4-2020**

Mears stated the applicant is seeking a 60 day extension to complete the conditions prior to final approval. She stated staff supports the extension request.

Belmore stated, I move to APPROVE the request of Forget Management LLC, for a 60 day extension of the Planning Board approval to meet the conditions prior to final approval.

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The MOTION is SECONDED by Guptill.

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

- D) **Brixmor Tri City Plaza LLC, is seeking an extension of the Planning Board approval to submit final plans and construct a 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**

Mears stated the applicant is seeking a 30 day extension to be able to submit the final plans and construction cost estimate to receive final approval.

Belmore stated I move to APPROVE the request of Brixmor Tri City Plaza LLC for a 30 day extension of the Planning Board approval to submit final plans and construction cost estimate for final approval.

The MOTION is SECONDED by Robidas.

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

5. WORKSHOP BUSINESS

Mears stated that she reached out to Sarah Wrightsman of the Workforce Housing Coalition. She stated she is able to attend a Board Workshop in May if the Board would like.

Belmore stated it had been the consensus at the last meeting that they did not require a presentation at this time in regards to affordable housing.

6. COMMUNICATIONS AND MISCELLANEOUS

Horton inquired if with the Cemetery Road project there was consideration to pave the portion of W. High Street that is in need.

Witham stated no, he explained the City had applied for a TAP grant for that portion of roadway but did not receive the grant. He stated at this time the Council would need to make a decision on how to move forward with the paving plan for it but currently it is in limbo.

MOTION: Robidas MOTION to ADJOURN.

Belmore SECONDS the motion.

The MOTION CARRIES by a 8-1 roll call vote at 7:47 PM (Robidas voted in the negative)

Respectfully Submitted,

Dana Crossley, Planning Secretary