

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
April 21, 2021**

MEMBERS PRESENT: Ron LeHoullier, Chair, Bob Belmore-City Manager (6:45 PM), Mark Richardson, Alternate, Keith Perkins, Alternate, Chris Horton, Jeremy Rhodes, Harold Guptill- Vice Chair, Kenneth Vincent, City Council Rep. Alternate (6:45 PM)

Excused Members: Jason Barry, David Witham, City Council Representative Paul Robidas

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: **Horton, Guptill, Rhodes and Richardson** were in attendance remotely. **Perkins and LeHoullier** were in attendance at City Hall Council Chambers. Director Mears was in attendance remotely. Secretary Crossley was in attendance remotely. **Belmore and Vincent** were also in attendance remotely joining the meeting at 6:45 PM.

LeHoullier appointed Richardson and Perkins as full voting members for the meeting.

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

Motion: Horton MOVED to accept the minutes.

The MOTION is SECONDED by Rhodes. .

The MOTION CARRIED by a 6-0 roll call vote.

2. **COMMITTEE REPORTS**

Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC, Minor Field Reports):
No comments.

City Council Report: No report.

Strafford Regional Planning Commission (SRPC) Update: Richardson stated if the Board wants to receive a report beyond the emails to let him know and he can provide that.

3. **OLD BUSINESS**

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

No other old business.

4. **NEW BUSINESS**

A) Mark Harrington, is seeking site plan and conditional use approval for a commercial warehouse on a property located at Enterprise Drive/Route 108 in the Commercial Industrial (CI) District, Assessor's Map 48 Lots 24D & 24H, CUP#05-2020 & SITE#13-2020 PUBLIC HEARING

Mears stated the applicant is proposing to construct a 23,000 sf. commercial storage building and approximately 27,000 sf. of associated paved area. She stated this application was reviewed by the Conservation Commission and they voted to recommend approval of the application. She stated the application went before the Zoning Board and was the use was approved. She stated the applicant is seeking 3 waivers and with that Staff recommends the application is complete to start the review process.

Guptill noted to the Board, he is the President of Barclay Square Condo Association and owns a unit at Barclay Square who is an abutter to this application. He stated if the Board feels he should recuse himself he would do that.

Horton stated if Guptill feels it would affect his decision making for the application, that would be the reason he would think he should recuse himself, but if not has no issue.

Guptill stated it would not impact his decision.

Richardson stated he does not see a problem either as Guptill does not have a vested financial interest in the project.

Guptill stated he did not.

MOTION: Guptill stated, I MOVE to accept the application of Mark Harrington for site plan and conditional use permit with waivers as COMPLETE for review and discussion.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by a 6-0 roll call vote.

Bob Stowell of Tri Tech Engineering, Mark Harrington, Mark Gianniny of McHenry Architecture, Terrence Parker of Terra Firma Land Architects, Andy Ward and Attorney FX Bruton were in attendance remotely to represent the application.

Stowell stated the proposed building site is at the corner of Route 108 and Enterprise Drive and is comprised of two lots, 24D & 24H which they are seeking to merge the lots together. He stated they are seeking a conditional use permit to impact a portion of the Riparian Wetland Buffer in the back portion of the lot. He stated they have been through the Conservation review and meet the area thresholds for the conditional use permit and received a favorable recommendation from them. He stated the entrances to the site will be from Enterprise Drive, one for customer access with 6 parking spaces and handicap access. He stated there is a second driveway in the rear to the larger parking lot for employees and truck access. He reviewed the utility plan. The building will have sprinklers. He noted the snow storage locations, the dumpster, bike rack and site lighting.

Stowell reviewed the grading and drainage system. He stated they are putting about 50,000 sf of impervious onto the site. He stated all of the run off is being handled in the bio-retention area for treatment.

Gianniny reviewed the architectural plan set. He reviewed the interior storage area for the PODS, they will be stacked three high inside the building. He noted they are seeking a waiver from the New England Architecture and siding material. He showed examples of surrounding architecture for reference. He stated they are proposing to use different metal sidings to break up the building. He stated the front of the building will have windows to break up the material and bring in natural light. He stated there will be the vertical blue metal siding and a band to break up the wall. He stated they are using the same siding material but varying the colors to break it up. He stated they are also utilizing trees to screen the building from adjacent properties.

Parker he stated after walking the site last fall he took the cues from the native vegetation to create the proposed landscape plan. He stated there are clusters of tree canopies with shrubs underneath, to break up the mass of the building. All of the plants will produce seeds and berries for the natural wildlife. He stated they hope to preserve as much as possible and where they cannot to reproduce. He stated there will be shrubs under the sign again to break up the façade. He stated the detention area has a seed mix of grasses for specific stormwater system areas like this, the grasses help the waters infiltrate. He stated they are putting sassafras and oak around the dumpster. He stated almost everything is food producing for the native wildlife habitat and beautiful plants.

Stowell stated they are seeking three waivers, two of those relative to the appearance of the building as described by Gianniny. He stated the third is a late entry for a waiver regarding the drainage to allow a slight increase in post construction run off. He stated preconstruction they are 1.4CF due to the modeling they are able to capture and treat all of the water appropriately but the model shows a slight increase to 1.49 CF. The discharge is to an undeveloped area to the East.

LeHoullier noted that Belmore and Vincent joined the meeting at 6:45 PM.

LeHoullier opened the public hearing for public comment.

Mears stated a letter was received and read it into the record:

Melissa Grandmaison, 33 Hawthorne Circle: To whom it may concern, My name is Melissa Grandmaison and I live at 33 Hawthorne Circle here in Somersworth. I'm writing in regards to agenda item (4a) 3c - Assessor's Map 48 Lots 24D & 24H, (*SITE13-2020*) ZBA#13-2020. Although not speaking for everyone, each time there is interest in the property abutting the open space owned by our neighborhood HOA, there tends to be a few questions. I'm writing because my property is directly affected as we're right on the other end of Enterprise Drive. (If you do a quick google search, it improperly appears that Enterprise actually connects to Hawthorne Circle causing confusion for the cyclists, runners, and occasional 'backpackers' who cut through our property.) We knew the day would come when the property would be utilized and built upon but we've always hoped that whoever purchased the land would consider leaving as much of a tree buffer as possible to protect the wetland habitats and maintain privacy. The neighborhood children explore the open space along the power lines and often find many different species of frogs near the brook that flows along the tree line. The area is home to a number of wild animals including deer, fox, coyotes and many others. I don't claim to be an expert on wildlife conservation but I do know that those habitats are important and even the smallest disturbance can have an impact on wildlife including reduced abundance, reproduction, and survival. In short, I'm asking that prior to approval and developing the land, due diligence is taken re: the Section 13 Riparian and Wetland Buffer District Ordinance.

Mears stated there were no other comments received via mail, email or phone prior to 4PM.

LeHoullier closed the public hearing.

Rhodes stated regarding the waiver request for the increase post construction of runoff from the drainage system, feels the applicants are doing an excellent job handling the run off and has no concern of that request. He stated for the architectural waivers being requested he has no concern with those either, thinks the architects involved are doing a great job taking what is essentially a block warehouse with interesting details. He stated he particularly wanted to commend the landscape plan, it should be a model for what the community is looking for. He stated all of the plantings have clear thought and care in them, the plantings provide natural and native shelter and food for the wildlife and this is excellent. He stated in regards to the public comment received looking at the plan here it does not appear to be too much cutting between the roadways and the applicants are doing a good job to control wetland. He stated there are always consequences with construction but the applicant has put thought and care into the application and expects any impact would be minor. He stated he has no issue with the plan and thinks it is an exemplary piece of work and hopes to see more like it in the future.

Vincent expressed concern with the landscaping and trash from Route 108 getting stuck in that landscaping. He stated he supports the application but noted the applicant will have to pick up a lot of trash.

Horton stated his comments reflect those stated by Rhodes. He stated he thinks it is a great use of different textures to break up the building and the landscaping is well done. He stated he supports the request.

Belmore apologized for joining late due to Council Committee meeting. He inquired if there is an irrigation system being installed for the landscaping.

Parker stated it would up to the client. All of the plants being installed are drought tolerant. All new plantings need to water for the first year and into the second year. A permanent irrigation system would assist in the longevity of the plant life and suspects the applicant may install one.

Belmore stated he is more interested in long term and would like to see that as a condition of approval. He stated he does like the plan and seems to see more and more of these type of storage facilities.

Harrington stated he would be willing to put in a water irrigation system, as recommended by his landscape architect. He explained some of the reasons behind the increase in use of these types of storage facilities.

Richardson stated he would rather see the property owners picking up the trash than the trash going behind buildings were it would not be picked up. He stated Rhodes comments did answer some of his questions. He inquired from the Horsley Witten report comment 2a. recommendation of top soil and there was some opposition from that, questioned what the bio retention area what will it look like color wise and if it would have grass, also what was the objection.

Stowell explained the manual that Horsley Witten referenced is a good 15 years old, but the most current published manual, but with this issue of the bio retention with the mix and media are using the guidance from UNH Stormwater Center, which Somersworth has supported in the past, which is why they are using that mix.

Parker stated it is a native mix of grasses, there are 10-15 different varieties of grasses designed for different inundation levels. The grass seed mixes are designed for specific types of eco systems and will be great to provide diversity and grown on many types of soils. The grasses provide more access for the water to infiltrate in the detention area.

Richardson stated he appreciated Parker's explanation.

April 21, 2021 PB Minutes

Belmore asked if they would be tall, like sea grasses.

Parker stated it is a variety of grasses ranging from 12"-18"-36" diverse mix of grasses, so it would not just be a tall grass. He described the different grasses that would try to replicate the existing grass from road edge to the woods. There are no foreign grasses in this mix, roadside or native New England meadow grasses will be planted there.

Waiver Requests: 22A.12.7 (b) i Building Features and Materials- exterior massing and materials are compatible with surrounding area.

MOTION: Horton stated, I move the request of Smart Storage Solutions (Mark Harrington), for a waiver from Section 22A.12.7.(b)i of the Site Plan Review Regulations regarding appearance standards for new construction be APPROVED.

The MOTION is SECONDED by Richardson.

The MOTION CARRIES by an 8-0 roll call vote.

22A.12.7 (b) ix 2- ix- building features and materials- the proposed metal siding with baked-enamel finish are compatible with surrounding properties.

MOTION: Rhodes stated, I move the request of Smart Storage Solutions (Mark Harrington), for a waiver from Section 22A.12.7.(b)ix 2 of the Site Plan Review Regulations regarding appearance standards for new construction be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by an 8-0 roll call vote.

12:17a(ii)2 the post development peak rate of runoff to be greater than the pre development peak rate of runoff.

MOTION: Horton stated, I move the request of Smart Storage Solutions (Mark Harrington) for a waiver from Section 12.17.a.(ii)2 of the Site Plan Review Regulations regarding post development peak rate of runoff to be greater than the pre development peak rate of runoff be APPROVED

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by an: 8-0 roll call vote.

Conditional Use Permit Request: Request to construct the stormwater treatment area and truck maneuvering area within the Wetland Buffer District.

MOTION: Horton stated, I move that the request of Smart Storage Solutions (Mark Harrington) for a conditional use permit to construct the stormwater treatment area and truck maneuvering area be APPROVED.

The MOTION is SECONDED by Richardson.

The MOTION CARRIES by an 8-0 roll call vote.

Mears reviewed the proposed conditions of approval as noted in the staff memo. She added that an additional condition would be for the applicant to install an irrigation line to ensure the survival of the landscaping.

Belmore requested that the irrigation line condition be to the satisfaction of the City Planner.

Motion: Horton stated, I move that the request of Mark Harrington for site plan, lot merger application and conditional use approval for a commercial warehouse on a property located at Enterprise Drive/Route 108 be APPROVED WITH THE FOLLOWING CONDITIONS:

1) PLAN REVISIONS:

- a. An irrigation line shall be added to ensure the survival of landscaping to the satisfaction of the City Planner;
- b. Third party review reserved for any outstanding Horsley Witten comments from second review as needed.
- c. COMMENT #1 HW (Waiver granted by the Planning Board from Section 12.17.a(ii)2)
- d. On sheet SP-4 please move CB-102 and CB-104 out of the road Right-of-Way.
- e. Please revise the grading plan to show the proposed 212 contour line between the walls surrounding the loading dock.
- f. On Sp-2 please include additional sedimentation barriers (silt fence or silt sock) along the northern boundary of the site. The silt fence needs to be across the entire length of the LOW bordering the wetland include the south east corner of the site (downslope from the swale and CB108).
- g. On CUP-1 the staked erosion control barrier needs to be inspected prior to any earth disturbance.
- h. The Construction Sequence in the Erosion and Sediment Control notes on SP-6 notes that “sediment deposits shall periodically be removed” from silt fences and other control measures it needs to specify that be removed when it accumulates “between 1/3 and 1/2 the height of the erosion control measures”.

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.

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 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. 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; and,
 - 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.
- 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.

April 21, 2021 PB Minutes

The MOTION is SECONDED by Rhodes.

Discussion: Belmore clarified the motion was to include all conditions in the staff memo, including the new irrigation condition.

Horton and Rhodes agreed that was the intent.

The MOTION CARRIES by an 8-0 roll call vote.

- b. 385 Route 16 Realty Corp. is seeking a conditional use permit and site plan approval to expand the existing automobile sales and service and paved area on a property located at 385 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 49 Lot 46 and Map 57 Lot 02, CUP#01-2021 and SITE#05-2021 PUBLIC HEARING**

Scott Lawler of Norway Plains and Ron Currier of 385 Route 16 Realty Corp. were in attendance remotely to represent the application.

Mears stated this application has four waiver requests, they have received recommendation for approval by the Conservation Commission for the conditional use permit request, and complies with the Zoning Ordinance.

MOTION: Horton stated I MOVE, to accept the application of 385 Route 16 Realty Corp. for site plan and conditional use permit, with waivers as COMPLETE for review and discussion.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by an 8-0 roll call vote.

Lawler stated the site is located at the intersection of Route 108, Whitehouse Road and West High Street and comprising of two lots, Map 49 Lot 46 is a vacant lot and Map 57 Lot 02 is the existing Hilltop Chevrolet. He stated in 2016, Hilltop Chevy went through an addition process on the main building and additional large service bay. He stated in 2020 the site was subject to a fire that damaged a portion of the rear building.

Lawler reviewed the existing site features. He stated the proposed demolition plan shows the removal of 2,575 sf of the existing building that was subject to the fire. He stated there is some removal of gravel and tree clearing in two areas. He stated the applicant is seeking approval to construct a 5,400 sf. addition to the back of the existing service bay. The new addition will replace the fire damaged portion of the building, this will give them wash bays, more prep area bays and mezzanine for additional storage. He stated the building architecture will be matched to the existing recent construction. He stated they are not proposing an increase to City services, no increase in traffic or employees, essentially replacing and allowing more room to continue doing what they were doing.

Lawler stated the second phase of the project proposal is to expand a portion of the back portion of the paving, to where it is currently gravel and some lawn. He stated the additional paved area will accommodate vehicle storage and parked vehicles waiting for storage. He stated in result the applicant will design a new stormwater management system with a larger infiltration system to handle the existing and new stormwater runoff. He reviewed the proposed stormwater systems.

Lawler stated provided in the packet is the two phase plan. Depicting that the addition will be part of phase one and phase two will be for the pavement and stormwater treatment construction. He stated by request of the Fire Department they are installing a new fire hydrant by the Route 108 entrance of their

site. There is second existing hydrant on West High Street. He stated the applicant is looking for two years to complete the project.

Lawler stated they are seeking a conditional use permit for minor impact to the Riparian Buffer. He stated some of the existing currently within the buffer but not adding or changing to that. He stated they went before the Conservation Commission and received a favorable recommendation for the conditional use permit request. He stated they have provided some landscaping plan primarily along the West High Street area. He stated they are seeking a waiver from landscaping requirements from landscape islands. He stated in the past they have approached the Board for landscape island waivers, it is difficult to have the flexibility to park the vehicles for display and have the curbed islands. He stated essentially all of the work being done with this proposal is being done in the back and rear of the lot.

Lawler reviewed the elevations of the proposal and floor plan of the addition. He stated they are seeking a waiver from appearance standards. He stated primarily they will be matching to the existing building and difficult to include the New England style while still matching the existing building and materials. He stated they were granted a waiver in 2016 to allow for the existing building materials and colors. He stated they are also seeking a waiver from the requirement for a traffic analysis because the improvements are all replacing existing use and not anticipating any additional traffic to the site.

LeHoullier opened the public hearing.

Mears stated no comments were received via mail, email or phone by 4PM of this date.

LeHoullier closed the public hearing.

Horton stated he feels the design will handle sheet flow across the parking lot well and the additional paved area. He stated he likes the elevation views and done a nice job incorporating the new addition into the existing. He stated thanked Ron Currier for all that he has done for the community. Stated he supports the project.

Vincent stated he likes the plan layout. He stated Ron Currier has been a member of the community for years and thinks highly of him. He stated issues are always taken care of with this business. He stated he is in strong support of the project.

Richardson stated he would echo the statements of Vincent. He stated he is in support of the application.

Waiver Requests: Chapter 22A Section 12.4.d: Traffic is proposing a building that will replace seven existing bays that have sustained fire damage. The new addition will replace the bays being removed and provide for additional storage. The proposal will not be increasing the number of employees or change the number of service bays.

MOTION: Richardson stated, I move the request of Hilltop Chevy (385 Route 16 Realty Corp.), for a waiver from Section 22A.12.4.d traffic of the Site Plan Review Regulations regarding traffic impacts be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by an 8-0 roll call vote.

Chapter 22A Section 12.4.b.viii Mitigation for the Impact of parking lots the proposal is to provide additional landscaping near the new paved vehicle display area instead of the parking lot.

April 21, 2021 PB Minutes

MOTION: Guptill stated, I move the request of Hilltop Chevy (385 Route 16 Realty Corp.), for a waiver from Section Chapter 22 A Section 12.4.b.viii mitigation for the impact of parking lots of the Site Plan Review Regulations regarding traffic impacts be APPROVED.

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by an 8-0 roll call vote.

Chapter 22A Section 12. 6 Landscaping Design Standards

MOTION: Horton stated, I move the request of Hilltop Chevy (385 Route 16 Realty Corp.), for a waiver from Section Chapter 22 A Section 12.6 Landscaping Design Standards of the Site Plan Review Regulations regarding landscape design standards be APPROVED.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by an 8-0 roll call vote.

Chapter 22A Section 12.7 b Appearance Standards Building Features and Materials features i, iii, v, vii, ix the applicant is proposing that the building addition will have insulated metal panels that match the white color and materials specified by Chevrolet automobile company requirements and match the recently constructed service departments.

MOTION: Guptill stated, I move the request of Hilltop Chevy (385 Route 16 Realty Corp.), for a waiver from Chapter 22A Section 12.7 b Appearance Standards Building Features and Materials of the Site Plan Review Regulations regarding appearance standards of buildings be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by an 8-0 roll call vote.

Conditional Use Permit: Request to construct the stormwater management system within the Riparian and Wetland Buffer for expansion of an existing automobile sales and service facility.

MOTION: Horton stated, I move that the request of 385 Route 16 Realty Corp. for conditional use permit to construct the stormwater management system within the Riparian and Wetland Buffer for the expansion of an existing automobile sales and service facility be APPROVED.

The MOTION is SECONDED by Vincent.

Discussion: Belmore inquired if there were any conditions attached to the recommendation from the Conservation Commission.

Rhodes stated no.

The MOTION CARRIES by an 8-0 roll call vote.

Mears reviewed the proposed conditions of approval.

Motion Horton stated, I move that the request of 385 Route 16 Realty Corp for a conditional use permit, lot merger application, and site plan approval to expand the existing automobile sales and service and paved area on a property located at 385 Route 108 APPROVED with conditions stated in the staff memo.

April 21, 2021 PB Minutes

The MOTION is SECONDED by Guptill.

Discussion: Belmore noted that the conditional use permit has already been acted upon. He inquired if the voluntary merger should have been acted upon separately. He asked for more information on the voluntary merger request.

Horton noted the conditional use permit could be struck from the motion, as it has been acted upon and agreed the voluntary merger should be addressed separately.

Belmore stated the applicant had mentioned they were looking for 2 years to complete the project, inquired if there should be something to recognize that or if the applicant could return to seek an extension.

Horton stated he would amend the motion to be as follows:

Motion Horton stated, I move that the request of 385 Route 16 Realty Corp for a site plan approval to expand the existing automobile sales and service and paved area on a property located at 385 Route 108 APPROVED with conditions stated in the staff memo.

Belmore inquired if Horton is agreeable to waiting on the site plan approval motion for the voluntary merger request to be addressed. Also for clarification on the time frame of the approval. He stated is preference would be for the applicant to come back before the Board for an extension if needed.

Lawler stated the voluntary merger request is to merge Map 49 Lot 46 and Map 57 Lot 02. He stated the form and plan were submitted to the Planning Department. He stated in regards to the timeline for construction, he does not see it as a problem to come back before the Board to seek an extension if needed.

Mears stated a standalone motion should be made for the voluntary merger. She stated it would be to approve the voluntary merger of Map 49 Lot 46 and Map 57 Lot 02.

Vincent inquired if vacant lot is in current use.

Lawler stated no because it is less than 10 acres.

Horton inquired if the Board wanted to have separate motions or just one.

Mears stated she would advise to have separate motions.

MOTION: Belmore stated, I MOVE that the request for the voluntary merger of Map 49 Lot 46 and Map 57 Lot 2 be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by an 8-0 roll call vote.

Motion Horton stated, I move that the request of 385 Route 16 Realty Corp for a and site plan approval to expand the existing automobile sales and service and paved area on a property located at 385 Route 108 APPROVED WITH THE FOLLOWING CONDITIONS:

PLAN REVISIONS:

- a. None.

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.

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

- i. 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;
- j. 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;
- k. 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;
- l. 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,
- m. 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.
- n. 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.
- o. LANDSCAPING SURVIVAL SECURITY: Ten percent (10%) of the total cost of landscaping or a minimum of five hundred (\$500) dollars, whichever is greater, shall be held for a period of 2 growing seasons to guarantee the survival of the landscaping installation.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

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

April 21, 2021 PB Minutes

infrastructure shall be cleaned out and brought down to proposed bottom elevation prior to CO of new building.

4. 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 20 days of the date the Board made its decision..

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by an 8-0 roll call vote.

- c. **Ian Joseph Campbell, LLC is seeking a conditional use permit and site plan amendment to install solar panel array on 3' concrete pedestal and remove requirement to have stone under array for a property located at 413 High Street, in the Residential/Commercial (R/C) District, Assessor's Map 36 Lot 3A, CUP#03-2021 & SITE#06-2021 PUBLIC HEARING**

Packy Campbell of Ian Joseph Campbell LLC was in attendance remotely to represent the application.

Mears stated proposes to install one additional solar tracker and will have a ground impact of a 3x3 area within the 100' wetland buffer with the solar array to overhang as well. She stated the tracker is a 24 panel solar tracker. She stated the applicant went to the 4/16/21 Conservation Commission meeting, the application was continued to the next meeting in order to receive additional information from the applicant. She stated at this time the application does not have a recommendation from the Conservation Commission and would suggest to wait for their recommendation prior to beginning review of the application. She noted the applicant supplied additional information earlier in the afternoon and that was shared with the Board via email.

Richardson stated he was unable to view all of the additional documents shared this afternoon for this application.

MOTION: Guptill stated, I move that the request of Ian Joseph Campbell, LLC, for a conditional use permit and site plan amendment to install solar panel array on 3' concrete pedestal and remove requirement to have stone under array for property located at 413 High Street BE CONTINUED to the meeting of May 19th for the following reasons:

April 21, 2021 PB Minutes

- To receive the Somersworth Conservation Commission recommendation on the Conditional Use Permit.

The MOTION is SECONDED by Rhodes.

Discussion: Rhodes stated when the applicant was before the Conservation Commission he did not indicate on the maps precisely the location of the solar tracker. He noted that meeting was tense and expects that they will be reviewing a full plan from the applicant at the next meeting. He stated he supports continuing this application in order to review a complete and descriptive plan from the applicant.

Belmore stated the continuance motion though non-negotiable would be in favor of giving the applicant a chance to speak.

MOTION: Horton stated, I move to suspend the rules to allow the applicant to address the Board.

The MOTION is SECONDED by Vincent.

The MOTION CARRIES by a 6-2 roll call vote (Rhodes and Guptill voted in the negative)

Campbell stated he does not have an issue with being continued to the next meeting. He stated he apologizes, especially to Rhodes who was in attendance of the Conservation Commission meeting, and feels they were all a victim of the Zoom culture. He stated there may have been times he over spoke Board members without meaning to and at the time did not have the ability to screen share. He stated his thought was they were talking about a 30" diameter post and that it being not closer than 50' to the wetlands was enough of an explanation. He stated he would like the Board to consider the waiver request that is before the Board. He stated it is not impacted by the Conservation Commission recommendation but it was part of the discussion. He stated he does have ability to share the screen tonight.

Belmore stated the Board should move on the continuance motion first prior to hearing a presentation.

Campbell stated he would like the opportunity to speak about the application and the different square footages because he thinks from the presentation if the Board did need additional information he would be more prepared to provide it next month. He stated the Board approved the existing 3 trackers in 2019, and wants to know if the Board will grant the waiver from the requirements of a full plan set and to instead rely on the information that the City has on file. He stated he also thinks there was a lot of information he assumed the Conservation Commission had such as the drainage report to show now drainage issue, done as-builts, and he did get defensive because he felt he was being treated poorly at the meeting. He stated he would appreciate to go on the record the acknowledgment that the drainage report was completed, the as-builts were completed and for the Board to look at the application and discuss the overhang that is 60' from the wetland and the post 72' from the wetland. He stated he did not get clear indication from the Conservation Commission to what they were looking for information but did from the Planning Department. That information he tried to provide to this Board.

Rhodes stated with all due respect the applicant and himself have a disagreement on the cause of tense atmosphere at the Conservation meeting. He stated in terms of a date certain the next Conservation meeting will be held on 5/12 and the PB would be 5/19 and would anticipate seeing the applicant at both of those meetings with a complete plan and further request to continue with the motion to continue this application to allow a complete plan go through the review process.

Belmore requested that the motion only address the Planning Board meeting date.

April 21, 2021 PB Minutes

Motion: Rhodes stated, I move that the request of Ian Joseph Campbell, LLC, for a conditional use permit and site plan amendment to install solar panel array on 3' concrete pedestal and remove requirement to have stone under array for property located at 413 High Street BE CONTINUED to the meeting of May 19th for the following reasons:

- To receive the Somersworth Conservation Commission recommendation on the Conditional Use Permit.

The MOTION is SECONDED by Belmore.

The MOTION CARRIES by an 8-0 roll call vote.

5. WORKSHOP BUSINESS

Mears stated the Public Works Director and City Engineer have a presentation for the Board in regards to proposed changes to the Site Plan Regulations based on the MS-4 post construction stormwater requirements. She inquired if the Board would be in favor of having a workshop meeting prior to the May 19th Planning Board meeting.

The Board was in consensus to schedule the 5:30 workshop on May 19th.

6. COMMUNICATIONS AND MISCELLANEOUS

Guptill inquired if with the Mark Harrington application if there was a lot merger that was overlooked in the approval process.

There was a brief discussion of the process to approve the voluntary merger request.

MOTION: Rhodes stated, I MOVE to reopen the public hearing for Mark Harrington, for request to voluntarily merge two lots on a property located at Enterprise Drive/Route 108 in the Commercial Industrial (CI) District, Assessor's Map 48 Lots 24D & 24H, CUP#05-2020 & SITE#13-2020.

The MOTION is SECONDED Belmore.

The MOTION CARRIES by a 7-1 roll call vote (Guptill voted in the negative)

LeHoullier opened the public hearing.

Mears stated there were no public comments received regarding the lot merger application request.

LeHoullier closed the public hearing.

Richardson stated he saw the applications in the packet and but thought a different procedure was being taken.

MOTION: Rhodes stated I MOVE the request for a voluntary merger of Map 48 Lots 24H and 24D be APPROVED.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by an 8-0 roll call vote.

Horton inquired if Vincent or Belmore had any notable events to report from the recent Council meeting.

April 21, 2021 PB Minutes

Belmore stated the Council passed the fiscal year budget. He stated two new SUV Police cruisers were added to that budget as suggested by the Planning Board. He stated he appreciates the Board's input and tries to incorporate it where he can.

Vincent stated his comments are the same as the City Managers. He thanked the members of the Planning Board for their ongoing dedication and server.

The Board held a discussion about in person meetings.

Belmore stated they will need to look into logistics and procedures for meeting in person.

MOTION: Horton MOTION to ADJOURN.

Richardson SECONDS the motion.

The MOTION CARRIES by a 7-1 roll call vote at 8:36 PM (Guptill voted in the negative)

Respectfully Submitted,

Dana Crossley, Planning Secretary