

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
June 1, 2021**

MEMBERS PRESENT: Bob Belmore-City Manager, , Chris Horton, Jeremy Rhodes, Harold Guptill- Vice Chair, Kenneth Vincent, City Council Rep. Alternate, Jason Barry, Paul Robidas, Paul Goodwin-Alternate, Mark Richardson

Excused Members: David Witham, City Council Representative, Ron LeHoullier, Chair, and Keith Perkins, Alternate

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

The Meeting was called to order at 5:32 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, Belmore, Robidas, Barry, Vincent, Goodwin** were in attendance remotely. Director Mears was in attendance remotely. Planning Secretary Crossley was in attendance remotely.

Guptill appointed Goodwin as a full voting member for the meeting.

- A) **Craig Riotto, is seeking a 2 lot subdivision, conditional use permit and site plan approval for an athletic/fitness facility and infrastructure on a property located at 165 Route 108 in the Commercial Industrial (CI) District, Assessor's Map 63 Lot 10 SUB#01-2021, CUP#02-2021 & SITE#04-2021 PUBLIC HEARING**

Craig Riotto NE Sports Hub, **Geoff Aleva** of Civil Consultants, **Stephen Pernaw** Traffic Engineer, **James Ball, Phil Hastings Esq.** and property owner **Brian Cote** were in attendance remotely to represent the application.

Mears stated included in the Board's packets was information for offsite improvements. She stated after discussion with Public Works and the applicant, she has provided a memo with two options for the Board to review and determine for an appropriate offsite exaction. The options presented are as follows:

1. The applicant shall construct the improvements as required from the NH DOT driveway permit (Concept 1), including but not limited to the intersection improvements of Willand Drive and Route 108 prior to the issuance of the Certificate of Occupancy and to the satisfaction of the Director of Public Works and Utilities. Any further improvements as required by NHDOT per the driveway permit shall be paid by the applicant. An offsite exaction in the amount of (\$47,500) for improvements to Willand Drive shall be collected prior to the issuance of CO. (see pg. 2 for fair share calculation)

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2. The applicant shall construct the improvements as required from the NH DOT driveway permit (Concept 1), including but not limited to the intersection improvements of Willand Drive and Route 108 prior to the issuance of the Certificate of Occupancy and to the satisfaction of the Director of Public Works and Utilities. Any further improvements as required by NHDOT per the driveway permit shall be paid by the applicant.

Aleva stated concept 1 for intersection improvements was discussed at the last meeting and his office has developed a plan that shows those improvements to add painting and a turn lane off Willand Drive to head North on Route 108. He stated it would add 4.5' of pavement along the edge of Willand Drive and would take place within the right of way of Willand Dr. He stated they have met with City staff to review this information and prepared a cost estimate based on the plan being presented which came out to \$61,500 to complete the work. He stated the intent is to send this plan with the DOT driveway permit application for their review of the proposal. He stated the State could request changes. He stated as they indicated at the last meeting, the applicant is willing to pay 100% of the concept 1 intersection work. He stated within the memo prepared by Director Mears, they prefer option 2 which would be only completing the concept 1 intersection improvement but would discuss additional items with the Board.

Guptill opened the public hearing.

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

Guptill closed the public hearing.

Mears noted one comment was received from one of the Board members that have been unable to attend the meeting. This comment was in regards to adding directional signage to the site to direct the patrons to Route 108 or High Street.

Aleva stated the Director shared that information with him prior to the meeting. He stated the signage was also addressed in their traffic report and have discussed locations to install the directional wayfinding signage. He stated the signs would be installed near both entrance/exits as well as inside the building and on their website.

Goodwin stated he loves the idea of the wayfinding signage but would also like to see included in that signage is direction to downtown Somersworth.

Richardson suggested that Maine also be highlighted on the signage.

Aleva stated he believes they can work with the Planning Office and Public Works to ensure the sign has the appropriate highlights.

Horton stated he is in favor of concept 1 and the offsite exaction due to the increased traffic on the roadway from this use.

Robidas stated he is also in favor of that option 1 presented in the staff memo that includes concept 1 and an exaction for improvements to Willand Drive. He inquired if there was discussion of repaving of the entirety of Willand Drive. He stated the road is in tough shape and it will need to be addressed. Should there be some sort of additional contribution to get the road up to snuff to handle the traffic.

Mears stated yes, in her memo to the Board there are two options being presented. Option 1 includes the applicant completing Concept 1 intersection improvement and an exaction in the amount of \$47,500 for

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roadway improvements. Option 2 is limited to the applicant completing the Concept 1 intersection improvements. Mears explained the \$47,000 number came from 34% increased usage on the road. This information has been shared with the applicant and their traffic engineer has an alternate proposal for an offsite exaction number.

Robidas stated he would not feel right asking the applicant to improve the entire Willand Drive since the impact to the road is not entirely this use, but there needs to be something contributed to protect the tax payers. A number to satisfy both the applicant and community.

Aleva stated City staff came up with the figure of \$47,000 based on the 34% of the traffic for milling and resurfacing of Willand Drive, from Route 108 to Commercial Drive (3,000 linear foot area). He stated the 34% is based on the highest traffic numbers in the summer coming from the facility going right to Route 108. He stated the percentage of traffic turning left to High Street is lower than that. He stated if the numbers are averaged the numbers decreases throughout the year. He stated that is where their thought process and request for a lower number stems from.

Belmore asked for more clarification on the 34%, if it was based on the frontage of the facility, not traffic counts.

Mears stated it is based on the 3,000 linear feet of road times the usage which was 34%.

Pernaw stated he was going to address three numbers. First, the \$47,000 appears to come from considering the entire length of the roadway, with a unit cost and applied 34% and came up with the \$47,000 for an exaction. He stated the 34% only applies to the section of roadway between the site and Route 108. He stated the longer section of roadway to High St is a lower number of 26%. He stated he recalculated with that percentage and it comes to \$41,000. He stated after further review those traffic numbers and percentages were based on the highest peak travel in the summer months. He stated he took into account the other 10 months of the year which is much less, and used a weighted average which determines the exaction to be \$10,500. He stated to be fair one percentage should not be applied to the entire roadway, rather two, and also calculation should consider the entire year which is how they came to the \$10,500 figure.

Belmore asked what cost would be for improvement to the frontage of this lot. (Route 108 to end of property)

Pernaw stated the frontage is 1,300 ft.

Mears stated it would be \$47 per linear foot.

Rhodes stated \$47 per 1,300ft comes out to \$61,000 and if you consider the percentage of 34% with that it would bring it to a contribution of \$20,774. He stated he would find this to be a fair approach.

Goodwin stated he would be comfortable with that contribution number because the mitigation it is offsetting is the peak traffic and determining the number on a basis of their frontage is a good compromise.

Vincent inquired if the road was in good condition if the applicant would still have to supply an impact fee or contribution to the road.

Belmore stated it would be a Board decision if they found the impact would cause the road to deteriorate faster than expected.

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Vincent state Willand Dr. is not in good condition and the impact from the traffic of this use will make it worse and is in favor of the exaction for improvements to Willand Drive.

Rhodes stated when there is a project on a road that is in good condition, such as Cumberland Farms on Route 108, the Board required them to pay on offsite exaction for sidewalk improvements. He stated they have to look at each project individually. This subject road is not in great condition and the conditions from this development will exasperate the road conditions. He stated it is not the applicant's fault the road is in bad conditions so therefore they need to find a fair number for the applicant and City. He stated he thinks the frontage based calculation lands in the middle and is reasonable.

The Board held a brief discussion on projects built on improved roads and offsite exactions.

Belmore explained that pursuant to the RSA an offsite exaction collected must be spent within 6 years. He stated each development has to be looked at individually and one model does not apply across the City.

Guptill stated it has been clearly established the road condition is not great and the applicant's use will create more traffic on the road and elevate the level of disrepair that will need to be addressed.

Goodwin stated in his experience an exaction must be proportional to the project scale and appropriate. He stated the largest negative impact identified is traffic. They know there will be other benefits to the Community, but the largest negative impact would be to the City Street Willand Drive. The discussion is to determine proportional number and thinks the proposed number \$20,774 is proportional and appropriate.

Robidas stated he thinks the proposal is fair and is ready to vote.

Barry stated he is in support of the \$20,774 and concept 1 intersection improvement.

Guptill stated there are two matters, exaction for improvements to Willand Drive and work to do concept 1. With the Willand Dive number coming to the \$20,774. Is that acceptable to the applicant.

Ball stated the applicant is willing to complete 100% of the concept 1 intersection improvement. He stated he thinks the calculation as described by Rhodes, of \$20,774 as an exaction fee would not break the applicant. Using the linear footage of the frontage of the property is fair. He stated their one aspect, that as they take the lead on this working with DOT there could be mission creep, if the mission creeps becomes too much they would want to come back before the Board to re-discuss the \$20,774 figure.

Riotto due to technical microphone issues gave thumbs up of support to the statement made by Ball.

Cote noted that the condition of Willand Drive is worse in the area of Dover Motor Mart due to the heavy truck traffic and regular car vehicle traffic would not have the same impact.

Ball after speaking with Riotto on the phone, stated he was in agreeance with that the applicant would pay 100% for concept 1 of the intersection improvement and agrees with the calculation for \$21,000 and that it would be paid prior to issuance of Certificate of Occupancy. He stated he would like to see a condition that regards the mission creep.

There was a brief discussion of how a mission creep condition would be handled.

Belmore noted that applicants can always come back to the Board for a site plan amendment.

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Mears reviewed the proposed conditions of approval. The conditions of approval included option 1 from the Staff Memo for offsite improvements, including the applicant completing concept 1 and a contribution of \$20,774.

Aleva requested that the Board grant additional time for the duration of approval. He noted as discussed with the Subdivision approval they had requested 240 days to complete precedent conditions due to the expected time frame for DOT permit approvals. He stated they would be looking for a similar time frame for this approval as well.

Site Plan Motion: Robidas stated, I move that the request of Craig Riotto for and site plan approval for an athletic/fitness facility and infrastructure be **APPROVED WITH THE FOLLOWING CONDITIONS**

1. PLAN REVISIONS:

- a. All outstanding comments from Third Party Review of the stormwater drainage shall be addressed to the satisfaction of Director of Planning and Community Development and City Engineer.
- b. Pursuant to the recommendation of Vanasse and Associates, INC. please add Stop-Signs and marked Stop-lines on the project site driveway that approaches Willand Drive, as well as directional arrows to separate entering and existing traffic at the entrance.
- c. Pursuant to the recommendation of Vanasse and Associates, INC. please add a defined pedestrian path to link the parking lot to the main entrance. This path should include sidewalks and marked crosswalks.

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. Building Plans shall bear the stamp of a Certified Fire Protection Engineer licensed in New Hampshire to certify compliance with all egress, emergency lighting, smoke, heat, and CO detection systems, fire alarm monitoring and reporting systems, fire suppression systems, and any other fire protection or related life safety systems required by National and/or NH Code.
- b. An approved trench permit from the Department of Public of Works is required for all trenches across City Streets. This permit is required for utility connections in Willand Drive.
- c. An approved driveway permits from the Department of Public Works are required for the two driveways proposed for accessing the site on Willand Drive.

- d. 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.
 - e. Applicant shall supply draft easement language for the walkway connection from the Sports Dome Lot to the Hilltop Fun Center Lot to the City for legal review and approval. An escrow shall be collected in the amount \$750 or determined by the Director of Planning and Community Development to cover the cost of the review and recording of the easement at the Strafford Country Registry of Deeds prior to the issuance of a C/O.
 - f. 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.
 - g. 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 and off-site improvements. If all site work is completed as proposed this account will be refunded.
 - h. 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.
 - i. 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.
 - j. 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.
 - k. 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 applicant shall construct the improvements as required from the NH DOT driveway permit (Concept 1), including but not limited to the intersection improvements of Willand Drive and Route 108 prior to the issuance of the Certificate of Occupancy and to the satisfaction of the Director of Public Works and Utilities. Any further improvements as required by NHDOT per the driveway permit shall be paid by the applicant. An offsite exaction in the amount of (\$20,774) for improvements to Willand Drive shall be collected prior to the issuance of CO. 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.

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- e. The applicant shall work with Somersworth Police Department and Somersworth Fire Department as needed for these large regional events for crowd control, traffic detail, and review of overflow parking/transportation.
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 a .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 240 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 Rhodes.

Discussion: Horton stated he concurs with the motion as presented and would like to request a post construction site walk, not necessary to be a condition of approval though.

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

2. COMMUNICATIONS AND MISCELLANEOUS

Mears stated she would like to thank all of the staff involved with moving this project along to get it ready for this special meeting tonight.

MOTION: Richardson MOTION to ADJOURN.

Barry SECONDS the motion.

The MOTION CARRIES by a 9-0 roll call vote. Meeting adjourned at 6:26PM.

Respectfully Submitted,

Dana Crossley, Planning Secretary