

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
June 16, 2021**

MEMBERS PRESENT: Bob Belmore-City Manager, Keith Perkins, Alternate, Chris Horton, Jeremy Rhodes, Harold Guptill- Vice Chair, Kenneth Vincent, City Council Rep. Alternate, Jason Barry, Ron LeHoullier, Chair, and Mark Richardson

Excused Members: David Witham, City Council Representative, Paul Robidas, Paul Goodwin-Alternate

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

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

LeHoullier appointed Perkins as a full voting member for the meeting

1. Approval of the minutes of the meeting of May 19, 2021 regular & workshop and June 1, 2021 special meeting.

Motion: Horton MOVED to accept the minutes of May 19, regular and workshop.

The MOTION is SECONDED by Rhodes.

Discussion: Richardson noted in the regular meeting minutes that he was not in attendance and the SRPC report noted in those is from the April Minutes.

The MOTION CARRIED by a 6-0-2 vote, Richardson and LeHoullier abstained.

MOTION: Guptill MOVED to accept the minutes of June 1.

The MOTION is SECONDED by Vincent.

The MOTION CARRIES by an 8-0-1 vote, LeHoullier abstained.

2. COMMITTEE REPORTS

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

Horton asked for more information on the Minor Field Modification for 8 Government Way. ears stated the contractor reached out explaining that they were having difficulty securing the screening for the dumpster area. He requested to change the material to a vented metal and it was approved.

City Council Report: Vincent stated the complete streets Cemetery Road project and the street resurfacing projects are well under way.

Strafford Regional Planning Commission (SRPC) Update: Richardson reported that the SRPC has been holding some good workshops and encourage everyone to take all that they can.

Belmore noted that the SRPC has been very helpful for the City with brownfield projects. He stated through the grants SRPC receives they have been assisting in the phase 1 and 2 of the Police Station and the Phase 1 for the National Guard site. He stated he would like to thank SRPC for all of the assistance on behalf of the City.

3. **OLD BUSINESS**

A. **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**

Mears stated the Conservation Commission reviewed this application and recommended approval at their last meeting. The applicant is requesting to install one new 24 panel solar array tracker, on 3' high pedestal with a 3' x 3' base and 100' overhang in the wetland buffer. They are also seeking to amend the 2019 approval for the existing three trackers to remove the requirement of having to install stone under the array. The applicant has provided a waiver request.

MOTION: Guptill stated, I move that the request of Ian Joseph Campbell LLC, for conditional use permit and site plan amendment be removed from the table.

The MOTION is SECONDED by Barry.

The MOTION CARRIES by a 9-0 vote.

Bob Stowell of Tritech Engineering was in attendance to represent the application. Stowell stated they have updated the wetlands on the site and located some of the physical features on site including the existing solar tracker arrays. He stated the three existing are 42 panel arrays and proposing one new 24 panel array. He stated it has been configured so that it does not overhand the wetlands. He stated one of the original concerns was that the solar trackers are a glass sheet, but in fact they are individual panels which allows for water to drain between them and not create erosion issues. The existing arrays are not creating an erosion issue and therefore they are seeking to remove the requirement to have stone installed under the arrays. It was never installed and does not think it is necessary. They are seeking approval to install the new smaller tracker without the stone under the array as well. He stated the Conditional Use Permit was reviewed by the Conservation Commission and a favorable recommendation was received.

Stowell stated they are seeking a waiver from the requirement for the full blown site plan. He stated they have completed in proximity survey work to the construction area to know where the wetlands are and the setbacks. He stated it does not meet the full site plan requirements and therefore are seeking a waiver. He stated it was two years ago that the first three were installed and it has been a great success and works as anticipated.

Application Acceptance: MOTION: Rhodes, stated I move that the application of Ian Joseph Campbell LLC for installation of a solar tracker and amendment of a previous condition of approval be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION is SECONDED by Guptill.

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

LeHoullier opened the public hearing.
No Public Comment received.
LeHoullier closed the public hearing.

Belmore inquired if the Conservation Commission reviewed the requirement for stone. Rhodes stated the primary concern was around erosion for the existing three panels, but there is a contour to the site so there is no indication to what they are looking for now would be any different than the existing three. He stated there has been no sign of erosion around the existing three so they were unconcerned with not having stone one site. Though none of the Commission were thrilled it was not built as specified in the first place but there was no detriment in this case.

Barry stated on CUP-2 there is no grading or landscaping, what direction does the grade move. Stowell stated the grade doesn't change at all, it is a 3' diameter post that goes in the ground sits on existing grade, disturbed during construction but restored to natural grade with natural vegetation. Barry stated there is a drain line with rip rap, how does that drain. Stowell stated it is a little lower than the grade, but not a detriment to the overhang of the array. Barry stated his concern would be if that drained towards the pedestal. Stowell stated it does not.

Horton inquired if the lilac bushes had been planted and what the dash lines represent on the plan. Stowell stated he did not know about the lilac bushes and the solid dark line is the wetland line and the shadow line is the 50' wetland buffer. Horton asked for information on the trench details. Stowell stated the tie in point is at the existing light pole which is the transfer location, trenching will go from the center of the array pole to the light pole and will be disturbed during construction and returned to natural grade. He stated it would be with native mix as in the proposed conditions of approval.

Rhodes stated he did not think the lilacs had been placed and adding that as a condition that they be planted if they have not been.

Waiver Requests:

1. Section 9 & 10: Formal application procedure for a conditional use permit and specifications for plans and documents to be submitted: requirement of full engineered plan set.

MOTION: Rhodes stated, I move that the request of Ian Joseph Campbell LLC, for a waiver from Sections 9 and 10 of the Site Plan Review Regulations for the requirement to provide full plans be APPROVED.

The MOTION is SECONDED by Barry.

The MOTION CARRIES by a 9-0 vote.

Conditional Use Permit: Request to install a solar panel array on 3' high pedestal, 3' x 3' base and overhang within the 100 ft. wetlands buffer.

The Conservation Commission reviewed the request at the 6/9/2021 meeting and recommends approval with no conditions.

MOTION: Rhodes stated, I move that the request of Ian Joseph Campbell LLC, for a conditional use permit to install a solar panel array on 3' high pedestal, 3' x 3' base and overhang within the 100 ft. wetlands buffer be APPROVED.

The MOTION second SECONDED by Horton

The MOTION CARRIES by a 9-0 vote.

Mears reviewed the conditions of approval. She noted the additional condition of approval would be that the applicant shall plant the three required lilac bushes from the 2019 approval.

MOTION: Rhodes stated, I move that the request of Ian Joseph Campbell LLC to install solar panel array on 3' concrete pedestal and remove requirement to have stone under array at 413 High Street be APPROVED WITH THE FOLLOWING CONDITIONS:

1. PLAN REVISIONS:
 - a. Please note on the plan any replanting will require a native seed mix.
 - b. Any damage done to the site's vegetation as a consequence of construction be remediated prior to completion of work;
 - c. The three (3) lilac bushes to be planted pursuant to the 2019 site plan shall be added to the plan;
2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL
 - a. Construction Cost estimate for this project shall be submitted to the Department of Development Services;
 - b. Please submit five folded 24" x 36" paper copies of the final 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, NHDES Wetlands permit;
3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
 - a. 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;
 - b. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breaches shall be repaired within 48 hours of the storm event;
 - c. 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;

- d. Any damage done to the site's vegetation as a consequence of construction be remediated prior to completion of work;
- e. Any replanting required on site shall be done with native seed mixes;

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. There shall be three (3) lilac bushes planted on site pursuant to the 2019 site plan approval;
- b. There shall be no wetlands degradation during construction;
- c. A copy of the completed Stormwater Inspection & Maintenance Log for the drainage on the site shall be provided to the Public Works Department annually on or before January 1st.
- d. This requirement shall be an ongoing condition of approval and noted on the final plans;
- e. 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;
- f. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways; and,

5. AS-BUILT PLANS.

- a. Within thirty days of the completion of the project an electronic As-Built Plan of the proposed development with details acceptable to the Development Services Department shall be provided on paper and on CD prior to the issuance of a Certificate of Occupancy (CO). 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 Guptill

Discussion: Vincent stated he applauds the applicants efforts for using renewable energy and bringing the use to the City and encouraged the use of net metering.

The MOTION CARRIES by a 9-0 vote.

- B. 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 the applicant is seeking an extension to complete items required for final approval. The remaining items that they are seeking additional time to complete are the recording of easements. She stated one of the easements is with the City and will require a legal escrow for that review process. The applicant is seeking a 90 day extension. The Final Plans have been signed.

MOTION: Guptil stated, I move that the request of Forget Management for a 90 day extension of the Planning Board approval to complete conditions prior to the final approval to expand the existing automobile sales and service facility with infrastructure be APPROVED.

The MOTION is SECONDED by Barry.

Discussion: Guptill inquired if this would be the last extension request.
Mears stated she expected so.

The MOTION CARRIES by a 9-0 vote.

- C. Any old business that may come before the Board.**
No other old business.

4. NEW BUSINESS

- A. City of Somersworth, is seeking a lot line adjustment between the properties located on Maple Street and Blackwater Road, in the Recreation and Residential Single Family (REC & R1) Districts, Map 22 Lot 50AA and Map 34 Lot 8A, SUB#03-2021**

Mears stated the applicant has requested to be continued to the July 21st Planning Board meeting in order to provide additional information.

MOTION: Horton stated I move that the request of the City of Somersworth for a lot line adjustment between 2 properties located at Maple Street and Blackwater Road, Map 22 Lot 50AA and Map 34 Lot 8A be

CONTINUED to the meeting of July 21, 2021 for the following reasons:

- To allow the applicant to provide updated information.

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by an 8-0-1 vote, with Belmore abstaining.

- B. Geoffrey Aleve, PE. on behalf of Somersworth Industrial Park LLC, is seeking site plan and condo-subdivision approval to construct a 40,000 sf. contractor storage and office building with associated infrastructure on a property located at 187 Route 108, in the Commercial/Industrial (CI) District, Assessor's Map 44 Lot 28, SITE#01-2021 & SUB#05-2021 PUBLIC HEARING**

Mears stated this property is located in the commercial/industrial zone. She stated they are proposing to construct 50 units in 3 buildings, totaling in 40,000 SF contractor office/storage

yard. The lot is 5.41 acres. There are two other existing commercial units on this lot totaling 8,000 sf. This application complies with zoning and the applicant is seeking 5 waivers.

Mears stated staff recommends that the Board accept the application as complete and begin the review process.

Application Acceptance: MOTION: Horton stated I move that the application of Geoffrey Aleva, PE. on behalf of Somersworth Industrial Park LLC, is seeking site plan and condo-subdivision approval to construct a 40,000 sf. contractor storage and office building with associated infrastructure be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 9-0 vote.

Neil Rapoza of Civil Consultants and Diane Cyr of Patriot Holdings were in attendance to represent the application.

Rapoza stated he was in attendance in place of Aleva to represent the application. He stated the site is located in the back portion of the lot that has been previously cleared and used as a transient area. He stated they are looking to utilize the full site. He stated there has been quite a bit of stormwater management designed for the site and subsurface stormwater management to be installed.

LeHoullier opened the public hearing.
No public comments received.
LeHoullier closed the public hearing.

Richardson stated he did not notice any handicap parking provided on site. Would that be required.

Cyr stated they do not usually provide handicap specific spots for this type of use because the parking is for the tenants rather than the public. She noted they provided a few extra spaces in case there was a need to allocate appropriately.

Mears noted that the site plan regulations require them and does not specify based on use but rather number of spaces.

Vincent inquired if each unit had designated parking areas.

Mears noted that the two existing uses have handicap parking designated spaces.

There was a brief discussion of handicap parking areas.

Rhodes stated he did not see the benefit of handicap spots for the contractor units. He noted there was not striped parking for the other uses on this lot.

Belmore stated he would be concerned to use parking from the other uses to satisfy the regulation for this portion of this lot. He stated he felt this subject site plan should be looked at individually.

Horton stated he was comfortable with the bike waiver request and asked for more information on the buffer yard and design standard waiver request.

Rapoza stated for the bufferyard they analyzed the existing treatments of the surrounding lots and the minimal bufferyards to the commercial abutters would have minimal affect. He stated they are seeking to have a class b bufferyard abutting the residential area because there is a significant buffer on that abutting lot. He stated they would preserve the most mature growth on this lot to enhance the buffer, the rest of the area has been cleared in the past and is sparse.

LeHoullier inquired if they would be improving the access road.

Rapoza stated yes from existing parking lot through but Route 108 to this development area no.

Horton inquired how trash was being handled.

Cyr stated there would be a community dumpster and some stuff would be carry in/carry out.

Vincent inquired if there is a current deceleration lane on Route 108 for turning into this site.

Rapoza stated no.

Vincent inquired if there should be one, there have been others required to be put in.

Rapoza stated the traffic review shows to have minimal trips, less than a retail use and considered to be minimal impact and did not recommend improvements to Route 108.

Vincent inquired if the contractors would have large trucks coming and going from the site and that the deceleration lane would be well utilized for those.

Richardson noted there would be an increase of traffic compared to what exists. He stated he was concerned where the units can be rented and what kind of impact to the traffic that would have.

Rapoza stated the units themselves would not be split up, they are 800 sf. units.

Cyr stated they anticipate small businesses to be in the units such as electricians, painters and smaller work trucks. She does not anticipate more traffic with this than what is done at the existing ambulance company use. She noted that the internal roadway is routinely kept up because of the ambulance business.

Rhodes stated he was concerned about the units being broken up into smaller units and would like to see that prohibited. He asked if there is a weight or size limit for vehicles to prevent larger trucks or contractors from using the space. He stated another concern is of storage of hazardous materials that are stored on site for the contractors, such as paint thinners, fuel storage and ensure that there is not environmental contamination from those. He noted there are wetlands to the east. He stated he would like to know if it is allowed on site and what kind of restrictions there might be.

Rapoza stated he has not had a chance to read the condo documents for hazardous waste concerns.

Cyr stated with any vehicle work the condo unit owner would be required to have their own filtration system. She noted that fuel cans are typically kept on site by contractors like a landscaper. There is typically language for restriction of hazardous waste for generation or storage but they would not be allowed to dump or store anything outside. The designated parking areas would limit the sizes of the trucks and there would be truck deliveries just as any other business.

Rhodes stated he is concerned of the intermittent use from large vehicles. He stated many people will make accommodations to deal with the un-ideal situation, even with the larger vehicles.

Cyr stated each unit has designated parking area and they are not allowed to
Rapoza stated the condo association would have the ability to enforce miss-use of the site.

Rhodes stated if the condo association has the right to end the use does not address the concern of the nearby businesses and other users of Route 108 and the impact that could come from the misuse of this site. He stated he would be concerned of permitting until the condo association considered it a problem .

Belmore stated he needed more information on the proposal, is this a subdivision.

Mears stated this is a condo conversion and that does not create a new lot.

Vincent noted that contractors will do crazy things and feels strongly that a deceleration lane should be installed.

Horton stated he would be in favor of a discussion of a deceleration lane.

Rhodes stated there could be up to 53 businesses using the one access road. He stated he is not opposed to the request but does not feel like it has been fully vetted. He stated he does not feel the waiver request fully address the impact to the surrounding infrastructure and the City, potential uses at the site, vehicle sizes and material storage. He stated he would like to see the applicant work out more details and inquired if the applicant would be more ready to present in a month or require longer.

Rapoza stated he believed they could have more answers to provide additional information in a month.

MOTION: Rhodes stated, I move that the request of Geoffrey Alewa, PE. on behalf of Somersworth Industrial Park LLC, for a site plan and condo-subdivision approval to construct a 40,000 sf. contractor storage and office building with associated infrastructure be CONTINUED to the meeting of July 21, 2021 for the following reasons:

- For further consideration of the proposed site plan and waiver requests.

The MOTION is SECONDED by Vincent.

The MOTION CARRIES by a 9-0 vote.

C. City of Somersworth, is seeking a lot line adjustment between the properties located at 195 Maple Street & 17 Blackwater Road, in the Recreational (REC) District, Assessor's Map 22 Lots 50B & 50, SUB#04-2021

Mears stated this is a lot line adjustment between two City owned properties, lot 50B (the Fire Station Lot) and lot 50. The Fire Station lot will gain about .997 acres of land to become 1.347 acres. This lot line adjustment is due to the construction of the new fire station.

MOTION: Guptill stated, I move that the request of the City of Somersworth for a lot line adjustment between 2 properties located at 195 Maple Street & 17 Blackwater Road be APPROVED.
The MOTION is SECONDED by Barry.

The MOTION CARRIES by an 8-0-1 vote, with Belmore abstaining.

**D. Site Plan Review Regulations amendment: 12.17 Low Impact Development (LID)
Stormwater Regulations to amendments to be in compliance with the EPA MS4 permit requirements PUBLIC HEARING**

Mears stated this is a public hearing to receive public input in regards to the updates to the Site Plan Review Regulations for stormwater regulations. She noted the Board held a workshop last month where Director Bobinsky and City Engineer Ferland presented the proposed updates.

LeHoullier opened the public hearing.

No comments were received, in person, via mail or email.

The public hearing was closed.

MOTION: Horton stated, I move to amend the Site Plan Review Regulations to update Section 12.17 Stormwater Regulations be APPROVED.

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 vote.

E. Election of Officers

Horton stated I nominate LeHoullier to be chair.

The nomination was seconded by Guptill.

Horton stated I nominate Guptill to be vice-chair.

The nomination is seconded by Barry.

The nominations carried by a 9-0 vote.

5. WORKSHOP BUSINESS

No workshop business.

6. COMMUNICATIONS AND MISCELLANEOUS

Horton stated it was great to be back meeting in Chambers again with everyone.

Rhodes thanked LeHoullier and Guptill for serving as officers of the Planning Board and noted the extra work involved.

MOTION: Belmore MOTION to ADJOURN.

Vincent SECONDS the motion.

The MOTION CARRIES by a 9-0 vote.

Respectfully Submitted,

Dana Crossley, Planning Secretary