

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

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

Excused Members: Paul Robidas

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 June 16, 2021

Motion: Horton MOVED to accept the minutes of June 16, 2021.

The MOTION is SECONDED by Barry.

The MOTION CARRIED by an 8-0-1 vote, Witham abstained.

2. COMMITTEE REPORTS

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

City Council Report: Witham stated Continental Paving has been completing the City Street paving work, encompassing 12 streets. He stated this has largely been completed with some roadway stripping and crosswalks that will require touch ups. He stated staff has been pleased with the work completed.

Witham stated SUR Construction has been continuing to work on the Complete Streets project of Cemetery Road. He stated this is on schedule and expected to have the majority of it done by November. He stated they will return in the spring to complete the punch list items.

Witham stated they were hoping to have started construction on the Fire Station at this point but ran into some delays, in particular a shortfall in the funding. He stated Council addressed the funding gap at their last meeting and now expect it to move forward.

Witham stated Council held a first read of an Outdoor Dining and Features ordinance for the downtown area. He stated it has been deferred to the Public Works and Environment Committee who hope to review at a meeting in August to have a turnaround for the August Council meeting. Witham stated the City has recently authorized a cable franchise agreement with Atlantic Broadband, this will be in addition to the existing Comcast franchise agreement. He stated Atlantic Broadband has to string new wires throughout the City.

Witham stated the EPA who has oversight of the superfund landfill on Blackwater Road completes an audit every 5 years. He stated in the most recent audit they determined that there was confusion over lot lines and how they delineate areas of restriction for use and have required for those areas be better delineated. He stated in note for tonight the area that Public Works uses off Maple Street for construction material storage among other things is the area that the City is in negotiations with Unitol to relocate the high pressure gas distribution system that is at the corner of Bartlett and Maple St. He stated the boundary line adjustment before the Board tonight relates to some EPA edicts.

Strafford Regional Planning Commission (SRPC) Update: Richardson stated the Strafford Economic Development Strategy for 2021-2025 was approved and 6 projects are that are relevant to Somersworth. He stated those are library accessibility improvements, National Guard Center re-use, Fire Station tower and training, Complete Streets of Constitutional Way, Fire Pumper, and Millennium Field improvements. He stated the report is available to be viewed online. He stated on Thursday July 22 there is a workshop on the drought and water issue impacts.

3. OLD 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 at the June 16, 2021 meeting the applicant requested that the application be continued to provide additional information. Applicant has provided an updated plan set dated July 1, 2021. Trittech has prepared a boundary line agreement between the two City owned properties in question based on NH RSA 472:1.

MOTION: Witham stated I move that the application of the City of Somersworth for a lot line adjustment between two properties be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION is SECONDED by Horton.

Discussion: Belmore stated he would not participate in this item and would recuse himself as he signed the application.

The MOTION CARRIES by an 8-0 vote.

Bob Stowell of Trittech Engineering was in attendance to represent the application. Stowell explained Trittech was contracted to complete the work required by the EPA, providing identification of the restricted area in relation to lot 8A. He stated lot 8A has the area where the Public Works Department utilizes and therefor the City did not want to restrict the entire lot. He stated along the way since the two lots were used together for such a long time they were unable to determine the common boundary line at Tates Brook. He stated through discussion with counsel the decision was made to memorialize the common boundary line. He stated the line is remaining as it is represented on the tax map. He stated the goal is to delineate this as the boundary line and include the restricted area as required by the EPA.

LeHoullier opened the hearing for any comments to be made.

No comments were made.

Witham inquired if the restricted use area would be monumented or identified in any way. Stowell stated they have not been asked but often with easements those are monumented. Witham noted it might be good to have it identified so that Public Works does not accidentally use the restricted area.

Belmore noted they have a first amendment for the restricted area that defines that area. The Public Works utilizes an area that is farther away from the treatment wells, closer to the Cemetery entrance and not in this area.

Goodwin inquired the state of the vegetation in this area.

Stowell stated it is fairly open area, the chemical treatment wall is installed in this area.

July 21, 2021 PB Minutes

Mears reviewed the proposed conditions of approval.

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

APPROVED WITH THE FOLLOWING CONDITIONS:

1. PLAN REVISIONS:
 - a. None
2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL
 - a. 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.
 - b. 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. AS-BUILT PLANS.
 - a. Within thirty days of the completion of the project and prior to the issuance of an occupancy permit, an electronic As-Built Plan of the proposed development with details acceptable to the Department of Development Services shall be provided in either .pdf and paper copy. Once approved by the Department of Development Services the applicant shall submit final Asbuilts in both paper copy and on CD. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

DURATION OF APPROVAL: All conditional approvals shall be valid for a period of 120 days in which time all precedent conditions must be met or the approval shall be null and void. The applicant may request an extension no later than 14 days prior to expiration.

EXTENSIONS: All requests for extension must be submitted in writing to the Department of Development Services no later 14 days prior to expiration with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by an 8-0 vote. (Belmore was recused)

Belmore returned as a full voting member.

B. 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 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 staff has been working with the applicant to address the concerns from the last Planning Board meeting where this item was continued. This includes the traffic impact, storage of hazardous materials and handicap parking.

July 21, 2021 PB Minutes

MOTION: Guptill stated, I move to remove 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.

The MOTION is SECONDED by Barry.

The MOTION CARRIES by a 9-0 vote.

Geoff Aleva of Civil Consultants was in attendance to represent the application. He stated they are seeking a commercial condo site development that is located on Route 108. He stated they are proposing to develop the rear portion of the property and to make some improvements to the front existing areas, parking and striping updates. He stated the proposal is to create three new structures that will have 50, 20x40' units that can be utilized by local contractors to operate their business. He stated the intent is for local people who have been working out of their home and need more space for storage and office.

Aleva stated access is from Route 108 and they have submitted a revised DOT driveway permit, who has required a traffic report. He stated Steve Pernaw is working with them to complete that report for DOT. He stated they are waiting on a response of the traffic study and their recommendations. He stated the new construction will be 200' long buildings, have garage door access in the internal side of the development so that no doors would be seen when traveling on Route 108. He stated the stormwater has been designed to capture everything in the new development and bring into the existing system. He stated they have provided a landscaping plan that shows the additional plantings they propose to use as a buffer on the Route 108 side of this new development to shield the area. He stated they are seeking a waiver from the architectural standards to construct a single story pre-engineered building. He stated this is a condo development, so contractors could purchase as many units as they would want with small office space and a garage door access. He stated there is no retail use and that is mentioned in the condo documents and no public entry for the public to come off the street into a business. He stated there are hazardous material restrictions listed in the condo documents, contractors would only be allowed to have what is allowed by code and stored appropriately. Each would have sprinklers installed, the shared wall will be a rated wall and the condition that there will be interconnected smoke detectors in each building. He stated the condo documents restrict what can be there, such as restrictions on the area that they are allowed to park and there are no additional spaces for trailer storage. He stated they have delineated the parking throughout the entire site. He stated the terrain is relatively flat and most units could be used for ADA accessibility. He stated they have indicated on the plan notes where specific ADA spots could be or that units could be ADA. He stated there is no retail use at this site and no demand for public use.

Aleva stated the units could be sublet and would be part of a lease agreement and required to follow the same rules put forward by the condo documents. He stated the Condo Board would review the uses for lease. He stated when DOT repaved Route 108 they widened out the shoulders by businesses. He stated there is a 11.5' wide pavement area that meets lane designation and does not feel DOT would require specific stripping there because there is room to turn right into the property. He stated the intent for Route 108 is that it will be widened to a three lane roadway.

LeHoullier opened the public hearing.

No public comment received.

LeHoullier closed the public hearing.

Witham confirmed this was accepted as complete at the last meeting.

Mears stated yes.

July 21, 2021 PB Minutes

Richardson stated he sees the proposed ADA parking, in the middle bays ADA unit if requested but unsure why there is no stripping next to it of the middle building. He does not see the ADA being identified.

Aleva stated there is no note on the parking by the Dance Studio because there is existing signage. He stated the existing uses do not have stripped parking but that will be done with this project. He reviewed the available spaces that could accommodate ADA parking. He stated the grades are sufficient for ADA parking anywhere on the site based on tenant needs.

Belmore requested the entry to the site be reviewed again and if it was going to be widened.

Aleva stated they are not proposing to widen the driveway.

Belmore stated the traffic report stated it is desirable to widen the entrance and should be something for the Board to consider if they want it widened.

Aleva stated that would be for exiting the site to have a turn lane, he would like to keep it as it is to have better control of traffic exiting.

Belmore stated the condo documents will need to be approved by the Attorney General's office and first receive legal review by the City as well.

Aleva stated he is aware of the City review condition of approval, before submitting the draft condo documents he was waiting for more Board input.

Belmore noted that an application for waivers is required.

Aleva noted that was submitted.

Witham stated he has no terrible objection to the project and waivers. He stated when driving by Route 108, the back of this property is elevated and does not think there will be tremendous impact from this building. He stated his concern with the traffic study is that it only mentions that there is an ambulance use at this site, would think that would be a unique property needing to be addressed in the traffic study, specifically if this new use would impact the coming and going of the ambulance use. He stated it would make sense to him to widen the exit especially in consideration of ambulance use to allow queued traffic an area to move and thinks that is important. He stated the driveway is in somewhat disrepair and is an ideal opportunity to widen the entrance and clean up the driveway access and would recommend that as a condition of approval. He asked if the units would be operated any time of day or limited hours of operation, concern of the contractor use being loud.

Aleva stated he can speak with the client regarding the hours of operation. He stated the ambulance use does not have a peak hour trip for traffic because it is so random. He stated during the SRTC review there was a request to add a stop sign added when exiting this new development area. He noted included with their waiver request is an aerial of the area and they feel they have provided a good sound barrier for the residents in the back corner and create a better situation than other uses.

Witham noted that Site Plan Regulations have restrictions of noise traveling across property lines and if violated could require the applicant to come back before the Planning Board. He stated in regards to the building, particularly the lighting of the back corner building that appears to be down lit, is there lighting control.

Aleva stated they would be willing to do something for that, particularly motion sensor lighting.

Barry asked for the new pavement delineation be reviewed again.

Aleva stated shown on L1, shown in darker grey on the plans is the new pavement. He stated the roadway on site was built to City standards.

Barry clarified existing parking was being restriped.

Aleva stated yes.

Barry suggested if there is a condition of approval for widening the entrance way there should be a defined area that the improved pavement should go.

Witham stated he agreed, he asked how wide the existing driveway access is.

July 21, 2021 PB Minutes

Aleva stated the pavement width is about 24'.

Witham stated about 36' width with adding a 12' lane.

Rhodes stated the landscaping plan included is considerably more complete and includes a lot of native plantings, appreciates that. He stated it was mentioned that the Condo documents cover hazardous materials and subletting though they have not seen those documents, could more information be provided on the restrictions.

Aleva stated he does not have the documents but could confer with client, but there are restrictions on hazardous materials, those outside of what is used for a typical contractor.

Rhodes stated he would normally strongly lean towards a choke point for the traffic issue, but with the ambulance use on site with wider than normal vehicles as well as the contractors larger vehicles there could easily be a traffic issue at the entrance of the site when an ambulance needs to leave. He stated with that arrangement it would be more than strongly recommended to him to add the turn lane on site. He stated looking at the parking plan, running to the bank of units furthest from Route 108 the parking configuration is different than all others, could he expand upon that.

Aleva stated the reason it was done because there is a limited access area on the side, this unit will just have a smaller parking area but still have a garage door. He stated in this area is the setback and buffer area.

Aleva stated based on the consensus of the Board he will revise the entrance to the site to include a 12' lane for existing. He stated he would confer with his client regarding hazardous materials. He stated for hazardous materials the Condo documents will indicate that management can make inspections at any time, required to have MSD required paper and same rules would apply to anyone subletting a unit. The management would be required to get a copy of the lease to confirm it complies with the Condo regulations. This language would be included in the Condo documents.

Rhodes stated he was also interested in the subletting aspect for parking and how that would be handled. Aleva stated the unit goes with the parking in front of it. Parking is required to be given to subletters.

Richardson stated in his experience he is familiar with contractors who have no idea the materials they are working with are hazardous and trying to dump them off in places that should not be dumped, and this becomes a problem but if there are hazardous materials they should be placard outside the building for fire safety reasons and encourage that to be included in the Condo documents. He inquired who is responsible if there is a spill or issue of the hazardous materials.

Aleva stated the condo unit owner and the sublet tenant, management would be involved as well. He stated there is not a lot of dumpster space as well to limit mass throw away.

Witham stated he has two proposed additional conditions of approval:

1. The exterior lights on the east and north elevations of building three (farthest building) be motion activated; and
2. The Route 108 site access point shall be widened to a minimum of 36' and be repaved full width at least 100' into the property and stripped appropriately.

Aleva stated those conditions are acceptable and the client mentioned that they plan to overlay the entire property with new pavement to tie everything together.

LeHoullier asked for more information on the bike waiver request.

Aleva stated the intent is for the tenants to be contractors who would be driving from their homes and not a lot of bike access, if there is they would store their bike within their unit. He stated it is not a retail site or open to the public.

LeHoullier stated his concern is with employees.

July 21, 2021 PB Minutes

Aleva stated since there is not a lot of parking available would expect these to have one to two person operation. Employees could park their bike inside the unit as well.

Waiver Requests:

1. **Section 12.4.d.vi.2.a Bicycle:** the requirement for a lockable bike rack on site.

MOTION: Witham stated I move that the request of Somersworth Industrial Park, LLC for a waiver from Section 12.4.d.vi.2.a of the Site Plan Review Regulations requiring a bike rack on site be APPROVED .

The MOTION is SECONDED by Barry.

The MOTION CARRIES by 9-0 vote.

2. **Section 12.4.b.viii: Parking Lot Design Standards:** mitigation for the impact of parking lots, requirements for landscaping at parking areas.

MOTION: Rhodes stated I move that the request of Somersworth Industrial Park, LLC for a waiver from Section 12.4.b.viii from the requirement for landscaping at parking areas be APPROVED.

The MOTION is SECONDED by Horton.

Discussion: Witham stated in this case the new industrial condos, the roadways are largely access roads. He stated the parking on the property is largely existing and therefore minimal opportunities to address the parking lot design standards.

Rhodes stated the landscaping proposed for the site takes a lot of the reason to why landscaping is required in parking lots, appearance and noise buffering, and moves it to an area that makes sense. He stated it is being use to block off view from Route 108 and the back of the lot to act as a sound buffer and therefore meets the requirements.

The MOTION CARRIES by a 9-0 vote.

3. **Section 12.6.d.viii: Class A Buffer Yard:** To allow the applicant to design the site with a Class B Buffer for the purpose of providing the required setback.

Witham requested the applicant speak to this specifically.

Aleva stated reviewing the area surrounding uses and the residential use there are differing requirements for the different buffers. He stated this area calls for a Class A buffer which is 100' of landscape and 50' of structure, requesting to utilize the Class B structure (50' and 35") they meet those requirements. He stated to supplement the buffer they have added additional plantings to reinforce the buffer, there is an aerial view supplied and shows the residential units which are far from the proposed development with a solid buffer existing. He stated they feel the existing buffer and the additional proposed landscaping would be adequate.

MOTION: Witham stated I move that the request of Somersworth Industrial Park, LLC for a waiver from Section 12.6.d.viii to allow a Class B bufferyard be APPROVED

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 vote.

4. **Section 12.7.b.i Building Features and Materials:** The proposed contractor office/storage units will be constructed using pre-engineered metal buildings. Relief from the requirement of New England Architecture.

MOTION: Horton stated I move that the request of Somersworth Industrial Park, LLC for a waiver from Section 12.7.b.i of the Building Features and Materials and allow a pre-engineered metal building be APPROVED.

The MOTION is SECONDED by Gupstill.

Discussion: Witham stated the point was made earlier, the other buildings on site are a pre-engineered metal so it would be consistent with the site and of the abutting properties has a pre-engineered building along with others on the Route 108 corridor.

The MOTION CARRIES by a 9-0 vote.

5. **Section 12.5.c Sidewalks:** Construction of sidewalks for pedestrian access to schools, parks, shopping areas and transit stops.

MOTION: Rhodes stated I move that the request of Somersworth Industrial Park, LLC for a waiver from Section 12.5.c Sidewalks construction be APPROVED, because this is an area of low pedestrian traffic without any of the noted features that would require construction of a sidewalk.

The MOTION is SECONDED by Barry.

The MOTION CARRIES by a 9-0 vote.

Mears reviewed the proposed conditions of approval for the condo subdivision request.

MOTION: Witham stated, I move that the request of Geoffrey Aleva, PE. on behalf of Somersworth Industrial Park LLC, for a condo subdivision at 187 Route 108 be APPROVED WITH THE FOLLOWING CONDITIONS:

1. PLAN REVISIONS:
 - a. None
2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL
 - a. 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.
 - b. 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.
 - c. Please provide Condominium Association documents review by legal will be required. These documents shall address access, utilities, boundaries, and landscaping. Applicant shall supply draft condominium for 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
3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

July 21, 2021 PB Minutes

- a. **MONUMENTATION:** Granite Bounds shall be installed at all intersections of lot lines and street right-of-way, as well as all property corners which do not abut the public right-of-way per Subdivision Regulation 22.7.C.10. A surveyor is to submit a signed letter to the Planning Department stating that the new lot corner monuments have been set prior to building permit.
 - b. The new use/condos require a new address. Please submit a request for a new address to the City Engineer. If a hearing before the E-911 Committee is required, this hearing must occur prior to the issuance of Building Permits.
4. **CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:**
- a. There shall be no wetlands degradation during construction.
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 than 14 days prior to expiration with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

The MOTION is SECONDED by Horton.

The MOTION CARRIES by a 9-0 vote.

Mears reviewed the site plan conditions of approval included in her staff memo and stated by Witham.

MOTION: Horton stated, I move that the request of Geoffrey Aleva, PE. on behalf of Somersworth Industrial Park LLC, for site plan approval to construct a 40,000 sf. contractor storage and office building with associated infrastructure on a property located at 187 Route 108 be APPROVED WITH THE FOLLOWING CONDITIONS

1. **PLAN REVISIONS:**
 - a. Please add inlet silt control for catch basin and relocate the catch basins located within the grass.
 - b. Horsley Witten (HW) request the applicant revise the GRV calculation for available storage under the outlet of the subsurface systems utilizing the voids to determine the available storage.
 - c. Test pit information for the entire site.

- d. HW request that applicant clarify if the existing 6-inch pipe is being replaced or remodel the proposed system with a 6-inch pipe.
 - e. HW request applicant revise the surface condition to “fair” for subcatchment 3S and 5S.
 - f. Please show the location for the construction entrance on sheet L1 and type of erosion control being used.
 - g. HW request that the applicant extend the limit of work line to encompass the entire work zone. The limit of the work line shall be staked in the field to signal the limit of tree clearing to the contractor as well as the property boundaries.
 - h. Existing sewer information is unknown and applicant will work with Somersworth Public Works to confirm the existing inverts. Applicant will provide proposed inverts with adequate slope in pipes.
 - i. Per HW add the drainage pipes to the utility plan.
 - j. Please add a note that states there shall be no outdoor stockpiles of contractor supplies.
 - k. Any outstanding comments from Horsley Witten review shall be addressed to the satisfaction of the Director of Planning and Community Development.
 - l. The exterior lights on the east and north elevations of building three (farthest building) be motion activated; and
 - m. The Route 108 site access point shall be widened to a minimum of 36’ and be repaved full width at least 100’ into the property from Route 108 and stripped appropriately.
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. 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.
 - c. 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.
 - d. 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.

- e. 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.
- f. 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.
- g. 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.
- h. 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 outdoor stockpiles of contractor supplies.
- b. The units shall have an interconnected alarm system for the purpose of alerting tenants of any Fire related situation in another unit.
- c. There shall be no wetlands degradation during construction.
- d. 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.
- 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.

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.

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July 21, 2021 PB Minutes

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.

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. Wentworth Douglass Hospital, is seeking a conditional use permit for a nature trail impacting the Riparian and Wetland Buffer on a property located at 23 Works Way, in the Commercial/Industrial (CI) and Industrial (I) Districts, Assessor's Map 61 Lot 14B, CUP#04-2021 PUBLIC HEARING

Mears stated staff recommends that this application to complete and ready for the Board to review. She stated this request is for a conditional use permit for a nature trail, 22,925 SF of buffer impact. Applicant has gone to the Conservation Commission who also completed a site walk and have recommended approval with no conditions.

MOTION: Guptill stated I move that the application of Wentworth Douglass Hospital for a conditional use permit for a nature trail be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION was SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 vote.

Kristopher Wilkes of VHB Engineering Consulting Firm was in attendance to represent the application.

Wilks stated they have gone before the Conservation Commission and completed a site walk to review the trail and modifications/corrections they will be making. He stated the Con.Com. recommended approval of the request. He reviewed the background of this request. He stated in 2019 a staff member initiated construction of a trail behind the existing Works Health and Recreation Building. He stated the intent of the trail construction was to provide opportunity for youth attending summer programs to walk through the woods and be immersed in nature. The trial was constructed in about 1 mile in length in a loop manner. He stated after it was constructed it was brought to their attention that this work was done without the appropriate permits from the State and the City due to the wetlands. That was when VHB was brought on board to get the project into compliance, DES requested an after the fact wetlands permit and compliance report to demonstrate minimal impact to the wetlands. He stated VHB worked to reduce the impact to the wetland areas.

Wilkes stated they made a plan to realign two sections of trail that had greatest impact to the wetlands. He stated that brought the trail from in wetlands to upland area and reduce the lasting impacts dramatically. He stated they are proposing a reduction in half of the impact to wetland and streams. He stated VHB reviewed the crossings that were installed and found those to be inadequate and undersized. They have worked with them to get a grasp on the proper size crossings to be in accordance with DES. He stated the remaining trail impacting wet areas will be modified to be appropriate for proper drainage. He stated there is a number of impacts to the buffer and the formal request is to impact approximately 22,000 SF of permanent buffer within the wetland buffer district and remove and restore approximately

July 21, 2021 PB Minutes

11,800 SF previous buffer impact. He stated they have submitted the after the fact wetlands permit application that is under review. He stated they have submitted a restoration compliance report to the State as well for the action being taken to modify the crossings and remediate the trail impact and they have just received approval from DES for that plan with a number of conditions. He stated the intent is to complete the restoration of the trail first prior to new construction, with the full approvals would work to schedule the restoration work prior to winter. He stated the trail itself will not be open to the public it will be strictly used for the youth summer camps.

LeHoullier opened the public hearing.
No public comments received.
Public Hearing was closed.

Rhodes stated this project has been under review by the Conservation Commission since 2019 and they have reviewed the original trail construction in 2019 and agreed that this was well intentioned. He stated work on site here was completed and there were some inadequate crossings but the remediation plan addresses those well. In addition the areas of the trail that are being decommissioned the forest is reclaiming those pretty well on its own and no concerns since they would be brought back to the natural state within a growing season or two. He stated the new structure of the trail does a good job of dodging wetlands where it can and avoiding the more sensitive areas entirely. He stated the DES approval of the remediation plan supports the intention well and the limited access will limit the impact and still provide substantial education. He stated the Conservation Commission was in agreeance that this was a great idea and the new modification minimizes negative impact and were supportive of the work going forward.

Belmore stated he has before him copies of three permits issued by NHDES for restoration plan with several conditions, after the fact standard dredge and fill of wetlands with conditions, and approval for wetland and non-site specific permit.

MOTION: Belmore stated, I move that the request of Wentworth Douglass Hospital for a conditional use permit to allow a nature trail impacting the riparian and wetland buffer be APPROVED WITH THE FOLLOWING CONDITIONS:

1. Applicant shall fully comply with NHDES requirements as outlined in the approved permits

The MOTION is SECONDED by Rhodes.

The MOTION CARRIES by a 9-0 vote.

B. Carlton Spencer Jr & Sherri Bolin are seeking a 5 lot conventional subdivision by special use permit for a property located at 279 Green Street, in the Residential Single Family (R1) District, Assessor's Map 18 Lot 45, SUB#05-2020 PUBLIC HEARING

Mears stated this application was first submitted in August 2020 and complies with the current zoning ordinance. Staff recommends that the Board accept the application as complete and begin the review process. She noted that in 1985 the Zoning Board approved a variance from the frontage requirements to create a new lot. This approval had the following conditions attached to it:

- No more than one single family house be placed on the lot;
- The driveway from Green Street be centered in the 51.80 ROW; and
- That the lot not be further subdivided.

Mears stated the applicant is now before the Board with a request for a 5 lot subdivision with a new road, special use permit and waiver request. She noted the applicant's attorney sent a letter for request of administrative decision. She stated staff worked with the City Attorney to review the request. Mears stated after discussion with legal the following letter was issued to the applicant:

July 21, 2021 PB Minutes

Thank you for your May 4, 2021 letter requesting an administrative decision regarding conditions of approval placed on a 1985 variance which allowed construction of a single family home on the property at 279 Green Street despite its lack of sufficient frontage. My understanding from your letter is that your client proposes to subdivide the 5.3 acre property, which includes 50 feet of frontage on Green Street and one single family home, into five lots, each of which will be fully compliant with the City's Zoning Ordinance, including its frontage requirements.

Provided this subdivision results in all of the lots, including the lot on which the single family home will continue to exist, fully complying with the City's Zoning Ordinance, as well as the new road is built to City Standards and accepted by the City, it is the my position that there would be no further need for the 1985 variance, and therefore both it and its conditions of approval are moot.

Mears stated the applicant is seeking a special use permit and 1 waiver from sidewalk requirements. She stated they have worked with the Department of Public Works and at this time there are no sidewalks planned for that area of State Road.

Belmore noted that Attorney Laura Spector-Morgan of Mitchell Municipal Group was the attorney that worked with the City for this subject matter.

Application Acceptance: **MOTION:** Guptill stated, I move that the application of Carlton Spencer Jr. & Sherri A. Bolin for a 5 lot conventional subdivision be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION is SECONDED by Barry.

Discussion: Witham stated in review of the staff report, it states that there is no curbing being proposed even though it is required.

Mears apologized the note is not correct; the applicant is proposing granite curbing.

The MOTION CARRIES by a 9-0 vote.

Doug LaRosa of Civil Works NE was in attendance to represent the application.

LaRosa stated the proposal is a 5 lot subdivision on 5.3 acres. He stated they have provided plans that meet the R1 Zoning with City water and onsite septic and proposing a roadway a little over 700' in length. He stated they have completed onsite topography, boundary survey and soils information. He stated each of the lot has at least one suitable test pit and the soils on this site are adequate soils for subsurface and drainage. He stated they have shown potential home locations and driveway locations that are subject to change with owner preference. He stated they have reviewed the traffic for this site there is currently one existing residential home, each home would typically generate 10 trips per day and 1 per peak hour. He stated they have analyzed the drainage patterns for the site, completing the drainage analysis with information of the abutting development from the City, the analysis shows they reduce the rate of runoff, treat the runoff and improve the current conditions. He stated the site generally is partially wooded and shown on the existing conditions plan. He stated they are proposing appropriate landscaping, 2 trees per lot. The site slopes west to east to Green St. He stated there was discussion of the fire hydrant locations at SRTC and they have provided hydrant locations and turning radius for the fire trucks and plow trucks.

LeHoullier opened the public hearing:

Taryn Chasse-Decken, 162 Old Dover Rd. Rochester, representing Mother homeowner of 281 Green Street: handed out a letter and property history to the Board. She stated her mother's home abuts this subdivision by 900'. She stated she knows there was an attorney opinion but they were all in understanding that the ZBA decision would prevail. She understands they are putting in a road and providing new frontage but if you see the notice of decision it says there shall be only one house but also that the lot would not be

further subdivided. She cannot understand why this has not gone back to the ZBA and abutters notified so they could speak on this subject. She stated there are some new neighbors who bought property with the understanding this land was not to be subdivided; now all their trees and buffers are going to be torn down and does not think that is fair. She stated her mom has stayed in the house because she did not think the land would be subdivided. She stated along with the 1985 decision, Spencer went back to the ZBA in 2004 to request to add another house or garage to the lot but the application was withdrawn and therefore as far they knew that was how it was to remain. She stated they did not understand how it changed to get to the SRTC and they did not know anything about this, first heard about it 10 days ago. She stated they have two sump pumps in the family home, the elevation from her mother's property from one corner is 216' and bottom 156', homes being built on Luna Circle that abuts her property as well. She stated there are more roofs and pavement and does not know the effect that will have on her lot, there is a lot of water coming down the slope and seems to be underground streams. Her mother has recently replaced her garage floor that was cracked, the septic system, the driveway, new drainage system installed and spent tens of thousands of dollars to try to deal with the water issue. She stated if the project gets approved who guarantees there would be no damage to the existing homes such as 277 and 281 Green St. Her mom's house would be 30' from the new road and she currently lives in a home that abuts a new development for 17 houses where they built a road and it is very disruptive with the cutting of the trees, tamping of the roads, shaking of the house, tail gates slamming, trucks going in and out and insistent back up alarms. She knows the culvert of Green Street/Stackpole was just recently repaired and wondered if the discharge in that area would increase. She stated traffic issues, that is a flat straightaway and fast traffic to have another road come out in that area. She noted the frontage should be 125' per lot and does not see where that is specified on each lot, lot 1 the frontage is mostly fronting her mother's property and is a weird triangle and thinks that is unusual. She stated she would like to not see this project get approved tonight, would like it to be at least tabled since there are still outstanding State permits and third party review. She stated she is in understanding that Carlton Spencer filled a lot of the wetlands. She stated she would like to see a site walk completed to see the water impact and negative impact to the road. She stated all of the trees would be cleared and no buffer, there are some significant trees on the lot. She stated the lawyer that advised her mother on the 2004 ZBA application is currently on vacation and would like to be able to get input from him. Her mother is almost 90, lived there for 65 years, would like to age in place and stay in home and enjoy it, but seeing what she has gone through with the development near her knows she would not be able to do that with ongoing development. She stated if this does get approved, would at least like to see an approval for a 6' stockade fence to protect her lot.

Spencer Kilgour, 277 Green Street: He stated he is speaking with great disappointment because he just purchased the property a little over a year ago and told by both realtor's that the privacy in their backyard was part of the house because the property behind them could not be subdivided or changed. He stated he noticed there is a bio-diversity pond in the lower portion of the subdivision that is going to be about 40' from his current leach field, on the application for a leach field in the City of Somersworth it states you need to be about 75' away from an open body of water without special authorization. He stated he finds the open body of water would be 40' from his leach field and 6-8' above in elevation and 10' above in elevation from his basement which is a first floor living ground. He would like to know if this gets passed and there is any danger to his leach field such as the drainage or pond failing who would pay for his leach field repairs, the HOA or abutting neighbor or himself. He stated the water is everywhere on Green Street, he has a raised leach field, a sunk drainage basin, and foundation drain, all drainage in his yard was put in the 80s-90's with 4" drain pipes, would like to know with the reduction of soaking ability of the environment will his drainage be okay and if it is not will be the developer be updating his system to ensure his house does not get impacted due to this. He stated the road is very close to his house, about 25' from the corner of his house but about 8' from his fence and firewood pile that he just re-did and put drainage in and about 6' from the corner of his leach field. He stated he would like to know for the process to constructing the road and cutting down the trees moving mass amounts of land what damage could come to his property and how that will be addressed. He stated his wife is a wildlife biologist getting her masters and provided the following statement: further fragmenting the landscape with the subdivision will have marked negative effects on the local wildlife it will also reduce the safe passageway for wildlife to move through their yard, the habitat is already patchy with the

Sunningdale development, pushing wildlife into smaller areas not able to sustain the increased demand and in result wildlife diversity will continue to decrease, displaced wildlife will cause more human and wildlife conflicts, such as small animals in home and collisions on Green Street. Beyond displacing wildlife from reducing available habitat this development will further increase chemical, light and noise pollution which will impact wildlife and families in the area, their landscape is already so fragmented and developed that it is crucial to preserve the habitat that is left after the Sunningdale Development. He stated he is directly against the granting of the sidewalk waiver if this goes forward, with more families in this development there is a lot of pedestrian traffic in his front yard, they are about a mile from the school, about a half mile from the park, would encourage there be an off-site improvement to install sidewalks that would connect to the Stackpole Rd sidewalks.

Lorraine Beaudoin, 275 Green Street: she stated her concern is water, saturation, very wet property that she has and they will be removing trees that will not be absorbing the thousands of gallons of water as they do now. She stated new basements will cause further water to be displaced and it will cause a lot of additional saturation on her property. There is the bioretention basin at 164.4' of elevation and her property is 154-156' elevation which is a lot lower and can see water is going to be falling into her property level which is already wet and flood her property out and turn it into a swamp, what recourse would the developer or people who profit from this provide her, if her leach field is ruined, her property becomes saturated all the time, which is her main concern. She stated she would echo all other statements made by the abutters but the water issue needs to be looked at further and does not see how the plan will address any of the water coming down the hill.

Gabrielle Smith, 3 Molly Lane: reiterated all comments made by the abutters tonight and that they seem to all be in agreement that this negatively impacts all of them for one reason or another. She stated there are a number of trees on the property and wetlands in the area, wildlife in the area and want to ensure the greenspace is being considered for undeveloped properties in the town rather than continuing to add more development. She stated if the Board moves forward with this, would like someone to consider reducing the speed on Green Street from Rollinsford line to Indigo Hill Rd intersection.

Mears stated no other comments were received via mail or email.

LeHoullier closed the public hearing.

LaRosa stated the abutters live in the area where water currently runs through their property that is existing and their proposal is to try to alleviate some of that problem. He stated the property to the south, 281 Green St., that property is upslope of the roadway and roadway drainage has been designed to take the Sunningdale runoff, which is directed to run into the Spencer/Bolin property, and to collect it in the roadway in catch basins upslope, Molly Lane is also upslope, put it into the proposed grass bioretention area that will allow the water to go into the ground quickly, this is right across the downslope property of 277 Green St. He stated they are putting a structure that intercepts water in front of their house where they already have an issue and moving it down slope quickly into an existing channel and this structure will absorb the water, reduce the rate of run off and treat the water while directing it to an appropriate location that is at a lower elevation than the home and septic system. He stated this design should be helpful to reduce groundwater level around 277 Green St. He stated the rest of the drainage goes down the curbed roadway to the Green St. drainage and back under the street towards Clement at a lower rate and volume that exists currently. He stated for buffering the abutting houses on the existing driveway, there is an existing 12-14' driveway that is used for the single residency and it is his opinion that this granite lined roadway will increase the property values in that area and look neater than a gravel drive. He stated areas on the Spencer property that have been spoil/refuse deposits from abutting properties that will be cleaned up and allow him to use his 50' entrance to his property. There is something going on with soils on this property, Sunningdale at the top of the hill is all gravel, coming down into the property transition from great soil in front of existing Spencer home to right behind 277 Green and their soils

approaching Clement St. moderately well drained to somewhat poorly drained which are existing conditions. He stated they have provided and engineered solution to divert the water coming down the hill push it to an existing channel to keep away from the homes. Stated he was unsure they would have a negative impact to wildlife except during construction, maintaining the existing corridor behind Molly Lane that goes out almost all the way to Green Street. He stated there is an existing gravel drive for an existing residence who has been using it to stockpile materials for his business. He stated they have asked for a waiver from the sidewalk requirements because it would be for a very short distance on the new road and having sidewalks that are not maintained in the winter is not much of a plus, it would be better to have a roadway with shoulders where people can walk on the shoulders or in the roadway since it is a short road typically people would not be speeding on it.

LeHoullier stated they have the ZBA decision from 1985 that states the lot cannot be further subdivided and he was on the ZBA in 2004 when this came up again, had seen the 1985 minutes and believes there was a concern of the water drainage and that was the reason behind the restriction of not allowing further subdivision. He requested to see those minutes from those meetings to understand fully and if they can supersede the ZBA decision and changes in the law that allows them to grant a subdivision.

Belmore stated he was involved in receiving the City Attorney opinion on this matter, the applicant's attorney wrote a letter to Mears inquiring for administrative decision that the variance is no longer in effect if the developer complies with all of the current zoning and subdivision regulations the variance would become moot. He stated he is not addressing the water issue that has been brought up. He stated it is the City Attorney's opinion that if the applicant fully complies with the current zoning and other regulations the variance from 1985 would be no long effective. He stated getting the historical minutes for the water decision could be helpful.

Belmore stated Green Street for the speed limit, Indigo Hill Rd to Rollinsford line is a State Road and in order to change the speed limit, the City would need to petition the State for that change. He stated he has some issue with the HOA, there is reference the cul-de-sac being taken over by the City.

LaRosa stated this will be a roadway that the HOA or the developer will maintain until it is proposed as a City Road.

Belmore stated the way the HOA is written it states the maintenance of the cul-de-sac would be attached to a lot and that should be made clear. He stated he personally does not want the City to take over the cul-de-sac or drainage area. He inquired why there are no proposed street lights.

LaRosa stated generally a small cul-de-sac like this, if the City wants they can provide lights, but most of the time the residents complain about a point light, proposing for each residence to put in their own light if they desire.

Belmore stated his concern is the pedestrians, deliveries and children playing the yard/street.

LaRosa stated if the Board desires they will put in street lights.

Witham stated the recent subdivision off Rocky Hill Rd there are a number of decorative post lights in key points, road intersections and end of cul-de-sac and would want something to that effect on this development as well. He stated on Squire Drive, a similarly sized roadway, has 3 of these lights maintained by the HOA. He stated he drove by where he believes the road will be but looking at the map he cannot tell where this will be and have no feel of the scope of this project. He stated a site walk would be beneficial to him for this project.

Barry stated in review of the drainage can understand both point of views. The proposal is to redirect much of the water and for that he has happy to see and would see some improvement. He stated he has some concern with the drainage system, specifically the southern side of the road, right about where the basin stops, all the water is going to be funneled east, it would not cross the road but would go to Green St.

LaRosa stated that is correct.

Barry stated his concern is they will be channeling and concentrating the water into the drainage ditch. Has there been consideration of the Green St. drainage construction specifically for the abutting properties.

LaRosa stated yes, there is an existing crush 12" corrugated metal pipe that goes under the existing driveway within Green St. right of way, proposing to remove that and put in, 2 – 18" high density polyethylene pipes under the proposed roadway that will exit out the next culvert at corner of 277 Green St. into a drainage area at a lower rate and volume.

Barry stated that is something he would like to see of the hydro study. At the top of the site near wetland area, the bio-retention pond that is going to be installed what happens to the water, if concentrating water in that direction that typically sheets towards Green St.

LaRosa stated the study shows that they are decreasing the rate and volume by slowing the water down, filtering and letting it out to reduce peak and volume, the water will go along granite curb, into catch basins, into a cross culvert, into plunge pool, to 36" bio-retention basin, filter the water, underneath is a liner and water will be caught up in 3 -6" underdrains to one 6" underdrain, be brought to 50' wetland buffer into another plunge pool to reduce velocity, down slope to existing culvert. But takes longer time reduces rate of volume.

Barry stated his concern is that the water today naturally sheets down only stopped by existing vegetation and his concern is that this water system will concentrate the water and the pond is to slow the rate of flow out of the pond, but today slow sheeting towards Green St. but it is concentrating the flow now and going offsite, ok with the design and function of the pond but concern it is causing a problem offsite.

LaRosa stated the concentrated flow from Sunningdale onto this site will disperse on this site some goes into the existing channel to Green Street and the remaining will take longer and be directed to the same place. He stated they are catching water that was going towards 277 and 281 Green Street.

Barry stated his concern is the concentration into the wetland.

LaRosa stated it is doing that now due to the channelized pattern made by the upslope development, it is not a huge amount and is a better situation.

Barry stated he also lives on Green Street and understands that people do not obey the speed limit in that area and is concerned about the intersection. He stated he has concern of the privacy buffer for the abutters, feels that is important. He stated the pond is built right up to the property line is there a minimum that needs to be set back.

Mears stated there is no setback requirement for that.

Richardson stated he is interested in the background information behind the 1985 ZBA decision. He stated he would encourage the residents to attend the site walk. He stated he needs to feel the abutters are assured there won't be water problem with their homes. He stated if someone buys a home and the real estate agent tells them it cannot be built upon and has been that way since 1985, there is a complicity upon the Board's part if they go ahead and change that. He stated he will not be complicit that they've met requirements and not up to them to change that.

Rhodes stated he is in support of holding a site walk. He stated in attempting to review the test pits and compared to the map had a lot of trouble because they do not connect with the lot numbers and hitting water at a lower depth at a higher point in the hill, which does not make sense and concern him. He inquired when the wetlands were designated.

LaRosa stated on this lot by Fraggie Rock in March 2020.

Rhodes stated he found it curious there were none on this lot, concern of the water being discharged to a wetland and the impacts of that. He stated another concern is the frontage of lot 1 and how it is configured around 281 Green St, would like to see some consideration given to that property owner for impacts. He stated if this is a wooded lot, that contains wet land, disruption of the site will cause wildlife impact. The Sunningdale development has a large portion of land in conservation but no conservation proposed for this lot. He stated there seems to be solid statements from the ZBA that say no further development, if the cause of that was from frontage and legally there may not be a concern but it should

July 21, 2021 PB Minutes

be addressed. By adding 4 homes, leach fields where there are high water tables, can see there are many risks involved.

LaRosa stated this site was zoned Residential, R1, R2, Rural and back to R1, changed zoning requirements 5 times since 1985. For a decision to be made when it was zoned as one thing is a simplification.

Rhodes stated simply stating the zoning law has changed and they are not out of compliance is a simple answer to a simplification, if it can be tracked back for the zoning changes, full ZBA minutes from 1985 and 2004, that there can be agreeance of all parties that the application meets the law and common decency he would have less concerns. But it is a complex situation, two ZBA decisions and properties being sold with a promise.

LaRosa stated the water goes to the low point and that is the design.

Rhodes stated his concern is that it was sheet flowing to a wetlands and now point sourced to a wetland.

Witham stated in regards to the water issue and the discussion by the Board. He stated they typically lean heavily on the third party review completed by Horsley Witten. He requested to have them attend the next meeting for questions and discussion.

Mears stated pursuant the contract they can attend at least one meeting and that seems appropriate for this application.

Witham stated he would also be in support of a site walk that would be a public meeting anyone could attend.

Belmore stated there is some material in the packet from HW and it is not clear, just need to comply per our drainage regulations. Feels there is more that needs to be reviewed.

Witham stated they would like to see some of the concerns addressed that have been brought up at the meeting. In particular by Barry and Rhodes for the point source vs. sheet flow and validate the statements made by the applicant that it will improve.

Belmore asked if the water being directed offsite hit the corner of Green and Stackpole.

LaRosa stated he did not analyze that far north of the project but generally Green St. runs north to south and does not believe it does.

Belmore stated he is concerned of the impact to that area, specifically the water lines and culvert.

LaRosa stated from memory it is upslope.

Guptill inquired if there is City water and sewer.

Mears stated just water. She noted she spoke with HW today regarding erosion and sedimentation goals, there are erosion issues going on at other subdivision in the City and would require prior to any building permit being issued all erosion control would be installed and re-inspected at each building permit and have discussed this with the applicant, since lots can be sold at different times for construction.

LaRosa stated two weeks prior to construction on any of the sites or roadway this requires an EPA NOI General Permit Stormwater pollution protection plan to be accepted and in place.

Board held discussion of when they would hold a site walk, it was the consensus to hold the site walk on Thursday August 12 at 5:30PM.

MOTION: Witham stated, I move to schedule a site walk of 279 Green Street for the proposed 5 lot subdivision on Thursday, August 12 at 5:30 PM.

The MOTION is SECONDED by Barry.

July 21, 2021 PB Minutes

The MOTION CARRIES 9-0.

MOTION: Belmore stated, I move that the request of Carlton Spencer & Sherri A. Bolin for a 5 lot conventional subdivision be CONTINUED to the meeting of August 18th to allow for a site walk.

The MOTION is SECONDED by Guptill.

The MOTION CARRIES by a 9-0 vote.

2. WORKSHOP BUSINESS

No workshop business.

3. COMMUNICATIONS AND MISCELLANEOUS

None.

MOTION: Belmore MOTION to ADJOURN.

Guptill SECONDS the motion

The MOTION CARRIES by a 9-0 vote at 9:14pm.

Respectfully Submitted,

Dana Crossley, Planning Secretary