

**SOMERSWORTH PLANNING BOARD  
MINUTES OF MEETING  
December 15, 2021**

**MEMBERS PRESENT:** Bob Belmore-City Manager, Alternate, Chris Horton, Jeremy Rhodes, Jason Barry, Ron LeHoullier, Chair, David Witham, City Council Representative, Mark Richardson

**Excused Members:** Keith Perkins, Paul Goodwin-Alternate, Paul Robidas, Harold Guptill- Vice Chair

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

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

**1. Approval of the minutes of the meetings of November 17, 2021**

**Motion:** Horton MOVED to accept the minutes of November 17, 2021

The MOTION is SECONDED by Barry

The MOTION CARRIED 7-0.

**2. COMMITTEE REPORTS**

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

**City Council Report:** Witham reported that the former Breton's Cleaner's lot on Winter Street, the abandoned dry-cleaning facility previously remediated in partnership with SRPC through a Brownfield grant and EPA funds. The property is at a marketable state and have received 2 proposals for redevelopment. Working the way through City Staff and then move through Council sub-committees and full Council.

Witham stated the City has put out a request for solar field proposals on the Superfund site and received 6 proposals for infill of solar panels. These are also working through City Staff and then move through Council sub-committees and full Council.

**Strafford Regional Planning Commission (SRPC) Update:** Richardson reported that there is an issue going before the State Legislature as a proposal that would in effect cause Somersworth to lose a representative to SRPC. He stated the proposal would be that populations with 10,000 or fewer have 1 representative with SRPC, as the population increases by 10,000 another representative is added. Somersworth currently has 3 but this would bring Somersworth representatives down to 2. He stated they reviewed this at their last meeting and voted, the majority were not in favor of the proposal because they feel it does not give the smaller communities the appropriate representation. Does not currently have a bill number yet but hanging out there.

Belmore stated he appreciates that they did not support it and would not want to see Somersworth's representation go down, having the three is important, this would not be a fair impact to the smaller communities.

Richardson stated they received a memo in regards to the Federal Transportation money, NH is ticketed to receive 45 million dollars for infrastructure. Reviewed the areas that would see benefit of the money.

**Other:** Mears stated she recently attended the NH Planners Annual Conference and in the legal updates it was reviewed that all Land Use Boards should be making determination of potential for Regional Impact on each project. A full memo has been provided in the packet outlining this procedure.

Witham clarified the vote had to be taken with every application.  
Mears stated yes to make it part of the record for each project.

Belmore inquired what brought this up since the RSA does not appear to have changed recently.  
Mears stated most communities have not been doing it and there was a court case that brought this to light.

Brief discussion of when to vote on this during the application process.

### 3. **OLD BUSINESS**

- A) **Geoffrey Aleva, PE. on behalf of Somersworth Industrial Park LLC, is seeking an amendment to an approved site plan and condo-subdivision approval for a waiver from the Site Plan Review Requirements-Stormwater requirements for 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 item received site plan and condo-subdivision conditional approval from the Planning Board in July 2021. Applicant is seeking a minor field modification that results in a waiver request from the Stormwater Requirements of the Site Plan Review Regulations.

**Geoffrey Aleva** of Civil Consultants was in attendance to represent the application.

Aleva stated this plan was reviewed and granted conditional approval in July by the Planning Board. Since then, has been working with staff to button up the outstanding items from the peer review of the drainage. One of the things determined this section of the regulations regarding stormwater could not be met to the T as indicated in the regulation. Has prepared a package for the Board to consider to show the work done and reason for a request for waiver.

Aleva stated the overall site plan has not changed but they have modified and made larger some of the underground storage capacity systems to get closer to meeting the regulation requirements. He stated there are underground storage areas in the paved areas, the flow goes from the rear lot line to the front lot line. The front part of the lot is already developed and there is a common area to where the stormwater flows out. The stated the section they are seeking a waiver from is the flows leaving the site, he stated they have reduced the flows offsite on all storm events for this work. He stated in review of the analysis point they have a larger area of stormwater they impacting that leaves the site, the existing condition stormwater management is not changing and that area does not meet the current requirements. He stated the culvert that leaves the property in pre-condition has a flow volume of 3.9 cfs. In the post it has been reduced to 3.81 cfs. Most of that is due to the existing development. The underground storage areas in the new development hold back stormwater. They feel with all the work they have done for the proposed development with the underground storage, the holding back they are able to address the treatment of the new stormwater, capturing through treatment devices meeting the groundwater recharge for that area, meeting the requirements except for the one volume increase. The way that they could make that would require them to impact and modify the existing businesses. It is their opinion the work done to treat the stormwater being stored underground in the treatment basins that they have done the best they can other than impacting existing businesses.

**Application Acceptance MOTION:** Witham moved that the application of Geoffrey Aleva, PE. on behalf of Somersworth Industrial Park LLC for amendment to approved site plan and condo-subdivision be ACCEPTED AS COMPLETE FOR REVIEW.

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The MOTION is SECONDED by Rhodes. The MOTION CARRIES 7-0.

Public Hearing opened.

No comments received.

Public Hearing closed.

Richardson asked for further explanation of the water storage temperatures.

Aleva stated the water captured off the pavement into the underground storage area is being protected from being heated in the warm months because the water will get into the underground detention pond rather than outdoor detention pond where it would bake in the heat. The underground storage area keeps it cooler before leaving the property. The detention basins are about 3-3.5' below the ground, water stays cooler than if it was sitting in an exposed detention pond. The water does not freeze in the winter because it is below the frost potential, no more than conventional basin with pipe system, would have even regulated temperature.

Richardson inquired what the storage tanks are constructed of.

Aleva stated it is the same design as presented originally, dig basin in the ground, review soils some cases have filter fabric, basically a leach field for stormwater, similar to chambers of a septic system but for stormwater.

Rhodes clarified if the applicant needs the waiver, based on the third condition if the 2-year post development flow is less than the 1-year pre-development.

Aleva stated the 1-year is 2.89cfs and the hurt comes from the existing development that they are not impacting.

Rhodes confirmed the overall site is being improved.

Aleva stated yes.

Belmore stated he asked the City Engineer who is in charge of reporting to the EPA the City's MS4 permit, if the Board should be in the business of waiving stormwater requirements. He noted she was concerned about it as well as the Public Works Director. He would prefer to continue this application to have a meeting with those staff so they have a level of comfort to support the waiver, wants to ensure it will not hurt the City's MS4 reporting permit.

Horton stated they have done a great job to closely meet the requirement the chambers are a good solution for this site. Understands Belmore's concern, inquired if the flow does not go into the Salmon Falls, is it within the bounds of the permit.

Belmore stated he thinks so and advocate getting clarity on the issues.

Horton stated the request was reviewed by Horsley Witten and is comfortable following their recommendations as part of this approval.

Aleva inquired if as part of this submission the plans would be reviewed by the Public Works Director. Mears stated they go through review with the third-party review agent Horsley Witten.

Aleva noted that the applicant is ready to move forward now.

Belmore stated he is concerned for the City, mandated to meet the EPA standards and has concern with it.

Barry stated he reviewed the HW report and agrees with their statements and that Civil Consultants are trying to mitigate to the best ability. Tempted to agree with HW with recommendations, would like to see

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Section 3A.1 where it says for future development additional structures may need to be installed at that time in the record.

Witham inquired if the application went before the SRTC.

Mears stated no because it was an amendment. She noted she spoke briefly with the City Engineer, regarding this application and the Tractor Supply application, was not as concerned about the volume coming off the site because the stormwater is being treated on site, but understands having a condition to allow the City Engineer to fully review the plans. The water does get treated.

Belmore suggested making that another condition of approval that the application is reviewed and ok'd by the City Engineer.

Witham stated condition of approval that it meets the satisfaction of the City Engineer.

Aleva stated he would welcome that condition. The design meets stormwater treatment aspects, understands where the City is coming from.

Brief discussion of having the Public Works Director and City Engineer attending a workshop to further explain the MS4 permit.

**Regional Impact MOTION:** Witham I move that the request of Geoffrey Aleva, PE. on behalf of Somersworth Industrial Park LLC, is seeking an amendment to an approved site plan and condo-subdivision approval for a waiver from the Site Plan Review Requirements-Stormwater requirements DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.

The MOTION is SECONDED by Belmore. The MOTION CARRIES 7-0.

### **Waiver Requests:**

1. Section 12.17.a.iii.1.a.i - The 2-year, 24-hour post-development storm volume, directed to the nearest water body has not increased over the pre-development volume by more than 0.1 acre-feet;

**MOTION:** Horton stated I move that the request of Somersworth Industrial Park, LLC for a waiver from Section 12.17.a.iii.1.a.i of the Site Plan Review Regulations regarding the 2-year, 24 hours post-development storm volume be APPROVED WITH THE FOLLOWING CONDITIONS:

1. Design Engineer shall document and submit to the Department of Planning and Community Development the soil, the ESHWT and the bottom of each of the infiltration systems installed;
2. Design Engineer shall provide to the Department of Planning and Community Development the test pit and installation documentation post construction;
3. The design shall meet the satisfaction of the City Engineer.

The MOTION is SECONDED by Witham.

Discussion: Belmore clarified that all the conditions of approval were taken from the HW report.

The MOTION CARRIES 7-0.

- B) Any old business that may come before the Board.

4. **NEW BUSINESS**

- A) **Terrascope Park LLC & Arbor Park LLC, is seeking a lot line adjustment for properties located at 203 Route 108 and 211 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 44 Lots 24 & 10, SUB#09-2021 PUBLIC HEARING**

Mears stated this project complies with zoning. Proposal to convey 4.14 Acres from lot 24 to lot 10.

**MOTION:** Witham stated I move that the application of Terrascope Park LLC & Arbor Park LLC for a lot line adjustment between two properties be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION is SECONDED by Rhodes. The MOTION CARRIES 7-0.

**Jim Cassidy** of Hallisey, Pearson & Cassidy Engineering Assoc. and **Jase Gregoire** of Civil Works NE were in attendance to represent the application.

Cassidy stated there are two parts to the application, the first is the lot line adjustment application. He reviewed the existing features of the lot. He stated lot 10 is at the corner of Kilda Street and Route 108, looking to take a portion of Lot 24 where the medical office and VA is located to the lot 10 which will be the Tractor Supply lot. He stated the lots comply with the zoning requirements, meet minimum lot size requirements and frontage requirements. He stated Terrascope Parkway runs down through the center of the property, it is a private driveway and will be relocated as part of the development.

Public Hearing opened.

No comments received.

Public hearing closed.

Witham asked if there are underground utilities that would complicate the lot line adjustment.

Cassidy stated no, he review a plan that shows the relocation of Terrascope Parkway, designed the Tractor Supply site to keep utilities where they are and there will be an easement established.

LeHoullier inquired if this would violate any pre-existing conditions of approval from the Terrascope Development.

Mears stated no, they will need to update the Condo documents.

Richardson stated that there areas on the Terrascope lot that that water settles and freezes where in the winter kids would ice skate, seemed to be more than a retention pond, inquired if that still exists.

Cassidy stated the pond was part of the construction of the Terrascope Parkway Development, there is an entire drainage system already constructed across the front of the site and an infiltration soil that is along the northern property line to the basin, it is about 400' past this proposed property line, designed as a stormwater basin, has not seen water in that basin in the past year that he has been involved, it is underutilized.

**MOTION:** Witham stated I move that the request of Terrascope Park LLC & Arbor Park LLC for lot line adjustment between two properties 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 and licensed land surveyor. 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.
  - c. 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.
3. AS-BUILT PLANS.
- a. Within thirty days of the completion of the project please submit an electronic copy of the final plans with details acceptable to the Department of Development Services and shall be provided in .pdf format.

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.

Discussion: Rhodes noted also that the project is not of potential Regional Impact. Witham stated he agreed and so amended the motion. Horton agreed as well.

Belmore inquired if as-builts are required with a lot line adjustment.  
Mears stated yes.

The MOTION CARRIES 7-0.

- B) **MACK V Development, LLC is seeking site plan approval for a 19,097 SF retail building with outdoor and sidewalk display and infrastructure on a property located at 211 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 44 Lot 10 and 24, SITE#13-2021**  
**PUBLIC HEARING**

Mears stated the proposal is to construct 19,097 SF a retail building with outdoor storage areas 20,400 SF four (4) separated permeant outdoor display areas, with access from Terrascape Parkway. The applicant is requesting five (5) waivers from the Site Plan regulations. Noted an updated landscape plan was received and passed out along with most recent third party review report that was emailed to the Board.

**Application Acceptance MOTION:** Barry stated I move that the application of MACK V Development, LLC for site plan approval for a 19,097 SF retail building with outdoor and sidewalk display and infrastructure on a property located at 211 Route 108 be ACCEPTED AS COMPLETE FOR REVIEW

The MOTION is SECONDED by Horton. The MOTION CARRIES 7-0.

**Jim Cassidy** of Hallisey, Pearson & Cassidy Engineering Assoc. and **Jase Gregoire** of Civil Works NE were in attendance to represent the application.

Cassidy provided background of the Tractor Supply and MACK V Development. He stated the lot, newly created through the lot line adjustment, is a 4.98 acre lot, the lot is surrounded by Kilda Street (residential neighborhood), Route 108 and Terrascape Parkway (private driveway that will be relocated as part of construction). The topography is relatively flat, property serviced by public water and sewer but will be utilizing the utilities within Terrascape Parkway.

Cassidy stated they are proposing to build a new retail building that will be 19,097 SF. The location on the site will be as far from the residential distance as possible, has a class A bufferyard but have the building 153' from property line also set back from Route 108. He stated there is a 'FOD – fenced in outside display' which is a concrete pad and stores the larger items that are too big to be inside the store. The pad is designed with an 8' high chain-link fence and a sliding gate in the front and rear, this allows for customers to be able to drive through the FOD to load products. Also are proposing a plant yard area, green house roof area. He stated along the front of the store is a concrete sidewalk that will also display seasonal items, stored up against the building, walk is about 25' wide, first 5' is kept clear for pedestrians. In addition, there is outside display storage in the parking lot for permanent landscape trailer display.

Cassidy stated that the parking lot has gone through several designs for access, the original Dollar General site design had an access point off Route 108, felt based on the traffic generation which is about half of Dollar General did not need that curb cut. Proposing to have two curb cuts off Terrascape Parkway. First lot will accommodate for customers and second would be for employees and deliveries. Tractor Supply is not a high turnover operation, typically receive 1-2 deliveries a week. Submitted a traffic comparison as part of this application, traffic for Tractor Supply is about half of that for the previously approved Dollar General, low traffic generator. He stated per the regulations he is required to provide 96 parking spaces, but seeking a waiver to allow 86 parking spaces, has developed 30 Tractor Supply's in New England and range in 65-90 parking spaces and never seen a lot full. As part of that waiver, explained that the FOD area could be converted should Tractor Supply ever leave this site into additional parking to allow up to 141 spaces.

Cassidy stated there is a section of Terrascape Parkway that will need to be reconstructed. There are two existing transformers that the driveway will be shifted over between. Designed the building in a manner to keep the existing water, gas and power where they are. The sewer line will need to be re-worked and this has been reviewed with Public Works, it is a private line. Easements will be provided for the utilities.

Cassidy reviewed the building elevations, materials split face CMU, the gable over entrance corrugated galvanized metal siding and two corrugated posts, and awnings on the front of the building. Have added a parapet wall along the roof line of the Terrascape Parkway side of the building to hide RTU's from view. Explained that the elevation drawings show the roof top units as visible but they would not be visible in actual development, reviewed how they are not visible.

Cassidy stated they have submitted a site lighting plan, pole in the FOD, in the center of parking lot and end of each island. All lighting fixtures will be dark sky compliant and there is no spray of light on adjoining properties. He stated they have submitted an updated landscape plan, 5 trees in parking area, 5 along NW corner, 3 at corner of buildings and proposing to put a cluster of evergreens in the back corner and shrubbery on site, there are poplars existing on site that they plan to keep.

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Cassidy stated they are seeking a waiver to allow less than the required parking spaces. Waiver from requirement for sidewalks along frontage, there are no sidewalks in the area to connect and review with staff the Route 108 corridor is under study to be re-worked and may just be demoed in the future. Waiver from requirement for granite curbing, with site layout have a lot of bmp measurements as part of stormwater management system, majority of site has no curbing, only area would be along edge of Terrascape Parkway and the driveway entrances, there is concrete curbing as part of the FOD. Waiver from requirement for landscape islands, trying to promote sheet flow through islands, using porous pavement for brown water recharge and filtering.

Gregoire reviewed the stormwater drainage design for the site. He stated they are using porous pavement, bio retention basin that will exfiltrate into the ground, a treatment swale that will discharge to existing exfiltration system. There are existing closed drainage systems that flow to the detention pond in the rear of the site and an exfiltration system that utilizes dry wells. Have completed the stormwater maintenance inspections each year and noticed not a lot of water in the pond so the system is working well. The treatment swale discharges stormwater into the detention pond. Seeking a stormwater waiver for the increase of the 2-year peak flow of about .18 cfs and increasing volume .05 acre/feet. The site was designed for the full build out in 2008 and has not been built, treated all stormwater onsite before going offsite.

Cassidy noted they met with the SRTC twice and addressed the comments from those meetings, also received the comments from HW. Modified the plans per their first review comments and will address the remaining comments from the second review.

Public hearing opened.

No comments received.

Closed public hearing.

Witham stated thinks this is a good project. He has a couple items that need to be addressed and feels there are some additional waivers that are required. He stated biggest concern is with the building design standards, in the Regulations new construction shall be compatible with traditional NE architectural design, not sure this design meets that requirement. Building design standards say no un-clad masonry block or metal siding and this building has both, long expanses of roof should be softened and had flagged the RTU. Biggest concern is the building design, if approved as presented would need a waiver, but how does this design fits in.

Cassidy stated he agrees the medical office building is beautiful but a box retail operation is tough to put a peak roof on it, it does not work, this is the prototypical, made out of CMU, can work with developer to see if there is other materials to be used. For the metal there are some features but foresee the metal that community does not want pre-engineered building, this is design is to fit in with a farming theme. This is Tractor Supply's prototypical, the expansive space along Terrascape Parkway, extended the parapet.

Witham stated they have granted waivers based on surrounding architecture, this one is a bit more of a struggle, the elevation facing 108 is more appealing, the metal helps in the design features closer to NE arch. The awning is also helpful because it breaks up the block. Referenced the Somersworth Storage building, took an awning that faced the Rt 108 side and wrapped around the long expansive side, consider that for this site along the Terrascape side.

Cassidy stated that is a good idea, also suggest adding faux barn windows with awning over the top.

Rhodes stated had similar concerns with appearance. Noted the use of metal here for Tractor Supply is thematic to make it look like a traditional farm structure, though technically against the regulations would be comfortable supporting a waiver. He suggested adding a wrapping awnings and additional faux windows to make it look less like a concrete block would go a long way and would consider a waiver with those items in place. He asked for more detail about the WB-65 truck.



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Cassidy stated it is a typical tractor trailer truck with a wheel base of 65, 53' box with tractor trailer in front.

Rhodes reviewed the waiver requests, the sidewalks waiver, the Board does not typically require them in places they do not connect, especially in this circumstance where they would get ripped up. No concerns of the parking waiver, agrees with justification. Typically when they have approved waivers for low profile bituminous curbing there has been reason to do such as amphibian migration, which is not the issue here, that type of curbing does not survive the winters well. The sheet flow component makes sense, concern is porous pavement, if not maintained does not work well, want to see good maintenance for that. For the curbing around landscape units, concerned about that, exposed soil or mulch taking water flow or plow hits and spreading around lots, saw in the Connecticut example that has curbing around the landscaping. Asked for further elaboration.

Cassidy stated due to grade the water sheet flows off the parking lot, water would flow across the islands trying to promote more groundwater infiltration. Slopes from building away. Also this is a main access drive not only for Tractor Supply but commercial buildings along side of driveway trying to demarcate the main access drive.

Rhodes clarified by not surrounding landscaping with curbing it improves the stormwater management of site. If so, does it create a maintenance concern.

Cassidy stated correct, another way accomplished in the past add river rock edge, boarder but allows water flow.

Rhodes stated he thinks that would be appropriate. Regarding curbing, looks like only places are along roadway of Terrascape and entrances. Inquired existing curbing on Terrascape.

Cassidy stated majority of site will flow off, only curbing is along Terrascape Parkway and the access drives. There is concrete curb as part of slab as well that directs stormwater. Terrascape has granite curb. Rhodes stated he would not be in favor of a waiver with existing granite curb on Terrascape.

Horton stated he had similar concerns, the property is a good location for the proposal, there have been some good options to improve the façade discussed, in the neighborhood of this development there is use of stone and different peaks to mix farmer theme with NE style, would look for additional features added to improve curb appeal. There is enough shoulder on Route 108 for a de-excel lane, wondered if that was part of the plan.

Cassidy stated there is one there coming up to Terrascape Parkway that will be maintained.

Horton stated he would like to know if that was striped and would like to be there. He would like to see a buffer added to protect the residential neighborhood, vegetated or vinyl fence.

Belmore noted the cover page states a driveway permit would be provided to the City but also notes one exists, please clarify.

Cassidy stated initially the intent was to get a driveway permit but plan has changed, will remove notes.

Belmore inquired the location of the dumpsters and are they screened.

Cassidy stated there is one dumpster pad, in rear of building. Most of their refuge is cardboard most is bailed interior. Only 6 cubic dumpsters for non-recyclable, does not typically screen dumpsters.

Belmore stated per the ordinance dumpsters must be screened from public view, also on a pad. Is there irrigation for the landscaping.

Cassidy stated there should be a note on the landscape plan, it will be irrigated.

Richardson stated he would want to see screening for the neighbors as well. Appreciates the retaining of the poplars in the front of the lot. There was previously mounds of debris in the back of the lot, are those still there.

**Chad Kageleiry** of Terrascape Park LLC was also in attendance. Kageleiry stated the stock piles are not part of the subject property, was surplus topsoil saved to be re-used from previous development, wood chips from some clearing used for erosion control on site. Taken a lot of the plantings from the site to use around the medical buildings and some of the larger trees have been retained.

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Barry stated he likes the project, nice business and fulfilling a need for the region. He would echo comments made by members. Wanted to ensure all lighting will be down lit and shielded.

Cassidy stated yes, LED high efficiency fixture, dark sky compliant, where it abuts residential has house shields. The garden center has the same lighting. Typical business hours are 8am-9pm, except maybe during holidays, lighting tend to go on hour before and after.

Barry asked if there are any safety issues for the drive through, is it secured.

Cassidy stated there is no access for the FOD area without store representative, it is a locked gate, there is a dedicated drive isle that is 14' that will be clear to allow for passage of vehicles and Fire apparatus can pass through.

Witham stated thinks the Board can work with a waiver request for the building design standards, need to work on what the building could look like on the Terrascape Parkway side, there have been some ideas presented. With regard to granite curbing, at least along Terrascape Parkway and the initial entrances front and back should maintain that granite curbing. Does not think it is needed in the parking lot, sheet flow makes sense, and amendable with stone around landscape islands to limit erosion in parking areas. He stated he understands on the sidewalk request, there is no connection there, but it was waived for Cumberland Farms in lieu of an exaction towards a new sidewalk Tractor that would be purchased to handle the new sidewalks the State would be installing along Route 108. Thinks that is a conversation that needs to be had, in the Cumberland Farms case they discussed the cost of the sidewalk if they had to build it and then brought it down and found an agreeable number. For those reasons not in a position to vote on this item tonight, would like to continue to allow the applicant to come back with new elevations, contemplate an offside exaction in lieu of installing sidewalks for further discussion with the Board.

Horton stated he thinks those comments are spot on, there have been good concerns raised.

Barry stated he is not opposed to the exaction, but is that a permanent thing or something that will be held for a certain amount of time.

Belmore stated he would like to see the funds go towards sidewalk capital reserve fund for sidewalk maintenance, exactions can only be held for 5 years. Stated if continued, would like to see a formal waiver request from the architectural requirements.

Rhodes stated he would support continuing the application if they give the applicant a list of items they would like to have addressed prior to the next meeting.

Cassidy stated he wanted to clarify it would not hold up the AOT permit process, they have a contract with Tractor Supply and contracted to start within a certain time frame.

Witham stated his intent would be to the January meeting. Would be looking for a formal waiver from building design standards, elevation changes in line with discussion from meeting, further consideration of the off-site exaction in relation with the sidewalk waiver request.

Cassidy noted also the fence along the residential neighborhood.

Rhodes stated yes, fence or screening along the residential abutters side, modification to the curbing around landscaping to include rock features, deletion or justification of use of bituminous curbing along Terrascape Parkway.

Cassidy stated for screening would prefer fence since there is a deciduous tree in that area often landscape berms die off.

Rhodes stated he has no objection to a fence, intent is for sound and visual screening for abutters.

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Cassidy stated also the screening of the dumpster.

Horton stated faux windows and awnings were mentioned and he would support that. He stated also in favor of a fence, something like an 8' fence.

Cassidy stated when going from a 6 to 8' fence it costs significantly more.

Horton stated he could be swayed.

**MOTION:** Witham stated I move that the request of MACK V Development, LLC for site plan approval for a 19,097 SF retail building with outdoor and sidewalk display and infrastructure on a property located at 211 Route 108 be CONTINUED to the meeting of January 19, 2022 to allow applicant the address and discuss issues raised during meeting.

The MOTION is SECONDED by Rhodes. The MOTION CARRIES 7-0.

- C) **506 High Street LLC, is seeking a site plan amendment to allow existing facility to be used for retail use on a property located at 506 High Street, in the Residential/Commercial District, Assessor's Map 40 Lot 09, SITE05-2012-A PUBLIC HEARING**

Mears stated this request is for a Site Plan Amendment for Change of use from a Title Cash business offering cash loans to retail sales, Cricket Wireless. In 2013 Planning Board approved the Title Cash Loan use with the following conditions:

- a. The approved modified Site Plan clearly specifies the Property's Use is and shall be limited to Office only (no Retail) without further approval of the Somersworth Zoning Board of Adjustment and/or Planning Board as required;
- b. The basement is not to be occupied;
- c. The basement is to be used for general storage only (not spill over office space)

She noted the packet includes the 2013 Notice of Decision and Planning Board minutes for reference.

**Application Acceptance MOTION:** Witham stated I moved that the application of 506 High Street LLC for a site plan amendment to allow existing facility to be used for retail use be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION is SECONDED by Barry. The MOTION CARRIES 7-0.

**Marybeth Herbert** of 506 High Street LLC was in attendance to represent the application. She stated she is looking for approval that will allow for Cricket Wireless to go into this building. It is zoned for the use but due to the condition from a previous approval she is back before this Board. She went before the SRTC and they requested for the map of life safety/fire safety features of the building be provided, a new water sewer application filed, and signage at the basement that no public access and no storage in the basement, has addressed all of those items.

Public Hearing opened:

Mears noted an email correspondence was received for public comment and read into the record the following:

**Lisa Lotter, 18 Kelwyn Drive:** I would like the planning board to put conditions on that any new retail use come before the board for review and public hearing process. I would also like the planning board to put conditions on the parking that their clients can only park in their parking lot and not on residential Kelwyn Drive. Kelwyn Drive has no outlet and any clogging of the entrance/exit could impact on our ability to get

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emergency services into the neighborhood in a timely manner. Any clients parked on Kelwyn Drive would be subject to towing at their expense.

Herbert stated the site has the required 8 parking spaces, the estimated traffic count for Cricket Wireless is 9 cars a day, expect no need for parking on the roadway.

No other comments received.  
Public Hearing closed.

Witham stated this seems like a no brainer and the intensity of use is not much different than what exists. In regards to the correspondence received, no parking areas on Kelwyn Drive is directed by City Ordinance, it would have to go through Traffic Safety Committee prior to getting to full Council. He stated his recommendation is to let it be and if it becomes a problem would ask the applicant to inform City Staff and then it could be moved forward through the process to be addressed.

Belmore requested Staff notify the abutter that if it becomes a problem to notify the City so that it can be addressed. (Noted the last item on the agenda needs to be addressed for Regional impact at the next meeting).

Rhodes inquired if the business type that was here previous is still allowed.  
Mears noted in the Commercial/Industrial and Industrial District.

**Regional Impact Determination MOTION:** Witham stated I move that the request of 506 High Street LLC for a site plan amendment to allow existing facility to be used for retail use DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.

The MOTION is SECONDED by Belmore. The MOTION CARRIES 7-0.

**Site Plan Motion: Witham stated** I move that the request of 506 High Street LLC, is seeking a site plan amendment to allow existing facility to be used for retail use 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. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
  - a. Prior to the issuance of the Certificate of Occupancy the applicant shall submit a floor plan to the Fire Department for Fire and Life Safety Evaluation of the interior floor plan clearly showing the egress paths, emergency lighting, fire extinguisher locations, smoke and CO alarms, etc.
  - b. 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

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meter needed and the sewer connection fees will be based on estimate of water used and equivalent number of bedrooms.

### 4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. The basement is to be used for general storage only (not spill over office space).
- b. A copy of the completed Stormwater Inspection & Maintenance Log shall be provided to the Development Services Department annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans.
- c. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced in a timely manner as long as this site plan remains valid.
- d. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways.

**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 Rhodes. The MOTION CARRIES 7-0.

### 5. WORKSHOP BUSINESS –

Mears stated the 2022 schedule was included in the Board's packet.

Belmore suggested moving the 12/21/2022 meeting to a week prior (12/14/2022) due to how close the meeting date falls to Christmas.

**MOTION:** Witham stated, I move to accept the 2022 PB/SRTC schedule with the amendment that the 12/21/2022 meeting be changed to 12/14/2022.

The MOTION is SECONDED by Belmore.

**Discussion:** Rhodes noted the winter is a slower season for the Conservation Commission that meets on that date typically, can discuss canceling that meeting.

The MOTION CARRIES 7-0.

### 6. COMMUNICATIONS AND MISCELLANEOUS

Horton questioned if they could combine the Regional Impact motion with the application acceptance motion. He inquired if Patriot Tractor was contacted about the lights that are not compliant, seems to have a lot of light leakage offsite. Thinks the 8 Government Way project is looking very nice and is an

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improvement for downtown. Asked if Belmore could give more information on the Winter Street proposals received.

Mears stated yes that Patriot Tractor had been contacted.

Belmore stated he would need to report the proposals to Council first but good proposals.

Richardson stated he thinks it would be best to keep the regional impact motion to after the initial presentation from the applicant.

MOTION: Belmore MOTION to ADJOURN.

Rhodes. SECONDS the motion

The MOTION CARRIES by a 7-0 at 8:35pm.

Respectfully Submitted,

Dana Crossley, Planning Secretary