

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
January 17, 2024**

MEMBERS PRESENT: Ron LeHoullier, Jason Barry, Jeremy Rhodes, Chris Horton, Bob Belmore-City Manager, David Witham, Doug Haberman-Alternate, Mark Richardson

EXCUSED MEMBERS: Paul Robidas

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

The meeting was called to order at 6:30pm.

LeHoullier appointed Haberman as voting member for the meeting.

1) Approval of the minutes
A) December 20, 2023 minutes

Horton MOVED to accept the minutes as presented.
The MOTION was SECONDED by Barry.
The MOTION CARRIED 7-0-1 with LeHoullier abstained

2) COMMITTEE REPORTS

Land Use Board Reports (ZBA, Conservation Commission, SRTC, Minor Field Reports): None.

City Council Report: Witham reported the new City Council and Mayor were sworn in a few weeks ago. He stated he was appointed as the Council representative to the Planning Board and Councilor Vincent will continue to serve as the alternate. He noted that Councilor Goodwin submitted his resignation letter to the Planning Board for his term as alternate member as he was elected to City Council and as per the City Charter cannot serve on both if not appointed City Council rep.

He stated the Mayor has established a special commission to look at housing within the City. They will focus on affordability, accessibility and how the City can help with those issues. The Mayor has requested a representative from the Planning Board be appointed to the commission and that the Chair will likely be addressing that later in the meeting.

Strafford Regional Planning Commission (SRPC) Update: Richardson stated their next meeting will be held on Friday (1/19/24). He stated they have been looking at the guideline requirements for the next round of transportation projects. He noted the criteria that which projects are reviewed against. He noted there are seven (7) projects, though none for Somersworth in this round.

Eyes on 30 (2030 Committee): Barry reported that the Committee has not met since the last Planning Board meeting. He stated they are working on establishing a next meeting date and time.

Community Power Coalition: Horton reported that the Community Power Coalition has adjourned for the time being. He stated most recently the NH Coalition has accepted the City's application for the electric aggregation and the PUC has as well. They have not met since the plan was progressed to State officials and looking to the Chair to see if they need to meet again and when. At this time on a hiatus for now.

Witham added that it is now back with Community Power Coalition now that all approvals are in place for proposed launch date, maybe mid-year. But that is dependent on the rate compared to the Eversource rate, for that to launch the community power rate needs to be lower than the Eversource rate.

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Belmore noted that it will also need to go before City Council for a few additional approvals prior to launch.

Other: LeHoullier noted that Alternate Paul Goodwin submitted his resignation letter from the Planning Board.

Director Mears read the letter into the record.

3) OLD BUSINESS

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

4) NEW BUSINESS

A) **EFI Motorsport is seeking a site plan amendment to add used car sales to an automotive repair/service station on the property located at 20 Rescue Lane in the Industrial (I) District, Assessor's Map 58 Lot 6G, SITE#13-2022. PUBLIC HEARING**

Director Mears stated the applicant is seeking to establish Used Car Sales to the existing Motor Vehicle Repair Garage use. The applicant is not proposing any alterations to the existing building. Applicant received a variance in August 2023 to allow used automobile sales with the following conditions:

1. There shall be no more than twelve cars displayed at any one time onsite;
2. That used automobile sales are an accessory use to the primary use of motor vehicle repair garage/station

Director Mears noted the applicant is seeking a number of waivers submitted with the application from the Site Plan Review Regulations.

Application Acceptance:

MOTION: Horton stated I move that the site plan amendment application of EFI Motorsport LLC be ACCEPTED AS COMPLETE FOR REVIEW.

Witham SECONDED the MOTION. MOTION CARRIES 8-0.

Marc Swanson, the applicant and owner of EFI Motorsport LLC, was in attendance to represent the application. Swanson stated he did not have a lot to add, noted that on the Staff Report it was indicated the plans need to be re-stamped by an Engineer and requirement for sewage piping application by the building owner or both water/sewer.

Director Mears stated yes.

Swanson requested the requirement for stamped drawings be a burden of the building owner for that part of the application since he as a tenant does not have anything to do with used car sales.

Director Mears noted the typically a tenant would fill out the water/sewer connection permit, the application fees are based on the use of the building.

Swanson stated he borrowed the plan from the property owner and made edits to the plan to show his use, as they were going to do an unrelated to his use plan, they were going to build a food processing plant in the building he occupies and he used those drawings to provide a basis of the parking layout and storage area for the vehicles on site with permission from Favorite Foods. But to go back to the Engineer to have them stamp the modified plans they would request a new plan be put together which would cost a lot of money. Wanted to see if that could potentially be waived.

Swanson stated he did not have additional to present outside of the submitted documents.

LeHoullier opened the public hearing.

No comments received.

Public comment session closed.

Horton asked the applicant to review the submitted photos, discuss the site layout and overall intentions for the site including site improvements.

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Swanson stated in the spring they put out annual plantings in the front. This was not noted on submittal. The lighting is good on site, the landlord recently replaced a few lights recently. Will potentially need to increase their vinyl signs to be compliant with the State. They will be added handicap spaces in front of the building.

Witham stated he was unclear where the cars are being parked and asked for clarification on that.

Swanson stated in review of the site plan, the right hand side of the building of the dashed line on the building, shows the split between his use and Favorite Foods use of the building. To the right is Favorite Foods, they park their trucks recently bought a Coffee business. Everything to the left of the line is their use. Customers park in the front of the building. Around the back of the building is where they store vehicles for service, employee parking and for sale parking area.

Witham clarified this is paved surface for parking.

Swanson stated yes all paved.

Witham stated where the Favorite Foods truck is located in pictures submitted appears to not be fully on pavement.

Swanson stated that is correct and has nothing to do with his side of the building.

Witham noted the Rescue Lane is private driveway, so the property cannot be seen from Interstate Drive and the property has received a variance from the Zoning Board to have not more than 12 cars for sale.

Swanson explained they are a specialty car sales, do not rely on foot traffic.

Regional Impact MOTION: Belmore stated, I move that the site plan amendment application of EFI Motorsport DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.

The MOTION was SECONDED by Rhodes. CARRIES 8-0.

Waiver Requests:

1. **Section 10.2. Specifications for Plans and Documents to be Submitted – Traffic Study per 22.A.12.4**

MOTION: Belmore stated I move that the request of EFI Motorsports for a waiver from Section 10.2 of the Site Plan Review Regulations requirement to submit a Traffic Study be APPROVED.

The MOTION is SECONDED by Witham. The MOTION CARRIES 8-0.

2. **Section 12.4.d.vi. VEHICULAR CIRCULATION AND PARKING – Traffic Impact – Bicycle:** All sites shall provide lockable bicycle parking/storage. The number of bicycles which must be facilitated shall equal not less than 5% of the site parking demand

MOTION: Witham stated I move that the request of EFI Motorsports for a waiver from Section 12.4.d.vi. of the Site Plan Review Regulations requirement to provide lockable bicycle parking/storage be APPROVED.

The MOTION is SECONDED by Horton. The MOTION CARRIES 8-0.

3. **Section 12.4.d.vii. VEHICULAR CIRCULATION AND PARKING – Traffic Impact – Electrical Vehicle Charging Stations** – requirement to install EV Charging Stations based on the number of overall parking spaces on site

MOTION: Witham stated I move that the request of EFI Motorsports for a waiver from Section 12.4.d.vii. of the Site Plan Review Regulations requirement to provide Electrical Vehicle Charging Stations on site be APPROVED.

The MOTION is SECONDED by Barry.

Discussion: Witham noted that this is a recent change to the regulations and does not want a line of people requesting a waiver from this. But for this application there is no additional parking being proposed and is a request for used car sales, makes sense in this case but with thought behind it.

Haberman asked if the applicant thought they may have sales of electric vehicles in the future.

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Swanson noted that they have ample power within the building to charge an EV and may sell electric vehicles in the future.

Witham stated when this was added to the regulations, it was under the consideration for employees that go to a business with EV that need to charge, not the case here, and secondly a customer base that would require EV charging. Comfortable for this instance.

Richardson clarified if he would have to come back through the PB for installation of EV chargers. Director Mears indicated it would be a minor field modification and regular permits through the Code Office.

The MOTION CARRIES 8-0.

4. **Section 12.6.b.xii LANDSCAPING DESIGN STANDARDS - General Requirements:** The applicant may request that the Planning Board determine that existing vegetation is suitably located, sufficiently visually impervious, and vigorous enough to be substituted for landscaping material required by these regulations

MOTION: Witham stated I move that the request of EFI Motorsports for determination that the existing landscaping meets the intent of the landscaping design standards be APPROVED. SECONDED by Barry.

Discussion: Horton stated in favor of the motion, but would request that there be some effort placed on upgrading the existing landscaping.

Witham stated he agrees with Horton's statement. If this property was visible from a public way he would have more comment on it.

The MOTION CARRIES 8-0.

Director Mears reviewed the proposed conditions of approval.

Swanson requested that the 12 vehicles on site condition be clarified that it would be 12 cars for sale. He noted they are working on cars as part of the motor vehicle garage use.

Witham suggested removing the landscape architect stamp requirement and the condition regarding all landscaping on the plan that is dead and dying landscaping be removed as well since they are not adding any landscaping to the site. He stated he is fine with the clarification on the no more than 12 cars for sale.

There was a brief discussion regarding how Code Compliance will be able to determine the vehicles for sale.

Barry inquired if the applicant was going to add parking strips.

Swanson explained they would not be adding lined parking spaces in the rear, that is not customer parking, staff parks their vehicles and the vehicles being serviced and so the cars get stacked and markings would not help them in these instances. He stated they will add the handicap spaces and re-strip as needed, there are a few spaces in the front that are used and not currently marked that will be done.

There was a brief discussion on the requirement for stamped engineered plans and the plans submitted.

Swanson stated Favorite Foods had submitted the plan done by Granite Engineering for the food processing proposal and it was surveyed.

Witham stated he would think it would be easier to leave the condition in place and for the applicant to work with staff on addressing that condition.

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Haberman suggested that the subject area be better identified.

Public Hearing Closed.

Site Plan Motion: Witham stated I move that the request of EFI Motorsport LLC for a site plan amendment to add used car sales to an automotive repair/service station on the property located at 20 Rescue Lane be APPROVED WITH THE FOLLOWING CONDITIONS

1. PLAN REVISIONS:
 - a. Include the following notes on the plan:
 - i. There shall be no more than twelve cars for sale displayed at any one time onsite;
 - ii. That used automobile sales are an accessory use to the primary use of motor vehicle repair garage/station
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. Please submit two folded 22" x 34" paper copies of the full set of plans to the Office of Development Services for final endorsement.
3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
 - a. 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.
4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
 - a. All parking areas shall be paved and there shall be no parking on un-paved areas.
 - b. There shall be no wetlands degradation during construction.
 - c. A copy of the completed Stormwater Inspection & Maintenance Log shall be provided to the Development Services Department annually on or before July 1st. This requirement shall be an ongoing condition of approval and noted on the final plans.
 - 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.

In accordance with NH RSA 676:-a and 674:39 if active and substantial development is NOT reached within 24 months after the date of approval the Planning Board may revoke the approval because of changes in City or State regulations and policies, changes in drainage patterns or traffic counts and/or changes in municipal utility considerations

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.

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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 Barry. The MOTION CARRIES 8-0.

B) New Hampshire Home Buyers, LLC c/o Bruton & Berube, PLLC is seeking minor subdivision approval to divide one residential lot into two residential lots on a property located at 44 Rocky Hill Road, in the Residential/Single Family (R1) District, Assessor's Map 26 Lot 7 SITE#22-2023. PUBLIC HEARING

Director Mears stated the applicant is proposing to subdivide an existing 1.375 acre (59,878 SF) lot into two lots that will be .654 acres (28,500 SF) and .720 acres (31,378 SF). Lots will have street frontage on Rocky Hill Road and the existing house at 44 Rocky Hill Road is proposed to be razed.

Application Acceptance MOTION: Witham stated I move that the subdivision and conditional use permit application of Northam Survey LLC be ACCEPTED AS COMPLETE FOR REVIEW. The MOTION is SECONDED by Horton. The MOTION CARRIES 8-0.

Josh Lanzetta of Bruton and Berube, **Ryan Fowler** of James Verra and Associates were in attendance to represent the application.

Lanzetta provided an overview of the property. Stated they are seeking a two-lot subdivision. He noted that after further consideration of the property the applicant is not proposing to remove the single-family home at this time, he will be reviewing it to determine if it can be renovated. If they determine they will demo it, it would be subject to the zoning and code regulations that would impact it. He stated it is a simple application that complies with the City's ordinances, have addressed the questions from the SRTC review and started the E-911 addressing process.

Fowler stated the intent of the subdivision is to create two lots that are compliant with the zoning ordinance. He stated the lots sizes are meeting or exceeding the dimensional requirements. The current structure is serviced by an on site well which will be deserted and they will be connect to City water. He stated both sites will be serviced by on-site septic systems. He stated Emmanuel Engineering reviewed the driveway location to ensure it would meet site distance requirements.

Lehoullier opened public hearing
No comments received.
Closed public comment session.

Witham stated he would agree with the site lines for the property. He noted the structure was subject to a fire a number of years ago and would note that this has been a concern for Code Compliance action for property maintenance. He asked for clarification that the new lot would be buildable and not too steep. Fowler stated the western corner has steep slope but the rest of the lot is gradual.

LeHoullier clarified if the structure would be torn down.
Fowler stated it is anticipated the structure is not worth keeping but looking to have the subdivision application addressed first and then determine if the building will be renovated or torn down.
LeHoullier asked if the front building is a barn.
Fowler stated yes.

Belmore asked if they had a timeline for when the building would be renovated or razed.

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Lanzetta stated the applicant's intent would be address once they are through the planning process. Site work would start as soon as possible.

Fowler noted the property owner has started to address landscape of the property.

Richardson inquired if the new lot home or the original structure would be addressed first.

Lanzetta stated it is anticipated to be done at the same time.

Witham suggested a condition of approval to require the existing buildings to be secured so that there is no trespassing within the structures.

Haberman inquired if they knew where the new structure would be located on the new lot.

Fowler stated it is anticipated in the location where the shed is but not determined yet.

Rhodes stated there are two sheds and a barn, will those all be razed. He noted the barn is not compliant with setbacks that would not be worsened if the house was to stay in place but removing the house, it is a non-conforming outbuilding.

Fowler stated sheds to be removed. There had been discussion of rehabbing the barn but it was identified during SRTC that if the house is removed and the barn stayed it would be more non-conforming, if the house is razed would need to raze the barn or seek alternate relief.

Regional Impact: MOTION: Rhodes I move that the application for 2 lot subdivision at 44 Rocky Hill Road **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

The MOTION is SECONDED by Belmore. The MOTION CARRIES 8-0.

Director Mears reviewed the proposed conditions of approval. Noted that the no degradation to wetlands during construction listed on staff memo would not be applicable to this application, nor the wetland scientist stamp. She noted the additional condition proposed by Witham.

Subdivision Motion: Belmore stated I move that the request of New Hampshire Home Buyers, LLC c/o Bruton & Berube, PLLC for minor subdivision approval to divide one residential lot into two residential lots Assessor's Map 26 Lot 7 be APPROVED WITH THE FOLLOWING CONDITIONS:

1. PLAN REVISIONS:
 - a. Update the Sheet V1 Note 12. To include that the (2) 2" caliper trees per lot that shall be planted prior to the issuance of a Certificate of Occupancy; and
 - b. Update Sheet C1 Note 11. To clarify that all utilities shall be installed underground.
 - c. Existing buildings shall be secured as required by Code Compliance.
2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL
 - a. The final plans shall bear the stamp and signature of the licensed land surveyor. Please submit four folded 22" x 34" paper copies of the full set of plans to the Office of Development Services for final endorsement.
 - b. 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 recording of the subdivision plan.
3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

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- a. Erosion control will need to be installed along the Rocky Hill Road side of the property and the site shall be stabilized while under construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.
- b. A construction entrance shall be required to be installed and maintained until pavement has been completed;
- c. All service connections from the utility overhead lines shall be installed underground.
- d. The applicant shall apply for a new Water Connection Permit. The applicant will be required to pay standard water connection fees assessed on new properties connecting to the water system.
- e. The development will require new addresses. 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.
- f. Applicant will need to apply for a driveway permit with the Department of Public Works in conjunction with the building permit for the new house lot; residential driveway width can be no wider than 22'.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. The accessory building (barn) structure is considered a non-conforming structure because it does not meet the required setbacks, non-conforming structures shall not become more non-conforming as per Zoning Ordinance Section 19.6.B Non-conforming Structures. Where the primary use of this lot is residential single family and the single-family dwelling is proposed to be razed, the accessory structures on the lot will be required to be removed at the same time. Unless applicant decides to keep the single-family dwelling.

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 Belmore. The MOTION CARRIES 8-0.

C) Any new business that may come before the Board. – None.

5) WORKSHOP BUSINESS

A) Revision of Subdivision Regulations – Chapter 22

Director Mears stated Planning and Public Works staff have been work on proposed revisions to the Subdivision Regulations. She noted the memo provided gives a summary of the edits proposed within the regulations. She reviewed the proposed revisions listed and stated that at this time looking for feedback from the Board. This will require a public hearing for adoption of the amendments.

Richarson stated page 24 regarding cul-de-sac plantings will not obstruct view and there is reference to plantings being required to be on private property. Who is responsible for cutting back plantings on private property that infringe into the right of way.

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There was a brief discussion on management of vegetation that is within the right of way.

Witham stated on page 25 and 26 in regards to Street Lighting being turned on. He noted that he has received complaints about this and often the street lights are on a timer and not altered with time change, stated these should be required to be photo-cell activated rather than timers.

Belmore stated on that same page for lighting number 2. He would suggest the wording be looked at, it currently is very long and should either be removed or re-worked to be clear.

Horton stated he likes the revisions being proposed, especially in regards to the pavement requirements. He would support moving this forward for acceptance.

MOTION: Horton stated I move to schedule a public hearing to adopt Subdivision Regulations revisions.

The MOTION is SECONDED by Witham. The MOTION CARRIES 8-0.

6) **COMMUNICATIONS AND MISCELLANEOUS**

- a) Director Mears stated the Mayor announced the Mayor's Housing Task Force. This mayoral commission will work to examine a variety of ways that Somersworth can change its ordinances and regulations to incentivize smart housing solutions that match the needs of our community, positively partner the city with developers, bolster economic growth, and work to develop solutions that can lower the cost of living for working families here in Somersworth. Looking for the Chair to appoint one Planning Board member to this Task Force.
Horton stated he would volunteer to be appointed.
LeHoullier appointed Horton to the Mayor's Housing Task Force.
- b) Witham stated for the Washville site, he noted the vacuum arms have LED light strips that are not compliant with down lit and shielded requirements.
- c) Barry stated he was approached by the Mayor about a potential committee about the Master Plan. He advised him to share that information with the Chair and would be willing to serve if this committee is put together and in need of an appointed member from the PB.
- d) Horton stated the traffic on High Street has been hugely improved by the updates with the lights and noted the new street signs that also look great.
- e) Belmore noted that the Master Plan is under the jurisdiction of the Planning Board and requested Director Mears to provide a memo on the current status of Master Plan work that she has been doing.

MOTION: Horton MOVED to ADJOURN the meeting.

The MOTION was SECONDED by Belmore

The MOTION CARRIED 8-0-0.

The meeting was adjourned at 8:43pm.

Respectfully submitted,
Dana Crossley, Planning Tech.