

SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
April 17, 2024

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

EXCUSED MEMBERS: Paul Robidas and David Witham

STAFF PRESENT: Michelle Mears, Director of Development Services
Anna Stockman, Planning Secretary

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

LeHoullier appointed Haberman as a full voting member.

1) **Approval of the minutes**

A) March 20, 2024 workshop meeting minutes

Horton MOVED to accept the minutes as presented.

The MOTION was SECONDED by Barry.

The MOTION CARRIED 5-2-0, with Rhodes and LeHoullier abstaining.

A) March 20, 2024 minutes

Horton MOVED to accept the minutes as presented.

The MOTION was SECONDED by Rhodes.

The MOTION CARRIED 6-1-0, with LeHoullier abstaining.

2) **COMMITTEE REPORTS**

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

City Council Report: Belmore stated City Council passed a new Zoning Ordinance amendment to restrict automobile related businesses. He noted these changes will assist in resolving code compliance issues. He said auto parts and auto repair stores are no longer allowed along High Street. He said they are in the middle of reviewing the budget for the next fiscal year. He noted there was an amendment made to increase the school budget by \$500,000. He said a special budget committee meeting will be held next week during which adjustments may be made to the school budget and City budget.

Strafford Regional Planning Commission (SRPC) Update: Richardson stated there was discussion about revising some of the bylaws for Strafford Regional Planning Commission. He said there was time dedicated to looking at regional data for traffic accidents and nonmotorized injuries. He said the group voted on future recommendations to accomplish their goals. He noted the removal of the toll booths on the Spaulding Turnpike will help contribute to the reduction of traffic related fatalities.

Eyes on 30 (2030 Committee): Barry stated the Committee has not met since their meeting last month. He said they are seeking to hold a meeting in early May. He announced the first Don't Trash Somersworth will be held on Saturday, April 20th. Participants will be picking up trash along Commercial Drive. He said bags, vests, and gloves will be provided but for participants to bring their own Personal Protective Equipment (PPE). He noted steel toed shoes are recommended.

Community Power Coalition: Horton stated the Community Power Coalition will be holding a community information session on Tuesday, May 7th at 6pm. At that session, will talk about the timeline and next steps for the project.

Housing Committee: Horton stated the Mayor's Housing Task Force attended this evening's Zoning Ordinance Audit workshop with the Zoning Board of Adjustment and Strafford Regional Planning Commission. He said there was good information shared by City staff and SRPC. He said the Committee will continue to review information provided by SRPC and make recommendations as the Committee progresses.

3) **OLD BUSINESS**

- A) Any old business that may come before the Board.
There was no old business to report.

4) **NEW BUSINESS**

A) **Master Plan Housing Chapter Adoption – PUBLIC HEARING**

Mears stated the draft Housing Chapter was presented to the Board at the February 21, 2024 meeting. She provided an overview of the revisions that were made to the Chapter to incorporate comments made by Planning Board members. The revisions included the clarification of the need for sewer and that there is a high accessibility of water, the clarification that areas without access to City sewer could still be suitable for housing as private septic is an option, the consideration of housing needs through a regional lens, the clarification that one level type of housing is desirable for aging population and those looking for smaller living space, an update of the endnote to indicate that a parking study is currently in the works with Strafford Regional Planning Commission, and an incorporation of examples of housing types that would be suitable for those living below the median income.

LeHoullier opened the public hearing.

No comments or correspondence received.

LeHoullier closed the public hearing.

MOTION: Horton MOVED to ADOPT the Housing Master Plan Chapter 'Living in Somersworth'.

The MOTION was SECONDED by Barry.

The MOTION CARRIED 7-0-0.

- B) **Frank and Jeanette Vigorito are seeking an extension request of an approved plan for conditional use permit, voluntary merger and site plan approval with waivers for a commercial warehouse on a property located at 1 Enterprise Drive in the Commercial/Industrial (CI) District, Assessor's Map 48 Lot 24D, SITE#13-2020 CUP#05-2020.**

Mears provided an overview of the application. She stated in April of 2021, the Planning Board approved this site plan with the request for a Conditional Use Permit (CUP) and voluntary merger. She said in May

of 2023, the Planning Board granted a one-year extension for the applicant to achieve substantial development for construction of the new building and infrastructure. She said since then, the lot has been sold to a different owner and the applicant is seeking an extension of the site plan approval to start construction within two years.

Belmore stated he is not inclined to grant the two-year extension. He noted the applicant indicated they are unsure of whether or not the existing site plan will be used. He said he is more inclined to grant a one-year extension. He noted the site plan was approved in 2021 and there could be new abutters and zoning changes.

Frank Vigorito, co-owner of 1 Enterprise Drive was present to represent the application. He stated he and his wife purchased the property in February 2024. He said they need time to do their due diligence, assess the plans that were approved, and get financing in place to construct a facility on the property.

Belmore stated he is always reluctant to grant extensions as far as four to five years after site plan approval was granted. He noted the importance of notifying abutters of projects and the potential for new abutters that are not aware of the project. He said he would support a one-year extension.

Horton stated he is in agreement with Belmore. He stated he would be in favor of granting a six-month extension. He noted the proposal was originally approved back in 2021.

Rhodes asked whether the intention is to build what was approved three years ago or to propose a new construction that wasn't previously approved.

Vigorito noted their recent purchase of their property and stated their intention is to build on the site. He said the facility could be a warehouse or a multi-facet building. He said they have some conceptual designs in place.

Rhodes expressed his agreement with Horton and the six-month extension. He said his hope would be that within six months, the applicant could determine their plan for the property and either return before the Board for a longer extension if the original plan is used or to go before the Board with a new site plan.

Richardson stated he would be willing to support the six-month extension.

Horton asked for the date of when the current extension expires.

Mears stated the extension will expire in May 2024.

Belmore asked for clarification on the proposed motion.

Mears stated the site plan will expire in May of 2024. She said the voluntary merger doesn't need an extension and the Conditional Use Permit will not expire. She provided the clarification that the applicant is seeking a site plan extension.

MOTION: Rhodes MOVED to APPROVE an extension request in the time length of 6 months for site plan approval for SITE#13-2020 and CUP#05-2020.

The MOTION was SECONDED by Richardson.

The MOTION CARRIED 7-0-0.

C) Bill Dube Kia, LLC is seeking site plan approval for an automobiles sales and services facility on a property located at 220 & 222 Route 108, in the Commercial/Industrial (CI) District, Assessor's Map 61 Lots 10 & 11, SITE#02-2024. PUBLIC HEARING

Mears stated the application has come before the Planning Board once before for conceptual review for a new car dealership. She said the proposal includes demolition of the existing retail buildings and two driveways, one from Route 108 and another from Blackwater Road. She noted the applicant is requesting a number of waivers. She said the application has been reviewed by the Site Review Technical Committee (SRTC) and the drainage report is currently under third-party review. She noted there will be proposed changes to landscaping. She said the applicant requested to be put on the meeting agenda for the waivers to be reviewed.

LeHoullier asked whether the application is ready to be accepted as complete for review.

Mears stated the application is not ready for complete acceptance until the revised plan set is received.

Belmore asked whether an overview of the waivers was provided at the conceptual review, as he did not recall that.

Mears stated yes, although a complete review of all the proposed waivers has not yet been provided.

Belmore stated he is not inclined to vote on any waiver requests until the plan is accepted as complete.

MOTION: Belmore MOVED to continue the application to the May 15th, 2024 Planning Board meeting for the applicant to submit a revised site plan.

The MOTION was SECONDED by Rhodes.

Rhodes WITHDREW the SECOND to the MOTION.

Belmore WITHDREW the FIRST MOTION.

Discussion:

Rhodes stated the Planning Board does not have a complete set of plans, he asked whether a continuation to the next meeting would be acceptable to the applicant. He asked what the applicant was hoping to discuss at the Planning Board meeting.

Eric Saari of Altus Engineering stated he is in attendance on behalf of the applicant with other members of the project design team. He stated a complete set of plans and drainage analysis were submitted. He said the drainage plans are currently under third-party review. He noted the team is in a state of flux as the landscape architect is no longer on the team. He said landscape plans will be resubmitted in the future once a new landscape architect joins the team.

Horton suggested the plans be accepted as complete to listen to the applicant's presentation. He said he is not inclined to vote on waivers without third party review.

Rhodes asked whether it would be worthwhile to have a conceptual review to review the waivers in more detail.

Saari stated there is a landscape plan for review in members' packets. He stated he recognizes site plan approval would not be granted at this meeting.

Haberman asked for clarification on proposed changes to the landscape plan.

Saari stated the proposed changes to landscaping would not be drastically different from what was presented during conceptual review. He said there are no anticipated revisions to elevation and drainage.

MOTION: Horton MOVED that the application of Bill Dube Kia, LLC be ACCEPTED AS COMPLETE FOR REVIEW.

Barry asked whether there is a way for the Planning Board to hear the applicant without accepting the application as complete. He stated his acknowledgement that the application is not a complete application.

Mears clarified that the applicant is seeking to provide an overview of the plan set and not the waivers.

Saari referenced the site plan and proposed location of the development. He noted they have held discussions with DOT regarding the scope of the project. He said they will be conducting a full traffic analysis and filing for a DOT permit. He referenced the plans for grading, drainage, and erosion control. He pointed out where electricity is sourced from including sewer and water. He said they are proposing slight changes to the lighting plan to reduce the intensity of the lighting and affix trimmed fixtures on the building. He noted they are proposing a waiver to dim lighting at night as opposed to turning lights off completely for the safety and security of the site. He pointed out the location for vehicle loading. He said they are in discussions with DOT regarding the potential removal of a bus stop in front of the subject property as they do not anticipate it will be used. He noted they expect the next landscaping plan will align with this one.

Doug Raymore of Jewett Construction stated the building is compliant with Kia's national branding standards. He referenced a rendering of the building and stated the design is modern. He said there will be a double service drive to the right of the building to assist with vehicles coming into service. He noted there will be a service shop in the back of the building.

Horton stated he respects the project's aggressive timeline. He said he has no significant issues with what was presented. He said once the complete plan is submitted and third-party review is completed, he looks forward to reviewing the application.

Rhodes stated he is pleased to see the lighting revisions to prevent overflow to abutting properties. He expressed his support for the waiver to operate dimmed lighting at night. He said he is disappointed they are not moving forward with the previously proposed landscaping plan, unless the plan is to amend the plan to add additional landscaping. He said he has no concerns about the curb cuts and traffic flow. He noted his anticipation for potential resistance to the removal of the bus stop given the medical offices located along Route 108.

Richardson stated he looks forward to reviewing the revised site plan, once submitted. He noted the site is well planned.

MOTION: Horton MOVED that the request of Bill Dube Kia, LLC for site plan approval for a 22,000 square foot car dealership with associated accessways and parking infrastructure be CONTINUED to the meeting of May 15th, 2024 to allow the applicant to submit a revised site plan.

The MOTION was SECONDED by Rhodes.
The MOTION CARRIED 7-0-0.

D) Tim Wilkins is seeking a waiver from Section 12.3.b of the Site Plan Review Regulations requirement for proposed utilities to be placed underground on a property located at 18 Patriot Way (formally 187 Route 108), in the Commercial/Industrial (CI) District, Assessor's Map 44 Lot 28, SITE#01-2021. PUBLIC HEARING

Mears provided an overview of the application. She stated the project received site plan approval in July 2021. She stated the Planning Board approved the request for a site plan and condo subdivision to construct a 40,000 square-foot contractor storage and office building with associated infrastructure. She said the applicant began project construction in June 2022. She said the applicant is seeking a waiver from the requirements to install underground electric. The original site plan showed underground electric along the north side of the property to come behind the existing structures on the property. She said the applicant is proposing to have electric service be overhead wires along Patriot Way until the new development area, which at that point would be underground, to the new transformers'. She said the proposal would require a waiver to allow the new poles. She noted the project was brought to the Planning Board's attention at the last Planning Board meeting.

MOTION: Horton MOVED that the site plan waiver application of Tim Wilkins be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION was SECONDED by Barry.
The MOTION CARRIED 7-0-0.

Dan Oot, Project Manager at Patriot Holdings was present to represent the application. He stated he is present on behalf of Tim Wilkins. He stated he was recently brought on to work on the project. He said he has met with the City's Building Inspector and Planning staff to discuss the project. He stated the approved plans showed underground electrical running along the northern property line of the property behind the existing buildings on the property. He stated when Eversource came to the site last year, there were two primary issues. The first issue was an electrical pathway that led to Route 108 which already had the maximum number of connections made to businesses in the surrounding area, so they could not tap off of that pole. He said deeper investigation into the site showed the northern property line, there is less than six feet of space between the existing building façade and the neighboring business. He said Eversource determined there was not enough space to safely excavate the area. He said the scope of the project then shifted to the south side of the property, where there is an existing driveway and a pole that can be tapped off of. He noted in that location are existing utilities including water, sewer and gas lines. He referenced a plan in Planning Boards' packet that indicate the presence of ledge in the area. He said the discussion with Eversource was that the first two hundred feet would be on overhead poles and then it would transition to underground where they are already digging for utilities. The line would then be connected to three transformers. He noted the project has had some challenges from the beginning. He expressed his intention to ensure they are in compliance with the City.

LeHoullier opened the public hearing.
No comments or correspondence.
LeHoullier closed the public hearing.

Richardson stated his support for the application.

Rhodes stated he is in agreement with Richardson. He wished good luck to the applicant.

Barry stated he has no objections to the application.

Horton stated he is not in support of the application. He asked for the depth of the proposed electrical.

Dan Oot stated he is unsure. He noted there is clearance required from other underground utilities.

Horton stated he is not in favor of approving the waiver.

MOTION: Richard MOVED that the request of Tim Wilkins of Patriot Holdings for a waiver from Section 12.3.b. of the Site Plan Review Regulations to allow utilities to be above ground where regulations require them to be underground be APPROVED.

The MOTION was SECONDED by Rhodes.

Discussion:

Belmore asked whether the proposal is a total waiver so poles can be installed on private property. He asked for clarification about the proposal and whether the motion should be amended to include “as presented.”

Mears stated the applicant would be installing electrical underground at the property line where the new construction is located at the back of the lot.

MOTION: Richard MOVED that the request of Tim Wilkins of Patriot Holdings for a waiver from Section 12.3.b. as presented of the Site Plan Review Regulations to allow utilities to be above ground where regulations require them to be underground be APPROVED.

The MOTION was SECONDED by Rhodes.

The MOTION CARRIED 7-0-1, with Horton opposing.

E) Adam Johnson is seeking a site plan amendment to add two residential units to an existing 12-unit residential building on a property located at 10 Green Street in the Business (BH) District with Historic Overlay, Assessor's Map 10 Lot 172, SITE#03-2024. PUBLIC HEARING

Mears provided an overview of the application. She noted the applicant has submitted a site plan amendment to add two one-bedroom residential units with an existing twelve-unit multi-family building. She stated the total number of residential units would be fourteen residential units. She said the applicant is seeking a waiver from the onsite parking requirements where 28 spaces are required and twenty-two spaces are provided. She noted there are a number of waivers with the request and the application is complete

MOTION: Horton MOVED that the site plan application of Adam Johnson for 10 Green Street be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION was SECONDED by Rhodes.

The MOTION CARRIED 7-0-0.

Adam Johnson was present to represent the application. He stated the site plan has been revised to incorporate feedback received from the Planning Board during conceptual review. He stated the objective of the project is to utilize underutilized space within the existing building to create two new one-bedroom residential units on the property. He referenced the property's site plan and layout in relation to abutting properties. He noted the intention to expand existing parking on the property's upper level and lower level to accommodate the increase in units. He provided an overview of the waiver requests he is seeking.

LeHoullier opened the public hearing.
No comments or correspondence were received.
LeHoullier closed the public hearing.

Rhodes asked about how tenants would access the units. He stated the proposed changes would bring the building into more compliance than its current state.

Johnson stated there is an existing rear entrance to the building which passes through what is currently the laundry room.

Horton referenced the recent demolition of the abutting property. He asked whether the current elevation between the demolished site and the subject property could impact the applicant's site.

Johnson stated a guard rail will be installed on his property to protect vehicles entering and exiting the site.

Regional Impact:

MOTION: Richardson MOVED that the site plan application of Adam Johnson for 10 Green Street DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.'

The MOTION was SECONDED by Barry.

The MOTION CARRIED 7-0-0.

Johnson provided an overview of the waiver requests, including the boundary plan, vehicular circulation and parking, landscaping design standards, and park and recreation area.

Waiver Requests:

MOTION: Horton MOVED that the request of Adam Johnson for a waiver from Section 10.1.dd. of the Site Plan Review Regulations requirement to provide A Boundary Plan stamped by a Licensed Land Surveyor be APPROVED.

The MOTION was SECONDED by Richardson.

The MOTION CARRIED 7-0-0.

MOTION: Belmore MOVED that the request of Adam Johnson for a waiver from Section 12.4.a.i of the Site Plan Review Regulations requirement to provide 22 onsite parking spaces where 28 parking spaces is required be APPROVED.

The MOTION was SECONDED by Horton.

The MOTION CARRIED 7-0-0.

MOTION: Horton MOVED that the request of Adam Johnson for determination that existing vegetation is suitably located as per Section 12.6.b.xii of the Site Plan Review Regulations be APPROVED.

The MOTION was SECONDED by Rhodes.

The MOTION CARRIED 7-0-0.

MOTION: Belmore MOVED that the request of Adam Johnson for a waiver from Section 12.10 of the Site Plan Review Regulations requirement to provide open space for park and recreation area on site be APPROVED.

The MOTION was SECONDED by Horton.

The MOTION CARRIED 7-0-0.

Site Plan Application:

Barry MOVED that the request of Adam Johnson for a site plan amendment to add two residential units to an existing 12-unit residential building (for a total of 14 residential units) at 10 Green Street be APPROVED WITH THE FOLLOWING CONDITIONS:

1. PLAN REVISIONS:
 - a. Please identify the Handicap Parking space on the Site Plan prepared by RP Pro Paint & Contracting LLC;
 - b. Please note that the new curbing proposed to be installed shall be granite curb as per Section 12.4.b.iv.
 - c. Please note the internal bike storage area;
 - d. Please note the closest bus stop to the site;
 - e. Show location of dumpster on the plan;
2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL
 - a. The final plans, please submit three folded 22" x 34" 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 but not limited to NHDES Alteration of Terrain,
3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
 - a. Construction Cost estimate for this project shall be submitted to the Department of Development Services.
 - 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. 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.
 - d. 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.

- e. 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.
 - f. The applicant shall obtain all applicable permits through the Department of Public Works, this shall include but not limited to, driveway permit, utility pole license and trench permits.
4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
- a. Applicant shall receive a certificate of appropriateness from the Historic District Commission for any alterations to the building and site as applicable in Chapter 19. Section 14 Historic District of the Zoning Ordinance
 - b. Per Section 19.23.E.9 the building shall display the designated address number in such a manner as to be a plainly visible from the street which abuts the main entrance to the property. Such numbers shall be a minimum of 3.5 inches in height and must be reflective.
 - c. 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.
 - d. 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.
 - 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.
 - g. Snow storage shall be located on the property or hauled off site. As per Chapter 12 Streets and Sidewalks snow shall not be deposited upon any City street or sidewalk.
 - h. All parking lots, driveways, and aisles shall be paved.
 - i. Per Chapter 11A dumpsters on site need to be on a suitable impermeable area or placed on paved area, and screened from view from a public way
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.

The MOTION was SECONDED by Horton.

Discussion:

Horton referenced Section 3 Item D and asked whether the Water and Sewer Connection Permit would still be required.

Mears responded yes, because the proposal involves the addition of residential units.

The MOTION CARRIED 7-0-0.

F) Sierra Realty/Kenneth Scarpetti are seeking conceptual review for multi-family development located at 15 Blackwater Road in the Recreational (REC) District, Assessor's Map 22 Lot 10, SITE#12-2024.

Mears provided an overview of the proposal. She stated the applicant is proposing to redevelop the property located at 15 Blackwater Road formerly used as the national guard readiness center. She said the proposal involves the demolition of two existing structures, keeping the garage structure, and includes thirty condo units and subdividing the little league field from this parcel. She said the current proposal has two access points from Blackwater Road and Parkview Terrace. She said the applicant is seeking feedback on the layout and orientation of the project.

Kenneth Scarpetti, a partner of the proposed development was present to represent the application. He stated his partner, Doug Anderson, was also present. He referenced their site plan and elevation plan and said their goal was to minimize asphalt coverage and maximize green space. He noted the two access points to the site. He stated the elevation has changed slightly from their first concept. He said they are open to the Planning Board's input and ideas.

Barry stated he likes the idea and how the applicant would turn the lot into a neighborhood using a condominium-townhouse style.

Scarpetti stated they did not want to propose any residential buildings over two stories tall to blend in well with the surrounding neighborhood. He noted more units could be constructed on the site but they think this proposal provides a good balance to maintain green space.

Barry noted he likes that approach. He asked about the applicant's intention with the existing building that will not be demolished.

Scarpetti stated the building would most likely be used for boat storage.

Barry asked whether they intend to pave Parkview Terrace.

Scarpetti stated they will first survey the property prior to considering paving the road.

Mears stated staff researched the property and determined the road is located on the national guard site.

Scarpetti stated if they are paving onsite that road would also be paved. He noted vehicles park down that road for sports games and they would provide a permanent easement so people would be able to access that area.

Barry stated his preference would be to see the road resurfaced. He noted that would also benefit the individuals that utilize the little league field.

Scarpetti stated they are unsure of the unit mix but they are considering constructing two- or three-bedroom units.

Horton stated the plan is well thought out given the unique shape of the site. He said he likes the proposed green space. He said he understands their reasoning for keeping the existing structure and noted it may appear out of place following the construction of the residential units.

Scarpetti stated the building would be subdivided from the lot where the residential units would be located. He said they would consider adding architectural features and/or vegetation to the building to blend with the residences.

Richardson thanked the applicant for allowing access to the ball field. He asked whether the applicant has considered making the street through the site one-way. He noted sometimes the nearby intersection between Maple Street and Blackwater Road can get congested.

Scarpetti stated that has not yet been explored. He stated he doesn't know if the site has enough units to warrant having one-way traffic.

Rhodes stated he echoes the comments that have been made regarding the proposal's look and feel. He noted his appreciation for the plan to provide continued access to the ballfields. He stated this project fits well with the character of the area. He stated it is encouraging to see a plan come through that is new England architecture and he has no preference on the bedroom count mix.

Scarpetti stated they met with each neighbor to show them proposed plans. He noted they will stay in touch with abutters to ease their minds.

Richardson noted his encouragement for a mix of unit sizes. He stated bigger unit sizes would accommodate families which he is supportive of.

Haberman stated his agreement with other members and stated he likes the proposal.

G) New England Sports Hub and Event Center LLC is seeking a site plan amendment to amend Condition 4(a) for offsite exaction requirements on a property located at 165 Route 108, in the Commercial/Industrial (CI) District, Assessor's Map 63 Lot 10, SITE#04-2021.
PUBLIC HEARING

Mears provided an overview of the application. She stated the applicant is seeking to amend a condition of approval from their notice of decision of site plan approval to remove the following language: Offsite improvements required by the New Hampshire DOT Driveway Permit, Concept 1 including but not limited to the intersection improvements off of Willand Drive and Route 108 prior to the issuance of Certificate of Occupancy and to the satisfaction of the Director of Public Works and Utilities and any further improvements required by NH DOT per the Driveway Permit shall be paid by the applicant. She

stated a condition the applicant is proposing to remain is the offsite exaction in the amount of \$20,774 dollars for improvements to Willand Drive shall be completed prior to the issuance of the Certificate of Occupancy. She provided an overview of the project history.

MOTION: Horton MOVED that the application of New England Sports Hub and Event Center LLC be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION was SECONDED by Richardson.

Discussion:

Belmore stated the applicant has not submitted a revised site plan. He noted the current site plan still shows the proposed turning lane. He asked for further clarification on the request.

Mears referenced a document, Concept 1, in Board members' packets. She stated she spoke with the applicant and they are still requesting to include the Willand Intersection improvements as part of their request, it wasn't dropped off the site plan amendment.

Belmore stated there is still an application to NH DOT for a Driveway Permit.

Mears stated she reached out to DOT and confirmed the Driveway Permit has not yet been withdrawn.

Belmore stated DOT should be notified of the intention to withdraw the City's Driveway Permit and change the site plan to have no turning lane.

Horton stated he would like to entertain what the applicant has to say.

The MOTION FAILS 2-5, with Belmore, LeHoullier, Barry, Rhodes, and Haberman opposing.

Mears stated the abutters were notified of the meeting due to the proposed change to the notice of decision so the Board could listen to what the applicant has to say or continue the application to a date certain.

Rhodes asked whether without accepting the application as complete, the Board can we hear the applicant and then make a determination on the plan.

Mears responded as long as that is amenable to the applicant.

Philip Hastings, the project's real estate attorney stated it would become clear in their presentation what they are requesting and the Board could then revisit whether or not the application is complete.

James Ball, representing Sports Hub and **Craig Riotto**, Principal were present to represent the application in addition to Hastings. Ball stated they are seeking an amendment to 4A. He stated DOT has been a long-standing issue over the past three years and they are tethered to the DOT's timeframe and budget. He stated at the time of site plan approval in June 2021, an item of discussion was what the City would like to see besides the exaction fee for additional pavement, which was widening the road by ten feet traveling from the driveway of the fun center out to Route 108. He stated the addition of the radius fell into the highway easement. Because of that, that triggered DOT review. He stated if it were not for that, the widening of the road would take place. He stated if the road were widened to have two official lanes, there could be a bypass lane across the road temporarily. He referenced SK-2, a document that was added to the site plan which showed two lanes and the radius going out. He stated the widening of the

road would require twenty feet; ten feet of pavement and another ten feet of space for setback. He stated SK-2, Concept 1 shows what that would look like if the improvements were made on Willand Drive. He said the removal of 4A, they would no longer be tethered to DOT and the exaction fee would not be impacted. He said the State would make the roadway improvements. He said they don't have an approved plan for making improvements for Willand Drive, SK-2 is a concept plan. He said their intent to remove them from the requirement to work with DOT so they are no longer delayed.

Craig Riotto stated even with the addition of the righthand turn lane, the intersection continues to function from a traffic analysis standpoint. He said the consensus they gathered from observing what the Planning Board had to say last month was that DOT improvements to Route 108 are close.

Ball stated he is unsure what improvements a new plan would show that they are in line with DOT. He noted DOT would likely remove any improvements the applicant would make to the site during DOT's Route 108 project.

Hastings stated they are not proposing to make any changes to what was approved originally. He said what was approved assumed that the DOT process would unfold in a timely manner. He said a timing problem is what they have encountered. He said they are asking the City to work with them to figure out a way to allow the project to move forward and not be held back by DOT and Route 108. He said they are proposing making a change to the condition in the plan, not to the plan itself.

Belmore stated he was willing to consider and vote for removing the concept. He said he would have liked to have seen communication to DOT stating the withdrawal of their request for a Driveway Permit. He said the process could have been done better. He noted the applicant didn't work with staff to withdraw the application with DOT.

Ball apologized to Belmore. He noted DOT hasn't changed their application process since 1999. We would not be dealing with DOT unless their conceptual improvement needed their approval.

Belmore suggested a possible condition of approval that the applicant immediately notify DOT regarding the removal of the concept and the withdrawal of the application for a Driveway Permit onto Route 108.

Ball apologized for the administrative confusion. He noted the \$20,774 exaction fee for helping to repave the road. He stated if something happens with DOT, the City isn't left to make.

LeHoullier opened the public hearing.
No comments or correspondence were received.
LeHoullier closed the public hearing.

Barry stated he is not opposed to the applicant's request. He said a solution needs to be reached that is acceptable to the City. He said the declaration would need to be in writing and he would like to see a revised plan. He said he would like to see the revised plan set and for the City Engineer to review it.

Rhodes asked whether the DOT has made requests of the applicant that they are not capable of doing.

Ball stated the widening of Willand Drive would encroach on an abutter's property as the ten-foot-wide road would require an additional ten-foot buffer.

Rhodes asked whether DOT is requesting that applicant construct a wider turning lane than can be accomplished with the property the applicant has access to.

Ball stated DOT is requesting off-site improvements on Willand Drive that are out of their purview. Rhodes noted the concern of the large pulses of traffic going out on Route 108 following a sports game at the Sports Hub. He said if DOT is asking the applicant to encroach on a neighboring property by a ten-foot span, and they are holding up their interconnection to Route 108, that seems unreasonable.

Belmore stated the applicant was proposing ten feet on the shoulder on Route 108 so people going southbound would have a smooth transition around cars that were trying to turn left onto Willand Drive.

Riotto stated they were proposing a southbound lane on Route 108 that kept getting wider and longer, thus encroaching on a neighboring property.

Rhodes asked whether it is within the Planning Board's power to put that turning lane onto Route 108 without that cut around going southbound that DOT is requesting. He noted his concern of traffic backups on Willand Drive.

Hastings stated they known what they know now, they would not have been in agreement with the condition because it was tied to a DOT approval of the concept plan. He noted the exaction fee that would cover the cost of the offsite improvements.

Horton stated that perhaps the best course of action would be to continue the application to the next meeting so the applicant can have further discussions with the City regarding the withdrawal of their Driveway Application. He noted his desire to ensure the City is protected appropriately and measures are put in place so traffic issues are prevented. He said he is open to further discussion.

Rhodes stated the concern of creating a further traffic hazard on Route 108. Work with the City to try to be creative to address that increased safety hazard without involving DOT.

Hastings stated he doesn't think that is possible because part of the turning lane is located within the DOT right of way. He said they are committed to completing these improvements, it's just a question of when. He said the best way to solve it is to decouple them from DOT. He noted the City would be protected by the exaction fee. He said they would be open to further engineering review.

Rhodes stated he would be in support of continuing the application so the applicant can provide a revised plan. He said he would like to take a closer look at the total amount of the exaction fee.

Richardson stated he can't recall what their presentation looked like and asked whether a copy of the presentation could be provided to review the conceptual plan for the project.

Belmore stated he would like to gain the Board's appetite to require the applicant to go back to DOT with a revised application to eliminate the ten-foot road widening requirement and informing DOT that the Planning Board would be willing to remove that requirement from the application altogether. That is one possible option. He said the other option is to eliminate the requirement to work with DOT altogether and approve the proposal as requested with the condition that the applicant immediately notify DOT to withdraw the concept plan and Driveway Permit in conjunction with the City withdrawing the application. He said he is unsure of the intention behind further engineering review.

LeHoullier stated his agreement with the second option suggested by Belmore for a motion.

Barry asked whether the applicant plans to make improvements to the current intersection or if it would be left as is.

Ball stated the concept plan would be completed now if they were not tethered to DOT. He stated they would approach DOT appropriately and withdraw their Driveway Application.

Barry asked for clarification on the applicant's request.

Mears stated the applicant is proposing to withdraw the SK-2 plan but they would provide a bond in the amount of anticipated offsite improvements to Willand Drive.

Horton asked for clarification on the added amount to the proposed exaction fee for offsite improvements.

Mears stated the original offsite exaction total as estimated by the City Engineer were in the amount of \$47,500 for improvements the applicant was supposed to complete on Willand Drive. She noted there are requirements from State RSAs regarding the amount of time the money can be spent; that is something the Board should take into consideration. The timeframe is six years.

MOTION: Belmore MOVED to amend the condition of approval by removing the language of 4A as presented leaving the only language an offsite exaction in the amount of \$20,774 for improvements to Willand Drive shall be collected prior to the issuance of a certificate of occupancy and furthermore that the applicant immediately notify DOT of withdrawing the City's Driveway Application, Concept 1, SK-2 onto Route 108.

The MOTION was SECONDED by Haberman.

Discussion:

Rhodes stated the applicant indicated their willingness to increase the amount of the exaction fee. He asked whether Mears could provide clarification on the total amount.

Mears stated the \$20,774 dollars was for road resurfacing costs off Willand Drive. She said the offsite improvement cost of the intersection is in the amount of \$47,500 dollars.

Rhodes asked whether the \$47,500 is on a separate line item on the original approval we had.

Mears stated originally, the applicant was going to pave the intersection. The figure from the turning lane was \$47,500 for improvements.

Haberman WITHDREW the SECOND to the MOTION.

Belmore WITHDREW the FIRST to the MOTION.

Rhodes asked whether the applicant has any opposition to the amended exaction amount of \$68,274.

Ball stated they are in agreement that the \$47,500 can be added to the \$20,774.

Belmore asked for clarification on the amended total exaction fee.

Mears stated \$68,244 would need to be paid prior to the issuance of the certificate of occupancy for the amendment the applicant is proposing.

MOTION: Belmore MOVED to amend the condition of approval by removing the language of 4A as presented leaving the only language an offsite exaction in the amended amount of \$68,244 for

improvements to Willand Drive shall be collected prior to the issuance of a Certificate of Occupancy and furthermore, that the applicant immediately notify DOT of withdrawing the City's Driveway Application, Concept 1, SK-2 onto Route 108.

The MOTION was SECONDED by Horton.

The MOTION CARRIED 7-0-0.

MOTION: Rhodes MOVED that the application of New England Sports Hub and Event Center LLC be ACCEPTED AS COMPLETE FOR REVIEW.

The MOTION was SECONDED by Belmore.

The MOTION CARRIED 7-0-0.

5) **WORKSHOP BUSINESS**

None

6) **COMMUNICATIONS AND MISCELLANEOUS**

Mears stated a Community Workshop will be held on Thursday, May 2nd from 6:00-7:30pm at City Hall, Council Chambers to discuss the Land Use and Natural Resources Master Plan Chapter with Strafford Regional Planning Commission.

MOTION: Robidas MOVED to ADJOURN the meeting.

The MOTION was SECONDED by Witham.

The MOTION CARRIED 7-0-0.

The meeting was adjourned at 9:23pm.

Respectfully submitted,
Anna Stockman, Planning Secretary