

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
DECEMBER 21, 2016**

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice Chair, Bob Belmore, City Manager, Dave Witham, City Council Representative, Aaron Fournier, Jeremy Rhodes and Mark Richardson.

MEMBERS ABSENT: Paul Robidas.

STAFF PRESENT: Shanna Saunders, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

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

1) APPROVAL OF MINUTES

Belmore made an amendment to page one of the CIP workshop meeting minutes-the number \$108,000 should have been \$180,000.

Motion: Guptill moved to accept the minutes of the CIP workshop meeting of November 16, 2016 with the change suggested by Belmore.

Seconded by Fournier. Motion carried with a 7-0 vote.

Motion: Guptill moved to accept the minutes of the meeting of November 16, 2016.

Seconded by Rhodes. Motion carried with a 7-0 vote.

2) COMMITTEE REPORTS

A) ZBA Report

See attached.

B) City Council Report

Witham stated that the City took the Breton Cleaners property at 1 Winter Street for tax deed after about ten years. Stated that the City is pursuing a Brownfields Grant through the EPA and that they are also working with the State DES on this property. Stated that the City had to take the deed for the property to apply for the grant. Stated that the NHDES granted the City money for demolition of the building and hazardous materials. Stated that there is ground contamination located underneath the building so to access it, the building has to be removed. Complimented Director Saunders and City staff for a great job in preparing and applying for the grant. Stated that the City released a request for proposals for the redevelopment of the Hilltop School property and that Eric Chinburg was the only respondent and the City is going to pursue a purchase and sales agreement with him. Stated that Chinburg's proposal is for market-rate housing but would have to come before the Planning Board for approval. Stated that Velcro USA approached the City regarding putting in solar panels and wanted to know if they are taxed here. Stated that there will be a second reading at City Council to exempt solar panels from taxation. Stated that it has been supported thus far.

Richardson asked if there are known hazards relating to the demolition of Bretons Cleaners

Witham replied yes and stated that there is lead paint, etc. Stated that funding will take care of that.

C) Site Review Technical Committee Report

See attached.

D) Minor Field Modification Report

See attached.

E) Strafford Regional Planning Commission Update

See attached.

F) Vision 2020 Committee Report

None.

3) **OLD BUSINESS**

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

None.

4) **NEW BUSINESS**

A) White Worth Realty, LLC and Prime Storage Somersworth, LLC are seeking a lot line adjustment and site plan approval to expand the existing mini storage facility on properties located at 380 Route 108 and 115 Whitehouse Road, in the Commercial Industrial (CI) District, Assessor's Maps 57 & 58, Lot 4, SUB 04-2016 and SITE #14-2016.

Saunders referred to her memo (see attached) and stated that this is really for another plan revision. Stated that the proposed new structures will be exactly like the existing structures but that she has reserved a suggested condition of approval for that.

Jay Stephens with Civil Consultants represented the applicant and addressed the Board. Stated that the proposal is to expand the existing Atlantic Mini Storage facility on Whitehouse Road and referred to the plans. Showed the existing conditions plan and stated that the only opportunity to expand is up Whitehouse Road toward Dunkin Donuts. Stated that they went before the ZBA and got a variance to allow the use on the land and showed the proposed lot line adjustment plan. Stated that they are proposing four large buildings and one smaller one. Stated that the State asked for better stormwater treatment so they are negotiating with them for infiltration basins. Stated that they will be installing a fence along the side. Stated that they will be using the same entrance and that there will be no new access points. Stated that water and sewer are not needed. Stated that they are staying outside of the wetland buffer and that they added a fire hydrant at the request of the Fire Chief.

LeHoullier stated that this has been before the Board in the past and asked if there are any conditions of approval from previous approvals that need to be addressed.

Saunders stated that the use did need a variance because the use isn't permitted in this zone. Stated that she was not aware of previous conditions of approval and that she can look into that.

Witham asked about the State wanting upgrades for existing stormwater treatment and asked what is there now and what they will want. Asked how the Board ties that into this project.

Stephens stated that for this new expansion they have to modify the existing State permit. Stated that the State saw this as an opportunity to apply the new standards to this area. Stated that this wasn't required in the past and this is just a chance to upgrade everything.

Witham asked how the water is captured on the new section of the site.

Stephens showed on the plans and stated that some goes to a pond and some is routed by curbing and goes into another pond.

Witham stated that curbing needs to be granite so they will need a waiver request for that. Asked if the Fire Chief has reviewed the access isle widths.

Stephens replied yes and stated that they will match the exist isle widths.

Witham stated that this is the expansion of a nonconforming use and that they did receive a variance from the ZBA. Stated that they need to talk about the materials and design of the buildings. Asked what the outside of the buildings look like and stated that these are new structures that are going to be more noticeable from Route 108. Asked if there is an opportunity for design enhancements and asked about landscaping. Stated that there is a fair amount of pavement and asked if the standards apply here.

Saunders stated that they did put in perimeter trees but this is not a parking area. Stated that she was not aware the NHDES is looking at the entire site but that she recommends that they continue with third party review of the rear detention pond.

Witham stated that he would like to have other Board members weigh in on design standards but that he would like to see more. Stated that he would like to see a more robust plan for landscaping at least on the side facing Whitehouse Road. Stated that the project needs to be softened a little.

Duane Jellison, applicant, addressed the Board and stated that the current stormwater has been functioning for 15 years and has been functioning well but that the State sees this as an opportunity. Stated that he is willing to make changes as the State wants. Stated that regarding the design of the buildings, they go beyond what most people do when it comes to storage buildings and that they make it the best they can. Stated that they use a pitched roof with shingles. Stated that there is a large altitude difference from the Dunkin Donuts to this property so you look over the buildings. Stated that it looks nice for what it is. Stated that they proposed to put shrubs along that side but he is not sure what to do to make it more attractive.

Richardson stated that you actually look at the end of the buildings and that this looks better than most. Stated that he wanted to mention that in the packets there was a letter of support from abutter Ron Currier.

Rhodes echoed Witham's comments on the landscaping and that he would like more aggressive screening. Stated that this proposal shows pavement directly up to the wetlands buffer. Stated that granite curbing has a sharp profile which isn't good for the movement of animals in this area so he is not in support of granite curbing in this instance.

Jellison stated that he would like a conditional approval to submit more landscaping if the Board is okay with that.

Saunders stated that you don't want trees too close to the pond but that there could be more landscaping.

Witham stated that only so much can be done to make a storage unit look good but that more aggressive landscaping will soften the look. Stated that he likes the idea of evergreen trees to offer the screening throughout the year. Asked if the Board is in a position to vote on this tonight.

Saunders stated that she is okay with having a condition of approval for the third party engineers to review the drainage plans.

Witham stated that he is okay with leaving the landscaping review up to the City Planner and he is in support of the waiver from granite curbing based on the suggestion from the Rhodes the Conservation Commission member. Stated that maybe the regulations needs to be changed to address that.

Richardson stated that there has been instances where Cape Cod berms get destroyed so that if the Board allows it, he would like a condition of approval that it be maintained.

Motion: Witham moved that the request of Atlantic Mini Storage for a waiver from Section 11.4.b.iv of the Site Plan Review Regulations regarding the use of granite curbing be

APPROVED WITH THE FOLLOWING CONDITION:

- The annual Stormwater Inspection & Maintenance Log as noted above shall include the maintenance of all curbing.

Seconded by Rhodes. Motion carried with a 7-0 vote.

Saunders reviewed the suggested conditions of approval and stated that there are added conditions for landscaping and existing stormwater.

Motion: Guptill moved that the request of Prime Storage Somersworth, LLC and White Worth Realty, LLC for a lot line adjustment and site plan to expand the existing mini storage facility be

APPROVED WITH THE FOLLOWING CONDITIONS:

1. PLAN REVISIONS:

- a. Please revise the landscaping plan to include shrubs, including evergreen elements between the trees along the White house Road frontage.

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL:

- a. Construction Cost estimate for this project shall be submitted to the Office of Planning and Community Development.
- b. The final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect. Please submit one rolled and 5 folded 24" x 36" paper copies of the full set of plans to the Office of Planning and Community Development for final endorsement.
- c. All Federal and State permits shall be in place before plan signing and recording, including NHDES Alteration of Terrain.
- d. Waiver request for granite curbing in the parking /aisle area must be submitted to the Planning Office.

3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

- a. A preconstruction meeting is required prior to the start of work. Please contact the Office of Planning and Community Development to schedule this at least 1 week prior to breaking ground.
- b. An escrow account, in an amount set by the City's contract Engineer and agreeable to the Office of Planning and Community Development, will be established for site and building construction inspections prior to any site work.

- c. A performance surety, in an amount agreeable to the Office of Planning and Community Development, but no less than 110% of the cost of construction determined by the engineer's estimate of construction value, will be established for on-site erosion control and site restoration prior to any site work. If all site work is completed as proposed this account will be refunded.
- d. 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.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. There shall be no wetlands degradation during construction.
- b. A copy of the completed Stormwater Inspection & Maintenance Log shall be provided to the Office of Planning and Community Development 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.
- e. The new drainage infrastructure must be constructed prior to construction of the new building and associated parking. If the infrastructure is used as a temporary settling area during construction, the infrastructure shall be cleaned out and brought down to proposed bottom.
- f. Snow shall be removed and stored such that the drainage structures can function properly and the required parking spaces can be utilized.
- g. The City's third party engineer shall review the installation of the retrofit stormwater from phase 1 of the development of this property. NHDES will approve plans for this retrofit.
- h. The waiver for the use of granite curbing interior of the lot is conditional on the bituminous curbing being maintained throughout the life of the project and being replaced if it is needed.

5. AS-BUILT PLANS.

An electronic As-Built Plan of the proposed development with details acceptable to the Office of Planning and Community Development shall be provided on paper and on CD prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

Seconded by Witham. Motion carried with a 7-0 vote.

- B) SWCE Holdings, LLC is seeking a conditional use permit and site plan approval for parking lot expansion and storage on property located at 10 Centre Road, in the Industrial (I) District, Assessor's Map 04, Lot 06, CUP #02-2016 and SITE #15-2016.

Saunders stated that the conditional use permit application went before the Conservation Commission twice and they held a site walk. Stated that there is a lot of impact in the wetland buffer and the Conservation Commission made several recommendations. Stated that the applicant will seek a variance for the amount of impermeable surface in the buffer area and are hoping that can be a condition of approval from this Board. Stated that if they didn't get approval from the ZBA then they would need to come back to this Board.

Witham asked for information on the variance that is needed.

Saunders stated that the regulations only allow up to 10% of impermeable surface within the buffer and the applicant is proposing more than that. Stated that five criteria must be met for the ZBA to approve a variance.

Rick Lundborne with CLD Consulting Engineers represented the applicant and addressed the Board. Stated that the applicant, SW Cole, is a geotechnical firm and would like to expand. Reviewed the features of the lot and stated that they are proposing a small storage area for trailers and trucks. Reviewed the plans and showed the wetland buffer. Showed the buildable area and stated that the lot predates the current buffer regulations. Stated that the driveway, parking and a portion of the existing building are already in the buffer. Stated that they are over the impermeable percentage by about 5%.

Rick Dolce with CLD Consulting Engineers represented the applicant and addressed the Board. Stated that the intent of the proposal is to allow for trucks and equipment to enter through the driveway, make a full turn and back up into the storage area. Stated that from a stormwater standpoint runoff will sheet flow directly to the rain garden, which has been sized for a 50-year storm. Stated that the SRTC asked to see a stormwater model for a 100-year storm and reviewed numbers. Stated that they are significantly improving discharge. Stated that the rain garden is designed to accept water and treat it before going into the groundwater. Stated that they originally proposed 45 plantings in the rain garden but that UNH recommends grass so the plantings have been removed. Stated that there are no new utilities.

Rhodes stated that the Conservation Commission reviewed this application twice but that the lot is difficult and most of it is in the buffer. Stated that the Conservation Commission recommended a variance. Stated that he would like to commend the applicant for their work to minimize the impact. Stated that a lot of work has been to address runoff. Stated that there has been substantial work and effort by the applicant to reduce the impact to the buffer. Stated that the tree count was less of a concern and that there will be minimal impact on large trees. Reviewed the Conservation Commission recommendations. Stated that they recommend minimal salt use for less impact to the wetlands.

Witham stated that the lot size, as it was carved out, preceded the wetlands buffer ordinance by many years. Stated that he doesn't have heartburn about this but he is concerned with the storage of trucks that can have leaks. Asked how well the rain garden will perform in that case.

Dolce stated that it was designed to breakdown those materials and that it is similar to a septic leaching system.

Witham asked how much will be stored.

Dolce stated that there will be three trucks and trailers.

Location of trees waiver motion: Witham moved that the request of SWCE Holdings, LLC for a waiver from Section 6.C.ii of the Site Plan Review Regulations regarding the location of trees 12" or greater be **APPROVED**.

Seconded by Guptill. Motion carried with a 7-0 vote.

Landscape plan waiver motion: Witham moved that the request of SWCE Holdings, LLC for a waiver from Section 6.B of the Site Plan Review Regulations regarding a landscape plan be **APPROVED**.

Seconded by Belmore. Motion carried with a 7-0 vote.

Conditional use permit motion: Witham moved that the request of SWCE Holdings, LLC for a conditional use permit be **APPROVED WITH THE FOLLOWING CONDITIONS:**

- a. The increase in impermeable pavement space likely exceeds that allowed by current ordinance 19.13.6E therefore the applicant shall seek a variance by the ZBA.
- b. That the tree count in the impacted area, without a formal count being undertaken, likely exceeds that allowed by ordinance and that we would not support a waiver to this request without demonstration that the plantings indicated on the plan mitigate this requirement fully.
- c. An animal den was observed on site; current activity at the den is not known. The commission would make a nonbinding request that the applicant create a disturbance at the site to encourage any animals utilizing the den to vacate as early as possible, preferably before the start of January breeding season.
- d. The commission notes that there is a discrepancy in the salt utilization language in the submitted plan and the applicants' verbal statement and the commission would request that the intent to use salt sparingly be read into record at the planning submission.

Seconded by Guptill. Motion carried with a 7-0 vote.

Saunders reviewed the suggested conditions of approval.

Witham stated that he is not sure about using the term "sparingly" in the conditions of approval to refer to salt use.

Rhodes stated that the Conservation Commission wants them to use as little as possible.

Site Plan Motion: Witham moved that the request of SWCE Holdings, LLC for a site plan for a parking lot expansion and storage be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. PLAN REVISIONS:

- a. Please add a note that snow storage must be at least 10 feet away from the building.
- b. There is a discrepancy in the salt utilization language in the submitted plan and the applicants' verbal statement at the Commission Meeting. Please note on the plan that salt will be used sparingly on the new parking lot.
- c. The increase in impermeable pavement space likely exceeds that allowed by current ordinance 19.13.6E therefore the applicant shall seek a variance by the ZBA.

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL:

- a. Construction Cost estimate for this project shall be submitted to the Office of Planning and Community Development.
- b. The applicant shall submit 5 copies of the final amended plan to the Office of Planning and Community Department. The final plan shall reflect any and all changes required as part of the approval process.

3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

- a. Applicant shall have a preconstruction meeting prior to the start of any work on the site.
- b. An escrow account, in an amount set by the City's contract Engineer and agreeable to the Office of Planning and Community Development, will be established for site construction inspections prior to any site work;
- c. A performance surety, in an amount agreeable to the Office of Planning and Community Development, but no less than 110% of the cost of construction determined by the engineer's estimate of construction value, will be established for on-site erosion control and site restoration prior to any site work. If all site work is completed as proposed this account will be refunded;

- d. 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.
- e. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the conditional use permit and the NHDES wetlands permit). Wetland buffers shall be marked with orange snow fence prior to any onsite activity, and such markers shall be maintained throughout construction.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. Snow shall be removed and stored such that the drainage structures can function properly and the required parking spaces can be utilized.
- b. There shall be no wetlands degradation during construction.
- c. A copy of the completed stormwater Inspection & Maintenance Log shall be provided to the Office of Planning and Community Development annually on or before January 1st. This requirement shall be an ongoing condition of approval and noted on the final plans.
- d. 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.
- e. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways.
- f. The new drainage infrastructure must be constructed first. If the infrastructure is used as a temporary settling area during construction, the infrastructure shall be cleaned out and brought down to proposed bottom elevation.

5. AS-BUILT PLANS:

Within thirty days of the completion of the project the applicant shall file a paper and CD with an electronic As-Built Plan of the proposed development with details acceptable to the Office of Planning and Community Development. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

Seconded by Rhodes. Motion carried with a 7-0 vote.

- C) John J. Flatley is requesting a six-month extension of the approved site plan to construct three apartment buildings with associated site improvements for property located on Tri City Road, in the Business (B) District, Assessor's Map 39, Lot 03 SITE #12-2015.

Saunders reviewed her memo (see attached) and stated that this project was originally approved in August 2015 and they requested, and received, an extension. Stated that part of the confusion is that there is a ZBA variance that also received an extension and they are also asking for another one. Stated that there were some conditions of approval from the original approval that had to do with the development of the Key Auto site plan but that hasn't happened. Stated that those conditions can be amended with this extension. Stated that the ZBA variance was to allow new residential uses on the ground floor of the building. Stated that there was a letter from the former Planner indicating that the approvals remain valid until December 2016. Read the RSA regarding extensions.

Kevin Walker with the John J. Flatley Company addressed the Board and stated that they are requesting a six month extension. Stated that he wanted to talk about the conditions of approval and everything that is going on. Thanked Saunders and Bobinsky for meeting with him to review everything. Stated that they are waiting on the sewer permit from the State and that they did get the Alteration of Terrain permit. Read the conditional of approval from the original site plan approval. Stated that they will work with the Planning Office on establishing an escrow and scheduling the preconstruction meeting. Stated that the sewer and water fees will be taken care of and an electronic site plan will be submitted. Stated that conditions eight and nine center around the Key Auto development and read the conditions. Stated that Key Auto was to pay half of the additional turning lane on Tri City Road but there is no guarantee that they are

going to build which would leave the full cost on Flatley. Stated that they had no issue with this when they thought Key Auto was going to develop but that things have changed. Read condition nine and stated that Flatley is being asked to provide the fee for the City to review Key Auto's plan. Stated that Flatley should not be paying for that and would like that re-looked at. Stated that they don't even have access to Key Auto's plan and that he doesn't know why Flatley would need to pay for it. Stated that their biggest issue is with the Key Auto part of the approval and that they don't seem to be moving forward.

Witham stated that there is no question that cost sharing with Key Auto is convoluted but there was a general understanding because both projects got approved around the same time. Stated that there were a lot of conversations about the improvements but decided to split the cost evenly. Asked if Key Auto still owns the property.

Saunders stated that she believes that Verizon still owns the property but that there are other developers interested in it.

Witham stated that he would be fine with changing the conditions of approval to refer to a map and lot number instead of an owner but that someone needs to fund it. Stated that he feels that condition nine refers to the oversight of the project being done. Stated that it is important to note that if Flatley was moving forward with his development and Key Auto was never part of this, the improvements would still need to be done. Stated that he agrees with the Director that this should be the last extension granted as there are other changes going on in this area. Stated that there is a lot of activity in this area now. Stated that he is okay with granting the extension and leaving the conditions as they are.

Belmore stated that he is uncomfortable with this. Stated that if the Board is requiring them to build the improvements then they need to pay 100%. Stated that he is uncomfortable with making a future developer pay something when it is not sure how they would develop.

Walker asked if there is a way for the improvements to be modified and have the Board wipe Key Auto out of it all together.

Saunders stated that a suggestion is that the extension be granted with a condition that they look at traffic today and retrofit a new design for improvements that may be less money. Stated that it could then be based only on traffic generated by the Flatley development.

Rhodes stated that there was work for a turning lane and for sidewalk improvements and all of that would need to be discussed.

Witham stated that he doesn't favor the Director's approach and that the discussion here is for the turning lane. Stated that the turning lane is important regardless if the Key Auto building is developed. Stated that he doesn't think there will not be a need for the turning lane. Stated that he would be okay with changing the language of the condition to say that Flatley will pay for it.

Walker stated that he just wants to make sure the Board is aware of what is going on.

Guptill stated that he concurs with Witham and that it is a real problem now and then 144 units are going to be added. Stated that the turning lane is what is needed.

Belmore stated that there is a lot of traffic there now.

Richardson stated that Walker mentioned not having access to Key Auto's plans and asked if the Board is asking for another turning lane plan, not the one that was approved.

Saunders stated that is up to the Board and that it sounds like they are moving forward with the plan that Key Auto put together.

Witham stated that the sense he is getting from the Board is that they want to stick with the approved off-site improvements and eliminate the language involving the Key Auto property. Asked if the Board can approve the extension with changing those conditions.

Saunders stated that the biggest impact would be to the applicant and he is agreeing to this.

Walker stated that he would like to have a 50/50 split if possible but that they will fund it up front.

Richardson stated that he would like to see that to but it would be a detriment to someone looking to purchase that property.

Motion: Witham moved that the request of John J. Flatley for a six-month extension of the approved site plan to construct three apartment buildings with associated site improvements be **APPROVED WITH THE CHANGES TO OR RESTATEMENT OF THE FOLLOWING CONDITIONS FROM THE ORIGINAL APPROVAL:**

8. The applicant shall construct the improvements to Tri City Road shown on the Key Auto Group site plans, case #11-2014; and,
9. The public improvements to Tri-City Road referenced in #8 above and shown on plan C10 on the Key Auto Group Site #11-2014 plans, shall be reviewed and approved by the City Engineer to insure that the details of the construction (such as pavement depth, gravel base, thermoplastic line striping etc.) are the same that the City used in the recent reconstruction project on High Street and Tri-City Road. This review and approval shall occur prior to signing the final plans. The City Engineer, Dubois & King, shall provide construction oversight for this work at the applicant's expense.

Seconded by Guptill.

Witham stated that this puts the sole onus on Flatley. Stated that if Key Auto gets developed then there will be a conversation on off-site improvements but this doesn't bind them. Stated that he feels this is fair to the property owner now.

Motion carried with a 7-0 vote.

- D) Kenneth Faucher is seeking a lot line adjustment and a one-lot subdivision to create a new single family house lot on properties located on Green Street, in the Residential Single Family (R1) District, Assessor's Map 08, Lots 78 & 79, SUB #05-2016.

LeHoullier recused himself from the Board and Guptill took the position of Chair.

Saunders reviewed her memo (see attached) and stated that she was not sure how the Board interprets the availability of water and sewer to a site. Stated that it is at the far side of Green Street. Stated that she has seen it happen where the current owner has to stub the water and sewer so that it is not up to the future owner.

Chris Berry with Berry Surveying and Engineering represented the applicant and addressed the Board. Stated that this is a simple project to modify the existing lot lines for a lot and then to subdivide out one more lot. Reviewed the features of the lot and stated that there is City water and sewer available. Stated that as part of the prior approval the water and stubbed over and that he figured it would be the same here. Stated that this section of Green Street is State owned. Stated that there will be no impact to the wetlands or the buffer. Stated that he has comments on the suggested conditions of approval.

Brian Grant of 200 Green Street addressed the Board and stated that his property abuts the subject property. Stated that this is not the plan for the usage of the entire property and that the applicant is not just rebuilding his home. Stated that this is going to change the area from rural to more suburban. Stated that it will impact the wetlands and the environment. Stated that this will put houses and a roadway in the back. Stated that he is concerned with high salt usage as mentioned before. Stated that they will have to alter the elevations. Stated that his property is not shown on the elevations but that it goes from a high elevation to a low one. Stated that this will raise the land and create a pool of stagnant water between his house and mine. Stated that there is a lot that is not being disclosed here and that he fears for that. Stated that there were a lot of houses talked about. Stated that he is not okay with this because the plan is to open up the property and put more homes in behind the existing ones. Stated that there is a lot of traffic on Green Street and that this will be a big impact.

Witham stated that he would like some clarity on what is being proposed. Stated that there is a single family house lot already here.

Berry stated that the proposal is to create one new building lot for one more residential structure and then the remaining land could have one home on it unless there is further subdivision approval from this Board. Stated that most of the abutter's concerns are not germane because they are not proposing all these new lots.

Witham confirmed that the little sliver of land that touches Green Street would be to provide access to the back and that it is adequate. Stated that if this was to be developed further, the City would probably want a connection to Indigo Hill Road for sidewalks. Asked if there is room for that.

Berry stated that a sidewalk up to Indigo Hill Road could happen but that it would go by property that is not owned by the this applicant.

Saunders stated that the Board can ask for sidewalks as part of the Subdivision Regulations.

Grant stated that the developer is happy to put in sidewalks but that he doesn't want one put in. Stated that he doesn't have the room for it. Stated that there is a hedge that offers some privacy and that he doesn't want sidewalks in front of his house. Stated that he would lose his privacy and quality of life.

Witham stated that he is not talking about building a sidewalk but that he wants to make sure that there is land available to do something. Stated that the abutter's property is separate from this land. Stated that he is just forward-looking and wants to make sure that the land is available.

Rhodes stated that if the little sliver piece of land will be used as frontage he wants to note that there are wetlands in the area and there is a 50-foot no cut line. Stated that it was mentioned that this won't impact the wetlands but that page four of the plans show a driveway in the buffer area. Stated that he doesn't want to vote for a subdivision that would create a condition for waivers.

Berry stated that his understanding of the regulations is that pavement and other structures are allowed to 75 feet. Stated that he hasn't done the calculation on the percentage of impact but that he can move the driveway out of the buffer.

Saunders read from the Wetlands Buffer ordinance.

Berry stated that they are not within 50 feet.

Witham asked about the little sliver of land and the question about having a road there.

Berry stated that the access is to the land in the back and is from the existing driveway so there will be no additional impact. Stated that there are no plans to develop that property.

Rhodes stated that his concern is in creating a situation that in the future they can claim a hardship because they have to cross the wetland buffer.

Witham asked if that already exists for the parcel today. Stated that the hardship is already there today.

Rhodes stated that he is concerned about cutting through the wetlands.

Belmore stated that some suggested conditions of approval are not germane here. Stated that they do not need a NHDES wetlands permit, they are not subject to vesting laws and they don't need a municipal driveway permit because it is a State road. Stated that they will need to pay sewer and water hookup fees when the building permit is pulled.

Saunders stated that she agrees to removing suggested condition of approval 2C. Stated that the NHDOT has requested that the applicant also submit a municipal driveway permit. Stated that the Planning Board decision doesn't become final until the Mylar is recorded.

Witham asked if there are other reasons that a City driveway permit application is needed.

Richardson stated that he is concerned if they are talking about moving the driveway farther up the hill.

Berry referred to page 5 of the plans and stated that they have site line profiles. Stated that they will not inhibit sight distances.

Belmore asked about suggested condition of approval 3B for City water and sewer.

Saunders stated that there was discussion on who is responsible for putting in the stub-the developer or someone who buys the lot later on.

Belmore confirmed that no conditional use permit is needed.

Saunders confirmed and removed the note for that.

Witham stated that he is not concerned with who pays to put the stub in and that he doesn't think that is a City issue. Stated that the lot just has to be serviced by City water and sewer. Asked if they should include language for an easement along the frontage.

Berry stated that they will provide an easement.

Mike Patenode, the applicant with River Valley Development addressed the Board and stated that they have the property under agreement. Stated that there is only speculation on what could happen. Stated that this is a State road. Stated that there is sufficient room in the right of way already for a sidewalk. Stated that he doesn't want to have to blemish this lot.

Witham stated that he wants to see that there is room for a sidewalk.

Saunders read suggested condition of approval for showing the sidewalk.

Motion: Witham moved that the request of Kenneth Faucher for a lot line adjustment and a one-lot subdivision be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. PLAN REVISIONS:

- a. Please show edge of street pavement on the plan and show a 5 foot wide sidewalk but label it "to be built by others" to show that it is not the intent of the City to require the applicant to pay for construction of that sidewalk.
- b. Reserved for sidewalks if needed.

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL OR RECORDING OF THE MYLAR:

- a. MONUMENTATION: Licensed land surveyor to submit statement that the proposed monumentation has been installed according to the approved plan.
- b. PLAN FILING AND RECORDING: The applicant shall provide a wash-off Mylar suitable for recording, appropriate recording fees (depending on Mylar size), with separate fee for LCHIP, made payable to the Strafford County Registry of Deeds, and five (5) paper copies of the final plan as approved by the Board. The final plan shall reflect any and all changes required as part of the approval process.
- c. All Federal and State permits shall be in place before plan signing and recording, including NHDOT driveway permit and NHDES Wetlands permit.

3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

- a. Wetland buffer areas shall not be impacted by any construction activities. Wetland buffers shall be marked with orange snow fencing prior to any onsite activity, and such markers shall be maintained throughout construction.
- b. The building permit applicant will be required to pay standard water and sewer connection fees assessed on new properties connecting to the water and sewer system prior to submittal of a building permit application. 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.
- c. 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.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. The applicant must apply for a City driveway permit in order to be assigned a 911 street address. Once this number is assigned, lot identification number signs for each lot shall be visible from the street until house numbers are placed on the residence.
- b. There shall be no wetlands degradation during construction.
- c. Snow shall be removed and stored such that the drainage structures and swales can function properly and the required parking spaces can be utilized.

5. AS-BUILT PLANS.

- a. An electronic As-Built Plan of the proposed development with details acceptable to the Office of Planning and Community Development shall be provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

Seconded by Richardson. Motion carried with a 6-0 vote.

LeHoullier rejoined the Board.

E) Any other new business that may come before the Board.

None.

5) WORKSHOP BUSINESS

A) Discussion on Site Plan Review Regulations proposed amendments.

Saunders stated that she will have proposed amendments for the Board soon and to leave the item on the agenda.

B) Any other workshop business that may come before the Board.

None.

6) COMMUNICATION AND MISCELLANEOUS

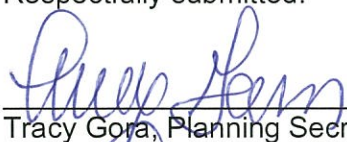
None.

Motion: Gupill moved to adjourn the meeting.

Seconded by Rhodes. Motion carried with a 6-0 vote.

Meeting adjourned at 8:50 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board