

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
January 18, 2023**

MEMBERS PRESENT:

Ron LeHoullier, Chair
Jason Barry
Paul Goodwin, Alternate
Chris Horton
Mark Richardson
Ken Vincent, City Council Representative
Bob Belmore, City Manager

EXCUSED MEMBERS:

Harold Guphill, Vice Chair
Paul Robidas
David Witham, City Council Representative

STAFF PRESENT:

Michelle Mears, Director Development Services
Cyndi Harris, Code and Assessing Clerk

Mr. LeHoullier called the meeting to order at 6:30pm.
Mr. Goodwin was appointed as a full voting member of the Board.

1. Approval of the minutes of the meetings:

a. December 14, 2022 regular meeting minutes

Mr. Horton made a motion to approve the minutes; Mr. Rhodes seconded the motion, and the motion passed 6 to 2, with Mr. Goodwin and Mr. Vincent abstaining.

2. COMMITTEE REPORTS

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

City Council Report: Mr. Vincent reported that at the last meeting of the Council, there was discussion about a possible zoning amendment to the Main Street corridor district, from approximately Main Street to the Town of Rollinsford line, to allow for residential units on the ground floor of structures which were previously mixed use.

Strafford Regional Planning Commission (SRPC) Update: Mr. Richardson reported that the next meeting of the SRPC is Friday, January 20th, 2023.

Vision for 30 Report: Ms. Mears stated that the first meeting would be held next Wednesday, January 25th, 2023 and that the Board would need to appoint a member for this committee. Mr. LeHoullier proposed to discuss a possible nominee later in the meeting.

Other: None.

3. OLD BUSINESS

a. Any old business that may come before the Board.

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There was no old business to come before the Board.

4. **NEW BUSINESS:**

- a. **PUBLIC HEARING:** Site Plan Review Regulations Amendment to amend Section 12.4.a: Number of Spaces to add parking requirements for Electric Vehicle (EV) Charging Spaces

Ms. Mears stated this has been an ongoing discussion item to incorporate electric vehicle charging stations. She said the staff reviewed the zoning ordinances and site plan review regulations for Electric Vehicle Charging Stations from Dover and Portsmouth as well as the Southern Maine Planning & Development Commission's Model Zoning Ordinance.

Ms. Mears proposed a requirement to require the installation of EV chargers using a similar calculation as the one for calculating required ADA parking spaces, with added language regarding time limit, site lighting and hours of use.

Mr. Horton asked if this proposal could be approved by just the Planning Board. Ms. Mears said it could and that it did not need to be presented to the City Council.

MOTION: Mr. Horton proposed a motion to adopted the revisions to the Site Plan Regulations to include Electric Vehicle Charging Station requirements as proposed by Ms. Mears; Mr. Richardson seconded the motion, and the Board unanimously approved the motion.

- b. **PUBLIC HEARING:** Favorite Development Group, LLC is seeking site plan amendment and conditional use permit approval for construction of new loading docks and pavement modifications for a property located at 20 Rescue Lane, in the Industrial (I) District, Assessor's Map 58 Lot 6G, SITE#17-2022 & CUP#15-2022

Ms. Mears said that the applicant has submitted a request to continue the application to the February 15th, 2023 meeting of the Board as they would like to revise the plan set in response to Horsley Witten's third-party review comments.

MOTION: Mr. Belmore proposed a motion to continue the application as requested by Favorite Development Group, LLC to the February 15th, 2023 meeting of the Board and Mr. Vincent seconded the motion.

Mr. Rhodes said that the Conservation Commission had recommended that the applicant swap out a landscaping item which should also be incorporated into the applicant's revised plan set.

The Board voted on the motion and the motion passed unanimously.

- c. **PUBLIC HEARING:** W. T. Porter Realty Investments, INC is seeking a lot line adjustment and 9-lot subdivision for properties located at 271 & 289 High Street in the Residential Duplex (2) District, Assessor's Map 15 Lots 13 and 16A, SUB#08-2022

Ms. Mears advised the Board that the applicant is requesting a lot line revision between two properties in order to transfer 43,044 SF from 289 High Street (Map 15 Lot 13) to 271 High Street (Map 15, Lot 16A) for total lot size of 571,154 SF. She noted that as per the Subdivision Regulations, the proposed lot line adjustment did not require a Public Hearing and was in compliance with zoning regulations.

Ms. Mears further advised the Board that the applicant is has requested that the Board open the Public Hearing for their subdivision application, noting that the application meets the Conservation Subdivision ordinance and that the applicant intends to include a separate open space lot to be deeded to the future HOA. She said that

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the application had gone to the meetings of the SRTC in November 2022 and January 2023. She noted that the applicant had submitted a waiver request for site angle easements at the intersection of High Street and Snapdragon Lane.

She said that Staff recommends that the Board accept that the application as complete and begin the review process. She informed the Board that while there was a previously revoked subdivision for 271 High St, approved in 2007 and revoked in December 2018, this application was unrelated to that previous application.

MOTION: Mr. Rhodes moved that the application for a lot line adjustment and 9-lot subdivision as presented be accepted as complete for review; Mr. Belmore seconded the motion; and the Board unanimously approved the motion.

Mike Garrepy of W.T. Porter Realty, Inc. reviewed the application for the Board. He explained that land from 289 High Street would be added to 271 High Street for the lot line adjustment, with 289 High Street remaining a zoning-compliant lot. He said the subdivision lots would be 20,000 sq. ft. or larger, which met zoning requirements. He said the development would have a cul-de-sac and would be comprised of duplex housing units. He added that he had reviewed the Staff Memo and had no comments.

Mr. LeHoullier opened the Public Hearing.

Paul Drager, 32 Chadwick Lane, an abutter and HOA representative asked whether the proposed subdivision would disturb nearby wetlands and increase the amount of water runoff. He asked if any dredging or filling would be involved in the lot line adjustment.

Mr. Drager referred to a response letter addressing a proposed septic pump station. He asked if more lots would be than the 9 proposed in the application. Mr. Drager asked for a definition of a “city asset” and noted that the septic pump station in his development was not considered a city asset. Mr. Drager said that in the meeting minutes from the November 13th, 2014 meeting of the Department of Public Works, a member of the committee stated that for anything to be considered an asset, it must have the required capacity for current users and any additional future users. Mr. Drager said that he was under the assumption that the only reason the pump station would be considered a city asset is if there were going to be additional buildable lots created on this property in the future.

Mr. LeHoullier asked if there was any additional correspondence from the Public. Ms. Mears said there was none. Mr. LeHoullier closed the Public Hearing.

Mr. Belmore asked if the pump station would be maintained by the HOA and not maintained by the city. Mr. Garrepy said that maintenance would be the responsibility of the HOA.

Mr. Belmore inquired if the entry way to the subdivision was 60’ 44’. Mr. Garrepy said it was and added that a third-party firm had conducted a traffic analysis. Mr. Belmore asked if the applicant intended the for the city to take over the proposed street and Mr. Garrepy said that was the intention. Mr. Belmore asked if the proposed road would be 24’ and if that included easements on either side. Mr. Garrepy said that the road would be 24’ wide and said that the right-of-way at the intersection of High Street was approximately 60’. Mr. Belmore asked if the entire length of the street was 60’ and Mr. Garrepy replied that the proposed street was 50’ and included grading and drainage easements as necessary, to be granted to the city upon acceptance.

Mr. Vincent asked whether sidewalks were proposed on one or both sides of the road. Mr. Garrepy said they were proposed sidewalks on one side of the road. Mr. Vincent asked if the sidewalks would extend to High Street and Mr. Garrepy said they would.

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The Board and Mr. Garrepy reviewed the proposed drainage plan and the application's approval from the SRTC for fire truck turnaround in the cul-de-sac.

Mr. LeHoullier said he was concerned that the entrance to the subdivision would create traffic safety issues. Mr. Vincent asked if the proposed road had to be reviewed by the NH DOT. Ms. Mears reviewed the applicant's traffic analysis with the Board.

Mr. LeHoullier noted that there had been issues with water table levels on the site. Mr. Garrepy said he did not have his engineer at the meeting and could not provide any further information about the water table or drainage, but said he did know that there was a proposed retention pond. Mr. Barry asked Mr. Garrepy to show where abutters were in conjunction with the proposed drainage and to point out the proposed retention pond.

The Board discussed proposed parking and expressed concerns that there was no parking around the cul-de-sac and no proposed visitor parking. Mr. Garrepy noted that the application did not include proposed building plans, only possible plans, but that each lot would have the capacity to build units with garages. He noted that the subdivision was designed to promote walkability. Mr. Garrepy said that designated visitor parking would take away proposed open space.

Mr. Rhodes said he appreciated that the applicant had made all efforts to stay outside of the wetland buffer zones. He expressed concern over the close proximity of the buffer zone on two of the proposed lots and asked if buyers would be made aware of the conditions. Mr. Garrepy said that buyers would be made aware and Ms. Mears said that any buyer should be aware that they would have to apply for a conditional use permit if they planned to impact the buffer zone.

Mr. Goodwin said he would like to see speed limit signs and proposed visitor parking added to the plans.

Mr. Vincent expressed concerns that duplexes would result in absentee landlords; concerns over the number of vehicles; and asked whether covenants would have any restrictions. He said that there were draft covenants, to be reviewed by a city attorney and that the units were not intended to be used as rental units. Mr. Vincent asked who would enforce the covenants and Mr. Garrepy said the HOA would. Mr. Vincent asked if there was proposed landscaping along the road and Mr. Garrepy said there were proposed trees.

Mr. Barry asked about proposed lighting, suggesting the applicant add an additional light along the road. Ms. Mears said that additional light was not a requirement. Mr. Horton asked about the waiver request and Mr. Garrepy explained it was for a site triangle at High Street where sight lines were blocked by abutter's vegetation. Mr. Belmore said he had concerns about the sightline limitations and emergency vehicles. He added that city maintenance of trees on the proposed right-of-way would be a tax burden.

Mr. Garrepy said he could add language about parking and road signage to the revised plans. Mr. Goodwin said that he thought that it would be beneficial for the subdivision to have a small visitor parking lot as he thought there were mixed message about the safety of on-street parking.

MOTION: Mr. Belmore moved that the subdivision application of WT Porter Realty Investments, Inc. does not have the potential for regional impact; Mr. Rhodes seconded that motion; and the Board unanimously approved the motion.

MOTION: Mr. Rhodes proposed a motion to approved the application for the lot line adjustment; Mr. Berry seconded the motion; and the Board unanimously approved the motion with the following conditions to be met before final approval and the signing of plans:

1. Final plans must bear the stamp and signature of the engineer and licensed land surveyor;
2. A pdf copy of the final plans for tax map updates; and

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3. Required monumentation must be installed and a surveyor must submit a signed letter to the Board stating that the monuments have been set prior to the plans being recorded.

MOTION: Mr. Rhodes proposed a motion to approve the application for a lot line adjustment; Mr. Berry seconded the motion; and the Board unanimously approved the motion.

MOTION: Mr. Horton proposed a motion to approve the waiver request; Mr. Rhodes seconded the motion.

The Board discussed their issues with the waiver, including traffic safety and the rights of abutters. The Board further discussed the proposed landscaping on the right-of-way and Mr. Garrepy said that the applicant would be willing to remove the proposed trees and replace it with low-growing landscaping.

The motion to approve the waiver was not voted on by the Board.

MOTION: Mr. Berry proposed a motion to continue the subdivision application to the February 15, 2023 meeting of the Board; Mr. Vincent seconded the motion: and the Board unanimously approved the motion.

Mr. Garrepy consented to the continuation and asked for clarification on the issues to be addressed at the next meeting. Ms. Mears said the applicant should address the issues of adequate parking, proposed landscaping in the right-of-way, and the comments from the Horsley Witten.

d. PUBLIC HEARING: Summit Land Development, LLC is seeking Site Plan and Condo-Subdivision approval to allow a Day Care Facility on a lot located on Terrascape Parkway in the Commercial/Industrial (CI) District, Assessor's Map 44 Lot 24, SITE#18-2022 & SUB#09-2022

Ms. Mears advised the Board that the application was to create a new condo-lot that will include a 10,250 SF early childhood development facility. This proposal is part of a previously approved project and was located in the Commercial/ Industrial Zone.

MOTION: Mr. Berry made a motion to accept the application as complete; Mr. Vincent seconded the motion; and the Board unanimously approved the motion.

The applicant was represented by Steve Haight, Civilworks, LLC. Mr. Haight reviewed the application for the Board. He advised the Board that he had met with both municipal fire and police for application review; that stormwater would be contained in a retention pond onsite; that most traffic would on be onsite for pick up and drop off; that there would be no changes to Terrascape Parkway; that staff would park on the opposite side of the building.

Mr. Lehoullier open the Public Hearing. There were no comments from the Public and no correspondence from the Public. Mr. LeHoullier closed the Public Hearing.

Mr. Richardson said he thought child care was needed in the area. He asked about parking and traffic patterns, road signage and crosswalk. Mr. Haight said the applicant was not required to install a stop sign, but would be willing to do so if the city would like one.

Mr. Vincent asked who owned the property and Mr. Haight said Chad Kageleiry who was either going to sell or lease the building to Wentworth Douglass/ Mass General Hospital. Mr. Vincent thought they would be good tenants as they would maintain the site. Mr. Horton also thought it was a good use of the property.

Mr. Rhodes said he thought the landscaping was sparse and asked if additional trees could be added. Mr. Haight said that it would make more sense to add landscaping after building. Mr. Rhodes ask if there would be a

fenced-in playground area with landscaping and Mr. Haight agreed that the fenced-in playground would be screened with landscaping could be added.

MOTION: Mr. Belmore moved that the subdivision/site plan application of Summit Land Development, LLC. does not have the potential for regional impact; Mr. Vincent seconded that motion; and the Board unanimously approved the motion.

MOTION: Mr. Rhodes proposed a motion to approved the application for Site Plan and Condo-Subdivision; Mr. Horton seconded the motion; and the Board unanimously approved the motion with the following conditions to be met before final approval and the signing of plans:

1. PLAN REVISIONS:

- a. Please list all waivers granted on the plans, including any conditions of approval;
- b. Applicant shall address any outstanding comments from the Horsley Witten Third Party Review to the satisfaction of the Director of Planning and Community Development;
- c. Letter from landscape architect verifying drought tolerant species and native plant species
- d. Provided the Department of Public Works a table of estimated water usage and sewer usage to be reviewed.
- e. Appearance standard materials
- f. Update the landscaping plan for the internal parking lot and frontage along Terrascape with proposed street trees, including tree species working with the Director of Planning and Community Development;
- g. Provide fence detail;
- h. Provide additional landscaping around fence;
- i. Note that Terrascape Parkway is a Private Drive

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

- a. Construction Cost estimate for this project shall be submitted to the Department of Development Services.
- b. Final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect. Please submit five folded 24" x 36" paper copies of the full set of plans to the Office of Development Services for final endorsement.
- c. **FEDERAL AND STATE PERMITS:** All Federal and State permits shall be in place before plan signing and recording, including NHDES Alteration of Terrain, and NHDES Shoreland Permit, NHDES Wetlands permit and NHDOT driveway permit.
- d. Provide updated Condominium Association documents as appropriate to be reviewed by legal. These documents shall address access, utilities, boundaries, and landscaping. Applicant shall supply draft condominium for the City for legal review and approval. An escrow shall be collected in the amount \$750 or determined by the Director of Planning and Community Development to cover the cost of the review and recording of the easement at the Strafford County Registry of Deeds prior to the issuance of a C/O.
- e. Provide access/utility easement documents for legal review and approval. An escrow shall be collected in the amount \$750 or determined by the Director of Planning and Community Development to cover the cost of the review and recording of the easement at the Strafford County Registry of Deeds prior to the issuance of a C/O.

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

- a. Building Plans shall bear the stamp of a Certified Fire Protection Engineer licensed in New Hampshire to certify compliance with all egress, emergency lighting, smoke, heat, and CO detection systems, fire alarm monitoring and reporting systems, fire suppression systems, and any other fire protection or related life safety systems required by National and/or NH Code.
- b. A preconstruction meeting is required prior to the start of work. Please contact the Department of Development Services to schedule this at least 1 week prior to breaking ground.
- c. An escrow account, in an amount set by the City's contract Engineer and agreeable to the Department of Development Services, will be established for site construction inspections prior to any site work.
- d. A performance surety, in an amount agreeable to the Department of Development Services, but no less than 25% of the cost of site construction determined by the engineer's estimate of construction value, will be

established for on-site erosion control and site restoration prior to any site work and off-site improvements. If all site work is completed as proposed this account will be refunded.

- e. The applicant shall apply for a new Water and Sewer Connection Permit. The applicant will be required to pay standard water and sewer connection fees assessed on new properties connecting to the water and sewer system. Water fees will be based on the size of water meter needed and the sewer connection fees will be based on estimate of water used and equivalent number of bedrooms.
- f. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.
- g. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the CUP and DES wetlands permit). Wetland buffers shall be marked with orange snow fence prior to any onsite activity, and such markers shall be maintained throughout construction.
- h. LANDSCAPING SURVIVAL SECURITY: Ten percent (10%) of the total cost of landscaping or a minimum of five hundred (\$500) dollars, whichever is greater, shall be held for a period of 2 growing seasons to guarantee the survival of the landscaping installation.

4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:

- a. 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.
- 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 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.

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 As-builts 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.
- e. **PUBLIC HEARING:** Fiona Johnson is seeking site plan and conditional use permit approval to construct a 5,700 SF warehouse/distribution facility with infrastructure on a property located on Willand & Commercial Drive, in the Commercial/Industrial (CI) District, Assessor's Map 43 Lot 1G, SITE#14-2022, CUP#13-2022

The applicant was represented by Bob Stowell of Tritech Engineering.

Ms. Mears advised the Board that the application proposes to construct a 5,700 SF warehouse/ distribution facility with infrastructure which includes parking and a loading area. This proposal is located in the Commercial Industrial (CI) District.

The Board discussed permitted use and agreed that wholesale trade was a permitted use in the district.

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Ms. Mears said the applicant was also seeking a Conditional Use Permit to impact 13,595 SF of wetland buffer and noted that he had met with the Conservation Committee on 10/12/22. The Con Comm had recommended the CUP with conditions. He noted that the CUP included 6,300 SF of impervious disturbance and 7,295 SF of non-impervious disturbance.

Ms. Mears said the applicant was submitting two waiver requests for groundwater recharge and sidewalk requirements.

Ms. Mears said that he did not have required architectural elevations as he was waiting on the manufacturer.

The Board discussed accepting the application as complete without the architectural plans.

Mr. Stowell said that the original architect had been replaced and that he had submitted plans from the new architect.

MOTION: Mr. Horton made a motion to accept the application as complete for review; Mr. Berry seconded the motion.

Mr. Belmore said that he would abstain from the vote as he thought the application was incomplete with the architectural plans. He suggested that the application be continued. The Board had further discussion about the completeness of the application with the architectural plans.

Mr. Stowell said that the Board could accept the application as it was “substantially complete” as per state law. Mr. Barry asked if the preliminary architectural plans were specific to the application and Mr. Stowell said they were not specific to the application, but similar in style.

The motion failed to pass in a 3-5 vote.

MOTION: Mr. Rhodes made a motion to continue the application to the February 15th, 2023 meeting of the Board; Mr. Vincent seconded the motion; and the Board passed the motion in a 7-1 vote.

MOTION: Mr. Rhodes made a motion to allow the applicant to present a Conceptual Review at the meeting; Mr. Vincent seconded the motion; and the Board unanimously passed the motion.

Mr. Stowell reviewed the application for the Board noting Con Comm recommendation with conditions; waiver requests, of which was incorrectly completed and corrected for the Board by Mr. Stowell.

Mr. Rhodes reviewed the Con Comm response letter and suggested that the applicant might need an additional waiver for appearance standards. He said he agreed with the drainage and sidewalk waivers. Mr. Vincent said he also agreed with the sidewalk waiver.

Mr. Richardson said he also agreed to the sidewalk waiver, but said he thought that people would be using the one sidewalk that would be required.

The Board ended their Conceptual Review and the applicant agree to continue the application to the February meeting of the Board.

f. PUBLIC HEARING: Packy’s Investment, LLC is seeking site plan and conditional use permit approval to construct 4,000 SF mini-warehouses (self-storage units) and 12 solar trackers with infrastructure on a property located at 363 Route 108, in the Commercial Industrial (CI) District, Assessor’s Map 48 Lot 22B, SITE#15-2022, CUP#14-2022

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Ms. Mears advised the Board that the application proposes to add 4,000 SF of mini-warehouses (self-storage units) to an existing site with 19,000 SF of mini-warehouses (self-storage units) and install (11) Sun Action solar trackers. Construction of additional infrastructure including stormwater and treatment infrastructure and additional pavement. This proposal is located in the Commercial Industrial (CI) District. She added that the mini-warehouse (self-storage) use is a grandfathered use for this lot and that the applicant received a *variance* to allow for the expansion of a non-conforming use of land, to expand an existing mini-warehouse on August 4, 2021 with the following condition of approval:

1. There shall be a 15' buffer provided as shown on the map submitted at the meeting by the applicant. (Along property boundaries of 48-21 and rear lot line of 48-22A)

She also advised the Board that the applicant was seeking a Conditional Use Permit (CUP) request as this development of the subject property encroaches into the Riparian and Wetland Buffer for access for a portion of the storage building (100 SF) and site grading and stormwater management of 2,775 SF. The solar trackers will have temporary disturbance to the woodland buffer of 1,500 SF.

She said the application had gone to the Conservation Commission which had not approved the granting the CUP because encroachments on the woodland buffer. The applicant submitted a redesign which relocated a proposed building closer to the property line, resulting in less impervious surface which the Conservation Commission also did not approve.

Additionally, the applicant informed the Planning Department of timber harvesting that took place in the wetland buffer, which the applicant thought was allowed by state law.

She also noted that the applicant was seeking a number of waivers, including third-party review, bike rack requirement, traffic impact analysis, landscaping standards and sidewalk requirements.

The applicant was represented by Bob Stowell of Tritech Engineering.

Ms. Mears suggested the Board discuss the third-party review waiver request before considering the application for completeness and review.

Mr. Rhodes reviewed the findings of the Conservation Commission, including the timber harvest which Mr. Rhodes said was done without proper authorization. He pointed out the applicant's disregard for the authority of the land use boards and contempt for the approval process. He said he thought the application should be submitted for third-party review.

Mr. Belmore asked if NH DES was notified about the unapproved timber harvest.

Ms. Mears said she had discussed the need for a third-party review with the applicant. The applicant said that he understood third-party review was something that was done after application approval. He said he was willing to withdraw the waiver request for third-party review. He spoke to the Board about his views on the necessity and timing of the third-party review. He asked that the Board accept the application as complete and that the third-party review be a condition of approval.

Mr. Richardson said he was not willing to move forward with the application before input from NH DES about the timber cut.

Mr. Rhodes said that he thought the application should be withdrawn entirely until a review by NH DES and until an application is submitted to the Conservation Committee that could be approved.

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The applicant said that he thought the application should be accepted as complete and that he thought there was a misunderstanding with Conservation Commission about the timber cut. He admitted that he had not followed the regulations because he didn't want to follow the stated regulations.

Mr. LeHoullier asked if the applicant wanted to withdraw the application in response to the comments from Mr. Rhodes and the applicants said he did not want to withdraw the application, but would be willing to continue the application.

Mr. Belmore said that third-party review was part of the application process and would not be willing to move forward with a third-party review. The applicant said he would like to withdraw his waiver request for third party review for drainage analysis.

MOTION: Mr. Rhodes proposed a motion to find the application incomplete due to lack of a third-party review, a pending NH DES request from the Conservation Commission, and Conservation Commission denial of the CUP request; Mr. Richardson seconded the motion; and the motion passed in a 7-1 vote.

The applicant asked to present a Conceptual Review. Mr. Rhodes said that since the application had just been voted as incomplete that there was no application to review. Mr. Belmore said he was willing to discuss the project with Mr. Stowell to provide guidance for re-submittal of the application.

MOTION: Mr. Belmore proposed a motion to allow for informal discussion of the proposed project with the applicant's engineer; Mr. Vincent seconded the motion; and the Board passed the motion in a 5-1 vote, with Mr. Rhodes and Mr. Goodwin abstaining.

Mr. Stowell asked about the Board's thoughts about the remaining waiver requests. He said that having done previous traffic studies of storage facilities which have shown minimal traffic impact, he thought it might be unnecessary.

Mr. Belmore said that, pending further discussion, he was leaning in favor of the waiver request for a bicycle rack and a full traffic study, but would be against the landscape standards waiver request.

Mr. Vincent said he agreed with Mr. Belmore and also thought that there should be some landscaping to create a blind to the industrial look of the buildings.

Mr. Barry said he was also in support of the bike rack waiver and the traffic study waivers, but agreed about the addition of landscaping.

Mr. Rhodes said he agreed with Mr. Belmore's comments.

Mr. Horton asked if there would be any further tree cutting beyond the cutting limit.

Mr. Belmore said he was concerned about solar array in the buffer zone. Mr. Rhodes said he believed some of the solar array would cover buffer zones.

Mr. Stowell confirmed what should be included in a re-submittal of the application. He asked if the applicant should contact the NH DES and Ms. Mears said that she believes the chair of the Conservation Commission had already been in contact with them.

Mr. Rhodes said he would encourage the applicant to submit an CUP application that the Conservation Commission could accept. Mr. Stowell asked if Conservation Commission approval was required for application approval. Mr. Rhodes said that the application was found incomplete primarily because of a lack of

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third-party review and that Conservation Commission approval was not required, but was usually a part of accepted applications.

COMMUNICATIONS AND MISCELLANEOUS

- The Board discussed a nominee to the Eyes on 30 Committee. Both Mr. Horton and Mr. Barry expressed interest. Mr. Barry accepted the nominations and Mr. LeHoullier appointed Mr. Barry as the Board representative to the Eyes on 30 Committee.
- Ms. Mears said Mr. Guptill would moving to Farmington, leaving an opening for the Vice Chair position.

MOTION: Mr. Belmore proposed a motion to adjourn; Mr. Rhodes seconded the motion; and the Board unanimously approved the motion.

Mr. Belmore made a motion to adjourn Mr. Rhodes seconded. The MOTION CARRIES 7-0
The meeting adjourned at 9:10pm.

Respectfully Submitted,

Cyndi Harris, Code and Assessing Clerk