

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
March 15th, 2023**

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

EXCUSED MEMBERS:

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

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

1. Approval of the minutes of the meetings:

a. January 18th, 2023 Regular Meeting Minutes

MOTION: Horton MOVED to approve the minutes.

The MOTION is SECONDED by Richardson.

The MOTION CARRIES 7-0-2, with Witham and Robidas abstaining.

b. February 15th, 2023 Regular Meeting Minutes

Witham requested an amendment to the minutes on page 7. The fourth motion is a waiver request for the sidewalk with a condition that the Applicant add additional lighting on the southerly end of Commercial Drive. Witham clarified that the waiver request is referring to adding lighting to the southerly end of the Applicant's property on Commercial Drive.

MOTION: Robidas MOVED to approve the minutes with amendments.

The MOTION is SECONDED by Richardson.

The MOTION CARRIES 9-0.

2. COMMITTEE REPORTS

Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC, Minor Field Reports):

Land Use Board Report:

LeHoullier asked if houses located at 27 Noble Street, 29 Noble Street, and 30 Mount Vernon Street will require subdivision approval because they are located in the same area.

Mears clarified that that was a previously approved subdivision that is now in the process of being developed.

City Council Report:

Nothing to report.

Strafford Regional Planning Commission (SRPC) Update:

Richardson reported that they last met on February 17th and will be meeting next on Friday, March 17th. At the February meeting, a topic of discussion was the 2023-2026 Transportation Improvement Plan – a 3-year plan within the City’s 10-year plan. In addition to other initiatives, the congestion mitigation and air quality improvement program is starting. Currently, 22 of the 46 plans that are in that 3-year span involve EV charging stations. The State has tabled EV charging station plans for the next six months while they work on EV rules and regulations. This means the remaining projects most likely have a good chance of being funded. For Somersworth, the three projects that would be considered are the Route 108 Complete Streets Project, the Exit 10 Feasibility Study, and the High St. intersection safety improvements, which will include improved lighting.

Vision for 30 Report:

Barry reported that the group has not met since last month’s meeting. The next meeting is scheduled for March 29th at 3pm.

Other: None.

3. OLD BUSINESS

a. Any old business that may come before the Board:
None.

b. **(Continuation from February 15, 2023): John J. Flatley is seeking an extension of the Planning Board Condition of Approval granted January 26, 2022 to complete conditions prior to final approval for site plan amendment for access to a self-storage facility located on a portion of the lot within Rollinsford through a property located at Royal Drive in the Business (B) District, Assessor’s Map 39 Lot 03, SITE#09-2022**

Mears stated she followed up with the Applicant regarding what is happening at the site. She clarified that the tree cutting that was happening at the site was part of an Eversource easement, rather than new construction. Final plans have been received from the Applicant which need to be signed by Rollinsford Planning Board. The Somersworth Planning Board Chair has signed the final plans so the Applicant has met that condition. The plans included additional buffering between the multifamily complex next door. The Applicant is asking for a withdrawal from the extension request because they have met all of the conditions.

Witham asked whether staff have visited the property and viewed the work that is being done on the site.

Mears confirmed that staff have visited the property and are aware of the activity at the site.

Witham asked that staff revisit the property and confirm which company, either Flatley or Eversource is doing work at the site. He expressed his concern about excessive mud that is being tracked onto Tri-City Road that needs to be taken care of. He said he was recently contacted regarding the mud.

MOTION: Robidas MOVED to accept the withdrawal of the application.

The MOTION is SECONDED by Barry.

The MOTION CARRIES 9-0.

PUBLIC HEARING: (Continuation from February 15, 2023): 85 Elm Street Somersworth LLC, are seeking Site Plan approval for a 128-unit multifamily development and infrastructure, property located at 85 Elm Street and 20 Green Street, in the Business with Historic and Form-Based Codes Overlay (BHFBC) District, Assessor's Map 10 Lots 176 & 177, SITE#20-2022 & CUP#1-2023

Mears noted the project was continued for the following reasons: to incorporate revisions by Horsley Witten to address additional comments regarding lighting on Elm Street and Church Street, provide the Planning Board with updated on-site and off-site parking spaces, work with the City regarding an off-site improvement plan for Church Street, a pest management plan, a school availability report, and provide an updated traffic memo.

Mears said the applicant is requesting an additional waiver for light trespassing onto Elm Street. She said there is a new waiver request in this application.

Mears presented the following question for Board discussion:

Presently, the applicant is proposing construction of approximately two thirds of Church Street to the end of Elm Street. What is the consensus of the Board in accepting this present plan?

MOTION: Horton MOVED to continue review of application.

The MOTION is SECONDED by Robidas.

The MOTION CARRIES 9-0.

The applicant was represented by **Rob Previti** of Stebbins, Lazos & Van Der Beken. He reviewed technical comments and spent time negotiating a parking license with the City for spaces along Main Street. He said that language was still being negotiated but he thought with those extra parking spaces on Main Street, the applicant's unit-to-parking space would be equal to 1.3 which is the top of the range that was being discussed at the last Planning Board meeting. He said he was hopeful that would be enough to reach a consensus over parking at the present meeting.

Neil Hanson of Tighe & Bond provided an overview of a few technical items that were focused on following last month's Planning Board meeting. One item was the drainage peer review which they have since received a final letter for from Horsley Witten on March 6th that stated the applicant satisfied all of their comments.

Responses to the Traffic Peer Review were passed out to Board members. Hanson said the responses were completed earlier that day on March 15th and he was confident that all traffic comments were addressed. He noted one item that wasn't listed in the comments that was a topic of discussion at last month's meeting were additional turning movements that the Fire Chief wanted the applicant to have in and out of their driveway onto Church Street. He explained that they addressed that item by adding concrete pavers on the backside of the slope granite curve that a firetruck will be able to drive up and over. He said they checked that the City's fire truck can make that turn both right in to what is a one-way exit of their parking lot is and can take a left out by utilizing that mountable area. He said he thought that addressed the additional concern that was discussed at last month's meeting.

LeHoullier opened the public hearing.

There were no comments or correspondence from the Public.

LeHoullier closed the public hearing.

Witham stated he appreciates the work the applicant has done with the City to come up with the additional parking spaces on Main Street, which are located along the guardrail in close proximity to the Aclara Technologies building. Those parking spaces are an easy walk up Fayette St. to their property. As he stated at the last meeting, there's over 100 parking spaces on Main Street that are underutilized, some never utilized in the project area. He said parking for the project had been discussed by the Finance Committee of the City Council which he believed met the proposal favorably. With support from two committees, he did not see parking as an impediment to the proposed project. He questioned the applicant about the space count with the proposal at present, with an approximate parking ratio of 1.3.

Previti stated that with an extra 36 parking spaces, that would bring the total parking spaces to 167, which equals an approximate parking ratio of 1.304.

Witham stated that from his perspective, the parking plan works. He said that from a proximity perspective, it's even better than all of the alternatives that were previously considered. He noted that he thinks there are a few details that need to be worked out with specific language. He provided the hypothetical example of the City having to close the street, such as for snow removal. He noted that those are details that have been worked out with other lease spaces around the City and he feels certain that they can be worked out here.

Hanson clarified the parking ratio. Including the 8 units that are existing that are going to remain, the parking ratio is 1.22. It's 1.3 only considering the 128 new units. To get to 1.3, the applicant would need 10 additional spaces for a total of 177 spaces.

Previti asked the Board if negotiating the leasing of additional parking spaces is that something the City would be willing to consider.

Witham stated that is an item that the City Council would need to discuss. He noted abutter comments at the last meeting regarding parking spaces on adjacent streets to the project, Green Street, Fayette Street, and possibly Elm Street that need to be better delineated. He said from a visitor's perspective, they would likely park on one of those adjacent roads. To better define the parking spaces, they need to be striped. The location in need of striping would begin at Green Street from Franklin Street to Church Street, to the front of the applicant's property. He thinks this item could be easily achieved during the striping of the applicant's parking lot.

Witham clarified that the request would be to delineate on-street parking on a short section of Green Street, Fayette Street, and on Elm Street as necessary. He stated that the resident concern was that people would park too close to driveways and it would appease abutters to add parking lines. He noted that if parking counts are tight, it's not inconceivable that people might use on-street parking that is readily available, whether they are tenants or visitors.

Previti stated that the applicant's only hesitation regarding the request is not knowing the cost impact the parking striping would require. For that reason, he said he would be hesitant to agree to that as a condition.

Witham stated that regarding Church Street, he spoke with the Fire Chief about the angle of approach, which was a topic of discussion at the last meeting. He noted the applicant's engineers have done a very good job to show the turning radius. At the bottom of Church Street, it is very steep and the Fire Chief confirmed that all of the Fire Department's apparatus cannot make the transition onto Elm Street at the bottom of Church Street. As part of the rebuild of Church Street at the bottom, that angle of approach departure needs to be addressed to allow for fire apparatus to access.

Hanson stated that the angle of approach has had some consideration. He noted that fire apparatus access is an existing condition on the existing City street so tying a change to the proposed project to make the angle of approach work is something they're unsure of taking on. To make that angle and slope something that would be approvable by the Fire Chief, they'd have to raise the street by approximately two feet. He stated he does not see how it's possible with the houses across the street. It's very steep and it would require a significant grade change to make that work. That's the reason for adding turning movements in and out of Church Street so fire apparatus don't have to go down there.

Witham asked for clarification on whether the applicant's proposal would mean fire apparatus would travel up Church Street.

Hanson clarified that fire apparatus could take a left out of the site. There would be a raised slope granite curb and behind it would be a pavement base with concrete unit pavers on the top of it, so cars couldn't drive over it but a fire truck could. They could make that left out of Church Street and go back to Green Street.

Witham stated that the road reconstruction of Church Street would be a necessary offsite improvement born by the applicant, not by the City. At the last meeting, he thought the City would maintain the top half of the street but if the only way fire trucks can exit the area is to turn up Church Street then that becomes an important piece. To the point that was raised by Mears, Witham noted that he thinks the applicant needs to do the Church Street improvement from end to end. That seems like a reasonable off-site improvement. The applicant is already completing two thirds of it, it makes sense to complete the other third. He stated that might avoid the project of having to change the grade elevation stuff at the bottom of the street.

Previti stated they had conversations with City staff about Church Street as well. The bid that they were shown for the reclamation and repaving of Church Street was approximately \$69,000. They're comfortable with working on the whole street and entering into a development agreement with the City in the area that's not part of their project provided that their liability is capped at \$70,000 for that work. He said they want to avoid agreeing upon an open-ended exposure without knowing the cost.

Witham stated that he thinks that is most likely workable. He noted that he feels the issue of parking has been addressed. He said he raised the striping of parking spaces on adjacent streets at the last meeting and would have hoped some effort would have been done between then and now. Church Street is moving in the right direction. He noted that those are the big pieces for him. Overall, he said he feels that progress has been made significantly.

Belmore stated that to add more clarity to what Councilor Witham mentioned, the cost estimate that was provided by the City Engineer is just under \$70,000. He noted the City Engineer utilized the City's latest bid award for resurfacing of City roads with GMI Asphalt out of Belmont. That is how the City arrived to that total. In regards to the parking agreement, there has been some give and take. There

are only two things that the Board is asking the applicant to reconsider before it goes to the full City Council for approval so he can sign it. There was language included about festivals which he appreciated, as well as language about parking bans so cars are removed by 9am the following day after a storm for plowing. In that area, the City does snow removal when there are large storms. The Board is asking the applicants to consider that. He stated that it's fairly dark in that area and there's not enough street lighting so we wanted to work with them about putting in a streetlight to add a bit more lighting in some capacity in that parking area.

Horton stated he appreciated that the applicant added the lighting to the back side of Elm Street. He noted he is ok with waiver regarding additional light spillage. He said he was pleased at the work that's been done with the City to manage the parking issue. This whole project fills the need for housing throughout the region and it's an important project to the City as well. With regard to parking striping, he noted that there's a compromise to be made, possibly an exaction for striping. He understands the applicant's point that there are many unknowns regarding cost. He stated he feels good about the project and is confident the Board will see the project through to the end.

Goodwin questioned the applicant regarding the existing apartment building that is on the site and asked for the unit mix of the 8 existing apartments.

Stebbins clarified the unit mix will decrease to 6 apartments because they are removing the duplex that's located on the bottom. It will only be 6 units made up of 4 2-bedrooms and 2 3-bedrooms.

Goodwin stated that with that in mind, he is leaning towards a 1.3 parking ratio versus 1.2 overall because those units are going to exceed a 1.3 need. He said he thinks the applicant's overall blend needs to be a 1.3. He stated the City likely has underutilized parking downtown to accommodate the applicant somewhere. He said he is not worried about finding it. Stated there are long-term plans for Main Street improvements that should be considered in the lease terms. Streetscape capital improvements on Main Street may impact parking and modify lighting as part of other long-term capital improvements. Goodwin stated he thinks the applicant has made good progress in parking. He said he is underwhelmed by their improvements for dog accommodation. He stated he thinks the applicant is doing the bare minimum in terms of site amenity for a project of this scale. He said he thinks it is sparse and he wishes the Applicant had done more.

Richardson stated he appreciates the work the applicant has been doing. With Belmore's comments, the Historical Society sometimes draws crowds with their events and he hopes that it would include events hosted by the Historical Society. At times, there could be 25-30 cars in the car show from Fayette Street towards the downtown area. He said he doesn't want to leave out the Historical Society and what they do for the City for the sake of the project's parking needs. He said he agrees with the 1.3 parking ratio.

Barry stated he appreciates the applicant putting in the time and the effort to make the project work for the City. He stated he is happy to see use of Main Street. He said he agrees with Mr. Belmore regarding lighting and wants to see more lights on Main Street. He is concerned about vandalism and people walking in the dark. He said he is not sure if the applicant would be able to tie into existing light poles or possibly install a new pole tube to use for lighting. He stated that there could possibly be collaboration between the applicant and City where the applicant would invest in the lights and the City would maintain them. He said that although he is pleased to see Main Street being utilized and hopes the applicant can come to an agreement with the City to do that, he encourages the applicant

to explore parking alternatives and give tenants choices. He noted that to Richardson's point, the City hosted a car show last year and that people congregate outside City Hall. For that reason, he said to be cognizant of City events. To Witham's statement, he agreed that there should be an agreement reached regarding marking lines to give dedicated spaces to the development and appease neighbors. He said he thinks the applicant did a nice job with the design of the building, although he agrees with Witham that he would like to see a more dog friendly place.

Goodwin stated that for those concerned about lighting, he has never had a problem with vandalism or break-ins. He said he feels the concern should be less about vandalism and more about pedestrian safety, particularly for women, children, and elderly individuals. He said that prioritizing the sense of safety is important. Goodwin asked the Board to consider what they are asking the applicant to do. There are a number of items on the table. He said the items the Board has discussed are Church Street improvements, striping on abutting streets, and additional lighting Main Street. He asked the Board about which of those items are a priority to them and what is reasonable for the applicant to take on. He stated that based on what he was hearing, the applicant seems ok with taking on a not-to-exceed value for Church Street improvements. He said he is curious to know how the Board wants to prioritize things.

Rhodes stated he thinks pushing towards a 1.3 ratio would be a good idea given the higher bedroom count of the existing units. He said he feels entirely comfortable listing that as a condition of approval. Regarding the content of the lot and the discussion of adding more amenities for dogs, he noted that if the applicant feels they can list these units with the amenities currently listed, he feels the Board shouldn't be dictating how they are doing their job on items that are not required by City code. Rhodes stated that striping is easy and it would be an addition to work the applicant is already doing. In terms of the applicant taking on long term responsibility of the lights, he said he doesn't think that is something the Board should be contemplating. The lights would be located on a City maintained road so he said he thinks it would make sense for those to be added but for the City to take work on that. He stated he feels like the project is 90% of the way there. He noted the applicant's skepticism surrounding \$70,000 and said is comfortable with the exaction fee for Church Street reconstruction.

Witham stated that for Church Street improvements, the number that the City Engineer has shared is \$69,210 which is in line with the bid result for GMI Asphalt using their unit cost and unit numbers. With contingency, he said he thinks that would be a number not to exceed \$75,000. In regard to street lighting, if one cobra head style LED streetlight were to be added, the cost of the unit is born by the applicant but the City pays for the annual operating cost of that. Those light fixtures are typically between \$750-\$1,000. The City has a striping contractor who could be utilized. The applicant would possibly be looking at a \$2,000 exaction fee for parking striping. In sum, the total would be between \$75,000 and \$77,000.

Witham stated that in regard to parking, to get to the 1.3, he thinks there are parking spaces on Main Street. He said the details of the parking are important to accommodate snow removal and festivals but that it's certainly doable.

Witham stated that Goodwin raised a good point regarding work that has been underway for the Complete Streets redesign of Main Street. He said the Board has not yet seen the details of that design for that streetscape. He said he thinks it is the desire of the Council to maintain parking although there will be more outcroppings for green scaping. He said that if the City enters in this agreement, that is

something they would want to share with Wright Pierce to ensure that the project does not impact their planning and design.

Rhodes stated that to Goodwin's prior point, in all of the 13 years he has lived in Somersworth, he has not experienced any vandalism or theft. In the four years he lived in Dover, his car was vandalized twice. He said our town is quite safe and that chances of being victimized are quite low.

Robidas posed a question to the applicant: in terms of the exactions the Planning Board has discussed, does the Applicant agree or disagree with the cost? Robidas stated that he feels the Board is in favor of the project overall and ready to move forward with an exaction fee agreement.

Stebbins stated that if the Board came up with a capped number for off-site improvements, that would work. If the Planning Board could come up with a priority list of items, that would be used to prioritize improvements.

Belmore clarified that lighting for parking on Main Street is not part of the exaction fee, it is going to part of the lease agreement. Belmore said the City is charging \$20 a month per parking space and that is very inexpensive.

Robidas stated that to come up with the exaction fee number, Witham said \$75,000 for the Church Street road reconstruction, with a couple thousand (~\$2,000) for striping. The exaction would be approximately \$77,000 total. He stated that if that's a number the applicant can work with, those items can be added as conditions of approval for final approval.

Witham stated that per C105, the Landscape Plan, there's a new proposed tree at the upper left hand corner of the parking lot. He stated that as he spoke with the Fire Chief about access to the southerly side of the building so fire apparatus would enter that parking lot on the southerly side if they needed to use an aerial apparatus on any of the floors on that side. He stated that there is a new proposed tree at the upper left corner close to the applicant's proposed building at the upper edge of that parking lot. He asked the applicant for clarification on the species of tree proposed for that location. He suggested that the tree should be a bush. He said if the aerial truck were down on Elm Street, there are a fair amount of trees that would be in the way on that side. He stated that the location for proposed landscaping is a logical one. He noted that it would be a plan amendment to swap out the red oak for some shrubs.

Hanson clarified the proposed tree would be a red oak. He said that he realizes there is a gas line located in the same vicinity. He said they would swap out the tree for a shrub in order to prevent potential issues with aerial safety apparatus.

LeHoullier posed a question for the Board regarding whether Church Street should be referred to as Church Court for consistency.

The Board agreed with LeHoullier.

WAIVER REQUESTS

Section 12.4.a.i Parking Spaces

MOTION: Horton MOVED to approve the request of 85 Elm Street Somersworth LLC for a waiver from Section 12.4.a.i to allow less than the required number of parking spaces; Rhodes SECONDED the motion; The MOTION CARRIES 9-0.

Section 12.4.b.vii.1 Mitigation for the Impact of Parking Lots

MOTION: Horton MOVED to approve the request of 85 Elm Street Somersworth LLC for a waiver from Section 12.4.b.vii; Robidas SECONDED the motion; The MOTION CARRIES 9-0.

Section 12.8.b. Illumination Levels

MOTION: Rhodes MOVED to approve the request of 85 Elm Street Somersworth LLC for a waiver from Section 12.8.b to allow illumination levels at the property boundaries to exceed 0.1 foot-candles. Horton SECONDED the motion; The MOTION CARRIES 9-0.

Voluntary Lot Merger

MOTION: Robidas MOVED to approve the lot merger combining Tax Map 10 Lot 176 and Tax Map 10 Lot 177 into a single parcel; Horton SECONDED the motion; The MOTION CARRIES 9-0.

Conditional Use Permit

MOTION: Rhodes MOVED to approve the request of 85 Elm Street Somersworth LLC for a conditional use permit for modification to dimensional regulations in FBC district. Robidas SECONDED the motion; The MOTION CARRIES 9-0.

Site Plan

Discussion:

Belmore clarified that utilities need to be separated from the road reconstruction. He said the City Council will need to take a closer look at the itemization of things. He stated that the \$77,000 will be strictly for road reconstruction and surfacing, not for any utility components.

Previti stated that that cost allocation aligns with their understanding of the exaction fee.

Witham stated the City would coordinate with a paving contractor to complete this work. The timing of roadwork is important and it would occur at the tail end of the applicant's project.

Previti stated that they had recently spoken with City staff regarding their plan to complete Church Street road reconstruction at the same time as their project of working on part of the street for the development of the site. He stated that there could be a development agreement with the City to outline their responsibilities with regard to that.

Witham stated that he thinks there could be a development agreement worked out to make sure that there is a nice finished product.

MOTION: Horton MOVED to approve the request of 85 Elm Street Somersworth LLC with conditions outlined in the Director's memo;
Rhodes SECONDED the motion;
The MOTION CARRIES 9-0.

The Site Plan was **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. PLAN REVISIONS:

- a. All approved waivers shall be listed on the plan;
- b. Any outstanding comments from Horsley Witten review shall be addressed to the satisfaction of the Director of Planning and Community Development;
- c. All outstanding comments from Third Party Review of the stormwater drainage shall be addressed to the satisfaction of Director of Planning and Community Development and Department of Public Works – City Engineer (for Church Street Section of roadway).
- d. All outstanding comments from Third Party Review Vanasse and Associates, INC. will be addressed to the satisfaction of the Director of Planning and Community Development; Traffic Engineer will review the corner at Church and Elm to enable full navigation by life safety and other vehicles as determined by Director of Planning and Community Development.
- e. Applicant will work with Department of Public Works on Church Court off-site improvements.
- f. Extend Fire Land on South side of the building required by local code.
- g. Please note on the plan that 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.
- h. Please note on the plan that Landscaping shall be maintained as not to interfere with interior traffic patterns.
- i. Swap out the red oak for a species of shrub.
- j. Correct "Church Street" to "Church Court".

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. A \$77,000 exaction fee for Church Court reconstruction and resurfacing shall be provided by the Applicant prior to Building Permit.
 - i. \$75,000 cost estimate for road reconstruction and resurfacing
 - ii. \$2,000 will be allocated towards parking striping on adjacent streets – Green Street, Fayette Street, and Elm Street, if necessary

- c. The final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect. Please submit five folded 24" x 36" paper copies of the full set of plans to the Office of Development Services for final endorsement.
 - d. 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.
 - e. Please provide access/utility easement documents for legal review and approval. An escrow shall be collected in the amount of \$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.
 - f. Executed lease agreement with the City of Somersworth for parking on city owned properties by Project property owner.
3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
- a. The new building requires a new address. Please submit a request for a new address to the City Engineer. If a hearing before the E-911 Committee is required, this hearing must occur prior to the issuance of Building Permits.
 - a. This address shall be displayed as per Section 19.23.E.9 of the Zoning Ordinance;
 - b. 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.
 - c. Prior to Building permit being issued the lease agreement shall be executed.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.

- h. 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.
 - i. 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.
 - j. A trench permit is required for all trenches across City Streets. This permit is required for utility connections in Church Street and Elm Street.
 - k. Driveway permits are required.
 - l. 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.
 - m. Applicant shall provide a pest mitigation plan prior to the issuance of a demo or building permit.
4. CONDITIONS APPLICABLE DURING AND AFTER CONSTRUCTION:
- a. There shall be no wetlands degradation during construction.
 - b. The new building requires a new address. Please submit a request for a new address to the City Engineer. If a hearing before the E-911 Committee is required, this hearing must occur prior to the issuance of Building Permits.

This address shall be displayed as per Section 19.23.E.9 – the building shall display the designated address number in such a manner as to be 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. 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 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.

DURATION OF APPROVAL: All conditional approvals shall be valid for a period of 120 days in which time all precedent conditions must be met or the approval shall be null and void. The applicant may request an extension no later than 14 days prior to expiration.

EXTENSIONS: All requests for extension must be submitted in writing to the Department of Development Services no later 14 days prior to expiration with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

4. NEW BUSINESS

- a. Any new business that may come before the board.
No new business.
- b. Civilworks New England are seeking lot line adjustment for property located at 220 Route 108 & 222 Route 108 Somersworth, NH in the Commercial/ Industrial (CI) District, Assessor's Map 61 Lots 10, 11, SUB#01-2023

Mears stated that the application request is to propose a lot line adjustment to transfer 1.08 acres from Lot 11 to Lot 10. Lot 10 is now currently an undeveloped lot. Please note that this applicant falls under the section of the Subdivision Regulations and a public hearing shall not be required.

Zoning Compliance: Mears stated the lots are located in the Commercial/Industrial Zone. Lot size requirements require 40,000 square feet and 200 feet of frontage which are being met. Anything that gets approved tonight as far as a lot line revision, if the applicant is going to develop the site, it would need to come back to SRTC for site approval for any changes to the site.

The applicant was represented by Kevin McEneaney of McEneaney Survey Associates. McEneaney stated he works for Civilworks New England. He said that the proposed lot line adjustment is a simple one between two abutting lots. He referred to Parcel A on the plan, which is 1.08 acres. That will be added to lot 61-10 from 61-11. The resulting lot sizes for 61-10 would become 2.97 acres and 61-11 will become 1.22 acres all meeting the zoning requirements. The owner of Lot 61-10 is Westbrook Manufacturing Home Park LLC and the owner of 61-11 is Ronald and Sharon Roberge. He stated he was happy to answer any questions that the Board may have.

Witham asked the applicant about the name of the business located at Lot 61-11. He said it appeared as though the business has a sizable parking lot.

McEneaney stated that the business is a commercial business but he is unsure of the business name.

Witham stated that that made sense as to what it is. He said he thought the middle building is The Big Dipper which he confirmed. He stated that in essence, the lot line revision would make the parcel a much larger corner lot.

McEneaney stated that Witham was exactly right. There is a significant amount of frontage if you count both Blackwater Road and Route 108. He said he was sure there would be another site plan review coming in and the area that is needed is the reason why the lot lines are being revised.

Horton stated he understands why the applicant got the hard jog in the lot line to meet the road frontage for 200 feet but he thinks it makes for an odd shaped lot. He stated he would be in favor of keeping the shorter road frontage to maintain straight lines in this parcel.

McEneaney stated that that action would require a variance from the Zoning Board of Adjustment.

Application Acceptance

MOTION: Witham MOVED for the application of Civilworks New England for a lot line adjustment between two properties be accepted as complete for review;
Belmore SECONDED by motion;
MOTION CARRIES 9-0.

Regional Impact

MOTION: Goodwin MOVED for the lot line adjustment application of Civilworks New England for a lot line adjustment between two properties DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT;
Witham SECONDED the motion;
MOTION CARRIES 9-0.

Discussion:

Witham clarified that there is no regional impact with regard for the lot line adjustment. Depending on what happens in the future on the lot, there could be a regional impact.

Lot Line Adjustment

MOTION: Rhodes MOVED that the request the request of Civilworks New England for a lot line adjustment for properties located at 220 & 222 Route 108 be Approved;
Robidas SECONDED the motion;
MOTION CARRIES 9-0.

Discussion:

Witham stated that he thinks it does make that corner lot more appealing from a development perspective, particularly given that this is a Commercial/Industrial district. The lot is tight which is probably why it has sat dormant the way it has and this makes it potentially a lot more appealing from a development perspective.

1. PLAN REVISIONS:

- a. Please provide easements for parking and access. These will be required to be reviewed by the City's legal. An escrow shall be collected prior to the start of review 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 documents at the Strafford County Registry of Deeds prior to the recording of the plans.

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

- a. The final plans shall bear the stamp and signature of the engineer and licensed land surveyor. Please submit three (3) folded 24" x 36" paper copies of the full set of plans to the Office of Development Services for final endorsement. Please submit 1 set that is not folded of this size to be recorded at the Registry of Deeds.
 - i. Please provide a .pdf copy of the final recorded plans for Tax Map updates
- b. **MONUMENTATION:** Per Section 22.7.C.10. Granite bounds, as approved by the Board, shall be installed at all intersections of streets. At all property corners which do not abut the public right-of-way, bounds as approved by the Board shall be installed. **A surveyor is to submit a signed letter to the Planning Department stating that the new lot corner monuments have been set prior to the plans being recorded.**

DURATION OF APPROVAL: All conditional approvals shall be valid for a period of 120 days in which time all precedent conditions must be met or the approval shall be null and void. The applicant may request an extension no later than 14 days prior to expiration.

EXTENSIONS: All requests for extension must be submitted in writing to the Department of Development Services no later 14 days prior to expiration with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

5. **WORKSHOP BUSINESS**

None.

6. **COMMUNICATIONS AND MISCELLANEOUS**

a. **Vice Chair Nominations:**

Rhodes volunteered for the position of Vice Chair.

MOTION: Witham MOVED to nominate Rhodes for the position as Vice Chair;
Horton SECONDED the motion;
MOTION CARRIES 9-0.

- b. LeHoullier inquired about whether there have been any updates with the landscaping at Walmart.

Mears stated that the code enforcement officer is working diligently and the Department of Development Services will make sure that item is addressed.

LeHoullier inquired about the status of legal actions in process regarding Walmart.

Mears stated that Walmart may be making changes to their site plan so she said it will be a good opportunity to make sure these items are addressed.

Robidas asked about the property on Route 108, past Todd's Touch heading towards Dover. There is a house that was sold about a year ago located just past Kilda Street. He stated that the site appears as though it is getting worse by the week and needs attention.

Mears stated that the Code Compliance Officer is already on that issue.

MOTION: Robidas MOVED to adjourn the meeting.
Richardson SECONDED the motion.
MOTION CARRIES 9-0.

Meeting was adjourned at 7:36pm.

Respectfully Submitted,
Anna Stockman, Planning Secretary