

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
JANUARY 16, 2019**

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice Chair, Dave Witham, City Council Representative, Bob Belmore, City Manager, Jeremy Rhodes, Paul Robidas, Chris Horton, and Jason Barry, Alternate.

MEMBERS ABSENT: Jameson Small.

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

The meeting was called to order at 6:32 pm.

LeHoullier appointed Barry as a voting member for tonight's meeting.

1) APPROVAL OF MINUTES

Motion: Belmore moved to accept the minutes of the meeting of December 19, 2018.

Seconded by Robidas. Motion carried with an 8-0 vote.

2) COMMITTEE REPORTS

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

LeHoullier referred to the report that was in the monthly packet.

Minor Field Modification Report

LeHoullier referred to the report that was in the monthly packet.

City Council Report

Witham stated that the Council moved forward with hiring a consultant to create form-based codes for the downtown. Stated that the Council is reviewing proposed changes to the Historic District ordinance and that remains on the table. Stated that there has been some changes to the parking regulations and that there is some additional parking on Noble Street and River Street. Stated that those areas will be available during a snow emergency.

Strafford Regional Planning Commission Update

LeHoullier referred to the weekly email updates.

Vision 2020 Committee Report

Saunders stated that the Committee is meeting in two weeks to prepare the annual report presentation to the Council.

3) OLD BUSINESS

- A) John J. Flatley is seeking an amendment to SITE #12-2014 to relocate building #3, the garage and associated infrastructure on property located at Tri City Road, in the Business (B) District, Assessor's Map 39, Lot 03, SITE #12-2014.

Saunders stated that this item was tabled from last month to consult with legal counsel regarding the timelines from the last extension request. Read suggested condition of approval and stated that it will not extend the timeline any further.

Motion: Robidas moved that the request of John Flatley be removed from the table.

Seconded by Belmore. Motion carried with an 8-0 vote.

Nathan Chamberlin with Fieldstone Land Consultants, PLLC represented the applicant and addressed the Board. Stated that they have no objection to the new suggested condition of approval.

Public hearing closed 6:37 pm.

Witham stated that there seemed to be no issue with the proposal to move the buildings and infrastructure. Stated that the issue was extending the timeframe for when construction had to begin but that it seems the condition of approval will address that. Stated that the applicant said themselves that they are not looking to extend that.

Motion: Witham moved that the request of John J. Flatley for an amendment to SITE #12-2014 to relocate building #3, the garage and associated infrastructure be **APPROVED WITH THE FOLLOWING CONDITIONS:**

- This approval does not further extend the deadlines set forth by the Planning Board at the May 16, 2018 extension request approval.
- The conditions from the 2015 Planning Board approval are still valid and in affect:

1. PLAN REVISIONS:

- a. Install a fire hydrant in front of Building #3. Please do not relocate the hydrant in front of Building #2 to achieve this.

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL

- a. Construction Cost estimate (including any offsite improvements) for this project shall be submitted to the Office of Community Development;
- b. A Maintenance Log and Inspection & Maintenance Checklist for the stormwater management systems shall be provided to the satisfaction of the City prior to signing the final plans. A completed log and checklist shall be submitted to the City annually on or before January 1st. This requirement shall be an ongoing condition of approval;
- 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; and,
- e. The applicant shall show a NHDOT approved crash tested wooden guard rail terminal unit or provide a draft indemnification to the City that will be reviewed and approved by the City attorney at the applicant's expense prior to signing the final plans.

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 Department of 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 Department of Community Development, will be established for site construction inspections prior to any site work;

- c. A performance surety, in an amount agreeable to the Department of Community Development, 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. 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;
- f. 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;
- g. The applicant shall construct the improvements to Tri City Road shown on the Key Auto Group site plans, case #11-2014. IN addition, as condition to the CUP, the access roadway pavement shall be widened by at least four feet (4') for pedestrian and bike access. If Flatley does not receive a 50% contribution toward those costs from Key Auto Group, the City shall collect that 50% share from Key or its successor prior to issuing a building permit for the Key property, and shall pay that amount to Flatley as a capital cost recovery;
- h. 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, shall provide construction oversight for this work at the applicant's expense; and,
- i. Easements/deed restrictions/agreements shall be provided for utilities, drainage, and emergency access to the adjacent parcel as recommended by the SRTC and CLD Engineering in comments #2.f and 6.m in the second review letter dated January 28, 2015. These easements/deed restrictions/agreements shall be reviewed and approved by the City and their attorney at the applicant's expense and recorded at the Registry of Deeds prior to the issuance of a C/O.

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 Public Works Department 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 elevation prior to CO of new building;
- f. Prior to the issuance of a certificate of occupancy, the applicant shall construct a sidewalk from the existing sidewalk off High Street to the bus stop located on Tri City Road that is connected to the development known as Tara Meadows. The sidewalk shall be constructed in accordance with the sidewalk plan of Tara Fields, prepared by Fieldstone Land Consultants, PLLC dated February 27, 2015 as last revised on August

7, 2015. Vertical granite curbing will extend along the entire length of the proposed sidewalk. Upon commencement of construction, the applicant shall provide the City with an Irrevocable Letter of Credit, with an automatic call in favor of the City, in an amount agreeable to the City for the cost of construction of the sidewalk;

- g. All proposed utilities (including electric, phone, cable, etc.) shall be placed underground in the public right-of-way and on the subject property in accordance with Section 11.3 of the Site Plan Regulations; and,
- h. Emergency access shown on the plans connecting lots 39 02 and 39 03 shall be maintained to allow emergency access on a year round basis.

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 Community Development shall be provided in either .pdf and paper copy. Once approved by the Department of Community Development 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.

Seconded by Robidas. Motion carried with an 8-0 vote.

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

None.

4) NEW BUSINESS

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

Saunders stated that Planning Secretary Gora has resigned and that this is her last Planning Board meeting.

5) WORKSHOP BUSINESS

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

None.

6) COMMUNICATION AND MISCELLANEOUS

Witham thanked Mrs. Gora for her time with the City. Stated that the City has hired a Code Compliance Officer that will start at the beginning of February. Stated that the position has been vacant for a while and he is excited for the new person to start.

Horton stated that the recent fire at the mill was tough and that he hopes there is a plan to do something there. Stated that he is glad that a new Code Compliance Officer has been hired and that he has noticed the workload in Development Services has increased.

Motion: Robidas moved to adjourn the meeting.

Seconded by Belmore. Motion carried with an 8-0 vote.

Meeting adjourned at 6:44 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board