

**SOMERSWORTH ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF MEETING**  
**FEBRUARY 1, 2017**

**MEMBERS PRESENT:** Paul Maskwa, Chair, Matt Keiser, Vice Chair, Roland Dumont and John Kennedy, Alternate.

**MEMBERS ABSENT:** Donald Routhier.

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

The meeting was called to order at 7:00 pm.

Maskwa appointed Kennedy as a voting member for tonight's meeting.

Stated that there are only four ZBA members present tonight and that the applicants may request to be tabled for another meeting when more Board members are present.

**1) APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 4, 2017.**

**Motion:** Dumont moved to approve the minutes of the meeting of January 4, 2017.

Seconded by Keiser. Motion carried with a 3-0-1 vote with Kennedy abstained.

**2) OLD BUSINESS**

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

None.

**3) NEW BUSINESS**

A) Motion for Rehearing: A rehearing has been requested of the Zoning Board's decision, on rehearing, to deny an appeal from administrative decision regarding the use at property located at 29 Lil Nor Avenue, in the Residential Single Family (R1) District, Assessor's Map 24, Lot 36, ZBA #21-2016.

Saunders stated that the applicant withdrew their request.

B) SWCE Holdings, LLC is seeking a variance from Section 13.6.E of the Zoning Ordinance to allow more than 10% impervious coverage within the Wetland and Riparian Buffer District on property located at 10 Centre Road, in the Industrial (I) District, Assessor's Map 04, Lot 06, ZBA #01-2017.

Saunders reviewed her memo (see attached) and stated that this applicant went before the Conservation Commission for a conditional use permit and went before the Planning Board. Stated that the proposal was received approval contingent on obtaining a variance for the amount of impervious coverage. Stated that the project is to have a storage area within the wetland buffer. Stated that the Planning Board took other Conservation Commission recommendations into account.

**Public hearing opened 7:01 pm.**

**Rick Lundborn** with CLD Consulting Engineers represented the applicant and addressed the Board. Stated the variance is for the amount of impervious coverage in the wetland buffer. Showed plans of the property and the amount of wetlands on it. Stated that it is a seven acre parcel but that there is not much usable area because of the amount of wetlands and wetland buffer on the property. Stated that the City's buffer regulations have a far-reaching setback and only allow 10% impervious coverage. Stated that how the prior wetland buffer regulations were written they wouldn't need a variance for this. Stated that the work will be at least 50 feet away from the wetlands, which was the former setback requirement. Stated that the Conservation Commission endorsed this project. Stated that the intent of the ordinance is met because they are still protecting the wetland and will be treating stormwater before releasing it. Stated that they are here tonight because of the recent change to the wetland buffer ordinance.

Keiser asked the applicant to explain what the project is for.

Lundborn stated that SW Cole is an geoen지니어ing firm and they need a storage area for their trailer and drill rigs. Stated that a pickup truck pulls the trailers and they want to be able to park their rigs on site. Stated that the storage area will be all pavement.

Keiser confirmed that they have done some things already to mitigate the effects of the impervious surface area.

Lundborn confirmed.

Saunders stated that City staff met with people from the UNH Stormwater Center and learned that they used to recommend herbaceous plants in the rain garden but found it's the soil structure, not the plants that helps with treatment. Stated that there will be plantings elsewhere on the site.

Keiser stated that the Zoning Ordinance allows for up to 10% impervious coverage in the buffer.

Lundborn stated that they are proposing to be at 12%.

Maskwa stated that the buffer area is 100 feet but that looking at the plans there would be limited room to go. Stated that the Conservation Commission endorses the project. Stated that they need this variance to improve the site and so it creates a hardship.

Lundborn stated that there is a big hardship because there is no other place on the property to do this.

**Public hearing closed 7:13 pm.**

Keiser stated that the applicant talked about a recent change to the regulations and asked Saunders if she knows how much change there was.

Saunders stated that she doesn't.

Maskwa stated that he feels that this property has an extreme hardship with the wetland buffers and the Conservation Commission endorses this. Stated that they are limiting it

to a small amount over what is allowed. Stated that he feels the Board should limit the amount of impervious coverage to around 13%.

Keiser stated that it is limited already by the Planning Board approval.

Saunders stated that it would be a good idea to put a limit on it.

Keiser asked how confident they are with the extra amount that they need.

Saunders stated that they are confident with it because they have done the calculations enough. Stated that she feels that 13% is good.

**Motion made by Keiser:** After review of the application, the file and all the information presented to the Board, I feel that all five criteria have been satisfied and I move that the request of SWCE Holdings, LLC for a variance from Section 13.6.E of the Zoning Ordinance to allow more than 10% impervious coverage within the Wetland and Riparian Buffer District be **APPROVED WITH THE FOLLOWING CONDITION:**

1. There shall be no more than 13% impervious coverage of the property.

Keiser stated that all five criteria have been met. Stated that there is a hardship because changes in the ordinance have caused this property to be limited. Stated that it is a reasonable request and will do justice to allow the use of the property and keep the business in Somersworth.

Seconded by Dumont. Motion carried with a 4-0 vote.

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


None.

**Motion:** Kennedy moved to adjourn the meeting.

Seconded by Keiser. Motion carried with a 4-0 vote.

Meeting adjourned at 7:22 pm.

Respectfully submitted:



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Tracy Gora, Planning Secretary  
Somersworth Zoning Board of Adjustment