

Mr. Sullivan moved to take this agenda item off the table. Mr. Hopley seconded the motion. It was so VOTED.

Mr. Holden read the Planning Department's memo into the record. The Board was reminded that the Public Hearing had been closed at a previous meeting. Mr. Scagliotti advised the Board that he understood the department's memo and its recommendations and stated that he and his wife were in agreement with those recommendations.

Mr. Coker moved the recommendation of the department adding that he thought the proposal would be a win/win situation for everyone involved and would expand the size of Haven Park. Mr. Carrier seconded the motion.

Ms. Roberts stated that she was very much in favor of the recommendation and would strongly urge the City Council to follow the recommendation. Mr. Carrier concurred with Ms. Roberts' comments adding that a lot of time had been spent on the request, both by the applicant and the Board; and, that it was his hope that the recommendation would be favorably acted upon by the Council. The Chair commented that he, too, thought the proposal was a win/win situation in that there would be a gain of parking spaces along the street, the installation of a new bench and other improvements to the park.

Recommendation:

1. That the paved portion of Livermore Street be extended some 60 feet in a fashion similar to the existing pavement and at no expense to the City;
2. That the new street extension, as well as the existing paved section, should be marked by the City so as to identify appropriate parking spaces (it is anticipated that more parking spaces would be identified than exist presently);
3. That some parking spaces should likely be identified with time requirements so these can be made available through the day for users of the park and by neighborhood residents in the evening;
4. That a granite bench should be provided to the City for use by visitors to the park and should be located in proximity to the parking area along Livermore Street;
5. That the present street bollards should be replaced with granite ones per the specifications of the Department of Public Works and these should be located at the proposed terminus of the paved portion of Livermore Street;
6. That the remaining 100 feet of Livermore Street should not be developed for residential purposes;
7. That at the May meeting, the Board asked the applicants to consider donating their ownership within the right-of-way to the City and that if this offer was made, the land from this right-of-way should then be deeded to the City and added to Haven Park;
8. That if this donation is made, the area of Haven Park would be increased by more than 2,200 s.f.; though, a landscaping easement should be allowed that recognizes some planted areas; and,
9. That with this action any private rights to this right-of-way would cease and a conforming subdivision would not be possible under the City's present *Zoning Ordinance*.

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The Chair commented that the Agenda before the board was a lengthy one and reminded those present that the Board would not take up any new business after 10:30 a.m.

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B. The application of **325 State Street, LLC**, owner, for property located off **Porter Street** wherein site plan approval is requested for the construction of a four-story building with an 8,926 s.f. ± footprint for the purpose of providing eleven attached condominium units with individual garages on the first floor with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lots 38-2 and 46 (lots to be combined) and lies within the Central Business B and Historic A districts. **(This application was tabled from the Board's May 16, 2002, meeting to this meeting.)**

Mr. Sullivan moved to take the application off the table. The motion was seconded and passed unanimously. Mr. Coker stated that he would not take part in the discussion or the vote,

Mr. Holden commented that the application had been tabled to allow for John Burke to be present; however, Mr. Burke's presence was required in Dover at a Seacoast MPO meeting. Mr. Holden informed the Board that Dave Allen, Deputy Public Works Director, was present in John Burke's stead as well as Deputy Fire Chief LeClaire. Mr. Holden further informed the Board that he and Lucy Tillman were present at the Traffic/Safety meeting.

Eric Weinrieb, professional engineer with Altus Engineering, stated that he was present on behalf of 325 State Street LLC adding that Eric Chinburg of 325 State Street LLC was also present. Mr. Weinrieb went on to state that the application had been tabled to resolve the issue of the roadway paving width of Porter Street. He stated that a new design was before the Board and that the new design had been approved by the Traffic/Safety Committee. The new pavement width will be 19.7' near Fleet Street and would vary in width to 20.4' near Church Street.

Signage will be added in the travel way behind the condos regarding "no parking" and fire lanes. No improvements will be made to the southerly side of Porter Street with this application. The green space, on the northerly side in front of the condos, has been eliminated to allow for the widening of the pavement and the provision of a 7' wide sidewalk. Proposed lighting will match the downtown lighting. PSNH has given permission to drop the electric service from an existing utility pole and then go underground to the transformer behind the condos. Thus, no new utility pole will be required.

Donald Coker of 90 Fleet Street addressed the board as a member of the McIntosh Condo Association adding that their concern had been with the narrowing of Porter Street. He stated that he was happy to see the project going forward although he would be personally losing a leased parking space.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Jankowski commented about the proposed access way behind the condos and the fact that it (the access way) would exit onto Church Street at almost a blind corner. It was his feeling that people travel down Church Street at a rather quick pace. He made the suggestion that the

entrance (to the travel way behind the condos) be off Church Street with the exit onto Fleet where people could have access to the traffic lights. Mr. Weinrieb stated that actually they had looked at such a suggestion; that they have strongly accentuated the turn as one goes onto Church Street giving people a better view up Church Street. Mr. Jankowski inquired if the subject was discussed by the Technical Advisory Committee. Mr. Holden replied that the committee did not think there was an issue.

Mr. Savramis inquired as to how wide Porter Street is at the present time. Mr. Weinrieb stated that the pavement width varies from 23' to 24'. Mr. Holden commented that one of the concerns was the suitability of Porter Street for access for emergency vehicles. The Chair agreed that the concern was for the capability of getting fire engines and ambulances down Porter Street. Deputy Fire Chief LeClaire stated that they did have concerns; that they worked with John Burke to obtain an acceptable width. Deputy Chief LeClaire felt there would be little chance of a large fire at the condos with all the fire safety mechanisms in place; such as, fire alarms and sprinklers. In the event of a fire, the department would work from the ends of the building. In other words, the chances of a fire truck going down Porter Street would be very slim. The width of Porter Street would be sufficient for access by ambulances.

Mr. Holden asked that Mr. Weinrieb review the stipulations from the Technical Advisory Committee.

1. That the Traffic/Safety Committee review the plan with a recommendation back to the Planning Board; (done)
2. That the plan show what is actually going to be done on Porter Street, both sides, during Phase 1; (done)
3. That the bond instrument be of a sufficient amount to implement the plan completely in the event that the Phase 11 project never occurs; (being worked on)
4. That the various utility companies sign off on the site plan prior to the Planning Board meeting; (done)
5. That a water service be shown for unit #9; (done)
6. That the use of landscaped areas within the City's right-of-way be reviewed with Lucy Tillman of the Planning Department and the City Attorney, as appropriate; (to be done)
7. That the sizing of the water line be reviewed with the Public Works and Fire Departments with a model to ensure adequate flow in the area. (The size of the water main will be 8". The size was reviewed by Tom Cravens of the Water Department.)

Mr. Holden stated that it was his understanding that it is no longer a necessity to install a utility pole. Mr. Weinrieb responded, "That is correct." Mr. Holden asked that an amended plan be submitted. The question was asked if all utilities would be underground; such as, telephone, television and computer lines. The question also arose about street lights.

Mr. Carrier inquired as to condenser units with the response being from Mr. Chinburg that they would be located to the rear of the buildings near the garages. Mr. Chinburg added that there would be planting areas by the garages. Mr. Carrier asked if the elevation of the slab for the garages would be sufficient to get over any water with Mr. Weinrieb responding, "correct".

Mr. Hopley's motion to approve that was made at an earlier meeting was rescinded. Mr. Hopley moved to approve the site plan subject to stipulations. Ms. Roberts seconded the motion. The motion passed with Messrs. Coker and Sullivan not voting.

Stipulations:

From the Technical Advisory Committee:

1. That the Traffic/Safety Committee review the plan with a recommendation back to the Planning Board;
2. That the plan show what is actually going to be done on Porter Street, both sides, during Phase 1;
3. That the bond instrument be of a sufficient amount to implement the plan completely in the event that the Phase 11 project never occurs;
4. That the various utility companies sign off on the site plan prior to the Planning Board meeting;
5. That a water service be shown for unit #9;
6. That the use of landscaped areas within the City's right-of-way be reviewed with Lucy Tillman of the Planning Department and the City Attorney, as appropriate; and,
7. That the sizing of the water line be reviewed with the Public Works and Fire Departments with a model to ensure adequate flow in the area.

From the Planning Board:

1. That the utility pole that is no longer needed be removed from the site plan; and
2. That the actual location of the pole from which the utility lines for this project will be dropped be indicated on the plan.

During the course of the presentation it was stated that the Traffic/Safety Committee stipulated the placement of "No Parking" and "Fire Lane" signs in the private driveway behind the condo units. Such signage should be indicated on the site plan.

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C. The application of the **Eleanor Hodgdon Revocable Trust**, owner and applicant, for property located at **430 Lafayette Road** wherein Preliminary and Final Subdivision Approval is requested whereby two lots would be created from an existing lot. Proposed Lot A would have a lot area of 15,002 s.f. with adequate continuous street frontage off Lafayette Road and would contain an existing 1 ½ story wood frame structure and detached garage. Proposed Lot B would have a lot area of 16,325 s.f. with adequate continuous street frontage off Greenleaf Avenue. Said property is shown on Assessor Plan 231 as Lot 4 and lies within a Single Residence B district. **(This application was tabled from the Board's May 16, 2002, meeting to this meeting.)**

Mr. Sullivan moved to take the application off the table. Mr. Savramis seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Mr. Chagnon of Ambit Engineering addressed the board and stated that he was representing the Eleanor Hodgdon Revocable Trust adding that Attorney Pelech was also present. Mr. Chagnon went on to state that they had agreed to the prior tabling motion on the request to create two lots from an existing lot. He went on to explain that 430 Lafayette Road would remain and is shown on the plan as Lot A. Lot B would be created as a buildable lot for residential purposes. He went on to state that both lots would conform to the requirements of the *Zoning Ordinance*. The existing curb cut to Lafayette Road will be eliminated (430 Lafayette Road). It was the intent for the proposed buildable lot to have a Greenleaf Avenue address with no curb cut to Lafayette Road.

Mr. Chagnon asked that the Board reconsider the stipulation that the existing driveway be reduced in width to 25'. He went on to explain that the way the driveway is presently configured provides for the maximum amount of safety as far as exiting onto Greenleaf Avenue is concerned. He asked that the width of the driveway remain as it presently exists; it being his feeling that such would be a fair tradeoff for closing the curb cut to Lafayette Road.

Mr. Chagnon continued on with his presentation and stated that stipulation #6 was not a problem to the applicant that being that permanent boundary monuments be established.

Mr. Carrier returned to the stipulation concerning the width of the driveway. Mr. Chagnon explained that the entrance is approximately 40' wide and further explained that the existing garage is located very close to Greenleaf Avenue. The extra width of the entrance provides extra space to turn around and face Greenleaf Avenue.

Mr. Sullivan wondered if keeping the 430 Lafayette Road address would create a problem for deliveries, etc. Both Mr. Chagnon and Attorney Pelech thought that such was a good point with Attorney Pelech stating that he was open to any suggestions and that he would not be opposed to a new address for that building.

Mr. Holden commented that the principal concern was that one did not have two curb cuts on two streets. With regard to stipulation #5, (reducing the width of the driveway) Mr. Holden suggested that the applicant and the City's Parking and Transportation Engineer review the situation and come to a resolution. The Chair asked about re-addressing the existing home with Mr. Holden suggesting that the Department of Public Works review with the applicant the number of the home.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Carrier moved to approve as submitted with stipulations. Mr. Coker seconded the motion. The motion passed unanimously.

1. That the plot plan indicate the elimination of the curb cut leading from Lafayette Road to Greenleaf Avenue (proposed Lot A);

2. That this curb cut be eliminated to the satisfaction of the Public Works Department before the filing of this plat with the Registry of Deeds;
3. That proposed Lot B have a Greenleaf Avenue address;
4. That the curb cut for proposed Lot B (the vacant lot) be from Greenleaf Avenue; and, there be no access/egress to Lafayette Road;
5. That the existing driveway entrance for proposed Lot A off Greenleaf Avenue be reduced in width to 25 (this stipulation to be reviewed by the City's Traffic Engineer, John Burke, to see if the existing driveway width can remain);
6. That Tom Richter of the Public Works Department review the numbering of the property for proposed Lot A (change 430 Lafayette Road to a Greenleaf Avenue address); and,
7. That permanent boundary monuments be established as per the requirements of the Public Works Department.

Mr. Holden indicated that the motion was for Preliminary and Final Approval; that once the stipulations had been satisfied, then the mylar would be recorded.

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III. PUBLIC HEARINGS

A. The application of the **City of Portsmouth** for property located on **Peirce Island**, more specifically, the sewer treatment plant, wherein site plan approval is requested for upgrades to the treatment plant to meet Federal permit requirements with associated site improvements. Said upgrades will consist of an addition to the existing structure and modifications to existing tanks and piping including the installation of two underground storage tanks. The entrance to the new addition will be widened. Said property is shown on Assessor Plan 208 as Lot 1 and lies within a Municipal district.

SPEAKING TO THE APPLICATION:

David Allen, Deputy Director of Public Works, addressed the Board and stated that he was present with Peter Rice, the Water and Sewer Engineer. The proposal involves improvements to the Wastewater Treatment Plant that were identified in the 201 Facilities Plan and which are part of the second phase project.

Mr. Rice spoke to the 960 s.f. building for chemical storage tanks that will provide the appropriate chemicals for the removal of grit and sediment. Pavement modifications around the addition will allow for truck access to the chemical tanks. A power point presentation followed. After all is said and done, the proposal will make permanent what is now a temporary system.

Mr. Sullivan inquired if there were any plans to increase the facility or facilities out there. Mr. Allen responded that they have done upgrades to the alarm systems; that wastewater systems are little less a target than water systems.

The question was asked if the chemical storage was secure with the response being that everything is locked up; that some of the tanks are underground; that one wouldn't know if one walked over them.

Mr. Coker asked if the proposal would require any State permits. The response was that all work will be done outside the 100' setback.

The Chair made three calls for speakers. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Carrier moved for approval as submitted. Mr. Sullivan seconded the motion. The motion passed unanimously.

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B. The application of the **City of Portsmouth** for property located at **1 Clough Drive**, more specifically, the Little Harbor School, wherein site plan approval is requested for the installation of an underground sewer pumping facility with an above-ground control panel with associated site improvements. Said property is shown on Assessor Plan 206 as Lot 20 and lies within a Municipal district.

David Allen, Deputy Director of Public Works, addressed the Board. Peter Rice, the City's Water and Sewer Engineer, assisted. The proposal has been identified in the 201 Facilities Plan and is part of a sewer upgrade for several houses on Brackett Road where several septic systems have failed. Grant money has been received for this project. The Public Works Department has worked closely with the neighborhood on this project. A pumping station will be required. The School Board has been kept informed. The pumping station will be located to the side of the administration building. The Public Works Department has also worked closely with the NH Department of Environmental Services on this project.

The pumping station will be similar to that installed for the Community Campus project. Some fencing and shrubs will be provided.

Mr. Sullivan inquired if the houses on Haven Road would be tied in as well with the response being in the affirmative.

Mr. Coker stated that drainage had been an issue with the residents of Brackett Road on a previous application. Mr. Allen stated that drainage had been considered; that an under drain had been installed further adding that an existing drain pipe by the school was cleaned. Discussion ensued regarding notification process in case of an emergency.

Power point was also part of the presentation.

The Chair made three calls for speakers. Seeing no one rise, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Coker moved to approve as presented. Mr. Carrier seconded the motion. The motion passed unanimously.

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C. The application of **Tucker's Cove, LLC** for property located at **1177 and 1179 Sagamore Avenue and off Odiorne Point Road** wherein Preliminary Approval is requested for a lot line relocation whereby Lot 10-001 would have a lot area of 127,572 s.f. ±, property located at 1177 Sagamore Avenue would have a lot area of 32,737 s.f. ±, and property located at 1179 Sagamore Avenue would have a lot area of 17,890 s.f. ±. Said property is shown on Assessor Plan 224 as

Lots 12, 13 and 10-001 and lies within a Single Residence A district. Plat plans are recorded in the Planning Department office as 7.2-02. **(This application was tabled at the Board's May 16, 2002, meeting to this meeting.)** The plan now shows a 10' access easement running from Lot 10-001 for the benefit of the property located at 1179 Sagamore Avenue.

Mr. Sullivan moved to take the application off the table. Mr. Hopley seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

J. Corey Colwell of Millette, Sprague & Colwell addressed the Board and stated that the lot line relocation request before the Board involved three lots located off Odiorne Point Road and Sagamore Avenue. Lot B is part of the Tucker's Cove subdivision not built on. The other two lots are residential lots of record. Mr. Colwell explained that a finger of land from Lot B extends between the two buildings adding that years ago this finger was left for access to the huge parcel. The lot sizes will be evened out with the proposed swap.

Mr. Colwell stated that when the proposal was initially presented, it was believed that all lots were in the Single Residence A zone; however, further research revealed that the two residential lots off Sagamore Avenue are actually in the MRO zone requiring at least 7,500 s.f. of lot area. It was initially thought that Lot 13 would need a Variance for lot size; however, that is not the case.

Mr. Jankowski inquired as to the intent for the lot in the rear. Mr. Colwell responded that the intent is for a single family residence; that the lot is currently for sale as part of the Tucker's Cove subdivision.

Attorney Eileen Nevins representing Debra Bachmann addressed the Board and had a question about the 100' tidal buffer that was answered by Mr. Colwell.

Nancy Bertogli of 1179 Sagamore Avenue addressed the Board and stated that it has taken a lot of time to get this far. She felt that the proposal is as good as it is going to get as far as they (the Bertoglis) are concerned.

The Chair made three calls for speakers. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden commented that the shed that was straddling a property line had been removed and its removal was no longer a condition of approval. However, the proposed easement would have to be approved as to content and form by the City Attorney's office. Mr. Holden added that Board of Adjustment approval is no longer required.

Mr. Sullivan moved Preliminary Approval of the lot line relocation. Mr. Carrier seconded the motion. The motion passed unanimously.

Stipulations:

1. That the final plat indicate that the shed that straddled the property line has been removed;
2. That the easement language be approved by the City Attorney as to content and form; and
3. That permanent boundary monuments be established as per the requirements of the Public Works Department; and,
4. That an Application for Final Approval be submitted to the Planning Department.

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D. The application of **Portsmouth Associates, LLC, owner, and UR of Portsmouth, N.H., Inc., applicant**, for property located at **1465 Woodbury Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the construction of a 6,400 s.f. building for restaurant use with associated site improvements to be located within an Inland Wetlands Protection District. The existing School House Restaurant will be relocated. Said property is shown on Assessor Plan 216 as Lot 3 and lies within a General Business district.

SPEAKING TO THE APPLICATION:

Dennis Moulton of Millette, Sprague & Colwell addressed the Board. He stated that the site is currently the site of the School House Restaurant. The existing building will be relocated to another portion of the site and a new building for restaurant use will be built slightly further back from Commerce Way than the existing building. Additional parking and paving will be provided for better access around the building. The proposed building will have a larger footprint. Thus, a Conditional Use Permit is necessary.

The proposal calls for paving over areas that are currently permeable. In order to compensate for or mitigate the amount of additional impervious area, the proposal includes the treatment of stormwater runoff. Mr. Moulton explained that currently the runoff from the paved area flows directly into the wetland area with no treatment at all. The proposal is for a catch basin drainage structure that will collect the runoff. An inlet system will separate sedimentation from the runoff before it enters its final destination through a pipe under the pavement to the wetlands.

Mr. Moulton felt that the criteria had been met for granting the Conditional Use Permit stating that the land is reasonably suited to the use and the wetland values will not be adversely impacted. It was Mr. Moulton's opinion that the wetland in question had no significant value. Mr. Moulton went on to state that he has tried to minimize the size of the addition and at the same time meet the demands of his client. It was his opinion that the proposal would have the least affect on the neighboring wetland. He reminded the Board that the Conservation Commission had unanimously recommended approval of the application.

Mr. Coker inquired as to the delineation of the edge of wet relative to the 100' buffer. Mr. Moulton then went on to state that he was still working on the design for the runoff; that the drainage calculations had all been done; that he was working on the details. He spoke to shallow slopes and the fact that the actual construction of a normal catch basin is probably not possible. The question was asked if the actual drainage plan was laid out. The Chair interjected that such was the purview of site review, not conditional use. Mr. Moulton assured the Board that the drainage system would work.

The question was asked about a report from the wetlands scientist. Mr. Moulton reported that he did not bring the report with him but he would provide it if that would help.

Mr. Coker felt that it was usual and customary procedure to have some details on the drainage and how it is going to work. The Chair responded by stating, "one after the other" adding that such would be discussed when the site plan comes before the Board.

Mr. Holden interjected that the design on the site would commence with the granting of a Conditional Use Permit; that the only issue before the Board is Article VI of the *Zoning Ordinance*.

Mr. Sullivan asked if the proposal is for the same footprint shifted to the south. Mr. Moulton stated that the building would be located in the main parking area. Mr. Sullivan asked if the proposal would infringe on the K-Mart parking area with the response from Mr. Moulton being that the site is all one site and that there is sufficient parking for all uses. Mr. Sullivan stated that he wanted to make sure that traffic from Commerce Way would not be entering onto the K-Mart parking area explaining that such a connection had been disapproved a long time ago by the Board. Mr. Moulton responded by stating that quite a bit of discussion had been had on that subject adding that it was imperative to have that entrance to make the proposed restaurant work.

Attorney Bernard W. Pelech addressed the Board and stated that he was representing Magna Corporation, an abutter to this project. He stated that the barrier to which Mr. Sullivan referred was completely gone. Attorney Pelech stated that his concern was that the application did not meet the criteria for granting a Conditional Use Permit. He spoke of the intrusion of pavement into the buffer zone. He felt that the proposal was an overintensification of a location of a building that would be much too large and would involve much too much pavement. He went on to state that the proposed building would be used by a national chain, Pizzeria Uno, and questioned whether there would be sufficient parking spaces for the proposed use. Attorney Pelech reiterated that in his estimation, the application did not meet minimal requirements and asked that the Board either table or deny the request.

The Chair asked if there was anyone else present to speak to, for or against the application.

Martin Cameron of 469 Ocean Road addressed the Board. He stated that there was mention of a wetlands scientist; however, the Board did not have any documentation from a hydrologist regarding the impact on soils and wetlands. Mr. Holden interjected that there is no requirement under the *Zoning Ordinance* for an independent consultant where more than 50% of the buffer is developed upland, previously disturbed. Mr. Cameron wondered how any approvals could be given without a workable drainage plan. The Chair reiterated that the drainage issue would fall under the Site Review process.

Mr. Moulton stated, in response to Attorney Pelech's comments, that the only way to minimize would be to do nothing, to never impact any buffer. He reminded the Board that the buffer is a previously disturbed buffer; that the impact would be quite small taking in the overall picture of the area. He further reminded the Board that the proposal would be adding stormwater runoff treatment in the form of a water quality inlet which is a recognized Best Management Practice. Mr. Moulton again pointed out that currently there is absolutely no treatment of the stormwater runoff adding that he took issue with the statement that the proposal would not provide less impact. Mr. Moulton added that he was 100%, absolutely, convinced and he would stake his seal on it, that the design would work; that it was just a matter of details.

Mr. Sullivan asked if Mr. Moulton had a letter of consent from the owner of the mall regarding the opening up of a curb cut into the parking lot. Mr. Moulton responded by stating that the owner had seen the plans and had not expressed any concerns.

Attorney Pelech stated that he could not believe that the paving over of landscaped islands and the additional parking would not add to the stormwater runoff. He felt that what was being proposed as stormwater treatment should be reviewed by an expert as to impact on wetlands. It was his feeling that the Board would be remiss in approving the application.

The Chair made three calls for speakers. Seeing no one rise, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Jankowski stated that he had a couple of questions himself and that he would like to have more information submitted on the application. He moved that the application be tabled to the next meeting of the Board (July 18th). Ms. Roberts seconded the motion.

It was Mr. Coker’s opinion that the Board had not been provided with any evidence that there would be no adverse impact to the wetland values of surrounding properties. He went on to state that he was not comfortable with the statement that the details are coming especially given the fact that the runoff goes directly into the wetlands. He stated that he would be looking for a detailed drainage study and other information regarding the developed upland.

The question was moved. The motion passed unanimously.

For purposes of clarification, the tabling motion was made to allow for the submission of more information; such as, clarification that more than fifty percent (50%) of the buffer zone concerned is developed upland; a detailed drainage study; and, the submission of the letter from the wetlands scientist, to which reference was made during the meeting by Mr. Moulton.

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E. The application of **Portsmouth Associates, LLC, owner**, for property located at **1465 Woodbury Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the relocation of the 1853 School House restaurant building with associated site improvements within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 216 as Lot 3 and lies within a General Business district. **(A request has been received that this application be tabled to the Board’s July 18, 2002, meeting.)**

Mr. Holden commented that this application is the second part of the previous proposal and involves the relocation of the school house to another part of the lot. He pointed out that the initial proposal did not pass muster with the Conservation Commission and that work is progressing on the application.

Mr. Coker moved that the application be tabled to the Board’s July 18, 2002, meeting. Mr. Hopley seconded the motion. The motion passed unanimously.

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F. The application of **ONB Realty Corporation, owner, and Chittenden Bank, applicant**, for property located at **1555 Lafayette Road** wherein site plan approval is requested for the following: 1) the construction of a one and one-half story 32.15’ x 65’ (2,990 s.f. footprint) building with drive through to be used as a bank building; 2) the construction of a 35.33’ x 44’ canopy for the bank drive through, 3) the construction of a 5.5’ x 18’ canopy on the southerly

side of the bank building; and, 4) the construction of a one-story 8,500 s.f. building for use as office space with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 251 as Lot 125 and lies within a Mixed/Residential/Business district.

SPEAKING TO THE APPLICATION:

The Chair read the notice into the record. Dennis Moulton of Millette, Sprague & Colwell addressed the Board and stated that the proposal should look familiar as the Board had previously approved a site plan for this site for Ocean National Bank which has recently merged with Chittenden Bank.

The proposal before the Board involves the rotating of the bank building ninety degrees and the placement of the drive through to the side of the building with an entrance and exit onto Lafayette Road. The proposed 8,500 s.f. office building has been shifted closer to Lafayette Road. The proposal still adheres to the previously approved setbacks. Board of Adjustment approval has been received for the relocation of the building.

The drainage plan has been modified to include a small detention area and drainage swale that would divert stormwater runoff to a closed drainage system on Elwyn Road.

Mr. Moulton stated that the previous agreement with the City involving the widening of Elwyn Road to provide for a dedicated right turn lane was still in effect. The center island on Lafayette Road would be extended to prevent left turns (southbound) onto Lafayette Road.

Mr. Moulton felt that the plan before the Board was a viable plan that would work better than the previously approved plan.

In response to a question from Mr. Hopley, Mr. Moulton stated that the office building would be divided into three suites and would have two exit doors.

In response to a question from Mr. Sullivan, Mr. Moulton stated that there is an 8' high solid fence in place at the present time and that as many trees as possible would be preserved.

Discussion ensued on the stipulations that could be eliminated; such as, the walkway to the rear of the proposed office building. Mr. Moulton felt that any roof drainage could be handled by the infiltration system to the rear and that there would be no need for a walkway.

Attorney Bernard Pelech addressed the Board on behalf of the applicant stating that he had a couple of housekeeping matters; such as, the advertisement calls for a 2,990 s.f. building when, in actuality, the footprint of the building would be 2,090 s.f.; that the advertisement calls for a 1 ½ story building when the building will actually be two-stories in height.

Mr. Holden stated that it was his understanding that the applicant had agreed that the previous funding mechanism would be kept in place. Attorney Pelech replied that the sum of \$10,000 is being held by the City.

The Chair made three calls for speakers. Seeing no one rise, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Jankowski moved approval of the site plan subject to stipulations. The motion was seconded and passed unanimously:

Stipulations from the March 20, 2001, Planning Board Letter of Decision regarding a prior approval for this site**From the Technical Advisory Committee:**

1. That the site plan indicate that the irrigation control is set from inside the building;
2. That the dumpster be relocated as proposed;
3. That the median strip be extended per review of John Burke, the City's Transportation Engineer;
4. That the site plan indicate a connection to the master fire box;
5. That the detention pond be relocated out of the right-of-way;
6. That the drainage plan be reviewed with David Desfosses, Engineering Technician;
7. That the handicapped spaces be located near the center of the building and not concentrated at one end of the building (if the new building is a multi-user building);
8. That the site plan delineate the fire service to the back building;
9. That the landscaping plan be subject to review by the City Arborist or her designee (**the landscaping plan will be reviewed by Lucy Tillman of the Planning Department**);
10. That the site plan be reviewed by the Traffic/Safety Committee with a recommendation back to the Planning Board (**done and not needed for this application**); and,
11. That a note be added to the site plan that the solid board fence along the easterly and southerly boundaries shall be maintained regularly.

From the Traffic/Safety Committee:

1. That the applicant extend the median barrier on U.S. Route 1 subject to NH Department of Transportation (NHDOT) approval to prevent left turns out of the bank driveway onto U.S. Route 1 (**needs to be extended by an additional 5'**);
2. That the applicant shall install a "No Left Turn" sign at the driveway to U.S. Route 1;
3. That the applicant widen Elwyn Road as needed from its intersection with U.S. Route 1 to the proposed driveway to provide an additional turn lane at the Elwyn Road approach to the intersection. The design shall be subject to the review and approval of the NH Department of Transportation and the City's Traffic Engineer. (This improvement will reduce the frequency of cars stacking back from the signalized intersection and blocking the proposed driveway.)
4. That the applicant be responsible for the cost of retiming the traffic signals or providing additional signal equipment necessary to accommodate the new turn lane at Elwyn Road and U. S. Route 1;
5. That the applicant extend the island divider between the two parking lots to prevent drivers from the larger parking lot from conflicting with the one-way traffic coming from the drive-thru lanes. The applicant shall also stripe stop bars, post stop signs and post a "Do Not Enter" sign as indicated on the plan (**This stipulation was eliminated at the June 20, 2002, Planning Board meeting**); and,

- 6. That the applicant shall move the loading zone spaces from the last space adjacent to Elwyn Road to a location immediately adjacent to the proposed new office building .

From the Planning Board:

- 1. That the site plan shall indicate that the construction line shall be no more than 10' from the back of the foundation and that a snow fence shall be installed during the construction process ;
- 2. That the stone trench area to the rear of the building will be removed from the site plan and in its stead, the plan shall indicate a five foot concrete sidewalk that would run to the end elevation of the building and which would tie into the main sidewalk in front of the building **(This stipulation was eliminated at the June 20, 2002, Planning Board meeting);**
- 3. That the site plan shall indicate a roof drainage system which would tie into a PVC line running adjacent to the rear sidewalk; such drainage system shall be reviewed by Arthur Parrott, Planning Board Chair; David M. Holden, Planning Director; and, David Allen, Deputy Public Works Director **(This stipulation was eliminated at the June 20, 2002, Planning Board meeting);**
- 4. That the air conditioning units shall be located somewhere between the handicapped parking spaces and the dumpster; and,
- 5. That the proposed 10,000 s.f. building shall be sprinklered **(the proposed 8,500 s.f. building will be sprinklered).**

From the June 4, 2002, meeting of the Technical Advisory Committee:

- 1. That the grading be altered so that the tree line is protected;
- 2. That the dumpster be rotated 90 degrees;
- 3. That stipulation #2 from the March 15, 2001, meeting of the Planning Board be reviewed by a Code official;
- 4. That with regard to the domestic water service being brought into the bank building, that all water will go through that meter and two back flow preventers will be installed before service enters other building;
- 5. That the prior formula regarding off-site improvements shall remain in effect under new successors;
- 6. That the U.S. Route 1 median strip be extended another 5' subject to approval of John Burke, the City's Parking and Transportation Engineer;
- 7. That the Lafayette Road driveway be reconfigured to prohibit left turns onto Lafayette Road subject to review by John Burke, the City's Parking and Transportation Engineer with a recommendation to the Planning Board;
- 8. That the location of an additional "Do Not Enter" sign shall be subject to review and approval by John Burke, the City's Parking and Transportation Engineer; and,
- 9. That the May 21, 2002, Board of Adjustment Approval be indicated on the plan.

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G. The application of the **Philip Singer Revocable Trust, owner, and CHI Engineering Services, Inc., applicant**, for property located at **430 West Road** wherein site plan approval is requested for proposed site work associated with the use of the existing building as 10,000 s.f. of professional offices and 26,150 s.f. of manufacturing/warehouse space. Such site work includes providing additional parking, the rehabilitation of the existing detention/infiltration pond, the addition of handicap accessible ramps, the addition of loading areas, improvements to existing

utilities and additional landscaping. Said property is shown on Assessor Plan 267 as Lot 28 and lies within a General Business district.

Dennis Moulton of Millette, Sprague & Colwell addressed the Board. He stated that the site in question is the former site of Standard Plumbing and is located immediately adjacent to Lafayette Road. The proposal does not call for any additions to the building. Additional parking will be provided to the rear of the building in order to meet the City’s requirements for the proposed use. A portion of the building will be used as office space for a professional engineering company. The rest will be used as storage and the shop where they assemble one-of-a-kind controls for the gas piping industry.

A swale will handle the runoff created by the additional parking spaces. No additional catch basins are required. All existing utilities will remain the same.

Improvements will be made to the traffic island at the end of West Road to prevent left turns onto Lafayette Road.

Mr. Holden spoke to an unauthorized driveway cut to the existing property. Mr. Moulton stated that they would be placing large, hopefully immovable, objects to block that entrance.

Mr. Carrier inquired as to any parking lot lighting. Mr. Moulton replied that they were not indicating any site lighting; that there is lighting on the rear of the building that was felt to be sufficient. Mr. Carrier commented that it just seemed to him that not to provide any lighting when the back side of the parking lot is 100’ away seemed to be quite a distance to be in the dark. Mr. Moulton commented that the lot is enclosed by a chain link fence that the site is not open to intrusion, “if you will”.

The Chair inquired as to the dumpster location and asked that it be added to the plan with screening. With regard to snow storage, Mr. Moulton indicated that it would be to the rear of the property.

The Chair made three calls for speakers. Seeing no one rise, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley moved to approve the site plan with stipulations. Mr. Sullivan seconded the motion. The motion passed unanimously.

From the Technical Advisory Committee:

- 1. That the landscaping plan shall be reviewed by Lucy Tillman of the Planning Department;
- 2. That modifications of the island at West Road and U.S. Route 1 to prohibit illegal left turns onto Lafayette Road (U.S. Route 1) be reviewed by the Traffic/Safety Committee with a recommendation back to the Planning Board.

From the Planning Board:

- 1. That the location of the dumpster be indicated on the plan and that the dumpster be screened;
- 2. That the stipulations from the Traffic/Safety Committee be adhered to regarding off site improvements at the intersection of West Road and Route 1 and the placement of immovable objects to block the access from Water Country.
- 3. That the report from the stormwater management system be submitted to David Desfosses, Engineering Technician, Public Works Department.

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H. The application of **Millenium Borthwick, LLC** for property located off **Borthwick Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(A) and (B) of the *Zoning Ordinance* for the parking associated with the construction of two 50,400 s.f. three-story buildings to be located within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 259 as Lot 14A and lies within an Industrial district.

Richard P. Millette of Millette, Sprague & Colwell addressed the Board. He stated that the Board had previously seen the proposal under the Site Review process. That due to economic conditions, the buildings were never built. In the meantime, the wetlands buffer was expanded from 75' to 100'. As originally designed and approved, a row of parking lies between the 75' and 100' setbacks. He stated that there would be 31 parking spaces within the new 100' setback.

Mr. Millette stated that the site is reasonably suited for the proposed use; that the wetland values would not be adversely impacted and there would be no adverse impact to surrounding properties. He went on to state that there are too many parking spaces to eliminate and maintain the integrity of the layout.

Mr. Millette continued on by stating that the land is more than 50% developed upland. He explained that the site was used for storage of excess material when the hill was blown away to make room for hospital parking.

Drainage will enter a very structured drainage system; such as, catch basins with gas and oil traps and culverts. Mr. Millette spoke to sedimentation traps and recharge basins.

Mr. Millette continued on by stating that there would be no alteration to the natural vegetation by this proposal.

The Conservation Commission has unanimously recommended approval of the Conditional Use Permit.

Mr. Carrier mentioned the issue of monitoring wells. Mr. Holden interjected that Tom Cravens of the City's Water Department has asked that four monitoring wells remain as part of this proposal.

The Chair suggested that the dumpster be relocated away from the buffer.

Mr. Coker inquired as to a maintenance schedule for the treatment of the detention area. Mr. Millette responded that one has not been produced, as yet; however, the proposal must go through the site review process and one would be submitted at that time.

Mr. Holden inquired if there would be any storage of materials on this site with the response from Mr. Millette being in the negative.

Martin Cameron of 469 Ocean Road addressed the Board and spoke to prior construction on Borthwick Avenue, such as, when the hospital was constructed. He mentioned that the City lost some 13 to 14 wells from that project and had recovered, maybe, two of them at the cost to the City of some two million dollars. He spoke to the effects of the construction on drainage in the Colonial Drive area. He noted that the stormwater runoff drains all the way to the North Mill Pond. He asked that precautions be taken so that the City wouldn't get hurt again.

Mr. Millette commented that drainage concerns were raised by the technical staff when the proposal was reviewed in '97; that the drainage plan calls for a very sophisticated basin – four

times larger than the minimum necessary. He reiterated that the water will be recharged into the ground and that such a process will help to protect the aquifer and mitigate what happens downstream. It was Mr. Millette's opinion that the stormwater runoff would not be any greater post development than it is pre development.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Carrier moved approval as submitted with the stipulation that the dumpster be relocated away from the buffer zone. Mr. Sullivan seconded the motion. The motion passed unanimously.

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I. The application of **Micronics Realty Trust, owner, and Barry Hibble, applicant**, for property located at **200 West Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the construction, within an Inland Wetlands Protection District, of a 44' x 100' one-story addition to an existing steel structure. Said property is shown on Assessor Plan 267 as Lot 22 and lies within an Industrial district.

SPEAKING TO THE APPLICATION:

Jessica Winston of Millette, Sprague & Colwell addressed the Board and stated that the site is located on West Road easterly of Harvey Industries. She stated that the use of the addition would be the warehousing of filter products; that no hazardous materials or outside storage of materials would be involved; that the company has currently outgrown the existing building.

Ms. Winston went on to state that the site lies within the buffer zone; that the area in question is an already paved area. She stated that the land is reasonably suited for the use; that the wetlands will not be adversely impacted by the proposal; and, that there will be no adverse impact to surrounding properties. She added that more than 50% of the site is developed upland pointing out that it is more closely 100%. She stated that there would be no alteration of the natural vegetation. Stormwater runoff will be to a manmade treatment swale. The runoff from the proposed addition will be cleaner than the runoff from the existing paved area. She went on to explain that roof runoff is not required to be treated prior to entering into a wetland.

Ms. Winston concluded her presentation by stating that the Conservation Commission had favorably recommended the granting of the Conditional Use Permit.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Coker moved to approve as presented. Mr. Carrier seconded the motion. The motion passed unanimously.

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J. The application of **John Ahlgren, Peter Happny and Guilford Transportation (Boston & Maine Railroad)** for property located off **Langdon, McDonough and Brewster Streets** wherein a resubdivision of certain lots is being requested whereby certain property would be transferred from Guilford Transportation to Ahlgren and Happny. Proposed Lot 48 owned by John Ahlgren and others would have a lot area of 23,208 s.f. Proposed Lot 61 owned by Peter Happny would have a lot area of 12,359 s.f. Said property is shown on Assessor Plan 138 as Lots 48 and 61 and lies within a Mixed/Residential/Business district. Plat plans are recorded in the Planning Department office as 11.1-02.

SPEAKING TO THE APPLICATION:

Attorney John Ahlgren addressed the Board and stated that he was present with Peter Happny. The proposal is to take land from the Boston & Maine Railroad lot and convey it to Lots 48 and 61 respectively. The land literally runs along the railroad tracks. Attorney Ahlgren stated that he would work with the City Attorney regarding any sewer easements.

Mr. Holden referred to an area on the plan marked as ownership undetermined. Attorney Ahlgren explained that any excess land would go to abutters.

The Chair made three calls for speakers. There being one, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Jankowski moved to approve the resubdivision subject to the following stipulations. Mr. Carrier seconded the motion which passed unanimously.

1. That the sewer easement be approved by the City Attorney as to content and form as well as Peter Rice, Water and Sewer Engineer with the Public Works Department; and,
2. That permanent boundary monuments be established as per the requirements of the Public Works Department.

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IV. CITY COUNCIL REFERRALS/REQUESTS

- A. Request of New England Glory LLC to the City of Portsmouth for a quitclaim deed to clarify a certain corner boundary

Mr. Holden stated that this is a request from the City Council relative to this particular intersection. He explained that a considerable amount of legal research had been undertaken to determine ownership. He asked that the request be tabled to the July 18th meeting of the Board so that department staff can meet with the people making the request and review the department's final recommendation.

Mr. Carrier so moved. Mr. Sullivan seconded the motion which passed unanimously.

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Items not on Agenda:

Stormwater memo:

Mr. Coker distributed material to the Board on different stormwater devices. He apologized for the amount of information being provided. He pointed out that there appear to be systems available that are more effective than treatment swales. It was the consensus of the Board that it would be helpful to have a work session on this subject – the sooner the better. The Board further felt that the Conservation Commission should be invited and perhaps a representative from NHDES could be present.

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Master Plan

Mr. Holden reported that the process for the new Master Plan was coming together and that the City Manager would be scheduling a work session for a Saturday morning in the near future to discuss the hiring of consultants, the possibility of discussion groups and a budget.

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V. ADJOURNMENT

Adjournment was had at approximately 10:20 p.m.

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Respectfully submitted,

Barbara B. Driscoll
Acting Secretary for the Planning Board