

Mr. Moulton indicated that a copy of the wetland's scientist delineation of the wetlands had been provided. He referred to a packet that had been submitted to the Planning Department and advised the board that Dr. Lord was present.

Mr. Moulton stated that the question had been asked as to the amount of the buffer currently impacted on site versus the proposed impact. He reported that the lot in question is some twenty acres in size. The wetland buffer runs along the back and side edges. The proposed impact to the wetland buffer due to paving is some 1,800 s.f. resulting in less than 1% of additional wetlands impact on site.

Mr. Moulton stated that drainage calculations had been provided. The proposed storm treatment system will handle a 10 year storm. and complies with NHDES Best Management Practices for stormwater runoff. He stated that some opposition had been voiced to the water quality inlet at the previous meeting and that concern had been expressed that the building was too large for the site. It was Mr. Moulton's opinion that such a statement was not necessarily true. The building will have a larger footprint; however, it will be a one-story building. The present School House Restaurant is a multi level building. In other words the proposed building will be a bit larger but not tremendously.

Mr. Moulton stated that he still took issue with the statement that the proposal would not provide minimum impact to the buffer. It was his opinion that the water quality inlet would provide the removal of totally suspended solids providing an overall improvement to the present situation.

Mr. Coker inquired as to the size of the wetland surrounding the lot in question with Mr. Moulton responding that he had no idea. Mr. Coker inquired if Mr. Moulton would like to hazard a guess with Mr. Moulton replying, "five to ten acres".

Councilman Lown asked to be shown the upland in relation to the existing building. Mr. Moulton replied that it was everything that was not shown as bright green on the visual aid. Mr. Lown asked if a Conditional Use Permit was granted, how many square feet of wetland would be affected. Mr. Moulton replied that no wetland would be affected; that what would be affected would be the previously disturbed wetland buffer referring to the landscaped islands that were created when the mall was constructed. Councilor Lown stated that it was his understanding that some 1,800 s.f. of impervious area would be added by this proposal.

Mr. Coker wondered if the water quality inlet could be replaced with some other method; such as, a Vortechs type system. Mr. Moulton replied that the Vortechs name brand is a certain type of oil separator. It was his feeling that another product would work. Mr. Coker asked if a Vortechs system would be more effective in removing total suspended solids and other pollutants. Mr. Moulton conceded that Vortechs makes such a claim; however, he went on to state that he does not have true comparison data.

Mr. Coker asked if Mr. Moulton would be adverse to installing a Vortechs type system. Mr. Moulton referred to the unique nature of the lot and the fact that the area contributing to the stormwater treatment is less than an acre. Mr. Moulton also referred to the letter from the wetlands scientist that states that the value of the wetlands is not that great and is of little value and that runoff treatment would show little benefit. It was Mr. Moulton's opinion that the water quality inlet would do the job. However, he added that if the board felt strongly about a Vortechs type system that his client would install such a system.

Dr. Leonard Lord addressed the board and stated that the wetlands have been severely impacted by previous development adding that the existing treatment swale has been invaded by purple loosestrife. He stated that the reason for a buffer is water quality. However, in this case the

buffer is basically all paved surface. He reiterated Mr. Moulton's statements that some 1,800 s.f. of new pavement would be added and that treatment for stormwater runoff would be added that is not currently being provided.

The Chair asked if Dr. Lord was familiar with a Vortechs type system. Dr. Lord replied that such was not his area of expertise.

Mr. Coker stated that it was his understanding that the stormwater runoff would affect the wetlands on the southerly side but not the northerly side. Dr. Lord concurred adding that such was his impression of the site.

The Chair asked Mr. Moulton to explain in detail the treatment system he was proposing. Mr. Moulton spoke to a 1,500 gallon capacity oil/sediment separator with the stormwater entering, settling and entering a chamber where the oil separator is located, then coming back up at an outlet level through the pipe across the road into the wetlands. The question was asked as to what happens to the oils and sedimentation. The response was that maintenance is critical; that the system needs to be cleaned out after every major storm.

Peter Britz, the City's Environmental Planner, spoke to the board in order to give them some input from the Conservation Commission meeting. He stated that the proposal would provide some improvement in that the site is currently lacking any water quality treatment. He referred to the 1,800 s.f. of impervious surface being created and the huge wetland that surrounds the lot in question. He also spoke to the problem of invasive plants.

Mr. Britz continued on by stating that NHDES looks to three levels of treatment: a detention basin; a water quality treatment basin; and, a treatment swale. He stated that the applicant is proposing to bring in a basin adding that the bigger issue with the wetlands back there is the maintenance of the basin.

Mr. Holden interjected that the Board should remember that no independent wetlands scientist is required for this proposal and that the Conservation Commission made a favorable recommendation to grant the Conditional Use Permit. He went on to state that he applauded the applicant for offering to install a Vortechs type system. He urged the Board to consider the materials they had before them pointing out that the site is an older mall; that if the site was vacant today, no development would be allowed because of the surrounding wetlands. He stated that the proposal will be adding a structure to separate out the solids; that, in his opinion, the applicant has more than met the requirements for the issuance of a Conditional Use Permit. It was Mr. Holden's opinion that a Vortechs type system is experimental and is costly.

Mr. Coker stated that with all due respect to the esteemed Planning Director, he disagreed as to the effectiveness of what was being proposed.

Councilor Lown stated that he had a procedural question. He stated that applications A) and B) are linked and wondered if it would make more sense to address them together or to consider the second one first. He went on to state that the removal of the old school house was, in his mind, connected to this application. The Chair stated that the applications concerned two separate issues. Mr. Holden interjected that the applications are separate regardless of what happens with either one.

Councilor Lown moved that the board consider application B) first to determine what will happen to the historic building. Mr. Holden disagreed with such an approach. Mr. Moulton stated that it was his understanding that one way or the other, the existing school house would be removed and relocated to some site; that no one wants to see it demolished.

It was Mr. Will's feelings that the applications should be considered separately. There was no second to Councilor Lown's motion to take up application B) before application A).

Mr. Smith inquired as to what would happen to the stormwater runoff from the rest of the parking lot. Mr. Moulton replied that the stormwater runoff not handled by the proposed water quality inlet will enter the wetland untreated via catch basins and drain pipes.

Mr. Jankowski inquired as to when the mall was constructed. Richard P. Millette, who happens to be the engineer who designed the original drainage system, was in the audience and responded that the year was 1977.

Mr. Jankowski moved for approval. Mr. Will seconded the motion.

Mr. Coker indicated that he would not support the motion. He felt that the information that had been presented was very contradictory as to effectiveness. He stated that the lot in question is some 20 acres in size and the area being treated is approximately one acre. He referred to the claims of high effectiveness of a Vortechs type system.

Mr. Coker referred to the responsibilities of a Planning Board as promoting the public interest as spelled out in the Master Plan. It was his opinion that the protection of the wetlands was a significant part of the Master Plan. Mr. Coker referred to the purpose and intent of the wetlands protection ordinance and spoke to alternatives with the least adverse impact. He spoke to the criteria to be used by the Planning Board in granting a Conditional Use Permit. It was Mr. Coker's opinion that the application as presented had not met the four conditions of approval reiterating that a Vortechs type system had the highest effectiveness.

Mr. Coker offered an amendment to the motion that a Vortechs style system be installed with a maintenance program to be forwarded to the Public Works Department. Mr. Will seconded the amendment and stated that he agreed with Mr. Coker in looking at the bigger picture of the 20 acre lot and felt that every effort should be made to lessen the abuse to the wetlands.

Councilor Lown indicated that he would vote against the amendment and the underlying motion. He stated that he just couldn't see the justification for the increase in the impervious surface.

Ms. Roberts stated that she appreciated the thoughts and comments of the previous speakers. However, she indicated that she would have a little bit of a problem specifying a certain system in that the City's own engineers had not indicated a particular system.

Mr. Jankowski applauded Mr. Coker for the information he had submitted to the Board; that he (Mr. Jankowski) found it to be interesting reading and concurred with a lot of its conclusions. However, Mr. Jankowski pointed out that the board would have to change its regulations in order to require an applicant to use a particular stormwater treatment system. He suggested that the information be forwarded to the Conservation Commission for a review and report back. He reminded the board that the issue would come back to them under the Site Review process. Mr. Jankowski indicated that he would vote against the amendment.

Mr. Coker asked the Board to apply simple logic, it being his opinion that the Board had the right and obligation to protect the wetlands in this particular application. He referred to what he had learned from a previous application for a proposed car wash on Lafayette Road where it was presented that a Vortechs type system was 80% effective versus 35% effectiveness of another system. It was Mr. Coker's opinion that the board had an opportunity to make a policy decision. He wondered if the board was going to continue to follow what is referred to as Best Management Practices. It was his feeling that such was not good enough when there are

alternatives out there. He suggested that the board turn to the City's Environmental Planner for an evaluation of the various stormwater treatment systems.

The Chair indicated that it was his feeling that if there are better systems out there, that such should be included in the regulations. He stated that he was not a wetland scientist; that the City has experts on staff to help the board; and that until he had scientific proof in front of him, he could not support the amendment at this time. It was Mr. Smith's opinion that to specify a certain type of stormwater treatment would place undue hardship on the applicant.

Mr. Coker moved to table the application for one month for a report from the City's Environmental Planner and any one else designated by the Planning Department to evaluate a more effective treatment system and report back. Councilor Lown seconded the motion. The motion passed on a 5-3 vote with Messrs. Hopley, Jankowski and Smith voting in the negative. Ms. Roberts and Messrs. Lown, Savramis, Coker and Will voted in the affirmative.

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B. 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. **(This application was tabled at the Board's June 20, 2002, meeting to this meeting.)**

Councilor Lown moved to take the application off the table. Mr. Will seconded the motion which passed unanimously.

SPEAKING TO THE APPLICATION:

Jessica Winston of Millette, Sprague & Colwell addressed the board and presented the proposal to relocate the historic School House building to the right side of MarketBasket. The Conservation Commission has issued a favorable recommendation on the issuance of a Conditional Use Permit. The relocated School House will be at least 81' away from the edge of the wetland. The amount of additional impervious surface within the buffer will be 570 s.f.

It was Ms. Winston's opinion that the use would be reasonably suited to the area; that the wetland values would not be adversely affected; that the vegetative state would be altered only to the extent necessary to affect the goals of this project. Parking for the relocated School House will be on the existing paved surface. The stormwater runoff from the rooftops and walkways will enter an existing closed drainage system. She concluded her presentation by stating that they felt that the location was the best suited and would have the least impact.

Mr. Coker inquired as to the parking with Ms. Winston replying that the parking would be created by restriping.

In response to a question from Councilor Lown, Ms. Winston explained that a previous application had associated parking within the buffer. That has been removed (the parking, that is.)

In response to a question from the Chair regarding stormwater runoff, Ms. Winston replied that it was her opinion that any increase in runoff would be negligible.

Attorney Bernard W. Pelech addressed the board on behalf of Arnold Katz explaining that he was not speaking to, for or against but that he had a procedural question in that the application for setback relief had been tabled recently by the Board of Adjustment. He wondered if the Planning Board could go forward.

Mr. Holden replied that Attorney Pelech presented a good question. He suggested that the board could act upon the application before them subject to Board of Adjustment approval. Ms. Tillman explained that the Board of Adjustment application was tabled at the request of a tenant of the mall; that Demoulas wanted the opportunity to meet with the landlord.

Councilor Lown moved to table the application and wait for a decision from the Board of Adjustment. The motion was to table to the August 15th meeting of the Board. Mr. Will seconded the motion. The motion passed on a 7-1 vote with Mr. Coker voting in the opposition.

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C. City Council Referral - Request of **New England Glory LLC** to the City of Portsmouth for a quitclaim deed to clarify a certain corner boundary **(This referral was tabled at the Board's June 20, 2002, meeting to this meeting.)**

Mr. Will moved to take the application off the table. Councilor Lown seconded the motion. The motion passed unanimously.

Mr. Holden reported that City staff had met; that the proposal before the board is for a landscaping easement that would allow the City to remove the landscaping, if necessary.

Attorney Ed Ford addressed the board on behalf of New England Glory. He explained that the purpose of the easement is to give Mr. Dodds a certain degree of assurance as he installs and takes care of the plantings. Attorney Ford continued on to state that should the City need the property for such things as reworking the roadway, that the City would send written notice of that intention to New England Glory. He further explained that there is an underlying fee in dispute. That issue has not been resolved and was the original request to the City Council.

Mr. Holden interjected that the proposal is subject to revision; however, it was his understanding that the City wishes to maintain ownership. Staff did feel that it was appropriate to allow landscaping.

In answer to a question from Councilor Lown, Attorney Ford explained that Mr. Dodds has done a significant amount of work to what is commonly known as the Cutts Mansion; that he would like to have the ability to maintain the grassy area and the associated plantings as part of the overall beautification of the parcel. He commented that the unresolved issue is a title issue, not a survey error.

Attorney Bernard W. Pelech addressed the board and stated that he was speaking as a resident. It was his feeling that Mr. Dodds should be honored for what he has done with the property with his own "sweat equity". He reminded the board that the City has a program that grants "Adopt-a-Spot" to citizens. He felt that the recommendation would be a "win-win" situation for the City by allowing Mr. Dodds to beautify that triangle with the option that the City could remove the landscaping, if necessary. He pointed out that the resolution involves much less relief than what was originally asked for. He concluded his statement by indicating, "no harm, no foul".

In answer to a question from Mr. Coker, Attorney Pelech explained that the issue of who owns the land has not been decided.

Councilor Lown moved to favorably recommend to the City Council that the agreement be approved subject to review and approval by the City Attorney. The motion was seconded and passed unanimously.

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II. PUBLIC HEARINGS

A. The application of **Tucker's Cove, LLC** for property located at **1177 and 1179 Sagamore Avenue and off Odiorne Point Road** wherein Final 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. ±. The plan indicates a 10' access easement running from Lot 10-001 for the benefit of the property located at 1179 Sagamore Avenue. Said property is shown on Assessor Plan 224 as Lots 12, 13 and 10-001 and lies within Single Residence A and Mixed/Residential/Office districts. Plat plans are recorded in the Planning Department office as 7.3-02.

SPEAKING TO THE APPLICATION:

Dennis Moulton of Millette, Sprague & Colwell addressed the Board explaining that Corey Colwell could not be present. Mr. Moulton reminded the Board that they had previously granted Preliminary Approval for the lot line relocation involving a land exchange. He referred to the conditions of approval explaining that the shed has been removed; that the easement language has been forwarded to the City Attorney for approval; that iron pins have been set on site; and, that an application for final approval was submitted on June 28th.

The Chair asked if anyone else was present to speak to, for or against. Seeing none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will moved approval subject to the following stipulations. Councilor Lown seconded the motion. The motion passed unanimously.

- 1. **That the easement language be approved by the City Attorney as to content and form; and,**
- 2. **That permanent boundary monuments be established as per the requirements of the Public Works Department.** (It was stated at the meeting that iron pins had been installed.)

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B. The application of **Liberty Mutual Insurance**, owner, for property located at **333 Borthwick 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 38.7' x 13.7' one-story addition to the existing four-story building together with the construction of a 38' x 12' concrete pad to support the proposed relocation of the existing trash compactor. Said property is shown on Assessor Plan 240 as Lot 1 and lies within an Office Research district.

SPEAKING TO THE APPLICATION:

Anthony Esposito of Cubellis Associates presented the proposal. An area inside the buffer zone will be saw cut to make room for a 535 s.f. addition to the existing building to be used as a scanning room for deliveries made to Liberty Mutual. The area in question is already impervious area. A new concrete pad will be installed to the northwest of this addition. The loading dock area will not be changed significantly.

Mr. Esposito went on to say that the area of impact is at least 65' away from the edge of wet. He reiterated that the area to be used for the addition is already impervious area; that instead of paving, there will be a roof top. In concluding his presentation, Mr. Esposito stated that the Conservation Commission had unanimously recommended approval of the granting of the Conditional Use Permit at its meeting of July 10th.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will moved approval as presented. The motion was seconded and passed unanimously.

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C. The application of **HCA Health Services of NH Inc.**, owner, for property located at **330 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 installation of an ambulance entrance with associated drainage repair and the construction of a 795 s.f. "fill in" addition to be located within an Inland Wetlands Protection district. Said property is shown on Assessor Plan 240 as Lot 2-1 and lies within an Office Research district.

SPEAKING TO THE APPLICATION:

Dennis Moulton of Millette, Sprague & Colwell addressed the Board. He is the site engineer for the proposed addition. The proposal involves a canopy over an entrance drive, a new ambulance

entrance to the Pavilion area and a one-story infill between existing portions of the hospital building. The ambulance driveway and the one-story addition will impact the wetland buffer. The area is currently a break area with a snow roof for a protective walkway.

Mr. Moulton stated that there would be no adverse impacts on wetland values or functions. Any increased runoff would be very small compared to the total runoff from the site. The proposal will have no impact to surrounding properties. There will be no alteration to the natural vegetative state as the areas were previously disturbed.

Mr. Moulton advised the board that the Conservation Commission was concerned about the increase in impervious area. Therefore, porous pavement will be used for the new ambulance driveway.

A small detention area will be created immediately adjacent to the proposed ambulance entrance due to the fact that currently the water ponds there. The proposal will correct that situation.

The Conservation Commission voted unanimously to recommend approval of the issuance of the Conditional Use Permit. Mr. Moulton provided copies of an article of the use of porous materials at Walden Pond.

Mr. Coker referred to a notation of 26 spaces and asked if they were existing. Mr. Moulton replied that all spaces are currently existing; that three spaces would be lost.

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

DISCUSSION AND DECISION OF THE BOARD:

The Chair inquired if there was a maintenance schedule for the drainage repair. Mr. Moulton responded by stating that a maintenance schedule would be proposed.

Councilor Lown moved approval of the Conditional Use Permit subject to the following stipulations. Mr. Will seconded the motion which passed unanimously.

1. That the proposed paving be of porous material; and,
2. That a maintenance schedule for the drainage repair area be submitted to the Public Works Department with reports from said maintenance to be submitted to the Public Works Department.

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D. The application of **Jay Gingrich**, owner, for property located at **915 Sagamore Avenue** wherein site plan approval is requested for the construction of a 24' x 72' one-story addition to an existing building with associated site improvements. Said property is shown on Assessor Plan 223 as Lot 31 and lies within a Waterfront Business district.

Alan Marshall of Ambit Engineering addressed the board explaining that he was representing Jay Gingrich. He commented that the Traffic/Safety Committee reviewed the plans and the site in question and recommended approval before the sidewalk had been added to the plan. Therefore, Mr. Marshall asked that the site plan be approved without the sidewalk adding that the Sagamore Bridge is a very narrow bridge.

The proposal involves a 24' x 72' addition to an existing building. Parking will be provided in front of and to the rear of the building. Notations have been added to the plan regarding the installation of a silt fence and the removal of construction debris. Concrete bumpers will be installed at the end of the gravel parking spots. The inquiry as to whether NHDES approval is required for the discharge water entering Sagamore Creek is still pending.

Mr. Marshall then spoke to the requirement that the curb cut in front of the structure be reduced and that a sidewalk 55' in length be installed along Sagamore Avenue. The narrowed down pavement would be removed and loamed and seeded.

The Chair stated that it was his understanding that the applicant was requesting approval of the site plan without the addition of the sidewalk. Mr. Marshall reiterated that the Traffic/Safety Committee reviewed the plans before the sidewalk was added and had recommended approval of that plan. He added that the Sagamore Bridge is very narrow and was specifically built for vehicular traffic not pedestrian traffic. Mr. Coker commented that the bridge itself has a pedestrian walkway. Mr. Marshall responded that there is no sidewalk approach to the bridge that one has to walk in the roadway. Mr. Holden interjected that there would be a sidewalk if the site plan is approved.

Mr. Holden went on to state that there had been a discussion at the Technical Advisory Committee level concerning the fact that the State may be widening Sagamore Avenue some time in the future. City staff worked with the applicant and his design team in an attempt to narrow the driveway and curb cut as much as possible. Mr. Holden commented that the preferred plan reduced some parking; however, the applicant was not willing to go to that extent. It was Mr. Holden's opinion that the plan before the board is a good alternative. Mr. Holden went on to state that stipulating a sidewalk is no more than what the board asks of other applicants.

Mr. Holden pointed out that the Traffic/Safety Committee is a recommending body. He stated that it is very appropriate for the applicant to ask for the removal of the sidewalk; however, the department would not recommend it.

Mr. Will commented that his brother used to use the outpatient services at the Seacoast Mental Health Center on Sagamore Avenue and that those who use the service and live in town, sometimes walk back and forth. He stated that he would feel more comfortable with the inclusion of a sidewalk and that he did not feel that it would be unreasonable to ask for 55' of sidewalk.

Mr. Coker expressed his confusion over the parking area. Mr. Marshall explained that one would have enough room to maneuver without backing into the right-of-way.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Jankowski moved approval of the site plan with stipulations. Mr. Hopley seconded the motion.

Mr. Coker referred to the complaint that had been received regarding the repairing of boats at the site in question. Mr. Holden responded that the complaint is currently being looked at adding that a Building Permit would not be issued if a violation exists. The same thing would apply with any NHDES approval that might be required. In other words, no Building Permit would be issued without evidence being submitted of such approval.

Ms. Roberts inquired if the issue of lighting had been resolved. Mr. Holden indicated that all lighting should be shielded so that no lighting is directed onto adjacent property. Discussion ensued on snow storage location or removal and the placement of bollards around the LPG tank. The board was advised that trash is stored indoors; therefore, the need for a dumpster is eliminated.

The question was called. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That a note be added to the plan that the applicant shall call David Desfosses, Engineering Technician, Public Works Department for an inspection of the silt fence prior to the commencement of construction;
2. That the silt fence along the southerly side of the building should be extended a little further in a northerly direction just beyond contour 26;
3. That a note be added to the plan that any excavation material/construction debris shall be kept away from the tidal buffer zone;
4. That the site plan shall be modified to include the proposed sidewalk/curb cut improvements (Scheme A) and that the final design for the decrease in the existing curb cut shall be reviewed and approved by John Burke, the City's Parking and Transportation Engineer;
5. That the site plan indicate how the gravel parking spaces will be delineated;
6. That a determination be made as to whether NHDES permitting is required for the discharge from the lobster tanks to Sagamore Creek;
7. That the Septic System Approval # be added to the site plan; and,
8. That the Legal Department review the future Sagamore Bridge improvements and its impact on the proposed parking in Scheme A.

From the Planning Board:

1. That a note be added to the site plan that all lighting shall be directed downward and shall be in compliance with Article V of the *Zoning Ordinance*;
2. That the site plan indicate the areas of snow storage; and,
3. That the site plan indicate the placement of bollards in the vicinity of the LP gas tank.

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E. The application of **Micronics Realty Trust**, owner, for property located at **200 West Road** wherein site plan approval is requested for the construction of a one-story 44' x 100' addition to an existing building with associated site improvements. 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 presented the application on behalf of Micronics. Utilities are existing. The addition will be placed to the rear of the building and will be lined up with the existing footprint. The additional seven parking spaces associated with the addition can be accommodated with existing parking as shown on the plan. Thirty-nine spaces will be provided where 38 are required.

Ms. Winston went on to state that on June 20th, the Planning Board approved a Conditional Use Permit for the addition and that on July 2nd, the Technical Advisory Committee recommended approval subject to stipulations. Ms. Winston reported that an easement would be provided from the existing water easement; that is, from the corner of the two lots to the corner of the existing building where the shutoffs can be found.

The Chair spoke to the accessway that is used to get onto West Road from the parking lot. Ms. Winston explained that the accessway is covered by an easement.

The Chair asked for other speakers. There being none, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley moved approval. The motion was seconded and passed unanimously with the following stipulations:

From the Technical Advisory Committee:

- 1. That the landscaping plan shall be approved by Lucy Tillman of the Planning Department; and,
- 2. That the site plan indicate the existing water access easements.

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F. The application of **Millenium Borthwick, LLC**, owner, for property located off **Borthwick Avenue** wherein site plan approval is requested for the construction of two (2) three-story buildings each having a footprint of 50,400 s.f. for a total of 100,800 s.f. with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 259 as Lot 14A and lies within an Industrial district.

SPEAKING TO THE APPLICATION:

Richard P. Millette of Millette, Sprague & Colwell addressed the board informing them that Attorney Pelech was also present. He stated that he was present before the board last month for Conditional Use Approval and before them tonight for Site Review Approval.

The site in question is a vacant lot located between Liberty Mutual and Highliner Seafood. The proposal is for the construction of two buildings with the creation of 405 parking spaces. Mr. Millette explained that currently the sewer line runs down the middle of the property out into the public street; that the sewer line would be relocated onto public property. The proposal calls for off-site sidewalk construction in front of Highliner Seafoods and in front of the site in question along Borthwick Avenue.

Mr. Millette reported that Board of Adjustment approval was received for a reduction in the number of required loading berths. The Conditional Use Approval granted on June 20th was subject to the relocation of the dumpster. That dumpster has been relocated. The maintenance schedule for the detention area has been added to the left hand corner of sheet 2. The Technical Advisory Committee recommended approval of the site plan, with stipulations, at its July 2nd meeting. The conditions have been adapted to the site plan. Striping has been provided for left and right turns as one exits from Highliner Avenue. Internal sidewalks leading from the building to the street have been added to the plan. A bus stop will be worked in at the southerly portion of Borthwick Avenue.

Mr. Millette added that the original list of conditions are still intact, and the applicant is prepared to adhere to them as well.

The Chair asked that concrete pads be included in the parking lots for motorcycles and that areas be provided for bicycle racks. Mr. Millette commented that they don't have them but they could certainly add them. Mr. Millette remarked that he understood that the concrete pads at Pease are being used.

Discussion ensued regarding the maintenance schedule for the monitoring wells with the suggestion being made that the schedule be forwarded to the Public Works Department.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley moved approval. Mr. Will seconded the motion which passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That the site plan shall indicate the installation of left and right turn lanes on Highliner Avenue with reflective tape in conformance with City standards;
2. That a mass transit pullover be located on Borthwick Avenue subject to the review of John Burke, the City's Parking and Transportation Engineer;
3. That the landscaping plan shall be reviewed by Lucy Tillman of the Planning Department;
4. That each building shall have a municipal master box;
5. That the site plan shall indicate internal or on-site sidewalks from the buildings to Borthwick Avenue;
6. That the existing parking spaces located on Highliner Avenue shall be removed;
7. That should the buildings contain cooking facilities that separate grease traps shall be installed;
8. That the monitoring wells shall be installed under direction of the City's Water Division or a hydrogeologist as this project is within the Wellhead Protection Area for Portsmouth Well #1 and the Collins Well;
9. That an easement shall be granted to the City of Portsmouth for access to all monitoring well sites for sampling purposes;
10. That an initial sampling shall be performed at all monitoring well sites for all constituents for a groundwater supply, including TKN, Nitrates, Nitrites, VOCs and radionuclides;
11. That a well log, well construction and analysis of samples shall be turned over to the Tom Cravens of the City's Water Division prior to Certificates of Occupancy being issued for the buildings; and,
12. That the contractor shall comply with the Portsmouth Aquifer Protection Guidelines for construction activities within the Wellhead Protection Area.

From the Planning Board:

1. That the site plan indicate that reports from the maintenance schedule for the drainage system shall be submitted to the Public Works Department;
2. That the site plan indicate the location of concrete pads for motorcycles (one for each building);

- 3. That the site plan indicate the location of bicycle racks (one for each building); and,
- 4. That the site plan indicate the length of each proposed off site sidewalk.

As an aside, Mr. Holden reported back on the comments made at last month’s meeting by Mr. Martin Cameron that some 30 wells had been lost due to development on Borthwick Avenue. In reality some 35 wells were closed for routine maintenance. At the same time, a new well was created, a rather significant well, called the Collins Well. No wells were closed due to the impacts of development along Borthwick Avenue and I-95.

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III. NEW BUSINESS

A. Request by **Michael Iafolla** for property located off **Regina Road** for a one year extension of a Conditional Use Permit granted on August 16, 2001

Mr. Holden reported that he had encouraged the applicant not to appear in person before the board and to keep his attorney away from this standard procedure. Councilor Lown moved to grant the request. Mr. Will seconded the motion. Mr. Coker stated that he couldn’t say he was opposed to the board’s standard practice; however, he could remember struggling with this lot and he was a little disappointed to see a “For Sale” sign going up.

Mr. Will spoke to the standard practice of a one year extension and felt that the board should look at every application differently. Mr. Holden interjected that the board included the proviso of a one-year extension in the ordinance; that any extension requests beyond that would require a Public Hearing.

Mr. Coker suggested that the one year extension provision should be revisited reiterating that a lot of work had gone into the approval and that the request just didn’t sit well with him. Mr. Coker stated that he would reluctantly vote for the extension. The motion passed unanimously.

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Item not on the Agenda -- Master Plan

Mr. Holden announced that a work session on the Master Plan would be held at the Sheraton Hotel on Saturday, August 3rd, from 9:00 a.m. to 11:00 a.m.

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IV. ADJOURNMENT was had at approximately 9:20 p.m.

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Respectfully submitted,

Barbara B. Driscoll
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on