

Mr. Sullivan informed Mr. Moulton that a number of years ago the Planning Board, during its deliberations of the site plan for Wendy's, made sure that there was no access from that plaza out onto Commerce Way. Furthermore, the Board made sure that there would be no access from BJ's parking lot out onto Commerce Way. The Board, at that time, felt that vehicles would travel at a high rate of speed through the plaza putting people at jeopardy. Mr. Sullivan continued on to state that he would not be pleased to see that parking lot opened up to Commerce Way. Mr. Moulton responded by stating that the issue would come up at Technical Advisory Committee and Site Review.

Mr. Holden interjected that the issue is a Site Review concern and would be addressed at a later time; that the issue did not have any bearing on the Conditional Use request. The Chair concurred that the issue would come up under Site Review; that Mr. Moulton should consider himself forewarned. Mr. Moulton responded that a number of scenarios had been discussed; that this proposal must have the access to Commerce Way.

Mr. Coker directed the Board back to the issue from the last meeting concerning the treatment of stormwater runoff and stated that it was his understanding that Mr. Moulton had not changed his choice of design since the last meeting. Mr. Moulton responded by stating, "That is correct". Mr. Coker referred to Mr. Moulton's letter of August 8th and the table of suspension rates. Mr. Moulton pointed out that the applicant is providing treatment for what they is felt to be appropriate.

Mr. Coker spoke to criteria #4 for granting a Conditional Use Permit; that being that the applicant shall demonstrate that the proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of the ordinance. Mr. Moulton referred to the site constraints and the fact that there is not enough room to build a conventional structure. It was his opinion that the proposed treatment would reduce the amount of pollutants entering the wetland. In other words, that the situation would be improved. Mr. Moulton continued on to state that there is no definitive research that the Vortechs style system is absolutely the best.

Mr. Coker responded by stating that he is not a storm water runoff expert but that he felt that there were alternatives that would have a far higher removal rate. He stated that it was his opinion that criteria #4 had not been met. Mr. Moulton responded by stating that he respected Mr. Coker's opinion.

The Chair inquired if there was anyone else wishing to speak, to for or against.

Peter Britz, the City's Environmental Planner, addressed the Board and referred to a memo that he had written to the Board. He stated that it was not an easy task to compare water quality treatment basins. It was his opinion that the applicant would be improving site conditions with the plan that had been presented. He continued on to state that he could find no definitive research. He pointed out, for example, that the Vortechs style system has an 80% rate for a one year period where the water quality inlet has a 35% rate for a 10 year storm event.

Mr. Britz went on to state that the applicant would clean out the system on a regular basis and that the system would be sized for the site. Mr. Britz reiterated that the long and short of it is that the proposal would benefit the project.

The Chair suggested that a Vortechs style system be referred to as a swirl separator rather than using trade names.

Mr. Britz continued on to state that the Conservation Commission took into consideration the fact that storm water is currently running directly into the wetlands and that the small amount of additional impervious area is previously disturbed area.

Mr. Will referred to criteria #4 and best "alternative" not best "improvement". Mr. Britz stated that the issue is largely a Site Review issue regarding engineered structures and he suggested that the regulations be upgraded. He reiterated that he could not find enough information to state that one method is better than another.

Mr. Sullivan reiterated his concern about the right-of-way and felt that the sequence of events might be counter productive.

Mr. Ricci inquired if the systems are one size fits all. Mr. Britz responded by stating that the proposal is for a 1,500 gallon system; that the systems can be sized out.

Mr. Sullivan wondered if there could be a follow-up procedure to determine, after a system has been installed, whether the system is working. Mr. Britz stated that the sediment needs to be cleaned out of the system; that assurances should be had that the manufacturer's recommendations are followed. Mr. Sullivan inquired if the City has somebody that supervises that function. The Planning Director, David Holden, interjected that the Public Works Department takes care of the City functions. It was suggested that stipulations could be included with any approvals placing the onus on the property owner. Mr. Holden commented that the City is very much concerned about storm water runoff as Federal regulations are getting stricter and the City must certify that it is in compliance.

Mr. Coker stated that he agreed to disagree referring to a science and engineering newsletter. He felt that the situation before the Board was a unique one where a Conditional Use Permit is being requested for an area where runoff flows straight into the wetlands. It was his contention that there are better alternatives than what is being proposed.

Mr. Moulton replied that maintenance is an issue and that part of their proposal, when they get to Site Review, will be that a maintenance report will be submitted to the Department of Public Works. He reiterated his statement concerning lack of information and lack of independent verification on storm water treatment. He went on to explain that with a water quality inlet system, the collection of any oil spill can be easily cleaned up before the runoff enters the wetland. He concluded his presentation by stating that he would stand on his contention that the proposal is appropriate for the lot.

The Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

The Chair referred to the criteria necessary to grant a Conditional Use Permit. It was the Chair's opinion that consideration of what is "best" is not within the Board's purview. He reminded the Board that they are not environmental scientists and urged the Board to be careful.

Mr. Coker commented that he did a lot of research on the internet. He stated that he did not feel that what was being proposed would have the least impact.

Mr. Sullivan moved to approve the application as presented. Mr. Will seconded the motion for discussion purposes.

Councilor Lown stated that he would be voting against the motion in that it was his feeling that the applicant had not met the burden of explaining why an additional 1,800 s.f. of pavement was necessary with a 20 acre lot.

Mr. Coker reiterated his contention that there are better alternatives.

Mr. Savramis stated that the present condition is not good; that the applicant is proposing to improve the situation; therefore, it was Mr. Savramis's opinion that criteria #4 had been met.

The motion to approve passed on a 5-2 vote with Messrs. Lown and Coker voting in the negative and Messrs. Ricci, Sullivan, Will, Savramis and the Chair voting 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 July 18, 2002, meeting to this meeting.)**

Mr. Will moved to take the application off the table. Mr. Sullivan seconded the motion that passed unanimously. Mr. Holden recommended to the Board that the application be re-tabled to the September 19th meeting adding that all abutters would be so notified.

Mr. Holden went on to state that he had failed the Board at a previous meeting where a tabling action was taken to allow for Board of Adjustment action on a setback variance. Mr. Holden explained that action on a Conditional Use Permit usually occurs before any Board of Adjustment action. Mr. Will commented that given the nature of the presentation, Mr. Holden was forgiven.

Mr. Will moved to table the application to the Board's September 19th meeting. Mr. Savramis seconded the motion that passed unanimously.

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II. PUBLIC HEARINGS

A. The application of **Liberty Mutual Insurance**, owner, for property located at **225 Borthwick Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(A) of the *Zoning Ordinance* for the construction of a portion of a paved access way within an Inland Wetlands Protection District in order to allow for a paved access to an emergency generator. Said property is shown on Assessor Plan 240 as Lot 1 and lies within an Office Research district.

SPEAKING TO THE APPLICATION:

Mike Leo of Vanasse Hangen Brustlin addressed the Board and presented the proposal for a third emergency generator. He stated that the access to the rear of the building is partially paved with the remainder being gravel. He explained that the reason behind the request for the paved access

is to allow fuel trucks to access the generators without creating ruts in the springtime and to allow for easier maintenance; especially, plowing.

Mr. Will inquired if the only vehicles to use the access way would be fuel trucks. Mr. Leo responded by stating that they would be the primary users. Mr. Will expressed his concern regarding any spillage. Mr. Leo explained that the tanks are set below the generators themselves

(referring to diesel tanks). He referred to a spill prevention plan that would contain any spills. The entire paved area will drain to a catch basin. Mr. Leo informed the Board that the Conservation Commission asked that a flood containment berm be extended and that hooded structures be installed on the catch basins.

Lenore Weiss Bronson of 828 Woodbury Avenue addressed the Board explaining that she is a resident of Portsmouth who is concerned about the wetlands. She informed the Board that she had called Professor Don Green (a member of the Conservation Commission) about this application. It was her opinion that it was important to have a porous surface rather than asphalt pointing out that the runoff would eventually enter the North Mill Pond. She stated that Dr. Green had pointed out that all of the wetlands are connected. It was her opinion that parking garages would be a better alternative to spreading more asphalt.

The Chair called for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Sullivan moved approval of the Conditional Use Permit subject to the following stipulations from the Conservation Commission. The motion was seconded and passed unanimously:

1. That the existing berm be extended in such a manner as to ensure that all run off is routed to the existing catch basins; and,
2. That an oil/water separator be added to handle the run off from the generator pad and associated pavement that currently discharges directly into the duck pond.

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B. The application of **505 Lafayette Road, LLC**, owner, for property located at **605 Lafayette Road** wherein site plan approval is requested for the enclosure of an existing 8' x 28' canopy at the rear of the existing building with associated site improvements. Said property is shown on Assessor Plan 229 as Lot 9 and lies within a General Business district.

SPEAKING TO THE APPLICATION:

Jessica Winston of Millette, Sprague & Colwell addressed the Board and presented the proposal to enclose an existing 8' x 28' canopy. She informed the Board that the Technical Advisory Committee, at its July 30th meeting, recommended approval of the site plan with three stipulations. Ms. Winston reported that two traffic islands have been reconfigured and that the landscaping had been reviewed by Lucy Tillman of the Planning Department. Ms. Winston went on to report that clarification was submitted on the shared parking spaces. She further stated that at an on site with the Traffic/Safety Committee that a suggestion was made for a "No Left Turn" sign to be posted at the entrance to the site.

Councilor Lown spoke to the issue of the four parking spaces located at the top of the lot. Ms. Winston offered the information that there is a cross easement for parking. The Planning Director, David Holden, read the pertinent section from the submitted deed.

The Chair inquired as to snow storage. Ms. Winston replied that as there would be an excess of parking spaces, that there would be room for snow storage. The Chair asked that such be shown on the plan and suggested that snow could be stored on the proposed 3' wide paved island.

There being no further speakers, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Councilor Lown moved for approval of the site plan subject to the following stipulations: Mr. Sullivan seconded the motion. The motion passed unanimously.

From the Technical Advisory Committee:

- 1. That certain traffic islands be reconfigured to provide for additional landscaping;
- 2. That clarification be submitted on the ownership of the four spaces at the top of the lot; and,
- 3. That the Department of Public Works review the traffic island reconfiguration prior to the Planning Board meeting.

From the Planning Board:

- 1. That the site plan indicate the snow storage areas.

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C. The application of **Liberty Mutual Insurance**, owner, for property located at **225 Borthwick Avenue** wherein site plan approval is requested for the construction of a 532 s.f. one-story addition to the existing four-story building to be used as a scanning room and the construction of a 38' x 12' concrete pad to support the proposed relocation of the existing trash compactor with associated site improvements. Said property is shown on Assessor Plan 240 as Lot 1 and lies within an Office Research district.

SPEAKING TO THE APPLICATION:

Tony Esposito of Cubellis Associates addressed the Board and reminded them that he had appeared before them on July 18th for a Conditional Use Permit for the proposed use. He informed the Board that the Technical Advisory Committee had recommended approval with no stipulations.

Mr. Esposito went on to state that the amount of pavement would be reduced; that the existing pavement would be removed via saw cutting; and that a concrete structure would be put in place for the compactor.

The Chair brought up the issue of roof drainage and inquired as to where the runoff would flow. Mr. Esposito stated that he would have to check with the architect pointing out that there is a drainage system on site.

Mr. Coker did not feel that the issue was a major one pointing out that roof runoff is cleaner than pavement runoff. The Chair interjected that the Technical Advisory Committee had not indicated any concern with stormwater runoff.

The Chair called for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will moved approval and Councilor Lown seconded the motion. The Board asked for a report back on the roof drainage. The motion passed unanimously.

D. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Two International Group**, applicant, for property to be known as **100 International Drive** wherein Preliminary and Final Subdivision Approval is requested for the creation of a thirteen acre (plus or minus) lot with some 948' of frontage off International Drive. Said property is shown on Assessor Plan 306 as Lot 2 and lies within the Pease Industrial district.

E. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Two International Group**, applicant, for property to be known as **100 International Drive** wherein site plan approval is requested for the construction of a three-story, 39,150 s.f. footprint office building with a total of 103,000 s.f. of floor space with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 306 as Lot 2 and lies within the Pease Industrial district.

The Chair opened both public hearings at once.

SPEAKING TO THE APPLICATION:

Mike Peloso, the civil engineer for the project, presented the proposal for Two International Group and presented a rendering of what the building would look like. He spoke to a proposed 13.8 acre lot that would be situated across the street from Lonza Biologics.

515 parking spaces will be provided – one for every 200 square feet of floor space. Mr. Peloso spoke to the installation of vertical and sloped granite curbing. A new gas line will be extended from the adjoining Baumann property. Mr. Peloso also spoke to the water and sewer lines. An extensive landscaping plan has been submitted.

Runoff will be via treatment swales and a detention basin to an existing drainage system. Roof drainage will enter a detention basin, catch basins, drain pipe to a treatment swale and enter the wetlands to the back of the property.

Mr. Peloso explained that the southernmost sidewalk was removed from the plan and that such things as pavement markings, stop signs and pedestrian crosswalks had been added to the plan.

He further stated that the applicant was agreeable to participation in a traffic study that would result in a formula for a contribution to the traffic signal improvements at the Tradeport.

The existing asphalt sidewalks will be replaced with concrete sidewalks. Mr. Peloso stated that the existing sewer service would be reviewed, to ensure that they are not servicing anything at

this time, with the Public Works Department. As far as the electrical connection is concerned, a temporary service pole will be removed once the electrical service enters the conduits.

Mr. Peloso indicated that the applicant would work with the Pease Development Authority on street lights further indicating that the parcel would have its frontage off International Drive.

A maintenance schedule for the stormwater structures will be forwarded to the City's Department of Public Works. Mr. Peloso reported that a detail on the catch basin had been

added to the plan. He reported that the loading docks and berths would meet the standards of the Pease Development Authority.

The Chair asked Mr. Peloso to review the subdivision plan with Mr. Peloso explaining that the 13.8 acre lot would be carved out of a larger parcel.

The Chair inquired as to whether there would be a cooking area in the building. Mr. Peloso responded by stating, "not that I am aware of". The Chair cautioned that if a cooking area is provided that a grease trap would be required.

Mr. Ricci noted that the inlet and outlet elevations are the same and expressed his concern about the effect of a heavy storm. He spoke to the installation of a berm.

Councilor Lown spoke to the saving of the trees; such as, a mixture of large pines, maples and pin oaks. Mr. Peloso explained that the original landscaping had been created as part of the siting of the former barracks.

There being no further speakers, the Chair declared the two Public Hearings closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will moved to recommend the subdivision approval. Councilor Lown seconded the motion that passed unanimously.

Mr. Coker moved to recommend approval of the site plan. Mr. Savramis seconded the motion.

Mr. Will commented that as a general rule he votes against placing any buildings within 100' of a wetland. He pointed out that the Board's final say, in this instance, is not the final say (referring to the fact that the final say is with the Board of Directors of the Pease Development Authority). It was his opinion that it was time for a change in the 25' wetland buffer requirement at the Tradeport.

Mr. Coker felt that Mr. Will's point was well taken and that he, Mr. Coker, would like to see the Pease Development Authority adopt a 100' setback. However, he stated that although his heart is with Mr. Will that he would support the motion reluctantly.

Councilor Lown inquired if the Pease Development Authority could disregard the Board's recommendation. Mr. Holden responded by stating that the Board is serving as the Pease Development Authority's Site Review Committee and, as such, that the Board was basically using the Pease regulations pointing out that the plan before the Board meets the regulations of the Pease Development Authority (PDA).

The Chair stated that the Board is making a recommendation that could be disregarded; however, over the years the PDA Board of Directors have worked with what the Planning Board had given

them; such as, concrete sidewalks and underground utilities. The issue of wetlands has just not been one of them.

Mr. Will conceded that a lot had been accomplished; however, he felt that there was a great distance yet to go. The Chair responded by stating that he felt that provisions for snow storage areas, bicycle racks, concrete pads for motorcycles and dumpster enclosures was a step in the right direction.

Mr. Holden asked for direction in the preparation of a letter expressing the Board's concerns.

The question was called. The motion to recommend approval of the site plan subject to the following stipulations passed on a 6-1 vote with Mr. Will voting in the negative.

From the Technical Advisory Committee:

1. That the site plan indicate an internal sidewalk out to the street;
2. That consideration be given to the elimination of one of the two sidewalks shown on the driveway;
3. That a striping plan for the intersections be reviewed internally by David Desfosses, Engineering Technician with the Public Works Department and John Burke, the City's Parking and Transportation Engineer;
4. That the site plan indicate internal crosswalks;
5. That the Pease Development Authority be encouraged to work with the applicant to determine what the appropriate formula should be for the applicant's share in the off-site costs necessitated by the traffic improvements;
6. That the site plan contain a note that concrete sidewalks will be installed;
7. That the sewer decommissioning be reviewed with the Public Works Department;
8. That the site plan indicate that the extra pole will be eliminated once the conduits are in place;
9. That the applicant shall supply and have installed as part of the site development poles and lamps as determined by the City and the Pease Development Authority;
10. That a maintenance schedule for the catch basins with oil/water separators be provided to the Public Works Department;
11. That the site plan contain a detail sheet on the catch basins;
12. That the site plan indicate a lighting pattern and the type of lighting fixture to be used; and,
13. That compliance be had with the loading dock requirements of the Pease Development Authority.

From the Planning Board:

1. That a maintenance schedule for all detention basins and treatment swales be submitted to the Public Works Department with maintenance reports to be submitted to the Public Works Department; and
2. That a 1' berm be included in the detention basin with the design to be reviewed by David Desfosses of the Public Works Department.

Mr. Will moved to authorize the Planning Director to draft an appropriate letter expressing the Board's concerns. Mr. Coker seconded the motion that passed unanimously.

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F. The application of **St. James Church**, applicant, for property located at **2075 Lafayette Road** wherein site plan approval is requested for improvements to the existing parking lot including reclamation on site with the installation of new pavement. Drainage will be improved with the opening of the catch basin on Lafayette Road and with the addition of a drainage pipe along the berm located at the rear of the parking lot. Said property is shown on Assessor Plan 268 as Lot 97 and lies within a Single Residence B district.

Let the record show that the Chair stepped down from sitting on this application and handed the gavel to John Sullivan.

SPEAKING TO THE APPLICATION:

Father Agapit, pastor of St. James Church, addressed the Board and presented the proposal for improvements to their parking lot that would include drainage improvements. He informed the Board that the stipulations from the Technical Advisory Committee had been met. He further informed the Board that Bob Iafolla was the consulting engineer.

Some members of the Board were concerned that some of the new pavement would be within the 100' buffer. Fr. Agapit did not feel that the wetlands was a jurisdictional wetlands under Article VI.

Bob Iafolla addressed the Board as a parishioner and informed the Board that if, in fact, it was determined that some of the pavement would be within the wetland buffer, then the pavement line would be relocated so that no new pavement would be within the buffer.

Councilor Lown asked about the results of the rational method calculations. Mr. Holden responded that the result was that there would be a slight reduction in stormwater runoff. Fr. Agapit explained that currently the runoff from Lafayette Road enters the parking lot causing icing conditions in the winter months due to the fact that granite curbing blocks the catch basin. That situation will be remedied.

Mr. Sullivan inquired if there were any other questions for Fr. Agapit or Mr. Iafolla. There being none and there being no further speakers, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Councilor Lown moved approval subject to the following stipulations. Mr. Will seconded the motion. The motion passed on a 6-0 vote.

From the Technical Advisory Committee:

1. That a note be added to the plan that NHDOT approval is needed for the proposed improvements to the catch basin on Route 1;
2. That the rear property line be accurately indicated on the site plan;
3. That a number be submitted to the Planning Department (prior to the Planning Board meeting) using rational method calculations indicating that the proposed berm diverts an equal or greater amount of water than the proposed pavement is going to provide; and
4. That the site plan indicate the relocated drain line and the under drain.

From the Planning Board:

1. That no new pavement shall encroach upon the 100' buffer from a jurisdictional wetland.

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III. NEW BUSINESS

- A. **1574 Woodbury Avenue** -- Request for a one year extension of site plan approval granted on August 16, 2001

Mr. Holden explained that the request is a first time request before the Board adding that it would protect the applicant's rights under the regulations; that if the project is not started by next year, then a Public Hearing would be required in order to extend site plan approval further.

Mr. Sullivan so moved. Councilor Lown seconded the motion that passed unanimously.

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- B. **Scheduling of proposed work session on drainage swales for the September meeting**

Peter Britz, the City's Environmental Planner, stated that he would like to reserve a one hour block of time for a presentation from a representative of the NHDES. The Board agreed to have such a session at 6:00 p.m. immediately prior to their September 19th meeting.

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Item not on the Agenda:

Proposed car wash on Lafayette Road -- Mr. Holden informed the Board that the applicant had inquired as to installing a stormwater system other than the stipulated Vortechs system. Mr. Holden advised the Board that a letter had been sent to the applicant explaining that the installation of another system would require a return to the Planning Board for approval. The Chair commented that the Board had been very specific with this particular application as to the system to be used. Mr. Coker concurred that any change in the specified stormwater system would absolutely have to come back to the Board. In fact the whole Board concurred.

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Resignation of Vice Chair Carrier -- The Chair reported that he had received the resignation of Ernie Carrier. He thanked Mr. Carrier for his work and stated that he would be missed. The Chair commented that a time frame would be set for the election of a Vice-Chair.

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Master Plan Planning Process -- The Chair reported that a thank you letter had been sent to Cliff Sinnott of the Rockingham Planning Commission thanking him for his presentation at the Master Plan work session held at the Sheraton Hotel. The Planning Director stated that groups consisting of two or three board members would be established adding that the Board itself would be a Committee of the Whole for the land use section. The Chair indicated that he was anxious to receive input from the residents in the City.

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IV. ADJOURNMENT was had at approximately 9:15 p.m.

Respectfully submitted,

Barbara B. Driscoll, Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on