

Mr. Will moved to take the application off the table. Mr. Hopley seconded the motion. The motion passed unanimously. Mr. Holden interjected that the application had been tabled in order to determine the extent of the jurisdictional wetland. The City's consultant found that the wetlands were less significant than originally presented; thus, there was no need for a Conditional Use Permit.

Mr. Will so moved. Mr. Hopley seconded the motion that no Conditional Use Permit was required. The motion passed unanimously.

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B. The application of Heron Realty Trust, owner, and **Sean Correll**, applicant, for property located at **917 Greenland Road** wherein site plan approval is requested for the creation of a sixteen space parking lot for a proposed take out/eat in café with associated site improvements. Said property is shown on Assessor Plan 259 as Lot 7 and lies within a Single Residence B district. **(This application was tabled at the Board's October 17, 2002, meeting to this meeting.)**

Let the record show that Mr. Will recused himself from sitting on this application.

Mr. Hopley moved to take the application off the table. Mr. Savramis seconded the motion which passed unanimously. The Chair noted that the Public Hearing had been left open.

Eric Weinrieb, a professional engineer with Altus Engineering, addressed the Board and stated that he was representing the applicant, Sean Correll. He spoke to the revised plans that had been submitted and referred to the comments that had been received from David Desfosses of the Public Works Department and assured the Board that those comments would be addressed.

Mr. Weinrieb also spoke to changes in the proposed grading and pointed out the two angled parking spaces facing the westerly abutter. He stated that instead of nine parking spaces to the north, there are now ten and that the plan indicates a 14' minimal aisle width. A better buffer has been created around the building to eliminate the potential of vehicles hitting the building. Mr. Weinrieb referred to the location of the one handicapped parking space and noted that the open space would be at 32%.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden noted that the applicant had met the requirements and that the Public Works Department had reviewed the revised plan. He recommended that the Board take a favorable action on this application. Mr. Holden reminded the Board that a lawsuit is pending in the Superior Court regarding the relief granted by the Board of Adjustment. He stated that the department would work with the applicant and the Legal Department to see if the plan should be referred back to the Board of Adjustment due to changes in the plan that was originally presented to the Board of Adjustment.

The Chair interjected that any action by the Planning Board would not affect any action by the Board of Adjustment.

Councilor Lown inquired as to what Variances were granted, and Mr. Holden provided that information. It was Councilor Lown's suggestion that the application before the Planning Board

be tabled until such time as there was an adjudication of the appeal. Mr. Holden interjected that technically the applicant could go forward at his own risk. He continued on to state that it was his understanding that the applicant was desirous of going forward.

Mr. Hopley moved approval of the site plan. The motion was seconded. In speaking to his motion, Mr. Hopley stated that the Board was looking at site development standards and suggested that the Board should keep land use and zoning issues as a separate entity. Mr. Hopley went on to state that the applicant has indicated a willingness to go forward at his own risk; that the application was tabled at last month's meeting due to the lack of thoroughness of the plan; that the applicant, in good faith, came back this month with a revised site plan.

Councilor Lown expressed his belief that Mr. Hopley was right and that the Board should probably make a decision adding that the applicant knowing the risk involved would be foolish to sink a lot of money into the project. Councilor Lown went on to state that he felt that the parking and traffic issues had been addressed; therefore, he would support the motion. The motion passed on a 7-0 vote (Mr. Will did not sit on this application) with the following stipulation:

That the Planning and Legal Departments meet in terms of a recommendation to the Board of Adjustment and that such meeting shall include the abutter's attorney, as appropriate...

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II. APPROVAL OF MINUTES

A. October 17, 2002, meeting

Councilor Lown moved to approve the minutes as submitted. Mr. Will seconded the motion. The motion passed unanimously.

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II. PUBLIC HEARINGS

A. The application of the **City of Portsmouth, owner and the Portsmouth Housing Authority, applicant**, for property located at **5 Junkins Avenue** (the 1895 building at the Municipal Complex) wherein site plan approval is requested for the renovation of the old Cottage Hospital into twenty units \pm of senior housing with associated site improvements. Said property is shown on Assessor Plan 110 as Lot 1 and lies within the Municipal and Historic A districts.

SPEAKING TO THE APPLICATION:

John Chagnon of Ambit Engineering addressed the Board indicating that Ted Connors of the Portsmouth Housing Authority and Rick Goduti, architect for the project, were also present together with Cindy Hayden, Director of Community Development. Mr. Chagnon spoke to the plan that would convert the 1895 building into 20 units of elderly housing. He explained that Sheet C-1 depicts the existing conditions as well as the proposed demolition; such as, the floodlights that are attached to the building. New lighting will be installed to match the existing lighting in front of the entrance to City Hall. At the northerly side of the building, the existing

concrete pad and stairway will be removed. Some pavement will be removed to make way for additional parking spaces. The bike rack will be taken out. The fire escapes will be removed from either end of the building. Some landscaped areas will be created.

Mr. Chagnon then referred to Sheet C-2 and the parking layout pointing out that some pavement will be added to the southerly side where restriping will occur and a new traffic pattern will be created. Exclusive parking will be provided for the elderly. There will be a drop off area and 15 minute parking in front of the facility. Twenty-five spaces will be provided in the south parking area.

A small addition to the building footprint would bring the elevator core up to standards. An accessible ramp will be provided on the southerly side. A brick sidewalk will be installed all around the building providing some exercise opportunities for the residents. Tip downs will be provided at appropriate locations. The crosswalk will be restriped.

Mr. Chagnon then referred to Sheet C-3 which shows the grading. Some changes to the grade will be made to accommodate ramps and curbing. Pavement will be added on the easterly side to an area that is currently grassed.

A new fire service and a new water service will be brought in off Junkins Avenue as well as a new gas service. The electric service will be underground and will be dropped down from a pole on Junkins Avenue and connected to a transformer to the building. The sewer service will be replaced with a new service bringing it out to a manhole just north of the entrance drive.

Mr. Chagnon reported that the Technical Advisory Committee had issued a favorable recommendation at its November 5th meeting. He reviewed the stipulations that were associated with that approval informing the Board that the domestic water service had been added to the plan; that work was still being done on the landscaping plan and that additional work was being shown subject to future funding. He explained further that at the request of the City, improvements had been included to the north parking lot resulting in more parking spaces and that improvements had been included to the access to the City Hall from the lower parking lot; such as, to the stairs and the crosswalks. He referred to the note on Sheet C-2 that indicated that these improvements are shown for capital design purposes and are not the responsibility of the applicant but are subject to future funding in the Capital Improvement Plan of the City.

Mr. Hopley questioned the location of the handicapped parking spots with Mr. Chagnon replying that such were placed in an area where there would be enough room as possible to get in and out of vehicles and where appropriate signage could be installed. He noted that two drop off spots would be available for those people who need to be dropped off.

Mr. Will spoke to the fact that 25 parking spaces are being provided for 20 units. Mr. Chagnon explained that the parking would be dedicated to the occupants of the building. Ted Connors of the Portsmouth Housing Authority explained that more and more seniors have their own cars and keep them longer adding that one vehicle for each unit is about the norm. Mr. Holden interjected that there are standards for elderly housing and that a one to one ratio does meet the requirements.

The Chair suggested that a sign be posted indicating that parking is for the Portsmouth Housing Authority only. Mr. Connors indicated that the vehicles would have decals and would be assigned specified parking spots.

Mr. Hopley spoke to the accessibility details of the ramp and asked if the assumption was being made that the architect would pick up on those details. Mr. Hopley suggested that a note be added to the plan referring to architect's drawings for stair, ramp and rail guard systems.

Ms. Roberts, as the Planning Board's representative to the Historic District Commission, reported that a very productive meeting had been held with the architect and City staff adding that it was exciting to see the building preserved and used. She went on to state that she was pleased to see that Federal funding had been allocated for this project adding that there were serious limitations on what the Historic District Commission could do as the building is on the Historic Register.

The Chair stated that it was his understanding that the bus stop is right in front of the entrance to City Hall and wondered if that was close enough. Mr. Chagnon responded that the stop is actually in front of the Seybolt Building which is a perfect location.

The Chair made three calls for speakers. Seeing none, the Chair declared the Public Hearing closed and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley moved approval of the site plan. Ms. Roberts seconded the motion. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

- 1. That the site plan indicate a new domestic water service;
- 2. That the landscaping plan be reviewed with Lucy Tillman of the Planning Department; and,
- 3. That the site plan show additional improvements outside of the limited work area that would be subject to future CIP funding.

From the Planning Board:

- 1. That a note be added to the site plan that reference should be made to the architect's drawing for ramp and stair construction; and,
- 2. That a sign be posted indicating parking for Portsmouth Housing Authority only or such wording as may be appropriate.

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B. The application of **John Iafolla Co., Inc., owner, and Richard W. Sylvester, applicant,** for property located **off Banfield Road** 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 one-story 260' x 100' (26,000 s.f.) building to be used for warehouse/storage space with associated parking and truck loading zones within the City's 100' Inland Wetland Protection District. Said property is shown on Assessor Plan 254 as Lots 2 and 3 (lots to be combined) and lies within an Industrial district.

Let the record show that John Ricci and Councilor Lown excused themselves from sitting on this application.

SPEAKING TO THE APPLICATION:

Attorney Bernard W. Pelech addressed the Board and informed them that Messrs. Sylvester and Iafolla were also present. He further informed the Board that Jessica Winston of Millette, Sprague & Colwell, the site engineer, was present. Attorney Pelech stated that the site in question is situated on the left side of Banfield Road immediately before the Ricci Supply office site. He went on to state that Mike Iafolla could provide the Board with a long history on the previously disturbed piece of land adding that the wetlands were filled in the '60s; that the land had been used for salt storage and many different uses; such as, a vehicle impound yard and storage of construction equipment.

Attorney Pelech spoke to the manmade wetland that had been created during the development of the Iafolla property that ran from Banfield Road to Lafayette Road in that development drainage created a natural flow towards this area and dictated the creation of drainage swales through this property.

Attorney Pelech then spoke to the proposed use for the building which he felt would be a good use for an Industrial district adding that it would be better than what is out there presently pointing out that sheet flow runs unabated into the wetlands. As part of the site plan, stormwater runoff will be directed, stored and treated before it enters the wetland.

The proposal will infringe some 15' into the 100' buffer zone. Attorney Pelech spoke to two loading bays and associated paving within the buffer zone referring to the necessary turning radius for eighteen wheelers. He pointed out that the building could not be shifted more to the east due to the setback requirements from the septic system. He reiterated that the plan was a good plan providing for an appropriate use for the site. It was his opinion that there would be no more impact to the wetlands than what is currently out there and that the benefits would be more.

Jessica Winston of Millette, Sprague & Colwell addressed the Board and spoke to the proposed 260 x 100 building for warehouse storage and mixed uses with associated parking and loading within the 100' buffer. She informed the Board that the Conservation Commission had issued a favorable recommendation at its November 13th meeting.

Ms. Winston mentioned that a large portion of the site would be paved to provide adequate movement for large trucks. The collection of stormwater runoff will be done in a controlled fashion. It was her opinion that the land was reasonably suited for the use in that the site is industrially zoned and is surrounded by industrial uses. She stated that the site was surrounded by manmade wetlands. She did not feel that the wetlands would be adversely impacted by the proposal and felt that there would be no adverse impact to surrounding properties. She reiterated that the stormwater runoff would be treated thus enhancing the wetland values. At this point in the proceedings, Ms. Winston submitted photos of the site in question.

Ms. Winston went on to state that the use would be low key reiterating that the site was previously disturbed and that this would provide an opportunity to treat the runoff.

Mr. Will inquired as to the concerns of the Conservation Commission. Peter Britz, the City's Environmental Planner, addressed the Board and informed them that the Commission wanted the Site Review Committee to take a close look at drainage. Also, the Commission questioned the size of the building for the site and wondered if the size of the building could be reduced.

Attorney Pelech offered that Corey Colwell was present at the Conservation Commission meeting and had satisfied the concerns of two of its members.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will indicated that he had serious reservations about the project and wondered if the building could be reduced in size eliminating the need for a Conditional Use Permit. Mr. Will moved to table the application to the December 19th meeting of the Board for more detailed information from the Conservation Commission; such as, minutes, etc. Mr. Savramis seconded the motion.

Mr. Holden indicated that the Board has the usual information that it normally receives on Applications for Conditional Use Permits plus it had the report from Peter Britz; that Mr. Will was considering going beyond the scope normally done in other situations. Mr. Holden reminded the Board that the Commission had recommended approval.

Mr. Will commented that he would like to feel more comfortable and would like to have a warm and fuzzy feeling in his tummy; that he just preferred to have a few more details; such as, the minutes so that if the Board still has concerns, they would have a framework to agree or disagree with the Conservation Commission. The motion to table failed on a voice vote.

The question was asked of the applicant if there would be another way to access the site with the response from Attorney Pelech being in the negative. It was pointed out that the amount of pavement shown was needed for tractor trailer movements; that reducing the size of the building would not reduce the amount of paved area. An inquiry was made as to setbacks from a septic system with Jessica Winston of Millette, Sprague & Colwell replying that very poorly drained soils requires a 75' setback and poorly drained soils requires a 50' setback.

The Chair inquired about stormwater runoff entering the wetlands. Ms. Winston responded that the plan calls for two catch basins on the westerly side of the building. The catch basins would have grease and oil separators. A detention pond and treatment swale would also be provided.

Jamie Long of NH Soil Consultants spoke to the fact that the site had been a storage area for impounded vehicles adding that some vehicles were never picked up. He described the site as one big gravel parking area. He stated that the site was a sorry looking place and nothing was being done with it. He described the proposal as a beautification project.

He went on to state that years ago the area had been filled; that there were a lot of problems with drainage; that the area was excavated and a culvert was put in to keep Banfield Road from flooding over. Mr. Long pointed out that the edge of fill goes right into the wetland; that the forested wetland is not in bad shape.

Michael Iafolla offered that all of the wetlands on the site goes through a culvert under the driveway into manmade wetlands and then into the pond. He spoke to the extensive work done at the request of the NHDES.

Mr. Will commented that the submitted photos are very helpful and inquired as to how far the pavement goes. Mr. Iafolla responded by stating that the site is 75% paved. Mr. Long offered that there is gravel on top of pavement. Mr. Iafolla stated that the filling started in the '40s; that the paved area was used for salt storage.

Mr. Hopley moved approval of the Conditional Use Permit. The motion was seconded and passed unanimously with the following stipulation:

That the Technical Advisory Committee review the stormwater drainage to ensure that the quality of the runoff from the site does not degrade the wetland area.

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C. The application of **325 State Street, LLC**, owner and applicant, for property located off **Porter Street** wherein Preliminary and Final Subdivision Approval is requested for the creation of eleven lots from two existing lots. The proposed lots would range in size from 1,263 s.f. ± to 1,671 s.f. ±. Said property is shown on Assessor Plan 117 as Lots 46 and 38-2 and lies within the Central Business B and Historic A districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Jessica Winston of Millette, Sprague & Colwell, addressed the Board and stated that she was present on behalf of 325 State Street LLC. She reminded the Board that site plans had been recently approved for the eleven condo units with the existing two lots to be combined. Subsequently, the decision was made to divide the site into eleven sites with individual ownership of the townhouses and associated land. The townhouses would have a common fire wall. The minimum lot size requirement is 1,000 s.f. and the subdivision plan calls for lots ranging in size from 1,200 s.f. to 1,600 s.f.. Ms. Winston offered that the Central Business B district has no side, front or rear yard setbacks. The proposed boundaries will be along the fire walls.

Councilor Lown inquired as to where people would park. He was told that there would be a space for parking underneath each unit. He inquired as to how many spaces per unit. Eric Weinrieb of Altus Engineering, the creator of the site plan, explained that there would be room for 1 and 1/2 cars underneath each unit, which ratio meets the zoning requirements. Mr. Weinrieb commented that one could change the interior of the garage area and have two cars, one behind the other or one car with extra space in there.

Mr. Savramis inquired as to access and the need for a right-of-way. Ms. Winston informed him that there would be access and utility easements and that access would be had off Fleet Street to each of the units with the exit onto Church Street.

Mr. Holden interjected that an abutter had expressed concern about some trees. Bob Kenney of 325 State Street LLC addressed the Board and explained that the concern was with some large maple trees; that he had had a discussion with the abutter and had come to a resolution. Mr. Kenney further explained that the trees would remain and would be addressed in the Homeowners' Association documents at a future date.

Mr. Savramis inquired if a portion of Porter Street would be taken with Mr. Weinrieb replying in the negative adding that it would be re-aligned a little bit.

The Chair made three calls for speakers. Seeing no one rise, the Chair declared the Public Hearing closed and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Councilor Lown referred to the fire wall issue mentioned in the memo. Mr. Holden stated that he had met with the Building Inspector and that the buildings were originally designed so that a

subdivision could be accommodated, if so desired. The Building Inspector, Richard Hopley, verified that the project had been designed as though this subdivision had taken place.

The Chair again asked the Board's pleasure. Mr. Jankowski moved approval. Ms. Roberts seconded the motion. The question was called. The motion passed unanimously with the following stipulations:

1. That permanent boundary monuments be established as per the requirements of the Public Works Department; and,
2. That any access or utility easements be approved as to content and form by the City Attorney.

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D. The application of **Vincent Zingariello**, owner and applicant, for property located at **135 Thaxter Road** wherein Preliminary Subdivision Approval is requested for the creation of two lots from an existing lot wherein both proposed lots would have 5,000 s.f. \pm in area and 50' of continuous street frontage in a district where at least 10,000 s.f. of area and at least 100' of continuous frontage is required for each lot. Said property is shown on Assessor Plan 166 as Lot 15 and lies within a Single Residence B district.

Vinny Zingariello, owner of the property, addressed the Board and his request to separate his lot. He pointed out that it was originally two separate lots adding that he would like to move his in-laws up here and thought this would be the best way to stay in the neighborhood and keep the integrity of the neighborhood intact. He pointed out that if the Board looked at the tax map, there are many lots the same size he is looking to establish, even some a bit smaller (and some a bit larger).

Barbara Hay of 276 Aldrich Road addressed the Board and stated that she was present with her husband, Dick Hay. She explained that they are not in favor of the proposed subdivision adding that 135 Thaxter Road abuts their land in the rear. She stated that she had drawn up a petition in opposition to the proposal and had 32 signatures thereon. She read the petition into the record and submitted the petition for the record.

Wayne Price of 49 Fells Road addressed the Board and stated that he lives about a block from the proposed plan. He spoke to the requirement of 100' of continuous street frontage and stated that he couldn't find many homes with that kind of frontage (within the area in question). Mr. Price stated that he and his wife were happy to have decent young people in their area and they supported their plans.

A resident of 122 Thaxter Road addressed the Board and stated that she lives directly across the street from the site in question. She stated that there are several instances in the neighborhood of double lots. She went on to state that she had spoken with the applicant and fully understands his position; however, she did not feel that the applicant should go about it in this way. She stated that the lots on the same side of the street as the applicant's have 50' lots, but after that the lots are larger.

It was her understanding that the applicant was planning on building a 2,400 s.f. house which would be considerably larger than the existing houses on the street and a house of that size would be inappropriately sited on a corner lot. She also wondered what would happen if the right-of-

way was ever widened. She stated that her preference would be an in-law suite without a kitchen pointing out that there is already a house with an in-law suite in the neighborhood.

The Chair reminded those present that the Board was looking at a subdivision application. Mr. Holden interjected that the Planning Board was not the Zoning Board of Adjustment; that what distinguishes a unit is largely the number of kitchens; that it is possible for the applicant to put on an addition without a kitchen.

Bernard W. Pelech of 175 Thaxter Road addressed the Board and stated that he and his wife, Shawn, have lived at that address for some 32 years. He went on to state that he sympathizes with the applicant adding that he has one case pending in the Superior Court very similar to the application before the Board. He stated that at the time, Mr. Will had argued very vehemently in his behalf.

Attorney Pelech suggested that the applicant file for a Variance from the Board of Adjustment for a mother-in-law apartment. It was his concern that the approval of the request would set a precedent for other double lots in the area; that it would have a domino effect.

Jim Flynn of 105 Thaxter Road addressed the Board and stated that he lived at the corner of Thaxter and Sewall Roads across the street from the site in question. He added that he does not have a driveway and that he parks on Sewall Road. It was Mr. Flynn's opinion that if there was a home on that corner, that the applicant would have to take away his driveway in that the size of the lot would not allow him to have a driveway. Mr. Flynn pointed out that the City was putting in sidewalks and curbs that did not allow enough room for two cars to pass at once. It was Mr. Flynn's opinion that the granting of the request would change the character of the neighborhood.

Mr. Zingariello did not feel that his proposal would require the elimination of a driveway; that any new house would be the exact square footage of his house. He did not feel that his proposal would change the neighborhood.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will expressed his sympathy for the applicant; however, he stated that the Board has to follow the regulations that are in effect and that he has to call the balls and strikes. He urged the applicant to get involved in the Master Plan process and to speak to the creation of smaller lots. Mr. Flynn stated that, regrettably, he would have to vote against the application.

Mr. Will moved to deny the application adding that he hoped the applicant would seek relief from the Board of Adjustment. Mr. Savramis seconded the motion.

Councilor Lown applauded the applicant for looking out for his in-laws but felt that it would be a bad precedent for the City to create this substandard lot.

The Chair echoed the same sentiments and urged the applicant to get involved in the Study Circle program. The motion passed unanimously for the following reasons:

1. That it is premature to subdivide the lot at this time; and,
2. That the Board does not condone the practice of creating two non-conforming lots from an existing non-conforming lot.

E. The application of **Aggregate Industries, Inc.** for property located off **Banfield Road** wherein site plan approval is requested for the construction of a 54' high storage silo with associated site improvements. Said property is shown on Assessor Plan 254 as Lot 4 and lies within an Industrial district.

A representative of the W.G. Howard & Assoc. engineering firm addressed the Board and presented the site plan for an additional silo explaining that the new silo would more than double the capacity providing an additional 90 tons of storage. The silo would be located over 140' from Mr. Iafolla's retention pond, over 160' from the existing septic system and 100' from the nearest building. The silo will have a dust collector. No additional trucks will be entering the site. There will be no increase in noise to the abutters. In other words this silo will not create any more noise than the existing silo.

Ms. Roberts inquired as to the height of the silo with the response being 54'. It was explained that the additional silo would eliminate emergency runs to Boston for Portland cement.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley moved approval of the site plan. Mr. Savramis seconded the motion. The motion passed unanimously with the following stipulation from the Technical Advisory Committee:

- 1) That a note be added to the site plan indicating that the operation of the silo shall comply with Article V of the *Zoning Ordinance*.

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F. The application of **Aranosian Oil Company, Inc.** for property located at **766 Lafayette Road** wherein site plan approval is requested for the replacement of an existing 800 s.f. canopy with a 2,490 s.f. ± (48' x 52') canopy and the construction of a small traffic island upon which will be sited a proposed goal post sign with associated site improvements. Said property is shown on Assessor Plan 244 as Lot 6 and lies within a General Business district.

SPEAKING TO THE APPLICATION:

John Chagnon of Ambit Engineering addressed the Board and stated that Paul Kenney of Aranosian Oil was also present. Mr. Chagnon spoke to the replacement of the triangular canopy with a 52' x 48' almost square canopy. He informed the Board that the necessary Variances had been received from the Board of Adjustment. There will be no change to the impervious area of the lot. The new canopy will provide more coverage to the fueling area. The rain water will be directed into a downspout and directed towards Lafayette Road and a catch basin. The site plan calls for ten parking spaces and a dumpster with appropriate screening.

The Technical Advisory Committee recommended approval of the plan at its November 5th meeting with two stipulations. Mr. Chagnon advised the Board that the landscaping plan had been approved by Lucy Tillman subject to the addition of a small guard rail along the rear property line with Mr. Chagnon adding that such was something that they would be inclined to do. The second stipulation was that a Sign Permit be obtained.

Mr. Chagnon went on to state that the utilities are now shown and that none would be impacted by the proposed canopy. An island will be created to the northeast side of the property to provide a safe location for a sign.

Discussion ensued on the unloading of vehicles on the site by the abutting property owner, Bourniville. Mr. Holden interjected that it was his understanding that the storing of vehicles on the site by Bourniville is not a permanent situation.

Mr. Holden indicated that no Building Permit would be issued until the auto parts stored to the rear of the property are removed.

Discussion ensued on the type of material to be used for the guardrail with Mr. Britz referring to the use of ACQ due to the proximity of the site to wetlands.

Mr. Jankowski inquired if any vehicles are sold on the site with the response being that a lot of cars are parked on the site. In response to Mr. Jankowski's desire to see the landscaping plan, Mr. Chagnon submitted such.

In response to a question by Mr. Will with regard to the proximity of the site to wetlands, Mr. Chagnon explained that the Conservation Commission did not feel that a Conditional Use Permit was necessary but a State Wetlands Application was submitted due to the tidal buffer zone. The Conservation Commission signed off on that application.

It was noted that the station is a full service station at the present time; that a change to a self-service station and/or the inclusion of a convenience store would result in new applications.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Councilor Lown moved approval of the site plan. Mr. Will seconded the motion. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That the applicant shall meet with Lucy Tillman of the Planning Department to see what can be done to provide some landscaping; and
2. That the signage indicated on the site plan shall be subject to receiving a Sign Permit from the City of Portsmouth.

From the Planning Board:

1. That no Building Permit be issued until all outside storage has been removed and the site is in compliance with the *Zoning Ordinance*.

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G. The application of **JMK Realty, LLC** for property located at **700 Peverly Hill Road** wherein site plan approval is requested for expanded paving with related drainage and associated site improvements. Said property is shown on Assessor Plan 252 as Lot 2-10 and lies within an Industrial district.

SPEAKING TO THE APPLICATION:

Eric Weinrieb of Altus Engineering addressed the Board and informed them that John Sawyer of JMK Realty and Attorney Peter Loughlin were also present. Mr. Weinrieb spoke to the proposal to repave and to pave remaining portions of the site. He referred to a previously approved plan stating that the third building had never been constructed. A 24" culvert was designed; however, a 12" pipe was installed. A drainage analysis reveals that a 24" pipe is required. Mr. Weinrieb spoke to catch basins and a closed drainage system with an outlet to the back of the site by the Public Works Facility. A treatment swale will slow down and treat the water. Stormwater runoff eventually ends up on the Foundation for Seacoast Health land in one of the Iafolla lots.

The Technical Advisory Committee recommended approval of the site plan at its November 5th meeting. Mr. Weinrieb reported that he had met with Lucy Tillman regarding the landscaping plan and that the plan met with her approval. The owner has agreed to the stipulation to hold the City harmless from any claims arising from the proposed drainage plan. Mr. Weinrieb submitted a surveyed plan.

Mr. Ricci wondered if it would be appropriate to include oil/water separators on the catch basins. Mr. Weinrieb responded by stating that there would be no storage of cars on site. Mr. Ricci countered that the lot is chock full of vehicles and that the oil/water separators would be an inexpensive item to put in and would be another safety check.

It was Mr. Weinrieb's understanding that there were no plans to store wrecked cars or unregistered vehicles; that the vehicles would be awaiting parts for repair adding that unfixable vehicles are sold off at auction and removed from the site. It was understood that a "no storage of junk" condition would be okay with the applicant.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed and awaited the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Savramis moved to approve the site plan. Councilor Lown seconded the motion. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That the applicant work with Lucy Tillman of the Planning Department regarding the landscaping along the southerly property line;
2. That a report be made available to the Planning Board regarding any concerns any abutting property owner might have regarding the proposed drainage plan; and,
3. That the City of Portsmouth be held harmless from any claims arising out of the proposed drainage plan;
4. That the site plan contain a metes and bounds description and indicate which boundary monuments have been installed and which have not;
5. That the landscaping in front of the rear building not interfere with the Fire Department connection.

From the Planning Board:

1. That the catch basins have oil/water separator hoods; and
2. That there shall be no storage of "junk" on the premises.

H. The request of **Jay Gingrich** for property located at **915 Sagamore Avenue** to amend a previously approved site plan involving the construction of a 24' x 72' one-story addition to an existing building. The applicant would like to amend the proposed parking and sidewalk plan. Said property is shown on Assessor Plan 223 as Lot 31 and lies within a Waterfront Business district.

SPEAKING TO THE REQUEST:

John Chagnon of Ambit Engineering addressed the Board on behalf of Portsmouth Scuba. He reminded the Board that they had granted site plan approval on July 18th for a proposed addition. The applicant now wishes to revise the approved site plan and keep all the pavement in front of the building. The Technical Advisory Committee approved the amendment conceptually at its November 5th meeting. One more parking space would be added. The amended plan calls for a little less sidewalk. A note has been added to the plan regarding septic system placement. The owner does recognize that if the septic system needs to be replaced, then the parking area may have to be removed.

Mr. Chagnon stated that the discharge pipe leading to Sagamore Creek will be removed as the lobstering business has moved.

Mr. Ricci asked that a silt fence detail be added to the plan. Mr. Hopley noted the comment in the Technical Advisory Committee minutes attributed to Mr. Gingrich where he states that no one ever walks on that section of Sagamore Avenue (Board members disagreed with that statement.)

The Chair asked if the snow storage area would possibly interfere with the septic system with Mr. Chagnon responding in the negative.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed and awaited the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Councilor Lown moved approval of the request. Mr. Savramis seconded the motion that passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That the reconfigured site plan be reviewed with John Burke, the City's Parking and Transportation Engineer;
2. That a note be added to the site plan to indicate that if and when the septic system shown on the previously approved site plan is installed, the setbacks contained on that plan shall be maintained which may force the removal of the newly created parking space; and,
3. That verification be submitted to the Planning Department that compliance has been had with an outstanding stipulation; that is, that a determination be made as to whether NHDES permitting is required for the discharge from the lobster tanks to Sagamore Creek.

From the Planning Board:

1. That a silt fence detail be added to the site plan.

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III. CITY COUNCIL REFERRALS/REQUESTS

A. **566 Greenland Road** – request to erect a fence on City-owned property

Mr. Holden reported to the Board that this was a City Council referral involving the erection of a fence on City property on Greenland Road. He informed the Board that the initiators of the request were present and further stated that it is the department's recommendation that the request be denied due to the precedent that would be set and the fact that this section of the highway was scheduled for considerable improvements. Mr. Holden also referred to the memo from the Public Works Director recommending that the request be denied.

Mrs. Charache addressed the Board and referred to the letter that she had submitted. She explained that when they started to erect the fence, they had no idea they did not own the property; that they stopped work on the fence when the Zoning Officer, Jason Page, informed them that they were installing the fence on City property. She went on to state that they had lived at that address for the past 12 years adding that their mail box had never been damaged by snow removal crews (referring to the fear that had been expressed that the snow plows would damage the fence). She pointed out that the road has been built up and to move the fence back would involve a change in grade resulting in the fence being below the grade of the road. The purpose of the fence is to ensure the safety of their young child.

Mrs. Charache went on to state that they understood that the proposed highway project might require the use of part of their property. She explained that the fence could be easily disassembled for such a purpose. She stated that they would be happy to sign any kind of document that ensures such an occurrence.

Mr. Holden interjected that the City's perspective is that this issue involves the use of public property for a private use. He thought that the granting of the request would set an unfortunate precedent and the Board would see similar requests being made all over the City adding that there was nothing to preclude the Charaches from placing the fence on their own property. Mr. Holden added that the road has changed tremendously.

The Chair suggested the planting of trees; such as, arborvitae with a fence inside. Mrs. Charache commented that there is not enough light for such to thrive and also mentioned the steep grade.

Mr. Hopley inquired as to the schedule for the new highway construction. Mr. Holden offered that the project has been on the books for twelve years and is now coming to fruition.

Councilor Lown stated that he could think of a couple of precedents; such as, the Cutts Mansion request. He went on to state that in his opinion the request before the Board is sufficiently unique in that the Charaches were not aware that they were not building on their property and that they are only asking for a temporary use of the property. Councilor Lown went on to state that the Charaches are willing to sign any document the City Attorney would prepare that would include holding the City harmless from any liability claims. Councilor Lown felt that the Charaches had made a mistake in good faith and were trying to protect their young child from the dangers of Route 33. Councilor Lown concluded by stating that he understood the issue of precedent but did not think that granting the request would set a precedent that would negatively affect the Board in the future.

Mr. Holden interjected that the Cutts Avenue land was in dispute and rather than going to Court, a license agreement was negotiated with the idea that the City may have a need for the land; however, in the instance before the Board, the City knows it is going to use the land.

Mr. Will thought that there was room for negotiations and suggested that the City work with the State and the property owner as the project advances. Mr. Holden thought that Mr. Will may have “thread the needle” and recommended that the applicants work with the City as plans develop.

Mr. Jankowski wondered if an abutter had called the zoning officer about the placement of the fence. Mr. Holden indicated that the City is convinced that the Charaches were unaware they were trespassing on City property. Mr. Jankowski suggested a short-term lease unless there was a problem of which he was unaware.

Mrs. Charache indicated that she was told that there are no City regulations regarding fencing; that they had gone to an incredible expense and just didn’t know that the property wasn’t theirs reiterating that they had acted in good faith.

Mr. Ricci noted that the fence posts are already in. Mr. Holden interjected that the City was concerned about liability.

Councilor Lown stated that it was his understanding that a councilperson passed by and wondered if the fence was on City property.

Mr. Holden suggested that the Board could move to have the applicant work with the Parking and Traffic Department to coordinate with the State on the project. Councilor Lown stated that he would respectfully vote against such a motion and would suggest instead a short-term arrangement with the City. Mr. Ricci echoed Councilor Lown’s sentiments.

A motion was made and seconded to recommend to the Council that a short-term resolution be sought and that the City Attorney be asked about the possibility of a license.

Mr. Holden asked that the department be given an opportunity to report back on such a motion. A motion was made and seconded to table the request to the December 19, 2002, meeting to allow for a report back from the Planning Department. The motion passed unanimously.

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IV. NEW BUSINESS

A. Presentation of City street map

Jason Wise, the City’s GIS Coordinator, reported to the Board that he had compiled a comprehensive street map that could be used as a database by various City departments. He stated that he tried to resolve differences by using the commonly used name for a street.

Mr. Holden interjected that the process was quite extensive and wondered how many members of the Board knew the location of WBBX Road. He went on to state that the street map would always be a work in progress noting that “Jason has been magnificent”.

Mr. Jankowski spoke to the need for a standardization of street names referring to a computerized environment. He recommended that a motion be made indicating that the map has been reviewed by the Board and has accepted the work of the Public Works Department and GIS Coordinator relative to the standardization of street names.

Mr. Will so moved and Mr. Savramis seconded the motion. The Chair called the question. The motion passed unanimously. The Chair thanked Mr. Wise for all his hard work.

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B. 1900 Lafayette Road – request to extend site plan approval

Mr. Holden indicated that this is a first time request and recommended its approval. Councilor Lown moved to grant the request for a one-year extension of site plan approval. Mr. Hopley seconded the motion that passed unanimously.

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C. 775 Banfield Road – request to extend site plan approval

Mr. Holden indicated that this is a first time request and recommended its approval. Councilor Lown moved to grant the request for a one year extension of site plan approval. Mr. Hopley seconded the motion that passed unanimously.

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D. 25 Granite Street – request to extend Conditional Use Permit approval

Mr. Holden indicated that the request involves the Conditional Use Permit granted for the Wentworth School. He indicated that a Building Permit should be issued shortly and recommended the approval of the extension request. Mr. Hopley moved to grant the request for a one-year extension of the Conditional Use Permit. The motion was second and passed unanimously.

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E. Appointment of Capital Improvement Plan subcommittee

The Chair, Vice Chair, and Messrs. Savramis and Ricci volunteered to serve on the subcommittee.

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Items not on the Agenda

22 and 28 Deer Street

Mr. Holden informed the Board of some minor changes to the previously approved site plan. For one thing, a basement is being added to the proposed building. Mr. Holden indicated that the note regarding parking calculations should be changed from storage to retail. The drain that runs out to the street will be encased within the building with the details to be worked out with the Public Works Department.

Mr. Hopley moved acceptance of the minor modifications. Councilor Lown seconded the motion that passed unanimously.

PSNH Siren Pole

Mr. Holden interjected that Public Service had submitted a notice to the department regarding a siren pole location on Lafayette Road and that the easement for such had been filed with the Rockingham County Registry of Deeds.

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City's Website

Mr. Holden informed the Board of the suggestion that had been made that a group picture of the Board be taken for insertion on the web site. Those present felt the suggestion was a fine one. Mr. Holden indicated that the picture could be taken at the next meeting.

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Manning the Salvation Army Kettles

The Chair reminded the Board of the need to assist the Salvation Army in manning their kettles for the holiday season and urged them to so do. He also mentioned that Sam Jarvis might need some help with his Thanksgiving Dinner at the Metro Restaurant.

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Coastal Zone

Peter Britz, the City's Environmental Planner, spoke about the request to extend the coastal zone boundary and that a Public Hearing would be held on December 11th at the Newington Town Hall from 2:00 p.m. to 4:00 p.m. The idea is to involve more municipalities, trigger more permitting and more grant money. Mr. Britz offered that the program would be described in detail at that meeting.

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Vision Power

Mr. Britz informed the Board that the Public Hearing had been cancelled; that the application would be resubmitted and that the whole Public Hearing process would happen once again. Stay tuned.

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V. ADJOURNMENT was had at approximately 10:15 p.m. with the Chair wishing everybody a Happy Thanksgiving.

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Respectfully submitted,

Barbara B. Driscoll, Administrative Assistant
These minutes were approved by the Planning Board at its December 19, 2002, meeting.