

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M. CITY COUNCIL CHAMBERS JANUARY 23, 2003
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

MEMBERS PRESENT: Kenneth Smith, Chairman; Paige Roberts, Vice-Chairman; Thaddeus J. "Ted" Jankowski, Deputy City Manager; Brad Lown, City Council Representative; Richard A. Hopley, Building Inspector; John Sullivan; Raymond Will; Donald Coker; George Savramis; and, John Ricci, alternate

MEMBERS EXCUSED: None

ALSO PRESENT: David M. Holden, Planning Director; and, Lucy E. Tillman, Planner I

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The Chair called the meeting to order at approximately 7:02 p.m. and directed the Board's attention to the Capital Improvement Program.

I. OTHER BUSINESS

A. Presentation of Capital Improvement Program

John P. Bohenko, City Manager, addressed the Board prior to a Power Point presentation of the projects included in the FY '04 – '09 plan. He stated that in accordance with the City Charter and NH RSAs, the Planning Board must adopt the CIP prior to submittal to the City Council. Mr. Bohenko went on to state that the process began in August with a memo to department heads asking them to submit projects by October 1st. Thereafter, the Planning and Finance Departments assembled the information. The Planning Board subcommittee met on December 5th. The City's policy and goal setting was discussed with the Committee.

Mr. Bohenko went on to state that during the last six years he has tried to increase the money put aside for capital improvements. However, because of the extenuating circumstances involving the Statewide educational tax and the County tax, attempts are being made to level fund the fiscal year '04 budget. Instead of budgeting one million dollars, he would be recommending \$750,000 which he pointed out would be substantially more than the \$250,000 allocated in 1997. The \$750,000 is anticipated to leverage some 5.5 million dollars of projects. The City Council will be holding a work session on March 24th and will conduct a Public Hearing on March 31st. Subsequent to the Public Hearing, the City Council will adopt the CIP prior to May 15th.

Mr. Holden then proceeded with a finely choreographed production assisted by Steve Parkinson, the City's Public Works Director, Chris LeClaire, the City's Fire Chief and Dave Allen, the City's Assistant Public Works Director. Subsequent to the Power Point presentation, Mr. Bohenko noted that the City has an ambitious program even though it is cutting back on money from the General Fund.

Mr. Will spoke to, as he has done previously, the telecommunications system associated with the fire alarm system. Mr. Jankowski commented that the City was pretty close to connecting every City structure; such as Spinnaker Point, and spoke to the ability to push more information through copper lines.

Mr. Will then asked about the item on page 33 dealing with self contained transmitters and inquired as to the number of transmitters with the response from Chief LeClaire being forty transmitters.

Mr. Will then spoke to the water tower on Spinney Road and asked when it would be painted. Mr. Bohenko replied that it had been painted using the color chosen by the Planning Board (cumulous). Mr. Sullivan commented that all the people in the Spinney Road neighborhood like the color.

Mr. Sullivan referenced the disaster that occurred in Worcester several years back and inquired as to the equipment that would aid in locating people. Chief LeClaire stated that Mr. Sullivan was referring to thermal imaging cameras; that thanks to the Rotary Club, each engine is equipped with such a camera.

Mr. Sullivan then asked if the proposed modifications to the firing range would accommodate high power weapons with Mr. Bohenko responding that he thought that was what the Police Department was looking for.

Mr. Sullivan then inquired if City residents have the usage of the athletic fields at Pease and wondered if the actual usage warranted the expenditure of funds. Mr. Bohenko responded by stating that during the past couple of years, the Tradeport Association had asked about having a softball field. The City partnered with the Association to rehab one of the fields. It cost \$14,000 to rehab. Five thousand dollars came from the Association. Association members can use the field on Tuesdays and Thursdays by reserving the field through the Recreation Department. The field is open to general use on the other days.

Mr. Sullivan then referred to the Woodbury Avenue project explaining that he had received a lot of calls from people who did not want to see Woodbury Avenue narrowed down and asked if a Public Hearing would be held on any traffic calming methods. Mr. Bohenko responded by stating, "absolutely".

Mr. Sullivan felt that the \$200,000 for the new Master Plan was exorbitant stating that ten years ago the Board went out into the community and held public hearings. He felt that under current fiscal restraints, that it was an expenditure the City did not need at this time. Mr. Bohenko commented that \$150,000 had already been appropriated, it being his feeling that a full redo had not been done for 25 years adding that the Master Plan would be important as the City moves into the future. He spoke to the major effort being taken with this Master Plan and the inclusion of Study Circles.

Mr. Sullivan remarked that the Board did go through a complete Master Plan ten years ago, page by page. He stated that the Master Plan is the responsibility of the Planning Board. It was his feeling that the Board might be losing control of the process by the time information is received from the Study Circles.

Mr. Bohenko explained that the Study Circles would be looking at the quality of life; that the elements of the Master Plan itself would be the responsibility of the Planning Board.

The Chair interjected that the Board would still be having Pubic Hearings out at the schools. He commented that the Study Circles have some 300 people working on this; that the Planning Board would be taking their recommendations and regurgitating them; and assured Mr. Sullivan that the Master Plan is a Planning Board document and would remain as such.

Councilor Lown stated that it was his understanding that most of the water projects are paid for out of revenues. Mr. Bohenko referred to the Enterprise Funds explaining that a model was used for the next five years; that a nickel would be added to the water rate every other year; and, that grant money would be used for the projects. Councilor Lown inquired as to where the revenues go from the water bills. Mr. Bohenko referred to the budget for the Water Department and the Enterprise Funds including operating expenses, department services and capital expenses. Councilor Lown asked if the program was designed to break even every year. Mr. Bohenko replied that depreciation is included.

Councilor Lown then asked about the Riverwalk project. Mr. Bohenko reported that about six months ago, Senator Gregg’s office made an announcement that the project had received some \$500,000 in Federal money and, almost simultaneously, the State came through with \$500,000. He stated that the money would be available in FY ’05 and ’06 and that there were other moneys that need to be raised. Councilor Lown inquired if groundwork would be done between now and FY ’05. Mr. Bohenko stated that he has been working with property owners in a cooperative effort.

Mr. Coker broached the subject of the parking management plan for the Parrott Avenue parking lot which he stated was something very near and dear to his heart. Mr. Bohenko responded that there was no plan for meters. Mr. Coker inquired into a pay plan. Mr. Bohenko indicated that he did not think it would become a pay lot; however, the 72 hour parking limit might need to be changed to a 24 hour parking limit. Mr. Coker made it known that there are cars on the lot that are still snowed in.

The question was asked if the USA Springs project would impact the City’s water supply in any way. Mr. Bohenko replied in the negative. Mr. Allen concurred.

Mr. Bohenko thanked staff for its presentation and thanked the Board for its assistance and asked the Board for its support so that the program could be forwarded on to the City Council.

Mr. Savramis moved that the CIP be approved by the Board and forwarded on to the City Council. Mr. Will seconded the motion. The question was called. The motion passed unanimously.

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II. OLD BUSINESS

A. 566 Greenland Road – request to erect a fence on City-owned property (This request was tabled at the Board’s December 19, 2002, meeting to this meeting.)

Mr. Will moved to take the request off the table. Mr. Sullivan seconded the motion that passed unanimously. Mr. Holden explained that the request had been referred to the Traffic/Safety Committee and has been added to the February Agenda of the Traffic/Safety Committee explaining that the Committee did not meet in January. He stated that the department has been in contact with the applicants and they are aware of the process.

Mr. Will moved that the request be tabled to the Board’s February 20th meeting. Mr. Sullivan seconded the motion. The motion passed unanimously.

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B. The application of **Michael Brigham** for property located at **487 Cutts Avenue** wherein Preliminary Subdivision Approval is requested for the creation of eight lots from an existing lot. The lots will range in size from 15,000 s.f. \pm to 21,678 s.f. \pm with frontage off Michael Succi Drive, Chase Drive or a proposed cul-de-sac. Said property is shown on Assessor Plan 210 as Lot 26 and lies within a Single Residence B district. Plat plans are recorded in the Planning Department as 18.1-02. **(This application was tabled at the Board's December 19, 2002, meeting to this meeting.)**

The Chair read the notice into the record. Mr. Will moved to take the application off the table. Mr. Sullivan seconded the motion. The motion passed unanimously.

Attorney Bernard W. Pelech asked that the application be tabled to the Board's February 20th meeting in that he appeared before the Board of Adjustment on Tuesday last but did not receive the requested Variances. Attorney Pelech stated that his clients have not decided if they want to go forward.

Mr. Will moved that the application be tabled to the Board's February 20, 2003, meeting. Mr. Sullivan seconded the motion. The motion passed unanimously.

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III. APPROVAL OF MINUTES

A. December 19, 2002, meeting

Mr. Sullivan moved approval of the minutes as submitted. Mr. Hopley seconded the motion. The motion passed unanimously.

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IV. PUBLIC HEARINGS

A. The application of **2837 Lafayette Road Realty Trust** for property located at **2837 Lafayette Road** wherein site plan approval is requested for the construction of a one-story, 1,965 s.f. \pm addition to an existing structure (a dental office) with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 286 as Lot 1 and lies within a General Business district.

The Chair read the notice into the record.

Eric Weinrieb, Professional Engineer with Altus Engineering, addressed the Board and stated that he was present with the owner of the property and the architect for the project, William Smith Dogan. The proposal before the Board involves the expansion of Dr. Cahill's dental office by some 1,965 s.f. The lot is 19,854 s.f. in area. There are no wetlands on the parcel or within 100' of the parcel. The existing access from Lafayette Road will be removed and a new driveway will be constructed from Robert Avenue. The new driveway should enhance the safety of people coming and going as well as the people using Lafayette Road. The parking area will be on the easterly side of the building. The existing parking area will accommodate parking for the handicapped and for employees.

Mr. Weinrieb explained that there is a rather significant grade change from Lafayette Road to Robert Avenue. To accommodate that change, retaining walls will be constructed on the easterly

and northerly ends of the site. A 16' wide roadway will access the employee and handicapped parking area.

All roof drainage will discharge into a culvert system and enter a rip rap area. The stormwater drainage from the parking area will enter catch basins and travel through a small detention area on the southerly side of the site on its way to the City's drainage system.

The proposal calls for the removal of the existing septic system. Mr. Weinrieb explained that the question arose at the Technical Advisory Committee meeting as to whether the sewer connection could be made through an existing easement or whether it would have to connect within the State right-of-way. The sewer system remains as a work in progress.

The site plan indicates two water services. The building will be sprinklered. A NHDOT Permit has been received for the removal of the driveway. The landscaping plan has been reviewed by Lucy Tillman of the Planning Department.

Mr. Will questioned the need for a Sign Permit. Mr. Weinrieb advised that there is an existing sign and that there is no proposal for a new sign. If one is needed in the future, the applicant would go through the Sign Permit process.

Let the record show that at this point in the proceedings, Councilor Lown announced that he would have to abstain from sitting on this application as he represents one of the abutters to the north.

Ms. Roberts expressed her concern about the location of the handicapped parking. Mr. Weinrieb pointed out a ramp that would lead to a separate entrance.

The Chair inquired as to the location of any dumpsters. The Chair was informed that there would be no dumpsters.

The Chair noted the relocation of the driveway from Lafayette Road to Robert Avenue and wondered if such would require a change in address. Mr. Holden thought that the question should be posed to the Police and Fire Departments and, perhaps, the postal authorities..

The Chair asked if there was anyone else in the public who wished to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Savramis moved approval of the site plan with stipulations. Mr. Will seconded the motion. The motion passed unanimously (8-0) with the following stipulations:

From the Technical Advisory Committee:

1. That the landscaping plan be approved by Lucy Tillman of the Planning Department;
2. That the connection to the sewer service is a work in progress with a report back at the Planning Board meeting;
3. That the site plan indicate a fire service (it being understood that the fire service can be eliminated should it be decided that the building will not be sprinklered);
4. That the sign indicated on the plan shall be subject to a Sign Permit; and,
5. That the abandonment of the water service shall be done at the main

From the Planning Board:

- 1. That the address for the dental office be verified with the Fire and Police Departments in light of the fact that the access is being relocated from Lafayette Road to Robert Avenue

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V. CITY COUNCIL REFERRALS/REQUESTS

A. Request to rezone property off McDonough Street

Mr. Holden stated that the Board had the applicant’s Informational Report to allow residential development in its packet. The department will now initiate its Rezoning Report and have it available for the Board’s February 20th meeting. Mr. Holden reported that he has conversed with Attorney Pelech and the primary concern is traffic. It was Mr. Holden’s feeling that the Board would review all information at the February meeting and then consider scheduling a public forum for the March meeting. Attorney Pelech stated that such a schedule is perfectly agreeable to the applicant and that the matter could be placed on the February Agenda to allow Attorney Pelech to answer any questions the Board might have.

Mr. Savramis referenced the concern about traffic and inquired as to how many units were contemplated. Mr. Holden replied that the number would come out as the Board reviews the materials on off-street parking and street parking.

No further action was required by the Board at this time.
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VI AMENDED SITE PLANS (INFORMATIONAL ONLY)

Let the record show that at this point in the proceedings the Chair welcomed back Ms. Tillman (who had been out on medical leave) and stated that he had missed her. Mr. Holden interjected by saying, “not as much as I did”.

A. 755 Banfield Road

Ms. Tillman reported that a one-story area currently a basement area would be used as material storage for the business office with a second means of egress via a sidewalk coming out of that area. She noted that sufficient parking is indicated on the plan. Mr. Hopley remarked that his plans indicated a business office. Ms. Tillman stated that she would review that.
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B. 5 Junkins Avenue

Ms. Tillman reported that regarding the 1895 building, the architect was working with the historic preservation people and the determination had been made that the handicapped ramp would not be installed; rather, another stop would be added to the elevator. The plan will be going back to the Historic District Commission. It was Mr. Hopley’s opinion that the handicapped parking spaces should be up against the building and not across the parking lot.
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VII. NEW BUSINESS

A. Election of officers

Mr. Sullivan moved that the election be via an open ballot. Mr. Will seconded the motion that passed unanimously.

Councilor Lown nominated Paige Roberts for Vice-Chairman. Mr. Will seconded the motion that passed unanimously.

At this point in the proceedings, the gavel was passed from the Chair to the Vice Chair. Councilor Lown inquired of the Chair if he would be willing to continue to serve. Mr. Sullivan interjected and at the same salary. The Chair indicated his willingness to serve (at the same salary). Mr. Will nominated Ken Smith as Chairman. Mr. Savramis seconded the motion. The motion passed unanimously.

Councilor Lown complimented the Chair on his performance. Mr. Will commented that he was more than satisfied with the manner in which Mr. Smith has performed as Chair adding that everybody gets a chance to speak.

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B. Lang Road – Request of Attorney Bernard W. Pelech to extend for one year the Conditional Use Permit originally granted on February 21, 2002

Mr.Coker stated that he would step down as he had been friends with Mr. Giovannettone (now deceased). Mr. Holden interjected that Mr. Coker would step down in memory of Mr. Giovannettone.

Mr. Holden reported that the request is for a normal extension reminding the Board that the site in question is a driveway off Lang Road that went through a considerable process with the Conditional Use Permit finally being granted.

Councilor Lown moved that the Conditional Use Permit be extended for another year. Mr. Sullivan seconded the motion that passed unanimously.

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C. Work session requested by Attorney Bernard W. Pelech on behalf of Michael Clark for a proposed subdivision off Little Harbor Road

The Board entered into a work session mode. Mr. Holden explained that Attorney Pelech was representing a client who owns the site more commonly known as Belle Isle including the main land and the island. It was Mr. Holden's opinion that all would concur that the area is a sensitive parcel of land. He explained that the work session would comprise an initial exploration into a low density development with a number of issues associated with it. However, Mr. Holden, indicated that he could not find a good reason not to consider it.

Attorney Pelech stated that the island would be the site of Mr. Clark’s residence adding that Mr. Clark may have horses on the island for his personal use. The property immediately off Little

Harbor Road consists of some ten acres. The proposal is for a two lot subdivision for two single-family homes.

Attorney Pelech went on to state that he would share with the Board two proposals for access to the three parcels. Option A would create three pieces of frontage on Little Harbor Road. He referred to a 50' strip of land that would be a part of the island giving the island frontage on Little Harbor Road (this would require a Variance from the Board of Adjustment). Mr. Clark would have a driveway coming in from Little Harbor Road that would connect to the existing driveway about half way up. The other two lots would share a driveway off the existing Belle Isle Road branching off to Lot 1 and branching off to Lot 2. Attorney Pelech went on to state that a row of dense arborvitae would be planted to provide privacy (along the access way).

Option B is very similar and would have two conforming lots that would not require any Variances. An easement would come off Little Harbor Road over Lot 2 to benefit the island lot to allow an access way. Attorney Pelech indicated that all roads would be private.

Attorney Pelech stated that all the wetlands had been re-flagged and were less than ½ acre in size. The sketches indicated a 75' inland buffer zone and a 100' tidal buffer zone. Attorney Pelech was reminded that the inland buffer zone should be 100'.

Mr. Will inquired if there were any public access plans for Belle Isle. The response was that there would be no public access.

Mr. Sullivan inquired if the bridge would need to be replaced. Mike Seibert, site engineer, stated that the capacity of the bridge was not enough to bring construction equipment over the bridge and that Mr. Clark would be looking to provide support for the bridge.

Mr. Clark indicated that he would be constructing a house, a barn, an indoor arena and a guest cottage on the island. He stated that Glen Normandeau and Jeff Nawrocki were working on ways to shore up the bridge temporarily to allow for an excavator to cross the bridge. When the construction is completed, the shoring would be removed.

Mr. Holden spoke to the issue of private roads versus public roads and associated sidewalks. He indicated that the City would not be interested in having responsibility for the bridge. He spoke to the possibility of a cul-de-sac. Mr. Holden stated that if the Board felt the proposal had merit, then work could continue with the applicant and other departments to see what could be put together. He indicated that the Conservation Commission should be involved pointing out that conservation land abuts the site in question.

Mr. Coker referred to navigable water ways under the bridge. It was Mr. Clark's opinion that the water way was not navigable. Mr. Coker stated that a 14' skiff could make it under the bridge. It was his feeling that the area had to remain as a public water way. Mr. Clark stated that it was his intent to try to maintain the integrity of the area.

Mr. Hopley stated that as the project goes forward, the flood plain would need to be superimposed on the plan.

Attorney Pelech referred to State statutes regarding the Planning Board endorsing a private access to an island lot. Mr. Holden commented that the Board was not endorsing anything other than finding merit in the proposal and going forward. He went on to state that the ideal situation would be for a Planned Unit Development (PUD) as PUDs have private roads. In answer to a question as to the downside of a private road, Mr. Holden explained that subsequently a request

is made for a public road and the City takes over responsibility. It was Mr. Hopley's opinion that the proposal was showing driveways.

It was the consensus of the Board that the proposal had merit and the Board would be willing to work with the applicant as he goes forward.

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VII. ADJOURNMENT was had at approximately 9:00 p.m.

Respectfully submitted,

Barbara B. Driscoll
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board at its February 20, 2003, meeting.