

Councilor Lown inquired if the residents of McGee Drive had complained about the use of McGee Drive by the NH ANG personnel. Sgt. Vespa responded in the positive adding that some 100 to 120 soldiers show up for maneuvers once a month meaning that some 100 to 120 cars use McGee Drive. Councilor Lown asked if there would be any problems associated with the trucks pulling out onto Market Street. The response was that road guards would stop the traffic or slow it down to let people know that heavy equipment would be entering.

Mr. Coker inquired if the present turning radius would be sufficient or would the five ton trucks need to swing out into the other lane when making a right turn. Sgt. Vespa stated that there is plenty of room to make a normal right hand turn onto the driveway.

The Chair asked if there were any other speakers. Seeing no one rise, the Chair inquired as to the Board's pleasure.

DISCUSSION AND RECOMMENDATION OF THE BOARD:

Mr. Sullivan stated that his previous concerns had been alleviated pretty much. After talking with representatives from the NH ANG, it was his understanding that the armored vehicles he was concerned about would not be in the present structure; that they might be part of the picture in three, four or five years. At that time, the matter would have to be addressed by the Planning Department and Planning Board. It was Mr. Sullivan's opinion that sooner or later the ANG would have to be looking for another place; such as, Pease Air Force Base. It was also Mr. Sullivan's feeling that the heavy trucks should come down the Spaulding Turnpike to I-95 and that there should be a cut in the median to come across. In other words, the heavy vehicles should be kept out of the City neighborhoods. It was also Mr. Sullivan's feeling that any traffic issues could be addressed by the City with the cooperation of the NH DOT.

Mr. Sullivan moved the department's recommendation. Mr. Will seconded the motion. Councilor Lown stated that he would vote for the motion; it being his feeling that the benefit to the McGee Drive neighborhood would outweigh any possible issues associated with pulling in and pulling out to McGee Drive. He also felt that any such issues could be addressed by a Memo of Understanding and that such a memo would give the City the flexibility to change its mind if the proposal doesn't work out.

Mr. Holden inquired if the board would be interested in seeing the memo. Mr. Sullivan stated that he was comfortable with the Planning Department doing their homework. It was the general consensus of the board that they did not have to see the actual memo.

The motion to forward the following recommendation to the City Council passed unanimously.

That a Memorandum of Understanding be considered by appropriate parties. In this instance, the parties would likely be the NH ANG and the City [the cooperation of the NH DOT could be sought to implement any proposal.] Within this same framework, some form of a sign agreement could be included. In this instance, the sign portion could be crafted in the following form:

1. That it be a license that is revocable by both parties;
2. That the City and the Guard jointly prepare a sign that would conform to applicable standards [e.g. size, lettering, etc.]; and,
3. That the City and the Guard jointly identify a location for the sign.

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B. Request of **Michael Brigham** for property located at **487 Cutts Avenue** wherein a waiver request has been submitted for a reduction in the required pavement width for the proposed cul-de-sac. **(This request was tabled from the Board's August 21, 2003, meeting to this meeting.)**

Councilor Lown moved to take the request off the table. Mr. Coker seconded the motion. The motion passed unanimously. Let the record show that Mr. Ricci recused himself from sitting on the request.

Attorney Bernard W. Pelech addressed the Board and stated that he was present on behalf of Mr. Brigham and that he (Attorney Pelech) had very little to say. He continued on by stating that a waiver request had been submitted for a pavement width of 24'; however, any waiver from the required 32' pavement width would be acceptable to Mr. Brigham.

Attorney Pelech went on to explain that the request was not economically driven as the cost is not significant in relation to the total cost of the project. It was his feeling that, firstly, the reduced pavement width would make the proposed homes more marketable, more attractive in that the proposal is for a high end development similar to Currier's Cove. Secondly, he referred to environmental concerns and spoke to unnecessary destruction, defoliation and reduction in green space.

Attorney Pelech stated that the guidelines outlined by the Planning Department provided a great opportunity for the Board to save green space and to minimize future maintenance expenses for the right-of-way.

Mr. Holden reminded the Board that Final Subdivision Approval had been granted with the only issue outstanding being the waiver request. It was his opinion that the request met the criteria for a street waiver. He went on to point out that Planned Unit Developments have street widths varying from 24' to 28'. The difference with the request before the Board is that the City is going to maintain the street. It was his feeling that a public street addresses certain public needs; such as, parking on one side of the street with the potential for parking on both sides of the street. A further requirement is that accessibility be available for the City's fire vehicles and equipment under all circumstances.

Mr. Holden went on to state that the City has been very consistent in not granting street waivers adding that he was not unaware that in certain circumstances the street looks ridiculous; such as, Wholey Way. However, in that situation there is vacant land in the surrounding area that could come in for development and the street might be continued. He noted that the right-of-way for Moffatt Street is also significant; however, there are vacant parcels in that vicinity as well and there is potential for an extension. He reminded the Board that Bob Iafolla was concerned about access to his "bean patch".

However, Mr. Holden felt that in the situation before the Board, there would be no conceivable manner in which the street could be extended due to topographical issues. He reminded the Board that they are charged with the public interest and urged them to consider the request as part of the Master Plan as a "cart before the horse" type of thing and to use the request as an experiment to see if it would work.

Mr. Coker inquired of Steve Parkinson, the City's Public Works Director, as to what the City does to maintain a public street. Mr. Parkinson responded that the City is responsible for keeping the street plowed in the winter and for future pavement repairs and replacement. A reduction in the width of pavement corresponds to a reduction in costs in the future. As far as snow plowing is concerned, a plow will make two passes in each direction on a street with a pavement width of 32' whereas a plow will make one pass on a narrower street.

Mr. Sullivan asked if Mr. Parkinson would have any objections to the granting of the waiver. Mr. Parkinson stated that he had been with the City for some 22 years; that the City has had the 32' width standard for a long time before that. That width provides for an 8' parking lane and two 12' travel

lanes. He wondered what would happen to the ability to pass traffic should the pavement width be reduced. He continued on by stating that time and time again when people have gatherings in their houses, one can't get by. He stated that a pavement width of 28' would provide 8' for parking and hopefully people won't park on the other side of the street.

Mr. Sullivan inquired if the heavy equipment could be accommodated by the 28' width. Mr. Parkinson replied that his staff had reviewed the request and his equipment could make it around the circle.

Mr. Parkinson was asked about the placement of "no parking" signs on the roadway. Mr. Parkinson replied that the signs would probably help the Police Department in an enforcement action. Mr. Holden interjected that the cul-de-sac itself would conform to the street requirement; that it is the travel way would be reduced.

Mr. Will spoke to the difficulty of a garbage truck trying to get by parked cars on a one lane travel way. Mr. Parkinson replied that fortunately the garbage truck is out during the daytime when there are no parking issues in most neighborhoods.

Mr. Coker inquired of Fire Chief LeClaire as to the minimum safe distance for the largest piece of equipment. The Fire Chief expressed his concern with wintertime conditions in that the snow banks don't get pushed back and the road gets smaller and smaller eliminating the 8' parking lane. However, he did go on to state that he is comfortable with the 28' width.

Mr. Coker stated that he happens to agree with Attorney Pelech on this request. The Fire Chief stated that the fire trucks are about 9' wide; that anything less than an 11' one lane road is difficult to traverse.

Mr. Sullivan asked if the aerial ladder normally responds every time to a residential neighborhood. The Fire Chief responded that it is the second truck in; that engine "A" would get there first. A larger tuck would be on the street if a structural fire is in progress.

Mr. Will commented that he was discovering why such a large cul-de-sac was needed. The Fire Chief commented that the cul-de-sac itself would conform to City street standards; that basically what is being reduced is the parking on one side of the street. Mr. Will wondered if people would park in the cul-de-sac and offered that he would be grateful if somebody could alleviate his concerns. Mr. Sullivan offered that fire apparatus could usually go over a curb to get to a house.

John Burke, the City's Parking and Transportation Director, was present. However, the Board had no questions for him.

Attorney Pelech reminded the Board that the actual right-of-way would not be reduced; just the pavement width.

Councilor Lown moved that the Board grant the waiver request for a pavement width of 28th. Mr. Will seconded the motion.

In response to a question from the Board, Mr. Holden stated that granite curbing is a requirement for a City street.

Mr. Coker spoke to the proposed travel width of 8 ½' for Porter Street in conjunction with the construction of the Porter Street condominiums; which travel width received the Fire Chief's approval. Mr. Coker went on to state that he was having a hard time reconciling the decision made on Porter Street with the travel lane for this cul-de-sac. It was his feeling that a 24' travel lane would be reasonable.

Mr. Holden interjected that it was his recollection that with regard to the Porter Street situation, the ladder truck would be in the area and not actually on Porter Street; that in this instance the ladder truck would go out to the street.

Mr. Parkinson explained that with regards to Porter Street, from curb to curb would be 20' providing a 12' travel lane with an 8' parking lane.

The Fire Chief corrected Mr. Holden's statement and stated that the ladder truck would go on Porter Street and that the reason he was amenable to a smaller travel width was because Porter Street is a one-way street. The Fire Chief further explained that at the time of approval, townhouses were proposed for the other side of the street and a ladder truck. The Fire Chief noted that in such a case, a ladder truck would not go between the two buildings.

Mr. Coker moved that the pavement width be 24'. Mr. Will seconded the motion for purposes of discussion. On a roll call vote, the motion failed on a 1-7 vote with Mr. Coker voting in the affirmative and Councilor Lown and Messrs. Hejtmanek, Sullivan, Will, Savramis, Jankowski and the Chair voting in the negative.

Mr. Sullivan stated that he would vote for the 28' width but did not want it to become a norm; that he felt that the issue of street standards should be looked at as part of the Master Plan. He stated that it didn't seem right to change standards in midstream.

Mr. Jankowski agreed that the issue should be taken up when the Board is discussing the Master Plan and felt that there should be more flexibility in that it is possible that 24' might be the right width. However, he stated that he would support the 28' based on the recommendation of staff. He reiterated his statement that this is an issue that the Board should look at adding that green space is far more important than pavement. He commented that traffic calming measures slow traffic down and make neighborhoods more pedestrian friendly.

Mr. Savramis indicated that he would not be supporting the motion taking into consideration the area's arduous winters that result in snow banks and narrow streets.

Mr. Coker stated that he would be supporting the 28' width and went on to state that he believed the collective wisdom of the Board that would provide the opportunity to make this kind of judgment. He referred to the fact that the street would be a dead-end street, a cul-de-sac that would never be a through street.

The motion that incorporated the following motion from the previous meeting passed with Mr. Savramis voting in the negative.

That the pavement width of the proposed cul-de-sac be 28'; that future extensions or connections to the proposed cul-de-sac are not authorized unless either the street (cul-de-sac) is brought into conformance

with relevant street standards of the time or the Planning Board so authorizes a continuation of this or some other waiver. This waiver is subject to the approval of the Director of Public Works; otherwise, the issue would revert back to the Planning Board for discussion. Documentation of this effort is to be included in the City's Master Plan Planning process.

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C. The application of **Aranosian Oil Company, Inc.** for property located at **1166 Greenland Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the demolition of an existing building and canopy and the construction of a 3,900 s.f. single-story building for use as a store, a 24' x 36' building for use as a car wash, refueling islands with canopies and new pavement within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 279 as Lots 1 and 2 and lies within an Industrial district. **(This application was tabled to a time indefinite at the Board's July 17, 2003, meeting.)**

Councilor Lown moved to table the request to the Board's October 16th meeting. Mr. Will seconded the motion that passed unanimously. Mr. Holden informed the Board that the department had worked with the applicant's representatives and agreed that the application should be tabled to allow for the City's independent soil consultant and the applicant's representatives to be present at the October meeting. He commended the applicant for working with the City for that to happen.

Mr. Sullivan asked that all the items that were agreed upon by the Conservation Commission be made available to the Board. He specifically spoke to the removal of fill. Mr. Holden responded that the department had confirmed that the property in question was in compliance with the NH DES.

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II. APPROVAL OF MINUTES

A. August 21, 2003

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

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III. PUBLIC HEARINGS

A. The application of **Brora, LLC**, owner, and **Pro Con, Inc.**, applicant, for property located off **Portsmouth Boulevard** wherein Preliminary and Final Approval is requested to allow the creation of two lots from an existing lot. Proposed Lot 1 would have an area of 10.02 acres ±. Proposed Lot 2 would have an area of 5.33 acres ±. Both proposed lots would have frontage off Portsmouth Boulevard. Said property is shown on Assessor Plan 213 as Lot 2 and lies within the Office Research/Mariner's Village district.

SPEAKING TO THE APPLICATION:

Dennis Moulton of Millette, Sprague & Colwell addressed the Board and stated that he would be presenting the proposal to create two lots; one ten acre lot and one five acre lot. The reason for the subdivision is the anticipation of the construction of a hotel on the 10 acre parcel. Mr. Moulton reported that the Board of Adjustment had granted a reduction in the required front setback on the property from 175' to 100' with the understanding that there would be a future subdivision to create the ten acre lot. The proposed lot will conform to the dimensional requirements of the *Zoning*

Ordinance. Mr. Moulton felt that the application was very straight-forward. He went on to state that Portsmouth Boulevard had been incorrectly indicated as far as Dunlin Way was concerned and such would be corrected.

Mr. Will wondered why the lot was created so close to the minimum lot size. Mr. Moulton noted that .02 acres is about 900 s.f. and didn't feel that was such a small amount.

Mr. Coker inquired as to the status of the lawsuit mentioned in the Planning Department's memo. Michael Meyers of Pro Con stated that a motion had been filed to dismiss the action as the appeal had no standing; that the plan is to continue to move ahead with the subdivision and site plan review. Mr. Coker inquired if the appeal rendered the Variance invalid. Mr. Holden interjected that the status of the Variance was not relevant to the Board's decision. However, he added that the Variance granted by the Board is valid until the Court states otherwise. Mr. Holden continued on by stating that the applicant could go forward at its own risk.

The Chair commented that the department noted that the plan before the Board indicates a proposed lot area of 10.04 acres while an earlier plan indicated a lot area of 10.02 acres. Mr. Moulton stated that the change was made when the depth of proposed Lot 2 was verified and that the plan showing the 10.04 acres is the correct one..

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 stated that in reviewing the application, he noted that hotels are an allowed use in the Office Research district and inquired as to the logic for same. Mr. Holden replied that if this project goes forward, it would be the third hotel in an Office Research district. He pointed out that Office Research districts generally abut a residential area as a hotel use is considered to be a compatible use to a residential area. Mr. Will stated that, notwithstanding this application, he would tend to disagree and felt that the matter should be the subject of future discussion with the Board.

Councilor Lown moved to approve Preliminary and Final Approval subject to noted stipulations in the memo. Mr. Will seconded the motion. The motion to approve subject to the following stipulations passed unanimously.

1. That the scrivener's error concerning Portsmouth Boulevard be corrected, if appropriate; and
2. That permanent boundary monuments be established as per the requirements of the Public Works Department and that such monumentation be indicated on the final plat.

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B. The application of **David Lemieux** for property located at **43 Cornwall Street** wherein site plan approval is requested for the rehabilitation and conversion of the existing "Tire Loft" building to a six unit building with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 138 as Lots 41 and 42 (lots to be combined) and lies within an Apartment district.

Let the record show that Councilor Lown recused himself from sitting on this application.

SPEAKING TO THE APPLICATION:

Christian Smith, an engineer with Beals Associates, addressed the Board and informed them that Lane Cheney was present together with Attorney Bernie Pelech. The proposal is to rehab and convert the existing Tire Loft building into six unit condominiums. Mr. Smith reported that the Board of Adjustment had granted the necessary density Variance.

All utilities will be upgraded. A sprinkler system will be installed. Electrical will be underground. The overall impervious surface will be reduced. Additional landscaping will be provided.

Mr. Smith reported that in discussions with the Technical Advisory Committee, it was agreed to provide a 5' wide sidewalk with vertical granite curbing at the front of the property. With regard to the stipulations from the Technical Advisory Committee, Mr. Smith reported as follows:

1. That the water services be at least 1" apart; *(A note has been added to the plan specifying a 1" separation.)*
2. That the sprinkler connection be a multiple adaptable connection; more specifically, storz and siamese connections; *(A note has been added to the plan that the adapter will be coordinated with the Fire Department.)*
3. That the hydrant flow be tested with a report back before the Planning Board meeting; *(Reports from the flow test conducted on September 18th were provided to the Board.)*
4. That the landscaping plan be approved by Lucy Tillman of the Planning Department; *(The landscaping plan is a work in progress.)*
5. That the 6' dimension be eliminated from the sidewalk/ramp detail; and, *(The dimension has been removed from the sidewalk detail on sheet 3.)*
6. That "as built" plans be submitted to the Water Division of the Public Works Department indicating which water service goes to which unit. *(A note has been added to the plan to that affect.)*

The Chair inquired as to the rubbish enclosure with the response being that it would be a 6' x 6' enclosure with a 4' stockade fence. A small brick walkway will access the enclosure.

The Chair asked Mr. Smith to speak to the on-site parking. Mr. Smith commented that vehicles would be able to back into a set aside area and turn out, "lights out," onto Cornwall Street.

Mr. Will inquired as to the number of floors with the response being three floors. There would be three units on the ground floor, two units on the second floor and one on the top floor. Mr. Will inquired as to the average square footage with the response being 800 to 900 square feet. Mr. Will stated that the answer was "music to my ears".

Mr. Ricci noted that the parking sign was missing for the handicapped parking spot. Mr. Ricci inquired as to the lighting with the response being that there would be no external lighting except for the entrances.

Mr. Ricci inquired as to the details for the wheel stops and the "no parking" signs. Mr. Smith replied that there is a wheel stop detail on the detail sheet and that the developers would probably buy the signs off the shelf.

Mr. Holden commented to the adequacy of the flow test and noted that Mr. Cravens had not signed off on it or indicated that it was adequate. Mr. Smith reviewed the findings with the Board and stated that Mr. Cravens had verbally indicated that the flow was more than adequate.

Mr. Eugene Franceware, who lives directly across the street from the project, addressed the Board and strongly urged them to approve the project; that it was a long-time coming. He went on to state that he has owned his property for more than 30 years and the Tire Loft building has been an eyesore. He felt that the proposal would improve the neighborhood quite a bit.

The Chair made three calls for speakers. There being no further speakers, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will moved to approve the site plan with the six stipulations as indicated in the Planning Department’s memo and any others. Mr. Sullivan seconded the motion. The motion to approve with the following stipulations passed unanimously.

From the Technical Advisory Committee:

1. That the water services be at least 1” apart;
2. That the sprinkler connection be a multiple adaptable connection; more specifically, storz and siamese connections;
3. That the hydrant flow be tested with a report back before the Planning Board meeting;
4. That the landscaping plan be approved by Lucy Tillman of the Planning Department;
5. That the 6’ dimension be eliminated from the sidewalk/ramp detail; and,
6. That “as built” plans be submitted to the Water Division of the Public Works Department indicating which water service goes to which unit.

From the Planning Board:

1. That the site plan indicate a handicapped parking sign;
2. That the “no parking” signs conform to MUTCD standards; and,
3. That verification be received from Tom Cravens of the Portsmouth Water Division that he is satisfied with the results from the hydrant flow test conducted on September 18, 2003

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C. The application of **Madison Commercial Group, LLC** for property located at **72 Mirona Road** wherein site plan approval is requested for the construction of a one-story, 10,000 s.f. building for use as a child care center with associated site improvements. A portion of the existing building will be demolished. Said property is shown on Assessor Plan 253 as Lot 3 and lies within a General Business district.

Let the record show that Councilor Lown recused himself from sitting on this application.

SPEAKING TO THE APPLICATION:

Eric Weinrieb of Altus Engineering addressed the Board and stated that he was present on behalf of the Madison Group. Mr. Weinrieb went on to explain that the site in question is more commonly known as the old Artisan’s site. He reported that in July of this year the Board of Adjustment granted two Variances. One was for a 30’ front yard where a minimum of 70’ is required. Also a reduction in available parking spaces was granted allowing 188 spaces versus the required 215 spaces.

The proposal calls for the razing of the existing building which is situated closer to the front property line than the newly constructed building will be. It is anticipated that the drop off time period will be from 7:00 a.m. to 9:00 a.m. with the drop off process taking some six to ten minutes. The same process would apply for the afternoon pick up. Designated parking spaces will be provided for drop off and pick up purposes and will be shared by others at different times during the day.

The existing parking spaces along the Mirona Road Extension will be eliminated. “No parking” signs will be installed in that area. Some issues related to the existing drain line on Mirona Road Extension will be resolved with this application. Also, the landscaped area in front of the site is in the City right-

of-way. The location of the sprinkler heads for the irrigation system will be identified, and the appropriate license from the City for that irrigation system will be obtained, if necessary.

A concrete sidewalk will be installed with curbing for a future connection to the bus stop area at McDonalds. The plan calls for a wooden guardrail and a new bump out to protect the building from cars coming around the corner.

Mr. Weinrieb reported that no other street lighting is required. Parking in the City right-of-way will be addressed via the appropriate license. The site plan calls for a separate master box connection and a multiple connection for the fire system, as requested.

Mr. Holden explained that an on site meeting was held subsequent to the Technical Advisory Committee meeting with John Burke, the City's Parking and Transportation Engineer, David Desfosses, Engineering Technician with the Public Works Department, and himself. Particular improvements significant to the site were identified. Mr. Holden reported that the applicant was more than willing to work with the City and went on to report that condition 9 from the Technical Advisory Committee was no longer relevant in that the sidewalk would be installed in a more useable location.

Mr. Coker asked that the pick up and drop off process be explained. The real estate manager from Mulberry Child Care Centers addressed the Board and explained that the drop off period would be a two hour period commencing at 7:00 a.m. Incoming vehicles will park at the front of the building and parents will bring the child/children into the building. It was anticipated that the process might take 5 to 7 minutes and then the parent would be on his or her way. The process would be the same for the afternoon pickup. It was emphasized that the parents and the children would not be walking across any traffic.

Mr. Coker understood that the site used to be a City dump. Mr. Sullivan stated that Mr. Coker was correct in that the site used to be a gravel pit and the City filled it in which explains why Mirona Road is like a wash board. Mr. Coker noted that children are very susceptible to low level contaminants. Mr. Weinrieb explained that the NH DES has declared the site to be a "clean site". It was Mr. Weinrieb's understanding that a lot of "paper" had been found on this portion of the site.

Mr. Sullivan inquired as to any future work on Mirona Road with Mr. Holden replying that the applicant is moving forward in good faith in providing a sidewalk.

Mr. Sullivan expressed his concern of having a children's day care center in a commercial type district. Mr. Holden replied that such a use is becoming more the norm in an office park; that it is being considered as an accessory use to what is going on. He reminded Mr. Sullivan that day care centers of this size are regulated by the State. Mr. Sullivan reiterated that he really didn't like the concept on basic terms; that is, a whole bunch of youngsters in a commercial area. It was his feeling that such was a proper environment in which a child should grow up.

Mr. Ricci inquired if the drop off and pick up area in the parking lot would be supervised with the response being, "absolutely".

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Jankowski moved to approve the site plan subject to stipulations. Mr. Will seconded the motion. Mr. Ricci commended Mr. Weinrieb on plans that were well laid out and easy to review. The motion to approve the site plan with the following stipulations passed unanimously:

From the Technical Advisory Committee:

1. That an easement be submitted for the existing drainage line for review as to content and form by the City Attorney;
2. That "as built" be submitted to the Water Division of the Public Works Department for the existing irrigation system within the City's right-of-way;
3. That the need for a license from the City for the irrigation system be determined;
4. That the curb line be better delineated;
5. That the site plan indicate the placement of "no parking" signs;
6. That a street light be provided at the corner Mirona Road and Mirona Road Extension;
7. That the parking spaces located on City property be removed or a request for a license be processed;
8. That twenty parking spaces be designated for drop-off and pick-up purposes with the understanding that the spaces will be "time-shared" with others;
9. That a sidewalk be provided on the northerly side of Mirona Road from the intersection of Mirona Road with Mirona Road Extension to the second driveway cut on Mirona Road; *This stipulation has been amended to state that a concrete sidewalk will be provided with curbing on the southerly side of Mirona Road for a future connection to bus stop areas at McDonald's.*
10. That the site plan indicate a separate master box connection to the City's fire alarm system; and,
11. That the Fire Department connection be a multiple connection with a 2 1/2" siamese connection and a 5" storz connection;

From the Planning Board:

1. That documentation be submitted to the Planning Department that NH DES has determined that the site in question is a "clean" site.

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D. The application of **Griffin Family Corporation**, property owner, and **Astoria Griffin Park, LLC**, applicant, for property located at **200 Griffin Road** wherein site plan approval is requested for the construction of a one-story, 41,020 s.f. ± building for medical/professional office tenants with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 263 as Lot 1-4 and lies within an Industrial district.

SPEAKING TO THE APPLICATION:

Gregg Kirsch, in house legal counsel for the applicant, addressed the Board. He advised the Board that Mary Griffin, property owner, and Barry Stowe, project manager for Opechee Construction, were also present. The proposal is for a 41,000 s.f. single-story medical office building on Griffin Road which is a five lot industrial park. The park includes a Federal Express distribution building and three other medical office buildings.

Attorney Kirsch went on to state that the plan is fully zoning compliant and requires no Variances. Available parking spaces will be provided in excess of the requirement; that is, the site plan indicates

208 parking spaces with 12 of them ADA compliant. The loading space requirement of the ordinance has been met.

The Technical Advisory Committee recommended approval of the site plan with fifteen stipulations. Attorney Kirsch reported that they had responded to each stipulation adding that the stipulations were generally not difficult to comply with.

1. That a mechanism be provided for the irrigation system for an “off” switch when it rains; *(done)*
2. That a mechanism be provided for the irrigation system that will measure the amount of moisture in the soil; *(done)*
3. That two EPA-type monitoring wells be provided; one on either end of the site, at least seven feet below the water table. The monitoring wells are to be installed prior to the start of construction with a base line of all ground water constituents taken for an initial sample; *(Attorney Kirsch stated that the site is in the vicinity of Portsmouth Water Well #1 and that a very rigid set of controls has been put into place on each of the lots in the park; that two monitoring wells are required for each lot, one up grade and one down grade for an indication of any problems. Both wells have been added to the site plan as well as a note to that regard.)*
4. That the existing easement for municipal access to the monitoring wells be noted on the site plan; *(Attorney Kirsch confirmed that an easement is in place that gives the City the right to enter the property to access the monitoring wells.)*
5. That catch basins with oil/water separators be installed in the paved swales; *(Attorney Kirsch stated that the relative flatness of the site restricts how deep one can go into the ground. It was felt that the installation of two water quality inlets would be a better system than the catch basin approach.)*
6. That any hazardous materials/debris uncovered in the construction process be disposed of off-site; *(Attorney Kirsch stated that the site is a former construction yard; that the Griffin Family has advised that any construction related debris has been removed from the site. However, should something additional or unexpected happen during excavation, then such would be disposed of off site.)*
7. That the utility plan clarify the installation of two water lines to the building; *(Two water lines are shown on the site plan.)*
8. That an underdrain be included as part of the treatment swale, 12” below the swale, filled with sand, covered with a fabric and 4” of loam; *(Attorney Kirsch reported that such a design has been reviewed with David Desfosses, Engineering Technician with the Public Works Department. It has been decided that such an underdrain would be counterproductive and could possibly bring water back into the treatment swale. It was thought that 2’ of sand underneath the treatment swale would provide quick infiltration. Attorney Kirsch stated that such a discussion was held on the previous day. Mr. Holden felt that the stipulation was outstanding as Mr. Desfosses was still reviewing the proposed changes.)*
9. That a note be added to the site plan indicating that the site is within a Wellhead Protection Area and that construction will comply with the City’s Aquifer Protection Guidelines; *(Such a note has been added to the plan.)*
10. That the snow storage areas be indicated on the site plan with the understanding that snow storage areas should not be located within the 100’ buffer; *(Note #13 has been added to the plan.)*
11. That the site plan indicate an 8’ stockade fence enclosure for the dumpster; *(Such has been added to the plan.)*
12. That the 5’ – 0” dimension shown on the handicap ramp detail be eliminated and remarked with 12:1 slope; *(Such a change has been made.)*

13. That a fully functional traffic signal, interconnected with the Route 33 signal system, be installed subject to the approval of the NHDOT and the City of Portsmouth; *(Attorney Kirsch informed the Board that VHB has been retained as a consultant to prepare the traffic light warrant analysis; that a scoping meeting was held with NHDOT; that John Burke and David Holden were in attendance; that if it is determined that the warrants are met, VHB would submit a design to NHDOT. Attorney Kirsch assured the Board that the applicant was agreeable to providing a light in accordance with NHDOT requirements and subject to the City's approval. Attorney Kirsch went on to state that an escrow account was established when the subdivision was created in 1990. If additional funding is required, the applicant is willing to provide financial guarantees at the appropriate time to ensure that the light will be installed.*
14. That the site plan indicate a master fire alarm box on the building and that the Fire Department connection be a multiple connection with a 2 ½" siamese connection and a 5" storz connection; and, *(Such a note has been added to the plan..)*
15. That the site plan indicate a sidewalk connection to Griffin Road. *(done)*

Mr. Will asked if there wasn't a better alternative position for the proposed dumpsters on concrete pads. Attorney Kirsch responded that even if the dumpsters were relocated, the drainage would flow across the pavement. However, he stated that he would be willing to explore other locations but warned that he couldn't apply any science to the dilution factor. Mr. Holden interjected that the dumpster location is outside of the buffer and meets the City's requirements. It was his opinion that the oil/water separators would provide some protection.

Mr. Coker asked for an explanation of how the drainage would run in the parking lot, from where to where. Attorney Kirsch gave a detailed explanation referring to the use of rip rap, treatment swales, and water quality inlets. He stated that the drainage was designed using NH DES Best Management Practices adding that the runoff would eventually enter the Great Bog.

Mr. Coker inquired as to who would inspect the water quality inlets. Attorney Kirsch stated that it would be the owners' responsibility; that being the Griffin Park Condo Association, adding that the appropriate contractors would maintain the common area. Attorney Kirsch stated that he could provide a detailed plan and maintenance schedule and would have such reviewed by Peter Rice, the City's Engineer. Mr. Sullivan asked that the maintenance plan include the water inlet chambers with Attorney Kirsch agreeing.

Mr. Ricci inquired as to the purpose of the water quality inlets. Attorney Kirsch stated that they would separate any petroleum based contaminants from the automobile traffic in the parking areas. The inlets would also trap sand particles. Mr. Ricci continued on to state that he was a little confused by the submitted plan that shows rip rap, treatment swale and then the water quality inlet. It was his opinion that the water quality inlet is not the last line of defense. Attorney Kirsch reiterated that the design was based on the NH DES Best Management Practices booklet. He went on to state that if the site were different, catch basins might be feasible. He felt that the proposed design was an equally valid approach.

Mr. Ricci also questioned whether the 12" roof drain would work and furthermore, also wondered what would happen in the wintertime with regard to the icing of the paved treatment swales. He suggested that the proposed curbing might be eliminated on the northwesterly side. Attorney Kirsch responded that the site had been designed by several engineers with background to do so and that such a system had been installed in similar locations in New Hampshire with similar water conditions.

Barry Stowe stated that he would be more than willing to look at the suggestions; however, he informed the Board that he also needed to meet the requirements for a Site Specific Permit.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will moved to table the application as he stated that he would feel more comfortable having Mr. Ricci's concerns addressed by Dave Allen (the City's Deputy Public Works Director) with a report back to the board. Mr. Sullivan seconded the motion for discussion purposes.

A roll call vote was taken with Messrs. Sullivan, Will, Savramis, Ricci and the Chair voting in the affirmative. Councilor Lown, Messrs. Hejtmanek, Coker and Jankowski voted in the negative.

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IV. CITY COUNCIL REFERRALS/REQUESTS

A. Proposed ordinance amending Chapter 10, Article III, Section 10.301(A)(7)

Mr. Holden commented that the proposed ordinance originated from Planning Department staff and that the Board had been provided with a *draft* Rezoning Report. He recommended that the Board schedule a public meeting for October 16th with abutters being notified on both sides of the North Mill Pond.

Councilor Lown commented that the proposed amendment is an important one adding that he fully supported it. He then motioned that a public meeting be held on October 16th. Mr. Coker seconded the motion.

Mr. Holden went on to state that Article VI of the *Zoning Ordinance*, the Inland Wetlands ordinance, has a "purpose" clause. However, Section 10-301 of the ordinance does not have such a clause or preamble. He suggested that the Environmental Planner create a purpose section for #7 as to why the City wants to protect the wetlands along the shoreline. Mr. Holden further commented that this particular setback has been in effect for nearly a quarter of a century and that, on occasion, Variances have been requested.

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Item not on the Agenda:

Master Plan Planning Process.

Mr. Holden thanked the members who have been attending the various work sessions involved with the Master Plan process. He urged members to attend yet another work session on September 25th adding that a work session is also scheduled for October 2nd. He reminded the Board that the purpose of the work sessions is to assist the consultant in the preparation of the *draft* Master Plan that will be submitted to the Board and then reviewed by the various subcommittees.

Mr. Holden continued on to inform the Board that the Town of Newington would like to meet with them on a one-to-one basis versus the regional meeting that was held with the Rockingham Planning Commission. He noted that Newington is also going through a Master Plan process. Mr. Sullivan wondered if the Board should do the same thing with the Towns of Greenland, Rye and New Castle. Mr. Holden replied that he would inquire to see if there is any interest. Mr. Sullivan noted that there are a lot of concerns with Rye and Greenland as far as Berry's Brook is concerned.

Let the record show that Paige Roberts received a round of applause from Board members and Planning Department staff in recognition of how well the meeting was run in the absence of the Chair, Ken Smith..

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V. ADJOURNMENT was had at approximately 10:04 p.m.

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Respectfully submitted,

Barbara B. Driscoll
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on