

City Manger Bohenko indicated that was a project that was not completed and they would take a look to see if they could put it in the budget for this year.

Mr. Sullivan made a motion that the Planning Board accept and approve the CIP plan as presented by the City Manager and his qualified staff. He indicated that it was a pleasure working with Mr. Bohenko and the staff as they are very knowledgeable and had a grasp of what was going on in the City. He thanked them for their tireless efforts..

Mr. Will seconded the motion.

The motion to accept and approve the CIP passed unanimously.

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II. APPROVAL OF MINUTES

A. December 18, 2003

Mr. Will requested a correction at the bottom of page 7, changing “Mr. Paige” to “Ms. Roberts”.

A motion to approve the corrected minutes was made and seconded. The motion passed unanimously, with City Councilor Ferrini abstaining.

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III. PUBLIC HEARINGS

A. The application of **Joseph C. Tucker and Edward W. Huminick, of CIF, Inc.** for property located at **66 Madison Street** wherein site plan approval is requested for the construction of 11 townhouses that are to be located on three proposed lots that are being re-subdivided from the existing two lots. Proposed lot 1 would contain two structures with each containing two townhouses with related paving, utilities, landscaping, drainage and associated site improvements. The project includes the demolition of the existing structure. Said property is shown on Assessor Plan 147 as Lots 001-001 and 001-000 (as reconfigured) and lies within an Apartment district.

B. The application of **Joseph C. Tucker and Edward W. Huminick, of CIF, Inc.** for property located at **66 Madison Street** wherein site plan approval is requested for the construction of 11 townhouses that are to be located on three proposed lots that are being re-subdivided from the existing two lots. Proposed lot 2 would contain one structure containing three townhouses with related paving, utilities, landscaping, drainage and associated site improvements. The project includes the demolition of the existing structure. Said property is shown on Assessor Plan 147 as Lots 001-001 and 001-000 (as reconfigured) and lies within an Apartment district.

C. The application of **Joseph C. Tucker and Edward W. Huminick, of CIF, Inc.** for property located at **66 Madison Street** wherein site plan approval is requested for the construction of 11 townhouses that are to be located on three proposed lots that are being re-subdivided from the existing two lots. Proposed lot 3 would contain two structures with each containing two townhouses with related paving, utilities, landscaping, drainage and associated site improvements. The project includes the demolition of the existing structure. Said property is shown on Assessor Plan 147 as Lots 001-001 and 001-000 (as reconfigured) and lies within an Apartment district.

D. The application of **Joseph C. Tucker and Edward W. Huminick, doing business as CIF, Incorporated** for property located **66 Madison Street** wherein Final Subdivision Approval is

requested to subdivide two lots into three lots with the following: Lot 1 having a lot area of 14,087 s.f. and continuous street frontage off Lovell and Madison Streets; Lot 2 having a lot area of 13,060 s.f. and continuous street frontage off Madison Street; Lot 3 having an area of 14,039 s.f. and continuous street frontage off Lovell Street; and, lying in a zone where a minimum lot area of 3,500 s.f. and 70' of continuous street frontage is required. An existing structure located on lots 1 and 3 is proposed for removal. Said properties are located in an Apartment district and are shown on Assessor Plan 147 as Lots 001-001 and 001-000. (Plat plans are on file in the Planning Department Office and are identified as 13-01-03.)

Mr. Savramis stepped down from this hearing and alternate John Ricci replaced him.

The Chair read all four of the notices into the record.

Mr. Sullivan corrected the record to reflect that the second lot contains one structure with three townhouses.

Attorney Bernard Pelech, representing the applicants, addressed the Board. He indicated that they have worked very hard with the Technical Advisory Committee, the City staff and the abutters regarding their concerns. Preliminary sub-division approval was granted several months ago. The major concern is the stormwater runoff in the area. They will not exasperbate the problem and feel they will make the situation better. No variances were required for any of the units. As the architecture renderings reflected, it would be a very attractive development. They have also worked with the City to name the private way "Old Parish Way". They have attempted to mimmick architecture in the surrounding area. This will add to the housing stock in the city and will enhance the area.

Eric Weinrieb, of Altus Engineering, spoke next. He reviewed the proposed plan consisting of 11 townhouses on three separate lots. All structures will be accessed by the private way. They exceed the city's parking requirements. They have double the required open space. They have limited curbcuts with interior driveways. There will be low level lighting to minimize the glare onto abutting properties. There will be significant vegetation on the site. They will decrease the traffic generated on the site, as opposed to the chiropractic office traffic. They did a thorough review and analysis of the current drainage conditions. They designed their plan for a 25 storm event, as a result of the abutters concerns. This is a relatively low section of town. The water discharges from the site to the North Mill Pond. This site is subject to periodic flooding. Their design included creating a drainage swale behind Units 8-11, which allows the water that gets trapped in the area to be collected and conveyed to a closed drainage system on the site. They also looked at the closed drainage system that is in Madison Street now with two catch basins. There are no sumps and are serviced with a 12' diameter metal pipe and they flood up quite a bit. They are proposing to replace the two catch basins and install reinforced concrete pipe. It will have oil traps so that the grit will be reduced in the system. This will help the small storm events and reduce the flooding in the area.

On site they are proposing a series of catch basins, storm basins and vegetative swales using the Best Management Plans. As a result, the municipal drainage system is going to be improved by their private system. As a result of the TAC process, they will be making a contribution to the city sewer project in this area. He reiterated that the abutters are not going to be seeing any sudden miracles in this area and their basements will continue to flood but probably less frequently. Regardless of what is built on this site, that will continue to happen.

They were before the Planning Board on November 20, 2003 for conditional approval for subdivision. He reviewed all of the stipulations from that meeting and they have complied with all of them.

On January 6, 2004 they were before TAC and the committee voted to approve the application with stipulations, which Mr. Weinrieb reviewed with the Board. They will be providing a recordable

easement plan to the city but cannot do that at this point in time in case one of the utility companies wants to move something. They identified the sidewalks and the condo association's responsibility to keep those clear. The finished floor elevations were noted on the plans and also that a knock box will be installed on #10 or #11. Catch basins will be inspected annually by DPW. They are working on the amount of their contribution to the sewer project. They are working with Tom Richter regarding the house numbering. They met with the Traffic & Safety Committee regarding the sidewalk issue. T&S concurred that it was not necessary to continue the sidewalk from Madison Street to Middle Street.

Scott Fiorentino, of Fiorentino Group Architects, gave an overview of the architecture and what they were trying to do in keeping with the standard of the neighborhood. They could have put two four unit structures on each lot but they decided to downsize that and create a residential feeling and minimize the entrances into the complex. It allowed them to add to the green space by providing a front, rear and side yard for every unit. They brought the units up close to the sidewalks in keeping with the neighborhood as well as the sloped roofs and brick structures. The entire design will add to the residential feel of the neighborhood.

Mr. Will was very encouraged by the project but had one major concern which was sewer. He would like to touch upon the City project a little more and how this project fits into the bigger picture.

Attorney Pelech stated that the choke point in the last part of the Phase II of the storm sewer separation is the brick box under the Bartlett Street and Islington Street intersection.

David Allen, Deputy Director of the Department of Public Works, confirmed that this "bottleneck" or "brickbox" project was next in line. It is a granite built channel that runs beneath the bicycle shop and they cannot even get any instruments in to measure flow or televise the area. Mr. Allen indicated that the sewer project is fairly far along in the design process and they plan to start construction in the late fall. The neighbors to this project would probably see some relief in a year from the starting date.

Councilor Ferrini asked when the city project will be tied into a separate sewer system?

Mr. Allen indicated that the public works area is being designed right now with the intent to fold that in so that as soon as they finish Islington Street they can tie it in. They are also working with the developer of that DPW property to have him involved in the project also.

Councilor Ferrini asked if this design was tied into their assumptions and considerations?

Mr. Allen indicated that it was.

Mr. Sullivan asked if the new line was just water or was it water and sewer?

Mr. Allen stated that they were putting in separate storm drains and sewer lines.

Mr. Sullivan was under the assumption that the water drains that will be put in will only take care of the surface waters that go out into the brickbox. Mr. Sullivan went on to say that even if this project were to go forward today, people are still going to get water in their basements. He felt the people needed to understand that.

John Ricci asked for a few revisions to the plans. He asked that the plans reflect that the annual inspection report be forwarded to the Department of Public Works, rather than specifically to David Desfosses. He asked that they add the specs on the oil/water hood to the plans. He asked that the silt fencing be added to the ledging as it was hard to read.

Mr. Hopley asked about the developer funding independent engineering inspection of the installation of the system. Attorney Pelech indicated that they would not object to making that a condition.

Chairman Smith called for public speakers.

Mark Regoulinski, of 37 Madison Street, pointed out that the sewer line broke two summers ago and his basement was flooded. The City couldn't get a camera down into the pipes but eventually fixed it. Everything is now pumped down to Cass Street. Those residents are now having trouble with flooding. This project will add more sewerage to an existing problem.

Lauren Greenwold, of 55 Lovell Street, stated that her concerns with the project were with their representations that they will not effect the existing water problems in the neighborhood. She felt they were speculating. She would like to see how the city project works before starting this project. She is also concerned about traffic. She had a copy of a traffic study that the Police had done and it showed over 6,000 cars on Cass Street over a 24 hour period.

Ray Clauson, of 33 Madison Street, indicated that his problem was a little unique. They live directly across from the proposed project. They have a poured foundation and do not get water in their basement. He uses his basement for storage. His concern is that the demolition will result in cracks in his foundation, thereby allowing water to get in. He currently uses a sump pump occasionally. He feels this project should be passed but for the record his basement is dry and he will hold the applicants responsible for any damage to his foundation.

Albert Doll, of 39 Lovell Street, felt that there should be federal funds to use this property for senior housing. He wanted to know what had been done to look into that use.

Josephine Bosen, of 66 Madison Street, addressed the Board. She has lived at this property for 30 years and she indicated that they have never had any water problems in their house or their garage. She felt that the traffic was very heavy when her husband was in active practice, 50 to 60 cars per day, and this project would result in a considerable decrease in traffic in the neighborhood. She disputed the claim that the neighborhood has flooded recently. She said it hasn't flooded since the city put their time and money into correcting the problem. The neighbors have been getting water in their basements for over 100 years and they need to spend their own money to water-proof their homes. The property is taxed commercially and the only way sell this property is with a project like this. They subdivided their lot a few years back with the intention to put up townhouses and no one objected at that time.

Sarah O'Callahan, of 209 Cass Street, indicated that the street flooded this past summer. She called the DPW and they advised her to just wait and see what happens and eventually the water did go away. She felt the plans looked nice but she was concerned with the affordability of the townhouses. She didn't see a compelling need to put \$450,000 condos in their neighborhood.

Susan Young, of 47 Lovell Street, indicated that the streets flooded in 1997 and a car was almost completely under water.

Peter Bosen, who grew up at 66 Madison Street, indicated that there was lots of traffic when his father's office was in full swing. He mentioned that Channel 50 stated that they have had more significant rain over the past 10 years in comparison with the previous ten years before that. He has not seen pictures of any flooded basements over the past 5 years. He felt that the city upgrades to the sewer system worked very well. The Bartlett Street improvements will be of great help to the area. He felt that the homeowners in the area have a responsibility to hire a private contractor to waterproof their basements.

Lauren Greenwold, of 55 Lovell Street, confirmed that she had only been a resident of the area for 6 years. They paid to put a system in the basement with 2 sump pumps but it doesn't work. If there is a power failure, their sump pumps don't work. She reiterated that it was an environmental problem and sewer in someone's basement was the city's responsibility.

Dorothy Kierstead, of 50 Lovell Street, was concerned with the sewerage. They spent a lot of money on their basement also. She felt it was an environmental problem. She also felt the driveway coming out onto Lovell was dangerous.

Mr. Will pointed out that there was a full sidewalk going down the length of Lovell Street. Attorney Pelech confirmed that Traffic and Safety had approved the plan and John Burke was also present at the TAC hearing.

Mark Regoulinski, of 37 Madison Street, agreed that there was a lot of traffic when the chiropractic office was active. He was concerned with the Madison Street Sidewalk

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

DISCUSSION AND DECISION OF THE BOARD:

Chairman Smith indicated that there was a lot of neighborhood interest and concern over this project. He asked what type of impact they felt the project would have on the present conditions?

Dave Allen was unfamiliar with the applicant's schedule and could only address the city's schedule. Some of the work that the applicant is doing will improve the drainage directly abutting their property. If there is a significant storm, this area will flood again until the city completely redoes the system. Any low line area will potentially flood. This project will not make a significant difference in what is already a low area. Mr. Allen was confident that the city project will make a significant improvement in the area, as it did in Panaway and Baxter/Feld. Those projects were very successful.

Chairman Smith pointed out that they had opened the meeting by looking at the Capital Improvement Plan and part of that was the continuation of the improvements on the sewer systems and he felt it was important that people contact their City Councilors to support the continuation on these projects.

Mr. Will asked about the City's time schedule and how it would coincide with this project.

Mr. Allen stated that they are working on getting access to private property so that when the time comes they can get through. Within the next couple of months they should have a time schedule.

Chairman Smith asked about snow storage and snow removal. As this was not a city street, they would be doing their own plowing and asked where they would be putting snow storage.

Mr. Weinrieb confirmed that there was no snow storage on the site and they will be removing it from the site.

Chairman Smith asked if all utilities were underground.

Mr. Weinrieb confirmed that they were all underground.

Chairman Smith asked about trash.

Mr. Weinrieb indicated that all of the houses that front on Madison Street will be curbside on Madison Street. The two that are on Lovell Street will be responsible for bringing their trash out to the curb on Lovell Street

Chairman Smith asked Mr. Weinrieb to review the parking configuration.

Mr. Weinrieb indicated that they were required to provide 1 ½ spaces per unit and they provided two spaces for #1 -#4. Units #5 - #7 are not allowed to have spaces behind each other so these units have a garage unit and an additional parking unit for #5 & #7 next to the building. #8 -#11 are long enough that they can physically almost fit three cars in their driveway. Parking along the driveway will not be allowed and they will have "No parking" signs in the cul-de-sac. There will be on street parking on Madison and Lovell Streets as currently exists.

Mr. Hopley referred to the utilities plan and indicated that it appeared that there were two sewer lines in Madison Street. One was labeled inactive yet Units #1 - #7 were dumping into it. The second sewer line, which none of the units are dumping into, seems to go to a manhole and goes down Lovell. He asked for clarification on how the sewer worked, especially in light of some of the testimony from the abutters.

Mr. Weinrieb stated that they had incorrectly labeled the wrong sewer line and would revise that on their plans. The line dumps into the manhole and runs down Lovell, meets with Cass and runs down Chevrolet, across the parking lot and ends at the Malt House.

Mr. Holden summarized the TAC meeting. He advised the Board that TAC took a considerable amount of time looking at this project and the primary concerns from day one was water drainage and separation of sewer. The applicant has worked very closely with the Public Works Department. The issue before the Board is that this project is not posing any more significant increase and is potentially showing some improvement and additionally the applicant is making a contribution to the City's infrastructure, which is an off-site improvement. Therefore, this project is actually doing more toward the city than the existing project would do. This project meets the city's Zoning Ordinance. The Planning Board is reviewing it in terms of the Site Review Regulations as to the impact. TAC found that this project did satisfy all of their requirements so they voted favorably to recommend approval to the Board.

Ms. Tillman summarized the Traffic & Safety Committee meeting. They were satisfied with the sidewalks as drawn as well as the entrance out onto Lovell Street. One of their concerns was naming of the private road for 911 purposes. All of those issues have been addressed. Tom Richter of Public Works will address the naming of the new street.

Mr. Jankowski made a motion to approve A, B & C with all stipulations proposed by TAC as well as the request by Mr. Hopley for an independent engineering monitoring of the installation of all underground drainage utilities and a further stipulation relative to the Street numbering.

Mr. Sullivan seconded.

Mr. Will asked for a stipulation that the project be delayed until the city's sewer plan is more definite and the logistics can be better coordinated. He did not want the projects to be in conflict with one another.

Mr. Holden did not believe that they had the authority to make that a stipulation but suggested the Board look to the applicants opinion on that.

Attorney Pelech indicated that they did not anticipate any occupancy before the summer of 2005 and he felt they would probably fit very well with the City's schedule.

The stipulation was not acceptable to the maker of the motion so the matter was moot.

The motion to approve A,B & C passed unanimously (8-0) with the following stipulations:

From The Technical Advisory Committee meeting of January 6, 2004:

- 1) That all utility easements be reviewed and approved by the City Attorney for content and form;
- 2) That a note be added confirming that the Condo Association is responsible for the internal sidewalks;
- 3) That the finished grade for the habitated floors (versus the garage) in each unit be provided;
- 4) That the residential sprinkler system be a monitored system and should be coordinated with Deputy Chief Steve Griswold and a knox box be installed on either Unit 10 or 11;
- 5) That sumps and catch basins be inspected annually and a report sent to David Desfosses, Engineering Technician;
- 6) That the applicant will work with PWD to finalize a formula of contribution to the downstream drainage improvements that are required based on your incremental increase in flow;
- 7) That the applicant contact Tom Richter at DPW regarding house numbering;
- 8) That the water and sewer service for Unit 9 be separated from Unit 8, and so that the water is in the front and the sewer is in the back;
- 9) That the issue of sidewalks on Madison Street will be referred to the Traffic and Safety Committee for a recommendation to the Planning Board;
- 10) That a recordable easement plan be provided to the City prior to the issuance of any Certificate of Occupancy.

From the Planning Board meeting of January 22, 2004:

- 1) That there be an independent engineering monitoring of the installation of all underground drainage utilities (Clerk of the Works).

A motion to approve the subdivision, subject to the following stipulations was made and seconded.

The motion to approve passed unanimously (8-0) with the following stipulations:

- 1) That the disposition of the existing structure be detailed in a binding agreement;
- 2) Installation of permanent boundary monuments per the requirements of the Public Works Department;
- 3) That the Site Review Bond remain in effect until the permanent boundary markers are in place.

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E. The application of **Karl and Gale Belilah** for properties located at **244 and 254 New Castle Avenue** wherein a Final Lot Line Change is requested between two lots having the following: Lot 38 increasing in area from 5,240 s.f. +/- to 6,393 s.f. +/- and with continuous street frontage off New Castle Avenue and Driftwood Lane; Lot 39 decreasing in area from 4,827 s.f. +/- to 3,674 s.f.

+/- and with continuous street frontage off New Castle Avenue; and, lying in a zone where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. Said properties are located in a Single Residence B district and are shown on Assessor Plan 207 as Lots 38 and 39. (Plat plan is on file in the Planning Department Office and is identified as 19-03-03.)

The Chair read the notice into the record.

Karen Lovejoy of Ambit Engineering appeared on behalf of Mr. & Mrs. Belilah. She indicated that they received preliminary approval from the Planning Board last month. They are attempting to make the lots more regularly shaped and allow each person to have their back yard behind their house. They received BOA approval on January 20, 2004. One of the stipulations of preliminary approval was the installation of permanent boundary markers, which has been done. There was concern about further encroachment. They have had the lot professionally surveyed and it turned out that there were no encroachments.

Mr. Hopley asked what the variance was for?

Ms. Lovejoy indicated they were making two non-conforming lots.

There being no public speakers, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Chairman Smith asked that a stipulation be made that the standard monument markers be installed. Mr. Sullivan made a motion to approve with said stipulation. Mr. Will seconded.

The motion passed unanimously (8-0) with the stipulation.

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F. The application of **Heron Realty Trust** for property located at **917 Greenland Avenue** wherein site plan approval is requested for the renovation of the former existing gas station/ convenience store to professional offices, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 259 as Lot 7 and lies within a Single Residence B district.

The Chair read the notice into the record.

Eric Weinrieb, of Altus Engineering, spoke on behalf of Heron Realty Trust. This was the former Sherburne store and they are converting it to a professional office. They are required to provide 10 parking spaces on the site. They have designed a one way access through the site with two spaces along the front along Greenland Road and eight spaces behind the site abutting Bob Locke's property. TAC required a 5' wide concrete sidewalk with vertical granite curb, as well as vertical granite curb along Sherburne Road and sloped granite curbs at the entrances to the site. There is a small retaining wall to the rear of the site. Along the westerly abutting property they will be putting an 8" high solid wood fence. At one point there were some issues between the Wholeys and the developer and those issues have been resolved and Attorney Pelech signed off on those. There will be building mounted downward lights.

Mr. Ricci asked what type of retaining wall were they proposing?

Mr. Weinrieb indicated that was to be determined. It was only going to be a few feet high and will probably be a modular.

Mr. Sullivan asked about putting trees in the front of the building, along Greenland Road.

Mr. McDonnell, of Heron Realty Trust indicated that they plan to add shrubbery and flowers and will submit a plan for approval by Lucy Tillman. He indicated that they have tried to make the whole project as residential as possible.

Chairman Smith asked about trash storage.

Mr. McDonnell indicated that trash would be stored internally.

Chairman Smith asked about the results of Traffic & Safety reviewing this?

Mr. Weinrieb indicated that they are proposing a sidewalk along Greenland Road. T&S did not require that it continue up Sherburne. The material next to the handicapped space is butuminous concrete.

Mr. Sullivan asked about the working hour of the tenants?

Mr. McDonnell indicated that the Board of Adjustment set the hours for 8:00 a.m. –9:00 a.m.

As there were no further speakers, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Sullivan made a motion to approve with stipulations. Mr. Will seconded.

The motion passed unanimously (8-0) with the following stipulations:

- 1) That per Article V, Section 10-504(a) & (c), a 8’ fence and/or solid evergreen hedge be added to the plan, with a recommendation to the Planning Board that all parties agree;
- 2) That a lighting plan be provided to show what the lighting fixtures will be used on the side abutting the Wholey property;
- 3) That the plan reflect sloped granite curb on the radius;
- 4) That the plan identify the type of material used for the sidewalk next to the handicapped parking space;
- 5) That a sidewalk along Greenland Road be added to the plan, per recommendation of the Traffic & Safety Committee;
- 6) That the entrance sign be turned for better visibility;
- 7) That a landscaping plan be presented and approved by Lucy Tillman of the Planning Department;

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IV. CITY COUNCIL REFERRALS/REQUESTS

A. Request from Paul R. Bacon to purchase city owned property located on Edmund Avenue.

Mr. Holden indicated that the applicant wishes to withdraw his request and he recommended that the Board recommend to the City Council that it has been withdrawn and they are not taking any action.

A motion was made and seconded to indicate to the Council that this matter was withdrawn and no further action is necessary. Said motion passed unanimously.
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V. NEW BUSINESS

A. Election of Officers

Mr. Sullivan moved to supersede the rules and have an open election. Mr. Savramis seconded.

Mr. Will indicated that this was the third time that they had done this and he felt that they should change the rules if they were going to suspend the rules every year.

The motion to supersede the rules passed with a 7-1 vote.

Mr. Will made a motion to elect Kenneth Smith as Chairman and Paige Roberts as Vice-Chairman. Mr. Sullivan seconded.

The motion passed unanimously with an 8-0 vote.

Mr. Will made a motion to change the rules to do an open election every year. There was no second.

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Chairman Smith thanked Ted Jankowski for all of his hard work during his time on the Planning Board. Mr. Jankowski indicated that he had come to Portsmouth looking for a job but found a home. He will be staying in the area and commuting to Boston.

VIII. ADJOURNMENT

A motion to adjourn at 9:50 pm was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on February 19, 2004.