

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

7:00 P.M.

**CITY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

MAY 20, 2004

MEMBERS PRESENT: Kenneth Smith, Chairman; Cindy Hayden, Deputy City Manager; Paige Roberts, Vice-Chairman; John Sullivan, Thomas Ferrini, City Council Representative; Richard A. Hopley, Building Inspector; Donald Coker; Alternate John Ricci and Alternate Jerry Hejtmanek

MEMBERS EXCUSED: Raymond Will and George Savramis

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

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I. APPROVAL OF MINUTES

The minutes from the April 15, 2004 Planning Board meeting were approved unanimously.

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II. PUBLIC HEARINGS

A. The application of **Parade Office, LLC**, for property located at **195 Hanover Street** wherein Final Subdivision Approval is requested to subdivide one lot into three lots with the following: Lot 1 having a lot area of 28,515 ± s.f. and continuous street frontage off High Street and Hanover Street; Lot 2 having a lot area of 9,266 ± s.f. and continuous street frontage off Hanover Street; and Lot 3 having a lot area of 175,470 ± s.f. and continuous street frontage off Hanover Street, Maplewood Avenue and Deer Street; and lying in a zone where a minimum lot area of 1,000 s.f. and no continuous street frontage is required. Said property is shown on Assessor Plan 125 as Lot 1 and lies within a Central Business district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Cory Colwell, of Millette, Sprague & Colwell, addressed the Board. Also present was Jeff Johnston of Cathartes Investments. They appeared before the Board last month and received preliminary approval for a three lot subdivision of the Parade Mall. Proposed lot 1 would consist of 27, 787 s.f. or .64 acres, with frontage on both High and Hanover Streets. Proposed lot 2 would consist of 10,076 s.f. or .23 acres, with frontage only on Hanover Street. Proposed lot 3 would be the remainder of the lot, where the Parade Mall office site currently is and would be 175,389 s.f. or 4.03 acres. That preliminary approval was conditioned on the following stipulations:

1. That the applicant work with the City to identify parking requirements/credits for each lot and that these calculations be identified on the Final Plat Plan;

This is currently being worked out with the City Attorney and Attorney Alec McEachern. Their interpretation of the parking requirement was put on note formont he

plan however this is subject to change and probably will change as a result of the outcome of their meetings. Once that agreement is finalized, that note will be added to the plan.

2. That the vehicular and building restriction easements be provided to the City for review/approval as to content and form, prior to their being recorded simultaneously with the Plat at the Registry;

This document was submitted to the City Attorney by Alec McEachern and it was Mr. Colwell's understanding that it was currently under review. All easements are shown on the Plat. The easement going out to Deer Street has been removed as the turn was too sharp so that only access now show was from High Street. There is a sewer easement shown on the plan but is no longer needed and will be removed from the plan.

3. That the Deer Street right-of-way be better defined on the subdivision plat so that it shows such particular features such as intersecting lot lines, curb cuts and a general orientation of what is existing on the northerly side of the right-of-way;

Last month it was thought that perhaps this would make a nice through fair to Russell Street however as it is some 100' – 200' easterly of the existing entrance to Deer Street so it doesn't make a nice throughway.

4. That the wording for the one way street be made clearer on the subdivision plat; and,
This was done.

5. That when all of the aforementioned stipulations are satisfied that an application for Final Subdivision Approval shall be submitted in accord with the City's Subdivision Regulations along with documentation that all boundary monuments have been set as required by the Department of Public Works.

They have submitted their final application and on April 4, 2004 all monuments for lots 1 & 2 as shown on the plan were installed. A letter was submitted to the Planning Director certifying the placement of those markers.

Ms. Roberts asked when cars come in from High Street along the easement, where to they go to get out of the property?

Mr. Colwell indicated that there will be parking and a paved area, with a wide access where they will back in and go back out. There is also a turn around as part of the design. Cars dropping off patrons to the hotel would come in, circle through a porte cochare and exit back out to High Street.

Councilor Ferrini asked if that plan would accommodate an 18 wheeler?

Mr. Colwell indicated that it would not and there were no plans for any 18 wheelers to deliver to the site. The biggest truck will be a box truck.

Mr. Sullivan asked what their plans were during the construction phase and how would they handle trucks then?

Mr. Colwell indicated that during the construction phase there would not be any patrons accessing the site and all lots will be owned by the same owner so they will be able to continue to set up on Lot 3 and operate from the different lots.

Mr. Sullivan asked if they would be blocking off the parking during that construction phase and what would happen to the people that are presently using that lot?

Mr. Colwell indicated that some of the parking would be blocked off however they currently have more spaces than necessary so there shouldn't be a problem.

Councilor Ferrini asked if there was anything to preclude vehicles to utilize the easement to then gain access to the parking lot and exit through the Deer Street entrance.

Mr. Colwell indicated that there would be nothing to preclude that.

Councilor Ferrini asked if the curbcut to Hanover was blocked off?

Mr. Colwell indicated that it was currently blocked off and it was their plan to keep it blocked off.

Mr. Coker asked if there would be a restaurant in the hotel and how they would limit tractor trailer deliveries?

Mr. Colwell confirmed that there would be a restaurant. They are currently working with a company, Olympia Investors, which is the same company that developed the Hilton in Portland. They contacted them and were advised that there are no tractor trailer trucks delivering to that facility and this hotel will be very similar. A trash truck will probably be their biggest vehicle that will access this site. A tractor trailer would not be able to access off of High Street and navigate the site.

Mr. Coker didn't see how it could be limited.

Mr. Colwell indicated they were relying completely on Hilton and they are going on record that there are no tractor trailer deliveries necessary for the functionality of this operation.

Mr. Holden indicated that this was a subdivision plan and it meets the requirements of the subdivision ordinance. These might be appropriate questions at site review. The curbcuts have existed since the urban renewal project.

Chairman Smith indicated he would like to see the one way street marked better on High Street, coming from Hanover over to Deer.

Mr. Colwell indicated there was a sign on the plan.

Chairman Smith asked that it be larger.

The Chair asked if there was anyone from the public who wished to speak to, for or against the application.

Carol Johnson, of 401 The Hill, indicated that her only concern was that the corner on High Street was going to be very difficult. She was concerned about access up and down High Street.

Chairman Smith indicated that they will be doing a full traffic study at site review.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden indicated that the department concurs with the applicant that they still need to work cooperatively on the parking calculations so he would recommend approval with the four department recommendations and whatever else the Board may wish.

Mr. Coker asked if Mr. Holden could elaborate on the parking requirements/credits for him.

Mr. Holden explained that in 1997 the City Council passed an amendment that new businesses either provide sufficient parking or contribute funds to an unmet parking credit. There is an interpretive process with that, which takes into consideration what relief the property may have received prior to 1997 and also what parking they may have which is free standing. Essentially, they have to determine how the overall credit for the Parade Mall works out as a result of the subdivision and subsequent redevelopment.

Mr. Coker asked if that meant that there was an excess in one lot and a shortage in another lot?

Mr. Holden confirmed that there was that potential and they were working with the applicant. That will be resolved before the plan is recorded, or probably even earlier than that.

Mr. Hopley made a motion to approve with the four recommendations, with the second stipulation being slightly modified, adding the word "building restriction" between vehicular and easement. Also, he would include the TAC stipulations. He would like to make it crystal clear that those building easements must be taken care of.

Chairman Smith added the stipulation that the wording for the one-way street should be clearer on the plan.

The motion to approve passed unanimously with the following stipulations:

1. That the applicant work with the City to identify parking requirements/credits for each lot and that these calculations be identified on the Final Plat Plan;
2. That the vehicular and building restriction easements be provided to the City for review/approval as to content and form, prior to their being recorded simultaneously with the Plat at the Registry;
3. That the Deer Street right-of-way be better defined on the subdivision plat so that it shows such particular features such as intersecting lot lines, curb cuts and a general orientation of what is existing on the northerly side of the right-of-way;
4. That the wording for the one way street be made clearer on the subdivision plat; and,
5. That when all of the aforementioned stipulations are satisfied that an application for Final Subdivision Approval shall be submitted in accord with the City's Subdivision Regulations along with documentation that all boundary monuments have been set as required by the Department of Public Works.

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B. The application of **MacLeod Enterprises, Inc.**, for property located at **1390 Lafayette Road** where Preliminary and Final Subdivision Approval is requested to subdivide one lot into two lots with the following: Lot A having a lot area of 108,256 ± s.f. and continuous street frontage off Lafayette Road and Lot B having a lot area of 221,743 ± s.f. and continuous street frontage off Lafayette Road and Peverly Hill Road, and lying in a zone where a minimum lot area of 43,560 s.f. and 200' of continuous street frontage is required. Said property is shown on Assessor Plan 252 as Lot 8 and lies within a General Business district.

The Chair read the notice into the record.

Mr. Sullivan indicated that he was reclusing himself as he worked for Mr. Macleod for over 15 years.

SPEAKING TO THE APPLICATION:

Greg Mikolaities, of Appledore Engineering, addressed the Board. He first handed out color plans to assist the Board. They are looking to subdivide this site into two conforming lots. The Comfort Inn would remain on Lot A and Goody Two Shoes would be demolished. They would remove approximately 11,500 s.f. of pavement to make that a conforming lot with adequate parking, setbacks and greenspace. Lot B is the Yoken's parcel and they would be demolishing a 9,000 s.f. conference center. The restaurant and gift shop would remain. They would remove about 24,900 s.f. of existing paving to make it a conforming lot. The second plan is their Easement Plan and they are hoping that the color plan makes it easier to understand. The yellow represents an access easement so that folks that come in on Peverly Hill Road to the Inn can come back and forth to the Comfort Inn property by crossing the Yoken's Property. The blue represents access to get to the Yoken's parcel from the Comfort Inn parcel. The green represents the significant amount of greenspace that they are adding to both properties. The gray represents pavement that will go where the conference center was and Goody Two Shoes was.

Mr. Mikolaities felt this was a fairly simple plan and would be happy to answer any questions the Board may have.

Chairman Smith noticed that there was one abutter who was directly adjacent to this property, owned by Champagne. He asked if they had had discussions with her regarding these changes?

Mr. Mikolaities indicated that Mr. MacLeod had spoken to them.

Chairman Smith asked what those discussions covered.

Mr. Mikolaities did not have any information regarding those meetings.

Chairman Smith read a letter dated May 14, 2004 from Mrs. Champagne indicating her concern regarding the fence that had been taken down that separated the two properties.

Mr. Mikolaities did not see a problem with getting the fence back up.

Mr. Holden felt the parties could work together to make sure that the fence gets put back up.

Mr. Coker asked if the subdivision would create a non-conforming lot?

Mr. Holden indicated that, assuming all actions occur, neither lot would be non-conforming. There are actions that need to take place.

Mr. Coker confirmed that as of the approval of this Board, they will in fact be creating a non-conforming lot until such time as other conditions are met.

Mr. Holden indicated he was technically right but they were recommending preliminary approval so that all of these conditions could be worked out.

Mr. Mikolaities indicated that it was their intent to bond the improvements to make them comply.

Mr. Holden indicated that was a process they they could work out. One issue that still remains is the parking and there are a couple of different ways to handle that.

Mr. Coker indicated that the motion should be for preliminary only and not final subdivision approval.

The Chair asked if there was anyone from the public who wished to speak to, for or against the application.

Isabelle Champagne indicated that her property abuts the Yoken's property. She was not speaking in opposition to the project but would like her privacy back. The stockade fence was taken down some time ago and she had to put up a temporary wire fence to stop the people and dogs going to the bathroom on her property. She would like the stockade fence put back exactly where it was. She was born and raised on the property and she is not about to leave or go any place else.

Mr. Holden asked if it was her family's farm that originally was the Yoken's land?

Mrs. Champagne indicated that the land was all a big farm and her ancestors sold a large portion to the Yoken's family for \$10,000. The part that she lives on is part of the original farm and she does not want to give it up.

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

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden felt it might be appropriate to inquire of the applicant about the status of the Yoken's sign. It would not be a condition of approval but it is probably one of the greater Seacoast icons as the Yoken's sign is famous.

Mr. Mikolaities indicated that the intent was not to touch the sign as Yoken's will remain in business and the sign will remain in place.

Chairman Smith felt that Mr. Mikolaities was pretty clear on the fence.

Mr. Hejtmanek made a motion to approve preliminary subdivision approval with the recommended stipulations and the installation of the fence. Mr. Hopley seconded.

The motion passed unanimously with the following stipulations:

1. That the Plat be amended to show the following:
 - Detailing for open space areas used to calculate conformance;
 - Curbing parameters, especially, for Lot A;
 - Signature block;
2. That the applicant either locate conforming parking sufficient for each use on the appropriate lot or secure approval for some other conforming mechanism, prior, to a request for Final Subdivision Approval;
3. That a parking plan be presented to the Board showing the proposed parking layout as part of a request for Final Subdivision Approval;
4. That a mechanism be presented to the Planning Department that ensures the timely demolition of a portion of the conference center [Lot B] and a non-conforming free standing structure [Lot A];
5. That efforts to preserve/relocate the free-standing neon sign be considered and offered to the Board for review and discussion as offered by the applicant's representatives;

- 6. That a fence be constructed between this site and the property owned by Isabelle Champagne to be agreed upon by all parties and approved by the Planning Department; and,
- 7. That when all the aforementioned stipulations are satisfied that an application for Final Subdivision Approval be submitted along with documentation that all boundary monuments have been set as required by the Department of Public Works [Section V Requirements for Final Plat Number 13].

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C. The application of **Liberty Mutual Group**, for property located at **225 Borthwick Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the paving of an existing packed gravel service driveway and installation of an electrical conduit within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 240 as Lot 1 and lies within an Office Research district.

D. The application of **Liberty Mutual Group**, for property located at **225 Borthwick Avenue**, wherein site plan approval is requested to construct a building addition, installation of electric conduit, relocation of existing emergency generators, and installation of a screen fence, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 240 as Lot 01 and lies within an Office Research district.

The Chair read the twonotices into the record.

SPEAKING TO THE APPLICATION:

Attorney Malcolm McNeill representing Liberty Mutual spoke to the Petitions. Also present were Glenn Tuomi, Gordon Leedy and Mike Leo. This building is located on Borthwick Avenue and it is a fairly small site review modification on the end of the building, closest to the Spaulding Turnpike. Liberty’s data facilities service most of the United States and this modification is to provide utility redundancies so that the building can continue to operate under all conditions. They need reliable electrical power. No additional employees will be added to the site so there will be no need for any additional parking. A Conditional Use permit was recommended by the Conservation Commission and they have appeared before TAC on May 4th for Site Review and received a recommendation of approval with stipulations. They are also anticipating an easement will be necessary to reach the area in the vicinity of some generators where there are some monitoring wells and, per discussions with Attorney Sullivan, they are a long way along in resolving that issue.

Mike Leo, of Vanasse Hangen Brustlin, Inc., indicated that both permits deal with a small building. Liberty Mutual requires an uninterrupted power supply on a 24-hour a day/365 days a year basis. To facilitate the building expansion, there were a couple of things that they need to do. One is to move the existing generators further away from the building and they would like to pave the gravel access driveway in the rear to the building which would provide a better surface for people that access the generators. Adjacent to the building will be a number of electrical components. They are proposing to bring two new power supplies across Borthwick Avenue and bring one line underground, between the buildings to the transformer. A second power line will come from the second pole, across Borthwick Avenue, to the second transformer. The reason they are doing this is because if someone is digging along Borthwick Avenue and breaks one of the conduits it would interrupt their power connection. The facility will have this redundant power supply and should the power go out, the batteries will supply power just long enough until the generator can kick in.

Mr. Leo indicated that other improvements include bringing this second power line around the outside of the pond, refurbishing the walking path and also truncating the walking path so that it no longer connects to the sidewalk on Borthwick. They will add another walking path with additional cobblestone edging.

Mr. Coker asked about paving and how they were going to drain the paved road?

Mr. Leo indicated that there is a high spot on the pavement and it will drain to a catch basin which has a sump which then drains down to the pond. The Conservation Commission has asked them to provide an oil water separator in the existing catch basin.

Chairman Smith asked if they thought of using a pervious surface, something like they did over at HCA?

Mr. Leo indicated that they didn't look at it very hard because the ground surface is not very permeable and it doesn't make sense if there's no place for the flow to go.

The Chair asked if there was anyone from the public who wished to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearings closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden indicated that the city's primary concern is a monitoring well but he also understood that there was a sewer lateral in the area which they could work with the applicant on.

Attorney McNeill indicated that was correct.

Mr. Holden indicated that before Borthwick Avenue was constructed there were some laterals off the street and the City is beginning to move them to the street and they believe there may still be one on the property. The City would like to work with the applicant on that.

Attorney McNeill indicated that they would address that issue.

Chairman Smith referred to the department's recommendation #7 stating that if the electrical service is now owned by PSNH, DPW will be afforded the opportunity to review the connections once again.

Mr. Holden indicated this applied to the parking lot across the street.

Chairman Smith indicated that they had to pump the water away from the building. Is there a single pump or a dual pump?

Mr. Leo indicated they will not be pumping but rather it will drain through gravity.

Mr. Hopley made a motion to approve the Conditional Use Permit Application with the stipulation from the Conservation Commission. Ms. Hayden seconded.

The motion to approve the Conditional Use Permit Application passed unanimously with the following stipulation:

- 1) That the applicant provide an oil water separator in the existing catch basin.

Mr. Hopley made a motion to approve the Site Review application with stipulations. Mr. Sullivan seconded.

The motion to approve the Site Review Application passed unanimously with the following stipulations:

- 1) That the utility crossing should be shown in detail on the Site Plan, and approved by DPW (a license to be obtained from PSNH), with appropriate legal language;
- 2) That monitoring wells be shown on the Site Plan and that the well at the NW side of the property be set in a flush box that's accessible for DPW to sample;
- 3) That the service going into the previously approved utility building be noted on the Site Plan as a fire service;
- 4) That the water lines be installed in accordance with City standards;
- 5) That details of the generator insulation be provided to DPW to assure wall containment and leak detention;
- 6) That the an inspection record of hydrant maintenance be submitted to the Water Department on an annul basis;
- 7) That if the electrical service is not owned by PSNH, DPW be afforded the opportunity to review the connections once again; and,
- 8) That updated easements be provided for review by the Planning Board.

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E. The application of **SGB & RGB Ventures, LLC**, for property located at **1800 Woodbury Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to remove 3,191 ± s.f. of asphalt pavement and construct a 2,292 ± s.f. building and add 899 ± s.f. of landscaped area within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 239 as Lot 7-3 and lies within a General Business district.

Attorney Bernard Pelech addressed the Board on behalf of the owners. They are proposing to remove roughly 3,200 s.f. of hottop, place the proposed building where the hottop was and the building itself will be approximately 2,300 s.f. and 900 s.f. of pervious green landscaped area which doesn't exist at the present time. He indicated that the Conservation Commission recommended approval of this application as this was a better situation than what currently exists. There will be more green space and the building would provide "clean" stormwater runoff rather than "unclean" runoff from the pavement.

Dan Balfour of Millette, Sprague and Colwell, answered questions from the Board.

Mr. Coker indicated that he was interested in the existing drainage, with new building and roof drainage aside. He asked Mr. Balfour to go over where the existing drainage is and how it currently functions. He indicated that their regulations state that, in order to grant wetland approval, the land is reasonably suited and the wetland values are not adversely impacted. There is no adverse impact on wetland values on surrounding properties. He wasn't comfortable that the existing drainage was adequate.

Mr. Balfour explained that the way the drainage currently exists is with a catch basin, next to the currently proposed structure with all of the water running into the catch basin as well as the Circuit City water. There is a 24" pipe that runs out of that catch basin, runs back behind Circuit City to a detention pond which treats the water before it goes into the wetland area. That is how the current drainage system works now. The proposed system will work the same way with the only difference being about 3,000 s.f. of pavement.

Mr. Coker asked if he was representing that all of the property is treated in some fashion in a catch basis or detention pond and there is no direct runoff into the wetlands.

Mr. Balfour indicated that there is not and that Millette, Sprague & Colwell originally designed the system.

Mr. Ricci asked what would go where the pavement was that was being removed.

Mr. Balfour indicated that there would be landscaping and greenery on the side and on the front of the building.

Mr. Ricci asked if they had considered a drop edge around the perimeter of the roof line to help mitigate the runoff.

Mr. Balfour indicated that he had not but it sounded like a good idea.

Mr. Hayden indicated that the Conservation Commission had a stipulation that the Stormwater Management Plan go to the City Engineer and did they have any problems with that?

Mr. Balfour indicated that they did not.

Mr. Coker indicated that this is just for Conditional Use so they would be seeing a Site Plan and a full drainage plan as a later date.

Chairman Smith asked about the detention pond and whether it was still in good working condition and would they certify that to the City?

Mr. Balfour indicated he was at the site recently and it appeared to be working fine. He was confident that Fred Sprague would certify that.

The Chair asked if there was anyone from the public who wished to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearings closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Sullivan made a motion to approve with stipulations including the drip edge and and detention pond maintenance. Ms. Hayden seconded.

The motion to approve passed unanimously with the following stipulations:

- 1) That the applicant prepare a stormwater management plan to be reviewed and approved by the City Engineer;
- 2) That a drip edge be added to the perimeter of the roof line with an underdrain connecting to the basin;
- 3) That maintenance reports on the detention pond be provided to the Department of Public Works annually.

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F. The application of **Bayfield Development Company, Inc.**, for property located at **58 State Street**, wherein site plan approval is requested to construct a 3-story L-shaped addition totaling 1,297 ± s.f., with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 105 as Lot 12 and lies within the Central Business B district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Cory Colwell, of Millette, Sprague & Colwell, addressed the Board. Also present were Brad Richards and Bernard Pelech. They are proposing the renovation of an existing 3-story brick building with a 3-story wood frame addition on the back. They are proposing to add an L shaped structure in the back. The finished building will contain retail space on the 1st floor and the 2nd and 3rd floors will be residential units. Green space will be provided behind it. They appeared before TAC and received approval with several stipulations which he went through with the Board.

- 1) That the water and sewer service be connected from State Street, and by implication, the property would no longer offer services to the lot line to the rear and off of Court Street;

Initially this building was serviced off of Court Street. They are proposing a new sewer service and new water service, both fire and domestic, which are coming in from State Street.

- 2) That the Site Plan depict the area of work that is under review by this Committee and that the title block reflect more properly the work that is being requested;

What they submitted to TAC was two buildings on one plan. The back building is only two units so it is not required to go through Site Review. They have removed that building from the plans.

- 3) That details be provided on how to properly repair the street;

The lower left hand corner of the plan they have a note entitled "Pavement Repairs on State Street", basically giving the contractor all of the details to trenchcut the services and repair the street back to city standards.

- 4) That the sidewalks must be brick and so noted on the Site Plan;

That is noted on the plan. It is currently a paved sidewalk but they have noted that it will be replaced with brick.

- 5) That the proposed gas services be noted on the Site Plan;

This is the longest service that they have to run to the building as it runs down the other side of State Street and is shown with a GS label on the plan.

- 6) That the existing electric service be underground;

Currently the electricity runs from a pole on State Street. They are proposing the same service from the same pole designated by UGU line, running parallel to State Street.

- 7) That a drainage easement burdening the back property and allowing the flow from the front property across the back property be prepared and reviewed and approved by the City Attorney;

That easement has been prepared by Attorney Pelech and will be forthcoming for the City Attorney's review.

- 8) That the gutter be repaired so when a separated drainage system is completed on State Street it can be converted and the stormwater will go into the drainage system;

Basically what they have now is a drainage system of disrepair. When this construction takes place they have agreed to install new gutters running full face of both building. The drainage would then come down into the greenspace and they have shown on a separate plan that it will run across that lot, onto Court Street and into a catch basin.

- 9) That a fire service be installed which includes automatic notification of emergency services as well as a Knox box and a Master Box;

That has been noted in the upper left part of the plan and described in Note 12.

- 10) That parking calculations be determined through Lucy Tillman and noted on the Site Plan;

They have provided a parking calculation on the plan which will need to be reviewed and approved by the Planning Department.

Mr. Ricci asked if, on the pavement repair detail, they would give more detail.

Ms. Roberts asked what materials the gutters will be made of?

Mr. Colwell indicated that he could not speak for the architect however usually they are vinyl gutters. He believed that would fall under the building permit process.

Mr. Holden indicated that if they were being replaced in the same material and form it was not subject to HDC.

Attorney Pelech indicated that he believed the existing gutters were aluminum and they would simply replace with a like kind.

Chairman Smith asked about the overhang of the gutters extending on to someone else's property.

Mr. Colwell indicated the gutters were being contained within the property lines.

Ms. Hayden asked about Stipulation #4 on the sidewalks, she did not see any mention to detail on the pattern and what they were being set on?

Mr. Colwell indicated that nothing was mentioned other than that it should be brick. He indicated they would work with DPW on pattern and details.

Mr. Holden recalled some discussion on the other site to work with DPW because of the Court Street project regarding the driveway issue, and although that wasn't really a part of this application, it should be coordinated together.

The Chair asked if there was anyone from the public who wished to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearings closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley made a motion to approve with stipulations. He also noted that Stipulation #9 should read a Knox Box and a Master Box. He also added the stipulation to work with DPW on the sidewalks. Ms. Hayden seconded.

The motion to approve passed unanimously with the following stipulations:

- 1) That the water and sewer service be connected from State Street, and by implication, the property would no longer offer services to the lot line to the rear and off of Court Street;
- 2) That the Site Plan depict the area of work that is under review by this Committee and that the title block reflect more properly the work that is being requested;
- 3) That details be provided on how to properly repair the street;
- 4) That the sidewalks must be brick and so noted on the Site Plan;
- 5) That the proposed gas services be noted on the Site Plan;
- 6) That the existing electric service be underground;
- 7) That a drainage easement burdening the back property and allowing the flow from the front property across the back property be prepared and reviewed and approved by the City Attorney;
- 8) That the gutter be repaired so when a separated drainage system is completed on State Street it can be converted and the stormwater will go into the drainage system;
- 9) That a fire service be installed which includes automatic notification of emergency services as well as a Knox box and a Master Box;
- 10) That parking calculations be determined through Lucy Tillman and noted on the Site Plan; and,
- 11) That the applicant will work with DPW on the sidewalk pattern.

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G. The application of **Aranosian Oil Company, Owner and Aranco Oil Company, Applicant**, for property located at **1166 Greenland Road**, wherein site plan approval is requested to construct a 3,588 s.f. convenience store, a 24' x 36' car wash and covered fueling islands for passenger vehicles and trucks, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 279 as Lots 1 & 2 and lies within an Industrial district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Malcolm McNeill addressed the Board on behalf of Aranosian Oil Company. Also present were Floyd Hayes and Paul Kenney, of Aranosian Oil Company, Dennis Moulton of Millette, Sprague & Colwell, Steve Rickerich, of Ransom Environmental Consultants and other experts to answer questions. Attorney McNeill indicated this plan was familiar to the Board as they had seen it previously for the conditional use issue. The parcel consists of 20 acres and only a small portion of the site is being utilized for this use. It is surrounded by Route 33, Route I-95, land of the State Highway system and the Greenland town line. It is currently a valid non-conforming use. It has been reviewed on three occasions by the Conservation Commission and they recommended approval. This Board has reviewed this matter for approval of a conditional use permit and there were variances granted by the Board of Adjustment. It has been reviewed and approval has been recommended by TAC and the Traffic & Safety Committee, with stipulations.

The site consists of a convenience store, relatively close to the highway, with a canopy that is right on the highway. Underneath the canopy are fueling stations used for automobile and to the east of the site are truck fueling areas. Presently the site is not open for business on a 24-hour basis but the site is being used 24 hours a day by trucks parking and that has been difficult to enforce. They are moving back the front canopy and are making it a 21st century canopy, the convenience store is proposed to be 3,500 s.f. which is larger than the current store. The BOA needed to act on that and approved it. The car wash is for cars only and not for trucks. The BOA required that there be 100% recycling of the water in the car wash and other measures to protect against run off to the highway.

They propose a canopy over the truck area which will provide cover. The plan is modified to show greatly reduced parking of only 9 spaces with no over night parking. The drainage has been reviewed extensively by everyone that has been involved in this project over the past year. They have a barrier system to prohibit the trucks from going into the wetland buffer which is a three step system. They have curbing, planting area, large boulder and a jersey barrier, which will provide the security to the area which will protect the wetlands. Additionally, the city also requested some further securities in the event the Applicant does not maintain the security that is anticipated or adequately provide for the mitigation which is part of the wetlands, the City would have an enforcement easement to correct any defects after notice to the applicant. This Easement was written by City Attorney Sullivan.

Attorney McNeil indicated that the parking is dramatically reduced, the gas tanks on the site will be upgraded, the building will be upgraded in it's appearance, there will be a septic system on the site. The substance of what they are asking the Board to consider is modification of the buildings and modification of the site with protections. The city has looked at this project very carefully and have found the drainage system acceptable. There have been concerns about whether the conditions would stick and if the site would maintain its integrity from a legal perspective and a physical perspective. From a physical perspective, they believe from the barriers they propose and the mitigation they propose will satisfy the environmental concerns. But, if it fails, the city has an enforcement easement, which is rare, to immediately act with regard to any defects that exist. They have been before the city for about a year, before various boards, and they believe they are at a stage where they can answer questions and show that this is a project that works.

Dennis Moulton, of Millette, Sprague & Colwell, discussed the drainage issue. Attorney McNeil went over most of the changes to the site so he indicated he would not repeat them. One of the major changes of the site is the relocation of the septic system on the site. The prior septic system is located behind the existing storage, actually in the buffer, and the proposed system will be entirely outside the buffers. The number of gasoline fueling system will not change and remains at 4. The site will include new insulated underground storage tanks for fuel and underground tanks for the gas wash. They will remove contaminated soil under the pavement. They will provide a landscaping plan to the city. There will be 12 parking spaces and 9 tractor trailer parking spaces, including one handicapped accessible space. They will provide a conforming loading area on the side of the building and an enclosed dumpster area. Utility connections will be underground.

The stormwater treatment and collection system is something they took great care to design. They have gone through discussions with this Board, TAC and the Conservation Commission, it has been reviewed extensively by city personnel as well as State personnel. It was commended by Don Wiggin and Mr. Desfosses of TAC indicated it was the "most elaborate detention system he has ever seen". The system consists primarily of catch basins. All stormwater that falls on the site currently goes off of the site untreated. The proposed site will direct stormwater to the back of the site, to catch basins. There are oil/water separators and a sediment separator which will be monitored, inspected and cleaned on a regular basis of twice a year. The water then goes into a wet detention area that has been designed so that it has a rear outlet so that it will be able to trap 12,000 gallons before it will exit the structure. There are many layers of prevention in case of a spill on the site. It will then flow out of a culvert to a level spreader, which basically allows water to spread out towards the wetland, passes a vegetative strip and then flows into the wetland. This is the most elaborate design he has ever designed.

Mr. Moulton indicated that there were operational changes on the site. There will be 24-hour operation of the site which will allow monitoring all activities. Currently tractor trailers are dumping on the lot. Operationally, per TAC, the stormwater management system maintenance records will be forwarded to DPW as well as records on the carwash.

Mr. Moulton addressed the 16 conditions of TAC:

- 1) That a landscaping plan be completed and approved by the Planning Department prior to the Planning Board meeting;

A landscaping plan has been submitted to the Planning Board, along with some information regarding the type of plantings they will use next to the barriers and they hope to soften the look of the area.

- 2) That this matter be referred to the Traffic & Safety Committee to be heard at their next scheduled meeting;

There was a site walk and they appeared before the Committee on May 20th and approval was recommended.

- 3) That a comparison of the existing traffic impact and the proposed traffic safety be provided to John Burke prior to the Traffic & Safety meeting, to include information on the queuing of the traffic light in both directions to give some idea of the adequacy of same;

This was provided to John Burke.

- 4) That the Septic Plan be reviewed and approved by David Desfosses;

The septic plan was provided to Mr. Desfosses at the TAC meeting and he is in the process of reviewing it.

- 5) That the Site Plan be modified with a Y in the sewer system so that everything does not go into the grease trap; the sewer lateral needs to be adjusted to meet code;

This is shown on the plan.

- 6) That the applicant obtain state approval for the septic system;

This approval will be necessary before they can install the system.

- 7) That the bottom of the Jersey barriers shall be installed per the exhibit provided showing all details, including the elevations;

They reviewed the grading with Public Works officials and they agreed that the grading level was acceptable. Mr. Moulton also provided an exhibit showing tractor trailer bumper heights and where they would hit the jersey barrier.

- 8) That the stormwater system be inspected and maintained in both May and September and those reports forwarded to the DPW;

The Stormwater Management Plan has been provided to the Board;

- 9) That when the grades are revised, the applicant needs to make sure that the City has access to the stormwater system for maintenance purposes;

This was in regards to the oil/sediment separator and this was moved so there was an accessway between the barrier and the pavement.

- 10) That an Easement regarding the right-of-way on City property be prepared for review and approval by the City Attorney and said easements will not preclude the City from access to the right-of-way and, if there was any servicing of the water or utilities, the applicant will restore the area to the condition prior to the disturbance;

This was addressed with Robert Sullivan, City Attorney.

- 11) That the Site Plan show the Portsmouth Well Head protection area;

The plans show that the property is within the Wellhead area and this is shown on the plan.

- 12) That any construction within the Well Head Protection area should comply with the Aquifer Protection Guidelines that are on file;

They have added a note to this effect on the plans and have advised the applicant of those requirements.

- 13) That a note be added to the plan indicating that the carwash will recycle 100% of their water;

This has been added to the plans.

- 14) That the Applicant will provide to DPW the logs and data on the monitoring wells, their locations, sampling frequency, sampling constituents and the results of the last two samplings;

They provided this information with the new plans and will forward a separate copy to the Department of Public Works.

- 15) That all new underground storage tanks receive DES approval;

This is a requirement of the State.

- 16) That the heating pad at the end of the carwash be shown on the Site Plan and the details added to the Detail Sheet;

This has been added to the plans.

Mr. Moulton went on to address conditions that were recommended by Traffic & Safety that morning:

- 1) That pavement markings be shown on the plans including directional arrows at entrances and exits and within site to guide traffic circulation;

- 2) That the owner ensure that water and/or ice will not be tracked from the proposed car wash facility into the public right-of-way by taking any and all preventative maintenance actions necessary;
- 3) That no parking anytime signs be posted behind or on the proposed jersey barriers at proper intervals to ensure that trucks use designated parking spaces.
- 4) That the city request NHDOT post No Parking signs along Route 33 in the vicinity of the site;
- 5) That the applicant extend the length of the dedicated left-turn lane on Route 33 and modify signal timing as deemed necessary by the NHDOT.

Mr. Ricci asked that they put their dumpster on a 6" concrete pad. Concerning proposed catch basin #2, he felt there might be an issue with the capacity of the draining. The outlet of the oil/water separator should have rip rap size calculations added to the plan. Concerning proposed catch basin #1, he indicated there was about 15" of cover and they indicate PCV. He felt they may want to specify the type of PCV being used. The first catch basin is a wet basin. Given the scenario where there is a week of sub-zero weather and a layer of ice forms on top of that, what happens if there is a warmer day and there is ice on that basin, how would they get treatment out of that? Mr. Ricci asked Mr. Moulton to give it some thought and get back to the Department.

Mr. Moulton's initial thought would be to provide an outlet at some elevation for an overflow.

Mr. Ricci indicated he did not see any emergency overflows should that happen.

Mr. Moulton indicated that there is an emergency storage in the dry detention area but there isn't in the wet detention area.

Mr. Ricci asked about Note #9 where it says bi-annual basis. Does that mean every other year?

Mr. Moulton indicated it meant twice a year.

Mr. Ricci asked if that would be semi-annual?

It was agreed by the Board that it should read semi-annual.

Mr. Ricci also asked for specifications of the crushed gravel and on the paving detail give the NHDOT.

Ms. Hayden asked about the landscaping plans and whether the landscaping was limited to the east end of the building.

Mr. Moulton indicated yes, as far as plantings.

Ms. Hayden asked for a plant list.

Mr. Moulton indicated it was on Page 4.

Ms. Hayden asked about truck traffic accessing the site. If they back into one of those 9 spaces, is the space layed out so that if the spaces are full people will then park in the travel lane or where do they park?

Mr. Moulton indicated they are not anticipating that problem. They are committed to only allowing vehicles to park in the parking spaces and they will not allow parking in any other spaces.

Ms. Hayden asked how many trucks access the site during peak access during the day?

Mr. Moulton indicated that there were between 15 – 20 at 8:00 a.m.

Chairman Smith asked how do they stop the trucks parking improperly?

Mr. Moulton indicated that Floyd Hayes should probably answer that.

Chairman Smith asked about their lighting plan.

Mr. Moulton indicated that he did not do a lighting but he would add that to the plans.

Chairman Smith indicated that they are now pushing for lower lighting so that they are not flooding the whole area with lighting.

Steve Rickerich, of Ranson Environmental Consultants, discussed some of the improvements that will be made to the property to enhance the environmental considerations. Mr. Moulton discussed the stormwater controls. There are currently none, however, in the revised plan all surface water will be directed to detention basins at the rear of the property and there will be adequate treatment there and the pathway to the Great Bog will be basically truncated by that. Also, with respect to impacts associated with surface water. There are currently no canopies over the diesel aisles. They are proposing canopies covering all islands and the concrete pad in that area will be grooved to prevent small incidental spills. All tanks are currently in compliance with DES regulations however Aranco is upgrading them which will benefit the environment. The capacity is currently 68,000 gallons of diesel and gasoline fuel. Currently two tanks are inside the wetland buffer zone and under the new plan all tanks will be outside the wetland buffer zone. They will be controlling truck parking and traffic. The site is currently flooded with trucks at night and some of the actions of the trucks at night are uncontrolled. As part of the proposed plan, all areas where the trucks are parking are paved and controls are in place resulting in a vast improvement. Another environmental plus is that the diesel islands will be removed which allows them to remove impacted soils that are a nagging problem of ground water quality on the site which won't go away. All of the above spell a positive situation for the mitigation to Great Bog and any mitigation to Great Bay. They monitor the site twice a year, in June and December. This is part of the monitoring system of the State. They are required to monitor the ground water until two consecutive clean rounds of monitoring are detected. They are anticipating that the monitoring will go on for some time. They have provided groundwater sampling records to the city and will continue to do so.

Mr. Sullivan asked about the overhead over the gas tanks and whether they had a fire suppression system.

Floyd Hayes, of Aranco Oil, answered Mr. Sullivan's questions. He indicated that canopies are not required by NFPA or NH Fire Code to have fire suppression. On each island they will have a fire extinguisher. In the event the station ever went unattended, then it would require fire suppression.

Mr. Sullivan was a little concerned with the lack of a fire suppression system. He referred to an incident in Kittery where a vehicle drove into a tank and it exploded with fire.

Mr. Hayes indicated that whatever is knocked over on a pump would only burn from the base of the pump up, because of a shutoff value that is required, which leave about 2 gallons of gasoline in the pump to burn. They are more concerned about an oil fire and the fire extinguisher will deal with that nicely. The older systems that don't have a shut-off value are a different situation.

Mr. Sullivan indicated to the Chairman that this might be something that the city might want to look in the future and the Chair agreed with Mr. Sullivan. The Chair was concerned with the Kittery incident at well.

Mr. Sullivan saw a documentary on TV shown where a fire started where they were pumping gas into a vehicle and they thought it started because the operator was talking on a cell phone. They proved that that doesn't start fires but the car went up in flames and people can get hurt. He just wanted that on record and maybe they should consider doing something in the future.

Attorney McNeill emphasized that this matter has been through TAC and the fire department for the review of this site.

Mr. Hayes addressed the question of what if a truck pulls in and all 9 spaces are taken and how would they respond to that. His direct response is that they have another site and if this happens they are told that there is no parking on the site and asked to leave. This will be monitored on video. Mr. Hayes went on to discuss the car wash which is a touch free vector, which is similar to the car wash on Lafayette Road called the Port City Car Wash. You drive in and nothing touches the vehicle except soap and water. When a vehicle leaves their car wash, there is a heated pad surrounded by grate to catch any water running off the vehicle. When pick up trucks go in, water fills up the back of the truck. The new car wash design has a tip so trucks will drain. If there is any icing, they will immediately shut down. They will make sure no water reaches the road.

The car wash is 100% recycled. The final rinse puts out 10 gallons of water which goes through 3 separate tanks. The water will then come to a holding tank and once the water comes to a certain level, a sewerage treatment plant will empty the tank for disposal.

Mr. Coker clarified that the memo indicated that 75% of the water will be reused and 25% will be held in a holding tank and trucked off the site. On an average day, how many gallons would the total usage be?

Mr. Hayes indicated that 30 – 40 gallons total. In the summertime, business is slow but in the wintertime it is busier.

Mr. Coker asked what about the Petro Screen Coalescer as it appears to be like a "coffee filter" and it implies that it needs to be changed with some regularity. He asked what the regularity was on that.

Mr. Hayes introduced his contractor who he works with exclusively and he checks the machine one or twice month to do exactly what Mr. Coker referred to.

Frank, of Car Wash Services, described the three type of filters. There is a skimmer basket, similar to that used on a pool to filter leaves and things like that. There is a micron filter which is a stainless steel filter and every other cycle or every 45 minutes the system back flushes with air and blows through that filter and there is no changing of cartridges.

Mr. Coker asked about the statement "it ices up in the winter" They are going to throw salt up and it's going to melt and go sit in their detention pond. How effectively will the detention pond deal with salt?

Frank was convinced that by extending his pad longer than he had in Manchester, that will be a mute issue. His backup plan is to make sure the customer leaving the site is safe, that no one will criss cross over the site and slide and that they are 100' from the main road.

Mr. Coker wanted to make sure that there is no overnight parking for trucks.

Mr. Hayes confirmed that there was no overnight parking of trucks. Another way to enforce it is to charge the truck drivers. There is no monetary gain for his company to allow them to park overnight.

Mr. Coker asked about the Enforcement Easement and that the City could do immediate enforcement. He asked for elaboration on that.

Attorney McNeill indicated that usually the Board imposes conditions of approval which are enforceable as deterrents and can delay or effect the issuance of a permit. Because of this particular projects' concern and sensitivity, the City requested a more refined and specific procedure. The applicant is given an opportunity to correct a defect but if that isn't done, the City can work on its own within and there are provisions within the Easement for immediate action on the part of the City. That is what the unusual nature of the Enforcement Easement is.

Mr. Coker asked if this was for any condition at all or are they specified?

Attorney McNeill indicated it would be for repeated violations of debris and violation of the barrier and perimeter.

Mr. Holden indicated that basically they have the defense in depth, curbing, stone and the jersey barrier. If everything else fails, the City can protect the wetland on the other side. The applicant has worked very closely with the City to make all these actions necessary and he is fairly confident that they are looking at a turn around at this site and this is the measure that will help make that.

Mr. Sullivan asked Attorney McNeill about the encroachment on city property on the edge of the pumps..

Attorney McNeill indicated that they received a variance for that.

Mr. Holden indicated that a variance is only granted under a unique set of circumstances and they have to meet the test. This is not a normal situation.

Mr. Sullivan then asked about the applicant using city property, i.e. the old Route 101, and how has that been handled.

Attorney McNeill referred Mr. Sullivan to the stipulation from TAC indicating that an Easement regarding the right of way on City property be prepared and reviewed and approved by the City Attorney.

Mr. Sullivan asked if the City is going to receive any monies from the applicant for the use of the city property, which they have been using since 1946. He felt to use City property for a business of this magnitude, there should be a fee involved. He asks this question as not only a Board member but also as a tax payer.

Attorney McNeill indicated that they have had numerous discussions with the City regarding this matter. The general discussions have been that the City had certain expectations regarding the use of this property and addressing issues beyond some standards that might normally be applied. In exchange for addressing all of those issues, they have been assured of the City's cooperation in their nominal use of this site in exchange for the easement which they discussed. The final determination seems to be with the City administration, the City Attorney and perhaps the City Council with regard to how they will address this.

Mr. Sullivan agreed with Attorney McNeill and asked that this reach the City Council for their review.

Chairman Smith asked Mr. Holden to make sure that the Board receives a report back from the Council.

Mr. Hayes addressed the lighting plan that they will provide. No light will escape the property boundaries and they will reduce the height of the poles. The light will project the type of project they are building. The lights on the car wash will have three internally illuminated lights and the canopies will have flatline lights.

Chairman Smith indicated that they will be stipulating that that the applicant provide a lighting plan that will need to be approved the by Planning Director and signed off by himself.

Mr. Sullivan asked if they took into consideration any aircraft that might be flying overhead.

Chairman Smith referred to the plans and that the inspections are not all on the same schedule. He would like to see all inspections on a twice a year schedule.

The Chair asked if there was anyone from the public who wished to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearings closed.

Chairman Smith asked for clarification on the snow storage as he felt the wording was a little confusing.

Mr. Moulton indicated that if it was just a small snow accumulation, they would push it to the side. If the snow banks gets to the height of the barriers, they will remove the snow from the site.

DISCUSSION AND DECISION OF THE BOARD:

Chairman Smith was still concerned about the fire extinguishing system at the canopies. He would like to see more on that unless everyone else is comfortable with the present plan. He just wanted to raise the issue.

Ms. Hayden indicated that this had gone through TAC and complies with the NFPA requirements so it was good enough in her opinion.

Mr. Coker asked if it was within the purview of the Board to require that system?

Mr. Holden indicated that the issue would be whether it was code compliance and the Fire Department could revisit it.

Mr. Hopley indicated that Mr. Hayes was probably correct and it is at the owners discretion whether to install a fire suppression system. Mr. Hopley indicated that they see quite a few of these come through and they run about 50/50 city wide.

Mr. Sullivan did not bring it up to interfere with this application and he feels that Mr. Hayes made a good presentation. He just wanted to let the Board know that he has a concern.

Mr. Hopley indicated that a lot of national standards get modified nationally. Accidents are few and far between, spills are very minimal and a very small quantity of fuel is actually involved.

Chairman Smith asked the applicant if he would be opposed to installing these type of systems on at least the gas canopy?

Mr. Hayes indicated that he sits on the NH Fire Control Board and in 20 years they have never had an accident. If the canopies were unattended they would install the fire suppression system as well as the fire extinguishers as he has more faith in them. There is a reason why the NFPS doesn't require this system. He is confident that the fire extinguishers are adequate.

Councilor Ferrini asked if Mr. Ricci's comments were stipulations or just requests for modification of the plans?

Chairman Smith indicated that he felt that they were stipulations and they should come in after the Motion.

Mr. Coker made a motion to approve with the stipulations from TAC, conditions from Traffic & Safety and stipulations discussed by this Board. Councilor Ferrini seconded.

The motion to approve passed unanimously with the following stipulations:

- 1) That a landscaping plan be completed and approved by the Planning Department prior to the Planning Board meeting;
- 2) That this matter be referred to the Traffic & Safety Committee to be heard at their next scheduled meeting;
- 3) That a comparison of the existing traffic impact and the proposed traffic safety be provided to John Burke prior to the Traffic & Safety meeting, to include information on the queuing of the traffic light in both directions to give some idea of the adequacy of same;
- 4) That the Septic Plan be reviewed and approved by David Desfosses;
- 5) That the Site Plan be modified with a Y in the sewer system so that everything does not go into the grease trap; the sewer lateral needs to be adjusted to meet code;
- 6) That the applicant obtain state approval for the septic system;
- 7) That the bottom of the Jersey barriers shall be installed per the exhibit provided showing all details, including the elevations;
- 8) That the stormwater system be inspected and maintained in both May and September and those reports forwarded to the DPW;
- 9) That when the grades are revised, the applicant needs to make sure that the City has access to the stormwater system for maintenance purposes;
- 10) That an Easement regarding the right-of-way on City property be prepared for review and approval by the City Attorney and said easements will not preclude the City from access to the right-of-way and, if there was any servicing of the water or utilities, the applicant will restore the area to the condition prior to the disturbance;
- 11) That the Site Plan show the Portsmouth Well Head protection area;
- 12) That any construction within the Well Head Protection area should comply with the Aquifer Protection Guidelines that are on file;
- 13) That a note be added to the plan indicating that the carwash will recycle 100% of their water;
- 14) That the Applicant will provide to DPW the logs and data on the monitoring wells, their locations, sampling frequency, sampling constituents and the results of the last two samplings;
- 15) That all new underground storage tanks receive DES approval;
- 16) That the heating pad at the end of the carwash be shown on the Site Plan and the details added to the Detail Sheet;

Mr. Coker, for the record, wanted to note and compliment the applicant. He was very skeptical when this was first presented and, if he was a betting man, he would not have put his money on this getting passed. But, they have gone the extra mile and as a protector of the wetlands, he thanked them for that.

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III. CITY COUNCIL REFERRALS/REQUESTS

A. Request from Susan Dewhirst and Mark Nichols, on behalf of the United Way of the Greater Seacoast, requesting permission to install signs at the entrances to the City;

Tim Allison appeared on behalf of the United Way of the Greater Seacoast, along with Mark Nichols, a part-time volunteer. They believe these signs would help create civic pride and they would work within the city guidelines regarding size, location, etc. He distributed a copy of what the sign would look like.

Chairman Smith read the following departmental recommendations to Mr. Allison:

- That the Council approve the placement of a marking sign following the submission of a recommendation from the Planning Board [this process is in place];
- That a standard sign blank should be used for all such recommended/approved requests with this determination to be made by the Department of Public Works;
- That such signs should be consolidated in centralized locations so that more than one sign can be displayed in a grouping [and others can be added/replaced as needed to the group];
- That a model of a sign grouping be prepared and shared with the Traffic Safety Committee;
- That the location/model of these sign groups should be considered and recommended to the Council by the Department of Public Works/Traffic Safety Committee;
- That as time permits and as the Council directs that all such marking signs should be located or relocated within a sign group.

Mr. Allison indicated they were looking for an 18” x 23” sign.

Mr. Holden indicated that he met with Susan Dewhirst and John Burke and everyone agreed that these signs were very appropriate, they are marking signs and would be set along with those for Rotary, Lions, etc. The placement and location of these should be coordinated by Traffic & Safety. He felt that they may have to revisit directional signs which are more cumbersome and complicated but these are just marker signs.

Mr. Allison believed they were looking at six locations at the primary corridors.

Councilor Ferrini made a motion to recommend that this request be honored by the City Council, with DPW and Traffic & Safety drawing up the models and the guidelines recommended by the Planning Department be followed. Mr. Sullivan seconded.

The motion passed unanimously.
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B. Council Referral – Request to Rezone Property Identified as the Portsmouth Business Center

Mr. Holden indicated that the City Council has referred a request to re-zone the Portsmouth Business Center, also know as the former Outlet Mall of New England, OMNE. When it was originally constructed, the City placed this property into a General Business District where it was developed for a conforming use as a retail establishment. That retail function didn’t work out and it

has since been used as a business/office center. In accord with that, in 1995 it was rezoned to Office Research to allow that use to be more conforming. At this time the owners are indicating a desire to have it rezoned back to general business. The Department recommends that the Board take this up at this time as it is a change back to its original district. The applicant has submitted a matrix to the Board and the Department concurs with it. Mr. Holden recommended that the Board vote to have a public meeting on this matter next month.

A motion was made by Mr. Sullivan to schedule this matter for a public meeting at the next regularly scheduled Planning Board meeting of June 17th. Ms. Hayden seconded.

The motion passed unanimously.

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C. Request to Purchase City-Owned Property Located off Barberrry Lane

Mr. Holden reminded the Board that in August of last year they had a similar request for the same property. The city acquired the property from non-payment of taxes and the City needs to wait 3 years to expire before the City does anything with the title of the property. More importantly, at the last hearing, it was recommended that the City retain ownership for conservation purposes. The current request is essentially asking to purchase the property so that they can make use of it with their adjacent property. Mr. Holden did inform the people making the request that it would be the recommendation of the department that they maintain the recommendation which was made 9 months ago.

Mr. Sullivan agrees with Mr. Holden however he went on to explain the history of this property and the original owner, Mr. Camino. Mr. Sullivan made some telephone calls this afternoon and he located a daughter of Mr. Camino's who lives on Archer Street. Mr. Camino also has two daughter-in-laws that live in the City of Portsmouth, one in the Jewell Street area and one on Leslie Drive. He felt someone in the City should have been able to flush that out and contact them to see what they would like to do about the land.

Mr. Holden indicated that there was no issue here. The tax bills were sent out and they have been returned. However, they can take advantage of this process.

Mr. Sullivan moved to deny the request to acquire this property and to keep the property within the city confines for a 3 year period. Ms. Hayden seconded the motion.

The motion passed unanimously.

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IV. PUBLIC MEETINGS

A. A public meeting is scheduled in order to solicit public comment on a proposal to construct an addition to an existing pier on property located at **67 Ridges Court**. The purpose of this meeting is to assist the Planning Board in preparing a recommendation to the City Council pursuant to RSA 482-A:3 (XIII). **(This matter was tabled at the April 15, 2004 Planning Board Meeting)**

A motion was made and seconded to take this matter off the table and the motion passed unanimously.

Mr. Holden indicated that Attorney Lown contacted him and stated that they are still negotiating with parties and they have requested that this be tabled until the June meeting.

Mr. Sullivan made a motion to table this matter until the June meeting. Ms. Roberts seconded.

The motion passed unanimously.

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B. Request from City Council for a report regarding the feasibility of placing a Memorial honoring Martin Luther King at the site located between Dutton Avenue and Scott Avenue, bound by Wright Avenue and the approach to the Memorial Bridge.

Mr. Holden introduced Nate Holloway who was present and indicated the Martin Luther King Committee had met and had selected a site and the suggestion of the Department was that they allow Mr. Holloway to speak to this. Mr. Holden went on to say that he would recommend that a work session be scheduled so that they can flush out some of the details and hopefully wrap it up at the June meeting. He would also suggest an on-site visit.

Mr. Holloway indicated that they would like to have a park at this location as there were concerns with changing street names. They would also like to have the young people of the city decide what type of monument they would like. They are talking with local architects to help with the design also. They would like a bench and would prefer an area close to Strawberry Banke and Prescott Park and also the Afro-American Culture Center, located in the Connie Bean Center.

Mr. Sullivan indicated that he liked the location and he suggested that they consider a bronze plate like they are using for the old State House. Also the bridge is going to be worked on shortly and they may want to look into that construction to make sure that they aren't going to be tearing up that park.

Chairman Smith suggested that they consider the area next to the Warner House that is owned by St. John's Church.

Ms. Roberts was concerned that this park would be in the middle of a lot of traffic. When she walks in that area it is a bit daunting. She hopes that they can construct an appropriate memorial that is both attractive and safe for pedestrians.

Mr. Holden suggested that the Board may want the Planning Department to coordinate with Mr. Holloway and the Martin Luther King Committee to prepare a general report of what is being proposed for presentation at the June meeting, to be followed by an on site review and then they can make a recommendation to the City Council.

Councilor Ferrini asked what the soonest point was that they could get a good idea of what the bridge repairs would entail and a time frame for that work?

Mr. Holden indicated that they could get that relatively quickly. The City owns the approach and the State owns the bridge. Mr. Holden felt there would still be green space out there but he was unsure exactly where it would end up.

The Chair asked if there was anyone from the public who wished to speak to, for or again this matter. Seeing no one rise, the Chair declared the Public Meeting closed.

It was the consensus of the Board that the Planning Department will meet with the Martin Luther King Committee and will report back to the Board at the June meeting.
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VII. OLD BUSINESS

A. 86 Islington Street – Site Plan Revision

Mr. Holden indicated that the original site plan had a handicapped elevator but it has been determined that they do not need that. This elevator has been eliminated and more green space has been created. This works out better as they have exceeded the code.

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Chairman Smith indicated that they had their Master Plan Process Meeting this evening and they are ready to release their drafts to the City Council and then to the public the following week. From that they will start the process of going back out to the schools for meetings, followed by meetings with the study circles for presentations. There will be a meeting on land use and then they will be wrapping up with their final meeting, in early fall, so that they can present to the City Council for approval.

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VI. ADJOURNMENT

A motion to adjourn at 10:15 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 June 17, 2004.