

Proposed standards for set-backs and screening were addressed to minimize the impact on adjoining properties. Board members felt loud speakers should be addressed separately as they are intrusive to abutters. The Board would like to look into “silent” speakers that take your order by displaying it on the screen.

Site access and circulation standards should be considered to protect pedestrians and other cars. Driveway widths, separate access lane to the site, 60’ from transaction window and the street, and stacking lanes were discussed.

Chairman Smith asked about ample room for a car to exit the access lane if they change their mind. Mr. Taintor felt it was addressed with 9’ wide lanes.

A traffic impact study would be requested from any applicant.

Councilor Ferrini would like to see this more restrictive and only allow two drive thru lanes, as there would also be a by-pass lane. He was concerned about the Market Street area.

Mr. Taintor suggested on page 4, that they not reduce the frontage, which would be applicable to the Marriott area on Market Street. Mr.Taintor was trying to get more consistency but they could keep the 300’ of street frontage and Mr. Holden indicated he would look into the curbcuts.

Mr. Taintor will do up another revision and get it to the Board in preparation for a public hearing.

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the October 20, 2005 Planning Board Meeting - Unanimously approved.

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Deputy City Manager Hayden made a motion to take Public Hearing B out of order. Mr. Will seconded. The motion passed unanimously.

B. The application of **Portsmouth Hospital Office Building Association (Jackson Grey Condominiums), Owner**, for property located at **330 Borthwick Avenue** and **Islington Woods, Owner**, for property located **off Borthwick Avenue** where Preliminary and Final Subdivision approval (Parking Lot Easement) is requested to allow a 22,738 ± s.f. (0.52 acre) parking lot easement on the southeasterly portion of property shown on Assessor Plan 234 as Lot 52. Said properties are located in an Office Research district and are shown on Assessor Plan 240 as Lot 2-2 and Assessor Plan 234 as Lot 52. (Plat plan is on file in the Planning Department Office and is identified as Plan #18-01-05). (This application was tabled at the October 20, 2005 Planning Board Meeting)

Mr. Will made a motion to take the application off of the table. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

Mr. Will made a motion to table the application until the December 15, 2005 Planning Board Meeting. Councilor Ferrini seconded the motion. The motion to table passed unanimously.

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Mr. Will made a motion to take City Council Referral A out of order. Mr. Sullivan seconded the motion. The motion passed unanimously.

A. Request to purchase "Unnamed Lane" abutting Pleasant Street;

Deputy City Manager Hayden made a motion to table this matter to the December 15, 2005 Planning Board meeting. Mr. Will seconded the motion. The motion to table passed unanimously.

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Attorney Bernard Pelech requested that Old Business Item A be taken out of order.

Councilor Ferrini made a motion to take Old Business Item A out of order. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

IV. OLD BUSINESS

A. Request for Amendment to Zoning Ordinance to re-zone land at Banfield Road and Constitution Avenue from Office Research to Industrial;

Attorney Bernard Pelech requested that this matter be tabled to the next regular meeting as it was discovered that a portion of the area is owned by the Community Foundation and they need to discuss it with them.

Mr. Sullivan made a motion to table this matter until the December 15, 2005 Planning Board meeting. Deputy City Manager Hayden seconded the motion. The motion to table passed unanimously.

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II. PUBLIC HEARINGS

A. The application of **Portsmouth Farms, LLC, Owner, and Starbucks Coffee Company, Applicant**, for property located at **1855 Woodbury Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the renovation of an existing building and the addition of a drive-thru window within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 215 as Lot 11 and lies within a General Business District. (This application was tabled at the October 20, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Deputy City Manager Hayden made a motion to take the application off of the table: Mr. Hopley seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Bernard Pelech, appeared on behalf of Starbucks, and indicated that they are looking to renovate the existing Pizza Hut building. They were present for Conditional Use approval and will be back later for Site Review. The site is in close proximity to the edge of wetlands. This is a win/win situation as they are proposing a Vortechnic drainage treatment unit. There is currently no treatment on the site at all however they are proposing to contain all run off and run it through the Vortech unit before discharging into the wetlands. They will use underground detention basins or infiltration. They are committed to putting up a 6' stockade fence around 2 sides of the property. There is a big culvert that runs from across the street and underneath the property. The 6' stockade fence will help with debris and will also act as a buffer to the neighbors. This is a much better situation as stormwater will be reduced and treated. They appeared before the Conservation Commission and received a favorable recommendation for this Conditional Use application. Attorney Pelech indicated this was a situation where they are developing a property that was built prior to the wetland protections and this will make it a better situation.

Steve DeCoursey, of Bohler Engineering, addressed the Board next. Starbucks proposes to modify the site and add a drive thru lane around the building. There are wetlands to the rear of the site and they reconfirmed the wetland line. They worked with the Conservation Commission at two meetings to improve the original plan and they received approval. They reduced the amount of pavement and improved the stormwater management. They will reduce the amount of run off from the site and will probably put in a detention system. They had a wetland functions evaluation prepared and the general findings were that this project would not be detrimental to the wetlands.

Mr. Coker asked about the issue of the design of their drainage and infiltration as it has not been designed yet.

Mr. DeCoursey indicated it will depend on the soils. If appropriate, they will do infiltration as that is their preference. They will go out next week and drill a couple of holes and do tests.

Mr. Coker asked if that would be after the vortechnic system? Would this be the output from the vortechnic system or would it be direct runoff from the parking lot?

Mr. DeCoursey indicated that they would propose that it would be runoff from the roof of the building so that it would not be parking lot run off. They are looking at a relatively small increase in impervious surface on the site.

Mr. Coker asked if the infiltration system doesn't work, would the roof run off go through the Vortechnic system along with everything else?

Mr. Decoursey stated that the roof run off would likely go into some sort of underground detention basin that they would model into stormwater management software that would tell them how big the system would have to be, how much flood water it would hold and then they would tie that back into the outfall from the site.

Chairman Smith asked Mr. Britz to clarify the Conservation Commission stipulation about the water from the roof. He asked why that wouldn't always go right through the vortech system?

Mr. Britz stated that one advantage to have it infiltrate on the site would be the possibility to recharge the ground water more locally. Instead of exporting it from the site into the wetland on the back, they would put it into the ground where the rain actually falls. Whenever you can do infiltration into the ground, you are coming closer to a natural system and that it always a goal. He was talking about detaining water which works towards the reduction of the volume but it can increase the peak run off volume. This gets the overall amount of water leaving the site reduced.

Chairman Smith asked if the wetlands behind Kentucky Fried Chicken would rise higher if they contained it locally?

Mr. Britz stated it would change the flashiness of the water going into the wetlands and instead of the water going over the surface into the wetland it would go under the ground through the groundwater table which would be a more natural condition.

Adelle Foriello, a wetland scientist for NH Soil Consultants next addressed the Board. She indicated that they did a wetland delineation on the site back in the 1990's and they confirmed that nothing has changed which is good news. It is a fairly large wetland system, with numerous culverts going in and out and it does have some value as a habitat island. They also looked at the wetlands immediately adjacent to the Pizza Hut site and how those wetlands would be effected by changes to the buffer. They are proposing a driveway rather than parking which is an improvement as the vehicles leave less fluids. The wetland is doing its job and they are anticipating that with this proposal it will not have to work as hard because of the fence, stormwater treatment, less paving, the increased rear buffer from

16' to 23' wide, and proposed native plant species. The wetland will be enhanced rather than be impacted.

Chairman Smith asked if they were increasing the impervious surface or decreasing it?

Ms. Foriello confirmed that the impervious surface would be increased slightly.

Mr. DeCoursey indicated that the increase of impervious area in the buffer is 250 s.f. with a total for the site of 1,500 s.f.

Chairman Smith indicated there was some question regarding the accuracy of the Site Plan at the Conservation Commission meeting.

Attorney Pelech stated that they did not have a current survey and they stipulated to that and agreed that the increase in the amount of impervious surface would not exceed 1,200 s.f. or else they would return to the Conservation Commission for review.

Mr. Coker asked about the wetland soil evaluation criteria on Page One which refers to professional judgment. He asked how much of the report is professional judgment vs. specific delineation of wetland and species.

Ms Foriello indicated that the methodology requires them to go through the supporting documentation and evaluate it but as they can't see everything they must use their judgment as well.

Mr. Ricci asked if a traffic study had been done?

Mr. DeCoursey confirmed that a traffic study had not been done yet. If they are able to get approval for a Conditional Use permit, they will go to the BOA and then they will design their plans.

Chairman Smith asked about the site plans and if anything had been updated since the Conservation Commission meeting?

Mr. DeCoursey confirmed the plans were the same.

Mr. Will stated for clarification and for the record and the public, this is solely a Conditional Use Approval public hearing.

Mr. DeCoursey indicated that they do not want to expend the funds until they are sure they can go forward with the project.

Mr. Coker asked him to review the drainage plan.

Mr. DeCoursey explained that there are two catch basins on site currently and they connect to a large drain that goes under the site. They are proposing to take those catch basins and re-grade them and install two new catch basins. The catch basins will have oil hoods.

Mr. Coker asked if the Vortechnic Unit will have a maintenance plan?

Mr. DeCoursey confirmed that it would.

Mr. Coker asked how much the drainage plan can change after a conditional use permit is granted?

Chairman Smith stated it could change quite a bit. That would be taken up at Site Review but the Vortech System is a good step.

Attorney Pelech indicated they are committed to the Vortech unit, to reducing the quantity and rate of flow of stormwater runoff through either infiltration or underground detention and there will be no sheet flow. They will have the stockade fence and catch basins with hoods which will make sure that the amount and rate of run off is less.

Chairman Smith asked about snow storage in the buffer zone area?

Attorney Pelech indicated they haven't looked at that but they will attempt to have all snow storage out of the buffer area and anything else would be trucked off site.

Chairman Smith asked the soil scientist about the species with berries for wildlife but at the same time they will also have a stockade fence. How will the animals be able to get to the berries?

Mr. Foriello confirmed that the berries would be for the birds.

The Chair asked if there was anyone present from the public, wishing to speak to, for, or against the petition.

Phyllis Cheslock, of 202 Oriental Gardens, addressed the Board and indicated she was present with a gentlemen who also lived right next to the site. She addressed the stockade fence and indicated they would also like trees replaced on the side where their homes are. They would like the skunk problem considered as they already have a problem with skunks. Noise is a serious problem and the car fumes from the drive thru will be a problem for them. She is the very first mobile home across from the stockade fence and she hopes that the lights won't flow onto her home. She is also concerned about them being open 24 hours a day, 7 days a week.

Mr. Coker clarified that the process this evening is only dealing with a narrow issue and he encouraged her to return for the Site Review hearing. He asked her how far from the stockade fence is her home?

Ms. Cheslock stated she is about 20' from the rear property line.

Chairman Smith stated that the next round will be with the BOA. The skunk issue will fall under Site Review, the trees will be addressed here, the noise will fall under BOA and Site Review, and 24 hour operation would fall under BOA or Site Review.

Chairman Smith asked about additional trees for screening?

Mr. DeCoursey stated they will bring the concerns back to Starbucks. They can take a look at planting trees on the far side of the fence.

The Chair asked if there was anyone else present from the public, wishing to speak to, for, or against the petition.

Chairman Smith asked about additional screening, specifically looking at additional trees in the buffer zone?

Mr. DeCoursey indicated they had not fully considered that yet and would be addressing that at a later proceeding.

Attorney Pelech indicated the back is a very heavily wooded area and they can look at additional plantings along the side.

Chairman Smith also encouraged them to have an open conversation with the neighbors.

Mr. Hopley mentioned that considering the proximity of the residences to the menu board area, at the Site Review level they will be recommending the silent type drive ups.

Mr. Sullivan asked about arborvitae trees which stay green year round and grow to 20-30' which would give them plenty of protection.

Attorney Pelech indicated they will look into that type of tree.

Lenore Bronson, 828 Woodbury Avenue, spoke and expressed her concerns about the wetlands and the basis on which these decisions are being made. She is concerned that abutters are only notified initially and not re-notified when an item is tabled. She spoke to individual members of the Conservation Commission who had not been in favor of having this passed. The plans that the Planning Board have are based on the original Pizza Hut plan and are inaccurate.

Chairman Smith indicated that they were aware of that and it had previously been brought up this evening and that the applicant has not done their final plans. Site Review is when the new plans will be provided.

Ms. Bronson stated she had a copy of the plan from a Conservation Commission member who indicated that the building is not shown accurately on the plans. She indicated that there is a difference of 10' from the old plan and where the building is actually sited. There will be two lanes that will have to fit into 20', rather than the 30' on the plan. The stockade fence they are constructing is only 6' high whereas the trees they are removing are much, much higher. She doesn't understand how decisions can be made with plans that are not accurate.

Chairman Smith reminded her that they are just talking about the wetland area and whether to allow this use in the buffer zone and not how wide the drive thru will be. At the next meeting for Site Review they will have to have accurate drawings. Chairman Smith assured her that the Planning Board always looks out for the residents and will continue do so in the future.

Ms. Bronson reiterated that she felt they would be making their decision on information that is inaccurate. She also questioned the curveline of the building that creates 244 s.f. of additional coverage. She feels its actually 350 s.f. She also indicated that the original Pizza Hut approval included a stipulation requiring a dense tree buffer.

Chairman Smith again reminded her that they are just talking about the wetland area this evening and whether to allow this type of use in the wetlands. They are not addressing how wide the drive thru is going to be, but rather how the stormwater drainage is going to be taken care of and what can be done to protect the wetlands. At the next meeting, when they address Site Review, they will come back with accurate drawings signed off by an engineer, a traffic study, full landscaping and lighting plans, and much more. He has always been extremely careful with a business that abuts residential property.

Ms. Bronson asked about the meeting that was held since the last Conservation Commission meeting with Bohler Engineering and the City Engineering Department.

Mr. Sullivan encouraged her to follow the Portsmouth Herald as they will list all upcoming meetings.

Mr. Coker felt her points are very well taken but her timing is off. He wanted her to understand exactly what they are charged with at this moment. The applicant has presented a fairly reasonable case that will improve a situation that is currently creating raw runoff into a wetland. A Vortech system treats 90% of run off pollutants and is the best technology available. What is important now is that they are proposing to improve a situation. She needs to bring her concerns back at future hearings and they will deal with her concerns.

Mr. Will also indicated that memories don't stop when they leave the room. He doesn't think anyone should interpret anything as a "done deal". Specific to this plan, he felt that Ms. Bronson makes a good point. If they are 10' off to the north, how will they fit the trees in and how does that effect the plan?

Attorney Pelech indicated there have been no meetings between Bohler Engineering and the Planning Department since the first Conservation Commission meeting. After the first meeting, they were tabled to determine what additional information the Conservation Commission would need at the next meeting. Attorney Pelech and Bohler Engineering met with Mr. Holden, Ms. Tillman and Mr. Britz. Mr. Britz outlined what he felt they should submit for the next meeting. That included soil testings and the Vortech plan. He also reminded the Board that the Conservation Commission voted favorably to recommend approval.

Chairman Smith asked if the delineation of the wetland is still accurate so the approximate location of the 100' buffer zone is also still accurate.

Attorney Pelech confirmed that they re-checked that and it is still accurate.

The Chair asked if anyone else was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Mr. Holden indicated that all abutters were notified of the original meeting that was tabled from October because the Conservation Commission needed more information. Attorney Pelech clarified the meetings where they clarified the plans. As the applicant relied on a 1975 plan, they had a wetland scientist verify it. Mr. Holden also confirmed that many issues that were raised today will be reviewed at the BOA, TAC and this Board.

Mr. Ricci asked what the proposed hours of operation for this facility would be?

Attorney Pelech indicated that they did not know that information at this time.

Mr. Holden confirmed that would not be an issue at this time and he added that the General Business District does not have limitations on hours of operation.

Mr. Will asked, specific to this Conditional Use Application, how does this building differential effect the arborvitae trees?

Chairman Smith indicated that would have to come in on the Landscape Plans at Site Review. They could stipulation the trees and the application would have to make it work.

Mr. Will made a motion to approve the Conditional Use Approval with the four stipulations from the Conservation Commission hearing and a stipulation for arborvitae trees.

Mr. Coker seconded the motion for discussion purposes.

Mr. Savramis stated he could not support the motion. He felt the drive thru lanes would impact the mobile home park severely with or without the trees.

Mr. Coker asked if they can require a site walk on-site? His concerns are similar to Mr. Savramis. He applauds the applicant for improving a lousy situation, however, by looking at the bigger picture they have some serious neighborhood questions.

Chairman Smith indicated they could have a stipulation that they will have to put in the trees and two lanes which might make it difficult to get through Site Review.

Mr. Coker indicated he would reluctantly support the motion as they are improving the situation.

Mr. Holden cautioned the Board that the action before them is solely for Conditional Use. He encouraged them to apply the Conditional Use guidelines.

Mr. Britz referred them to Section 10-608(B) of the Zoning Ordinance where there are four criteria and he read them to the Board:

1. The land is reasonably suited to the use and the wetland values are not adversely impacted.
2. There is no adverse impact on the wetland values of the surrounding properties.
3. The applicant shall demonstrate that alterations of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.
4. The applicant shall demonstrate that the proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of the ordinance.

Mr. Holden indicated that whatever action they take should be based on that criteria and not something that is site specific, unless it can be tied to one of them.

Chairman Smith reminded them that if there is more than 1,200 s.f. of impervious surface then the application must go all the way back to the Conservation Commission.

Mr. Will was not sure if it was within their purview to table this application until a site walk can be conducted.

Chairman Smith confirmed that he could do that.

Mr. Will made a motion to table until such time as the Planning Board can have a site walk to determine if the vegetative buffer on the northern border will be adequately placed.

Mr. Coker seconded the motion.

Mr. Will stated that the vegetative buffer is something that speaks to the final criteria, regarding the least adverse impact to areas and environments under the jurisdiction of the ordinance. The vegetative buffer is also about protecting the wetlands buffer in and of itself.

Mr. Sullivan asked what they will see when they go out there?

Mr. Will indicated he didn't know and that was why he was requesting a site walk. He will know when he gets out there. He is trying to get an idea specific to the vegetative buffer within the buffer zone, to the northern border. He is concerned about whether the movement of the building effects whether that buffer can be placed.

Deputy City Manager Hayden asked if there was an on-site sitewalk with the Conservation Commission?

Mr. Britz indicated that members reviewed the site individually but not as a group.

A vote was called and the vote was as follows:

Mr. Ricci- opposed
Councilor Ferrini – in favor
Mr. Sullvian - opposed

Mr. Coker - in favor
Mr. Will – in favor
Mr. Savramis – in favor
Mr. Hopley - opposed
Deputy City Manger Hayden – opposed
Chairman Smith – in favor

The motion to conduct an on-site sitewalk passed with a 5 to 4 vote.

Mr. Holden asked the applicant how long it would take to get stakes between the buffer zone.

Chairman Smith clarified that the Board will be looking for clarification on whether there is room to be able to put in the trees between the approximate edge of the pavement and the sideyard.

Mr. DeCoursey indicated their survey will be completed soon.

Chairman Smith recommended that the site walk be held on December 1, 2005 at noontime.

Deputy City Manager Hayden made a motion to table this matter to the next regularly scheduled meeting on December 15, 2005 with the request that the Planning Department shall send out another notice to abutters.

Councilor Ferrini seconded the motion.

The motion to table passed unanimously.

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C. The application of **Saco Avenue Professional Building, Inc., Owner**, for property located at **125 Brewery Lane**, wherein site plan approval is requested to construct a 4-story, 64' x 240', 15,500 ± s.f., 48-unit residential building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 154 as Lot 2 and lies within a Business district. (This application was tabled at the October 20, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Mr. Savramis made a motion to take the application off of the table. Mr. Sullivan seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, representing the applicant, addressed the Board. Also present were Attorney Chris Keenan and the applicant, King Weinstein. Mr. Chagnon stated the proposal was to construct 48 condominium units at the old DPW site.

Mr. Chagnon reviewed the Site Plans with the Board.

Sheet C-1, Boundary Plan, shows all easements and restrictions placed on the property, including a conservation easement area on the northeast side of the property.

Sheet C-2 is the Existing Conditions Plan and shows the existing sewer and drainage infrastructure.

Sheet C-3, Demolition Plan, shows the plans for the removal of most of the existing pavement behind the existing buildings B&C and everything will be reconstructed. Building D will be maintained as a staging area and will be removed at the end of the project.

Sheet C-4, Landscape Plan, showing new green areas along Chevrolet Avenue and along Plaza 800 including over 122 trees which is significant. The project complies with all zoning requirements, including that 2/3 of the square footage is used for residential and 1/3 for office use.

Sheet C-5, Utility Plan, details the relocation of sewage and drainage utilities. The utilities cross the middle of the site that necessitates the relocation of those utilities.

Sheet C-6, Grading and Erosion Control Plan. Chevrolet Avenue, heading towards Plaza 800, dips down and then travels back up. The elevation at the Liquor Store is generally higher than the site. The south end of the project will be raised up to that grade so that if you are standing at the liquor store and looking out the landscaped area and walkways at the back of the building will be at that grade. On the front side of the building there will be a retaining wall allowing entrance into subsurface parking. That will be a parking garage level that will not be seen from the streetscape side.

Sheet C-7, Lighting Plan, shows the location of the parking lot lights. There is adequate light but it will not spill out onto neighboring lots.

There are miscellaneous Detail Sheets, showing construction details.

Sheet A-10 is a Site Section showing a birds eye view as you face towards the north of what the retaining wall will look like.

They submitted a package of detailed written information which included responses to City reviews regarding traffic. This Board previously approved two buildings for office use. There was a letter from Plaza 800 principals, acknowledging approval for cross access. They are tying a sidewalk in at the liquor store site down the west side of the property and another sidewalk along the cleaners at Plaza 800. They submitted a proposed Sewer Construction Agreement, dividing the cost and responsibilities between the applicant and the city.

Mr. Chagnon felt they had come a long way in the design process. He would also like to discuss the four parking spaces that currently exist on Brewery Lane. He handed out an exhibit to the Board.

The first exhibit was a concept for two parallel parking spaces. There is a problem with this as it blocks a major entrance door to Building B that is at the same grade level as the street. That would result in significant access problems to that building. The second concept presents two head-in parking spaces, providing better pedestrian safety and allows for a continuous sidewalk.

Mr. Sullivan asked if the sidewalk from the Griffin property to the corner will wrap around? He indicated that a lot of people walk from Pic N Pay.

Mr. Chagnon stated that the plan shows sidewalk from the west side of Building B and continues to Plaza 800.

Mr. Coviello referred to the lighting plan. He asked if there were any illuminaries at the cross walk between the liquor store and the entry of the building. He felt that area was dark.

Mr. Chagnon indicated he could take a look at that and add something to the plan. There is not a crosswalk there now but people do walk down Chevrolet Avenue now. Additional lighting is probably a good idea.

Chairman Smith asked about the sidewalk over to the laundromat area where he noticed a couple of steps. He asked how that would handle someone in a wheelchair?

Mr. Chagnon explained that due to the fact of the grade change they have to introduce the steps.

Mr. Hopley addressed accessibility. The parking spaces are all under the building and there will need to be signage in the outside parking area advising that the accessible entrance is underneath the building.

Mr. Chagnon indicated there is also accessible parking outside but signage to direct people there would be appropriate.

Mr. Hopley indicated that Sheet C-4 states 48 residential units at 1 ½ parking spaces per unit equals 72 parking space demand for the residential Building A. Based on Site Review Regulations, because they are between 41 – 100 spaces, the requirement is 4%, or not less than 3, and they only show 2.

Mr. Chagnon felt they needed to look at the site total. The total is 193 spaces and they are providing 7 handicapped spaces.

Mr. Hopley felt there may be a building code issue with that. Based on the quantity required for this building, he is not sure they are distributed around the building equitably. Also, signage is needed to direct people to the accessible parking inside the building.

Chairman Smith mentioned that the sidewalk has two steps. How do they handle that off-site improvement? How does someone in a wheelchair handle that? He is just raising the concern. Also, where Chevrolet Avenue comes into Plaza 800, could they have the striping come all the way up to a stop bar and a stop sign?

Mr. Chagnon indicated that was not a problem.

Chairman Smith asked if all lighting was Dark Sky Friendly?

Mr. Chagnon believed they were Dark Sky Friendly. They have submitted the cut sheet.

Mr. Will asked about motorcycle pads or bicycle racks?

Mr. Chagnon felt there should be plenty of room in the basement or the side of the building for residents.

Chairman Smith asked if anyone else was present from the public, wishing to speak to, for, or against the petition.

Mr. Holden asked Attorney Keenan to go through the conditions that were placed on record at TAC.

Attorney Chris Keenan reviewed the stipulations with the Board.

Stipulations from the October 4, 2005 Technical Advisory Committee Meeting:

- 1) That the traffic impact fee be finalized prior to the Planning Board Meeting;
A meeting was held with DPW and the Planning Department and \$25,000 was agreed on;
- 2) That Ms. Finnigan and Mr. Parkinson shall submit a report on the parking spaces on Brewery Lane prior to the Planning Board Meeting;
A report was submitted and Mr. Holden indicated he would share it with the Board.
- 3) That the Landscape Plan be reviewed and approved by the Planning Department;
That plan has been approved.
- 4) That temporary fencing be installed around the construction area;
The applicant has agreed to that.

Stipulations from the August 30, 2005 Technical Advisory Committee Meeting:

- 1) That the crosswalk and the stop bar be reversed on all appropriate sheets of the Site Plans;
That has been done.
- 2) That the bumpouts on the curbing shall have tipdowns on them and noted on all appropriate sheets of the Site Plans;
That has been done.
- 3) That the drainage plan should be redesigned so that the City can connect into an extended Jewell Court drainage system and said plan must be reviewed and approved by the City;
That has been done and he believes the dual drain/sewage pipes will go past the actual property line to approximately the right of way at CVS/Store 24, where the City will be installing a pipe for a connection.
- 4) That a written agreement be prepared between the applicant and Plaza 800 regarding the proposed crosswalks which cross on to abutter property and said Agreement shall be reviewed and approved by the City Attorney;
A letter has been received from Plaza 800 and was included in the Board's packet.

Stipulations from the August 2, 2005 Technical Advisory Committee Meeting:

- 1) That the Sewer Construction Agreement be approved by DPW and the Legal Department;
Attorney Keenan had a copy of a Memorandum that has been approved, outlining a proposed Construction Agreement.
- 2) That a sidewalk easement from Chevrolet Avenue to Brewery Lane be provided for review and approval by DPW and the Legal Department;
This is currently being reviewed by the City Legal Department.
- 3) That dye tests be completed on site to provide information regarding sewer pipes and said information should be noted on the Site Plans;
That was done.
- 4) That drainage and sewer easements shall be provided for review and approval by the City Legal Department;
A Sewer Easement will be done once they have the survey done. A Water Easement is currently being reviewed by the City Legal Department.
- 5) That the proposed utility work in the conservation easement shall be reviewed and approved by DPW;
That has been done.

Attorney Keenan stated that they spent a considerable amount of time with TAC. The applicant bought this property from the City at auction and 82 units were allowed but they are only building 48 units. They believe this project will further complete the Islington Street area.

Mr. Holden advised the Board that there is a tremendous amount of utility work required for this site and it has been fairly extensively negotiated with the City. This has been a considerable joint effort. Regarding the parking, DPW indicated they would support the proposed option of having two parallel parking spaces along the curblin with a sidewalk placed beside these spaces. He suggests leaving the choice up to DPW so they can determine which one is most appropriate. The reason they keep harping on this issue is when then completed Phase I these parking spaces were deliberately not included. Now that Phase II is coming on line, Brewery Lane will become more significant and this corridor will become more significant and there are concerns about how parking will impact that.

Attorney Keenan stated that those parking spaces were put in and striped by DPW a long time ago. The office door that is at grade is his office and he is concerned about rainfall coming in. If a sidewalk is added it will create a large grade. He understands the concerns and he would go along with Mr. Holden's suggestion.

The Chair asked if anyone else was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Chairman Smith asked about the dumpsters and if they could enlarge them to be used for recycling bins as well?

Mr. Chagnon indicated that would be worked out inside the building. The dumpster areas are fairly large areas and to make it larger would impact a number of parking spaces. He will look at it.

Mr. Hopley made a motion to approve with stipulations. He requested added signage for directing accessible parking spaces, Dark Sky Friendly lighting, a stop bar at Chevrolet Avenue, bike racks, DPW to decide on an alternate parking plan, two steps on the sidewalk off-site, and enlarge dumpsters to include recycling.

Councilor Ferrini asked about the two steps on the sidewalk and whether it was accessible. Councilor Ferrini seconded the motion for discussion.

Mr. Will indicated that he lived on Islington Street for three years and they had a dumpster and it was extremely difficult for them to recycle at all. They would bring their green recycling bin down to the recycling center on Saturdays. He asked that the recycling bin be a stipulation and not just a suggestion.

Chairman Smith asked Mr. Hopley how they would handle the sidewalk with the two steps. Was there something that would handle this situation?

Mr. Hopley indicated that if it was on-site there would be a way to handle it however, as it is off-site, there is a question of how much authority they can impose on work to be done on someone else's property.

Chairman Smith indicated that they are willing to do it.

Councilor Ferrini asked if that would require an easement from the City?

Mr. Holden stated that he did not actually hear the applicant indicate that they were willing to put in a ramp.

Councilor Ferrini felt it was clear that it was a very heavily travelled sidewalk. Whether is it the City or the Applicant, if they don't address it now and figure out where it goes through the system, they will be missing the boat.

Mr. Holden suggested putting the condition on as to what they would like to see subject to review by Inspection, Planning and Legal with a report back.

Mr. Chagnon indicated that there was an alternative means to go from Brewery Lane to the Plaza 800 via the straight ahead crosswalk. Only one route has to be accessible, not every route.

Councilor Ferrini felt that even if it hasn't been done, the more urban the area, the more it should be done.

Mr. Holden indicated that the Board needs to clarify what they are expecting to see in that area so they can then work with that.

Councilor Ferrini stated that they are looking for a handicapped accessible sidewalk from a design perspective.

Mr. Sullivan agrees but feels they should also realize that Cleary Cleaners has a delivery service. Someone doesn't have to be able to go there.

Mr. Will added that Cleary Cleaners will not always be there.

Mr. Ricci thought they should look for the best access as deemed by City staff.

Mr. Holden suggested that Rick Hopley, Dave Holden and applicant meet and review relevant regulations and make a determination of what is reasonable and appropriate in a legal sense.

The motion to grant passed unanimously with the following stipulations:

Stipulations from the November 17, 2005 Planning Board Meeting:

- 1) That a traffic impact assessment in the amount of \$25,000 has been agreed upon by the applicant and the Department of Public Works and said fee must be paid into the City prior the issuance of a building permit;
- 2) That signage shall be added for handicapped accessible parking spaces located underneath the building;
- 3) That all proposed lighting shall be Dark Sky Friendly and so noted on the Site Plans;
- 4) That the striping at the intersection of Chevrolet Avenue and Plaza 800 shall come all the way up to a stop bar and a stop sign;
- 5) That a bicycle rack shall be added to the Site Plans;
- 6) That the two steps at the intersection of Brewery Lane and Plaza 800 shall be reviewed by the City Inspection Department, Planning Department and Legal Department for a determine of what is reasonable and appropriate;
- 7) That the Department of Public Works shall review the parking spaces on Brewery Lane and make a decision on what will be allowed;
- 8) That the dumpster shall be enlarged to include recycling bins;

Stipulations from the October 4, 2005 Technical Advisory Committee Meeting:

- 5) That the traffic impact fee be finalized prior to the Planning Board Meeting;
- 6) That Ms. Finnigan and Mr. Parkinson shall submit a report on the parking spaces on Brewery Lane prior to the Planning Board Meeting;
- 7) That the Landscape Plan be reviewed and approved by the Planning Department;
- 8) That temporary fencing be installed around the construction area;

Stipulations from the August 30, 2005 Technical Advisory Committee Meeting:

- 5) That the crosswalk and the stop bar be reversed on all appropriate sheets of the Site Plans;
- 6) That the bumpouts on the curbing shall have tipdowns on them and noted on all appropriate sheets of the Site Plans;

- 7) That the drainage plan should be redesigned so that the City can connect into an extended Jewell Court drainage system and said plan must be reviewed and approved by the City;
- 8) That a written agreement be prepared between the applicant and Plaza 800 regarding the proposed crosswalks which cross on to abutter property and said Agreement shall be reviewed and approved by the City Attorney;

Stipulations from the August 2, 2005 Technical Advisory Committee Meeting:

- 6) That the Sewer Construction Agreement be approved by DPW and the Legal Department;
- 7) That a sidewalk easement from Chevrolet Avenue to Brewery Lane be provided for review and approval by DPW and the Legal Department;
- 8) That dye tests be completed on site to provide information regarding sewer pipes and said information should be noted on the Site Plans;
- 9) That drainage and sewer easements shall be provided for review and approval by the City Legal Department;
- 10) That the proposed utility work in the conservation easement shall be reviewed and approved by DPW;

.....
Mr. Will made a motion to suspend the rules and take Item C & B out of order. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

Mr. Coviello stepped down from this hearing.

Amended Site Plan Approval:

- C. 157 – 165 Deer Street (Centrix Bank) – addition of dumpster and elimination of parking spaces;

John Chagnon, of Ambit Engineering, explained that as you come into the site they extended the sidewalk which created a turning maneuver that was too tight. It was asked if they could cut back the sidewalk, take out one parking space and re-stripe it. They also created an area for a dumpster in the back. They were also going to repave to create more angled parking but decided not to do so which eliminated a couple of spaces. The dumpster will be screened. This will be strictly for the bank and they will not be recycling their papers due to confidentiality.

Chairman Smith asked if the recycling bins were for cans and bottles?

Mr. Chagnon indicated they can do that somewhere inside the building.

Mr. Holden stated that the Department recommended that this be approved but that the Board be advised of the changes.

Mr. Savramis made a motion to approve the amendments. Mr. Will seconded the motion. The motion passed unanimously.

.....
Amended Site Plan Approval:

- D. 22 Deer Street – revisions to gutters;

Mr. Ricci & Mr. Coviello stepped down from this hearing.

John Chagnon, of Ambit Engineering, indicated that the drain line was originally going to be left in place. It was later decided to relocate the drain around the building, tying into a catch basin on Deer Street. DPW reviewed the change. The introduction of cleanouts along the way would provide the owner with proper protections for the future and roof drains can be tied in along the way. This will prevent the pipes from being mistakenly tied into the sewer drains, which was a recent concern for a recent Fleet Street project.

Mr. Holden advised the Board that they reviewed this plan with David Desfosses and he recommended approval and it was considered to be a minor modification.

Deputy City Manager Hayden made a motion to approve. Mr. Will seconded. The motion passed unanimously.

.....

D. The application of **Portsmouth Casey Home, Owner, and Heyland Development, Applicant**, for property located at **1950 Lafayette Road**, wherein site plan approval is requested to construct a 2 ½ story office building, with a 3,280 ± s.f. footprint and a 1 story 6,000 ± s.f. function hall, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 267 as Lot 7 and lies within an Office Research district. (This application was tabled at the October 20, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Councilor Ferrini made a motion to take the application off of the table. Mr. Sullivan seconded the motion.

The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Attorney Alec McEachern, representing the applicant, addressed the parking issue. Following last month’s meeting, they met with representatives of the Planning Department and it was determined that the applicant needed to obtain a variance. They went before the BOA on November 15th and at that hearing they received a variance from the parking table to allow a 3,500 s.f. function room to be built with 100 associated parking spaces with a stipulation that there be a 200 maximum occupancy for the facility.

Richard Salvo, of Engineering Alliance, reviewed the six stipulations from the last meeting:

- 1) That a black vinyl covered chain link fence be provided around the catch basin; That has been placed around the detention area.
- 2) That erosion control be added along the Lafayette Road side of the property; They have added additional erosion control measures. The drainage flows in a southerly direction, across the parking lot. The proposed erosion measures along that side of the site, as well as the front area. They also added some erosion control measures along the northerly side as run-off would have a tenancy to run towards that abutting property.
- 3) That a test pit be completed for the catch basin; This was done. What they found was consistent with the SES Soil Maps which was a gravelly-sandy, extremely low drain, they went down to 8’ with no sign of ground water. This was done after the long spell of rain and it was fine.
- 4) That motorcycle parking pads be added at each building;

Cement concrete motorcycle pads have been added. One on the office building side and one on the side of the proposed Knights of Columbus Hall.

- 5) That granite curbing be added along the snow storage areas;
Curbing has been added around the site to maintain the integrity of the snow storage areas.
- 6) That an up-dated Traffic Report be submitted to the Planning Board prior to the next meeting;
A Traffic Report was submitted to the Board.

Mr. Salvo indicated that the detention basin detail was modified to specify wetland seed mix. The amount of handicapped spaces was qualified as 6 spaces. The loading area was revisited to assure that there would be room for a dumpster for each use with recycling.

Mr. Ricci indicated the Board had suggested putting some hay bales every 50' along the detention basin until that gets vegetated. He asked if they could they see some hay bales along the drainage swale and outlet. Also he asked if the little driveway profile that they did conforms to city standards?

Mr. Salvo was not sure.

Mr. Ricci asked them to check that and get back to the City.

The Chair asked if anyone else was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Councilor Ferrini made a motion to approval with stipulations, plus Mr. Ricci's stipulation regarding the haybales and the roadway.

Mr. Hopley stated that the project has been stipulated by BOA as to maximum occupancy. He indicated that the function hall will have to post that internally and that should be another stipulation..

Mr. Will asked if the concerns regarding parking and occupancy have been addressed satisfactorily, based on last month's concerns.

Mr. Hopley stated that his concerns last month were that they were assuming simultaneous parking capabilities.

Attorney McEachern indicated that they are under the parking table. The requirement is 1 parking space for every 2 occupants. With a 200 occupancy there is a requirement to provide 100 spaces. The architect addressed the BOA on the occupancy so they received a variance to enlarge the room without increasing the parking requirement.

Mr. Hopley stated that they will be limited to a table and chair layout. Even if they take the tables out they will have to follow the 200 limit.

Attorney McEachern acknowledged that.

The motion passed unanimously with the following stipulations:

Stipulations from the November 17, 2005 Planning Board Meeting:

- 1) That hay bales shall be placed along the drainage swale and outlet;
- 2) That the maximum capacity of 200 for the function hall shall be posted internally, as approved by the Building Inspector;

Stipulations from the October 20, 2005 Planning Board Meeting:

- 7) That a black vinyl covered chain link fence be provided around the catch basin;
- 8) That erosion control be added along the Lafayette Road side of the property;
- 9) That a test pit be completed for the catch basin;
- 10) That motorcycle parking pads be added at each building;
- 11) That granite curbing be added along the snow storage areas;
- 12) That an up-dated Traffic Report be submitted to the Planning Board prior to the next meeting;

Stipulations from the October 4, 2005 Technical Advisory Committee Meeting:

- 1) That the gas lines be added to the Site Plans;
- 2) That the applicant meet with DPW regarding the gate valve prior to the Planning Board Meeting;
- 3) That the handicapped parking spaces, tipdowns and handicapped signage be shown on the Site Plans;
- 4) That the van accessible parking spaces be marked on the Site Plans;
- 5) That the grade for the new driveway shall be 2%, pitching away from Route One and extending at least to the back of the proposed 12' easement;
- 6) That "Roadway Ends" signs and reflectorized chevrons shall be added to the bollards on the proposed service road and so noted on the Site Plans;
- 7) That a light be installed at the loading area, behind the function hall and so noted on the Site Plans;
- 8) That the off-site sign at the intersection of the service road and West Road, directing traffic back to Route One, be replaced in kind;
- 9) That additional off site signage be included to direct people back to the appropriate direction on Route One and so noted on the Site Plans;
- 10) That all lighting shall be Dark Sky Friendly and so noted on the Site Plans;
- 11) That a snow fence be added during construction to protect the trees;
- 12) That the Landscape Plan be reviewed and approved by the Planning Department;
- 13) That a copy of the NOI be submitted to DPW;
- 14) That a meeting be scheduled with Steve Parkinson and David Holden prior to the Planning Board meeting to review sidewalks.

Stipulations from the August 30, 2005 Technical Advisory Committee Meeting:

- 1) That an 8" water pipe is required to hook into the hydrant;
- 2) That a detail be shown on the Site Plans reflecting how the water meter is arranged;
- 3) That the water service be moved to the driveway and the valves should be in the City right-of way;
- 4) That the sign location be adjusted to reflect the 12' State deeded property;
- 5) That, per City Ordinance, automatic notification of emergency services is required along with a knox box, on each building;
- 6) That a count be provided of all trees over 6" caliper which will remain on the front property, to be used as a buffer;
- 7) That a count also be provided of all trees over 6" caliper on the south side of the driveway, and those trees shall remain protected;

- 8) That the Traffic Report be amended to include components for the 200 member function hall;
- 9) That the applicant meet with DPW and the Planning Department to revisit the service road so that it is consistent with abutting properties;
- 10) That an 8” concrete curbing be added along the sidewalks; and
- 11) That a copy of the letter indicating approval from NHDOT for the curbcut be provided to the Planning Department for review by Steve Parkinson;

.....

E. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **New Hampshire Community Technical College, Applicant**, for property located at **320 Corporate Drive** wherein Preliminary and Final Subdivision approval is requested with the following: The proposed lot having an area of 13.05 ± acres (568,386 s.f.) and 1,260' ± of continuous street frontage off Corporate Drive and the remaining land area being decreased by 13.05 ± acres and constituting a portion of the Tradeport. The proposed lots lie in a zone where a minimum lot area of 5 acres and 200' of continuous street frontage is required. Said properties are located in a Business Commercial district and are shown on Assessor Plan 315, as Lot 0004. (Plat plan is on file in the Planning Department Office and is identified as Plan #19-01-05).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Dirk Grotenhuis, of Kimball Chase, addressed the Board on behalf of the applicant. Maria Stowell, of the PDA, was not able to attend. Mr. Grotenhuis indicated that this is the southern most area along Corporate Drive and the site of the old hospital building. He had a handout orienting the Board to the other property lines. Adjacent to the property is the PDA building and other areas that have previously received subdivision approval. They are looking to subdivide approximately 13 acres.

Chairman Smith asked what is the building between this building and the PDA building?

Mr. Grotenhuis stated that the NH Department of Environmental Sciences had some space in there.

The Chair asked if anyone else was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Mr. Coker indicated that there is a note in the Departmental Memorandum that highlights the PDA regulations, Section 7, and he asked for an explanation.

Mr. Holden stated that the PDA regulations require that they show the lot from which they are subdividing from. The handout tonight shows the remainder of the area from which it is pulled to determine that the placement of the new lot lines will not create non-conforming lease lines.

Mr. Coker indicated that this was for preliminary & final subdivision approval.

Chairman Smith clarified that the first set of drawings just showed the lot that’s being created and the second drawing shows where it is coming from and the whole lot.

Councilor Ferrini made a motion to approve with the two stipulations. Mr. Sullivan seconded. The motion passed unanimously with the following stipulations:

1. Placement of permanent boundary monuments as required by the PDA; and,
2. That digitized GIS data shall be provided to Department of Public Works as per the City’s requirements for updating relevant land records.

.....

F. The application of **Paul J. Holloway, Jr., et al, Owner**, for property located at **500 Route One By-Pass** and **off Cottage Street** wherein site plan approval is requested for the reconfiguration of the lot known as Coast Pontiac Cadillac GMC, creating a new driveway off Cottage Street, blocking off the existing driveway, the relocation of existing parking spaces and the addition of new parking spaces, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 173 as Lots 9 and 11 and lie within a General Residence A District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Charles Griffin appeared on behalf of the applicant. Also present was Scott Holloway of Coast Pontiac and Paul Connolly of Civil Works.

Attorney Griffin gave some background of this project to the Board. Coast wants to relocate its driveway 150’ farther down Cottage Street and build a driveway through a vacant lot of land. They will also create additional parking spaces on the lot. The existing lot will be blocked off with landscaping. There will be a net increase of 7 spaces on the lot. Cottage Street is not flat and delivery vehicles have been getting caught getting into the site. Therefore, they have been unloading on the street, creating an unsafe situation. By approving the proposal, the delivery vehicles will be able to pull completely onto the lot to unload. This will improve reaction sight distance and reaction time. This will be consistent with AASHTO standards as well, and will be aligned with the armory driveway across the street. This will also take delivery trucks back onto Route One rather than up Cottage Street and traffic will be reduced. They appeared before the Traffic & Safety Committee, who approved the driveway with a stipulation that the 6’ wide opening be reduced to 4’ and an appropriate barrier be placed on the corner where the 6 parking places are being removed and these improvements will eliminate unloading or parking of carriers on Cottage Street. The Board of Adjustment granted them a use variance and an 18 space customer lot. This does not involve the construction of any buildings. They received a recommendation of approval from TAC with 11 stipulations. They determined that the barrier along the By-Pass should go around the corner and should be a 12 x 12 wood rail fence. Also, the lots must be consolidated and he has submitted paperwork to the City Attorney for his review. Attorney Griffin indicated that this plan will improve traffic safety and it will be a win/win situation for all parties.

Mr. Will asked if they have reviewed this with NHDOT regarding the By-Pass study? Mr. Will appeared at the neighborhood committee meeting last week and the whole plan seems to be up in the air.

Attorney Griffin indicated that they have had representation at all of the meetings. They understand NHDOT is discussing a series of options but are 5 – 7 years down the road. They are not aware of any conflicts.

Mr. Coker stated that no site plan shall be approved unless it complies with all regulations and this is a non-conforming use.

Attorney Griffin stated that it is zoned industrial and at the time that the business went in they were allowed. They are “grandfathered”.

Mr. Coker stated that the parking is increasing. As a "grandfathered" use, is there a limit on the parking spaces they can have?

Mr. Holden confirmed that they are properly before the Board.

Paul Connolly, of Civil Works, addressed the Board. He reviewed the Landscaping Plan. They have landscaping shown in the form of dark American arborvitae along the old driveway. They have moved that down from the berm and are now solely on the property being conveyed. They have also pulled back the landscaping onto the applicants' property creating a better line of sight. This plan has been reviewed by the City Boards and the neighbors. The landscaping is to screen the vehicles from the residential neighborhood. Consistent with TAC comments, they added an oil/water separator hood to the catch basin. Mr. Connolly indicated that the site drains into Hodgkins Brook and the drainage will not change in any real way in quantity, rate of run off or flow. There will be less drainage heading towards Cottage Street and more towards the catch basin. They have complied with all remaining stipulations with notes and revisions to the Site Plan.

Mr. Ricci asked if the light poles have proposed specifications?

Mr. Connolly indicated there are no proposed light poles and all existing illumination remains the same.

Mr. Ricci asked if they have checked the existing culvert for the grade capacity?

Mr. Connolly stated that they did not run numbers on it but historically it operates fine and the consistency of land is all pavement and ledge in close proximity to that ground surface.

Mr. Ricci asked if they were going to propose any erosion control while construction was going on as he anticipated exposed earth before they pave that may wash onto the parking lot and get into Hodgkins Brook? Mr. Ricci acknowledged that it was a small area but due to their close proximity, he felt it was important.

Mr. Connolly indicated that they could add a note on the plan.

Mr. Ricci suggested a silt sack inside the catch basin or something on that idea.

Mr. Coviello referred to the criteria in the Site Review requirements for curbing at intersections with drainage. He asked if there was any curbing for this plan?

Mr. Connolly stated they are calling for curbing along Cottage Street where they are discontinuing the existing driveway entrance which matches the existing sloped granite curbing that wraps around the By-Pass.

Mr. Coviello confirmed there would be no curbing at the intersection. He asked if the water is flowing down Cottage Street, across the landscaped area and across the parking lot?

Mr. Connolly indicated it tends to run down along Cottage Street and actually off of Cottage Street to a shoulder, or depressed area, and it is poorly graded. It runs into the existing driveway and into Hodgkins Brook.

Mr. Coviello asked if they felt they were opening them up to large amounts of water coming onto their site?

Mr. Connolly was not concerned at all about that. They have considered that in their planning.

Mr. Coviello asked if they have had a meeting with the neighborhood?

Mr. Connolly stated that they did several years ago.

Mr. Coviello asked if it was standard not to show the abutters on the plans?

Mr. Holden confirmed that the abutters were notified of the meeting and it did not assist them in any way to have them listed on the plans.

Mr. Coviello asked who owned Lot #8?

Mr. Connolly confirmed that Paul Holloway owns Lot #8, Lot #7 and Lot #6.

Mr. Sullivan asked if they were going to add any lights to the proposed driveway or customer parking?

Mr. Connolly confirmed that they were not.

Mr. Sullivan was surprised as it gets dark early evening and customers will be walking in the dark.

Mr. Connolly pointed out two existing lights that are presently along Cottage Street. It is their opinion that those two existing lights provide adequate lighting. They are also attempting to be sensitive to the neighborhood.

Mr. Sullivan mentioned that current techniques are available that will not infringe on abutter properties. He feels they should at least have some low level lights coming into their driveway for customers.

Deputy City Manager Hayden asked if trucks will no longer park on the street and have they made an incentive for this?

Mr. Connolly indicated they have made it much easier for them to unload on the site.

Deputy City Manager Hayden asked that the guardrail barrier be added to the legend, the plantings should be marked arborvitae as it shows evergreen, and the Planning Department should review the landscaping plan.

Mr. Connolly indicated that it does show arborvitae on the plan.

Mr. Hopley asked for clarification about whether the 4' wide paved area was to allow drainage to come off Cottage Street?

Mr. Connolly confirmed that was exactly what it was for as the driveway was a wide sheet flow area and they didn't want to block it off entirely.

Mr. Hopley also pointed out the FEMA updated their maps on May 17, 2005 and that should be updated on the plans.

Mr. Sullivan asked if the City dictates the size of the upright trees?

Mr. Holden indicated that the City can get into it but after a certain size it is difficult for them to survive. They are probably better off with 1 ½' diameter which is about as big as you want to go.

Chairman Smith asked if they are not doing the lighting he would still like a stipulation that any new lighting shall be Dark Sky Friendly. If they change any light fixtures on site in the future, they should be mindful of that. Chairman Smith asked about the curbing that comes around the corner and across the old driveway and whether they will bring that up to the new driveway?

Mr. Connolly indicated that it stops at the taper where the new driveway starts.

Chairman Smith asked about cars unloading on the street. How can they mandate that they no longer unload on the street? Are they educating their delivery drivers?

Mr. Connolly felt that, by way of design, it will be difficult for them to unload anywhere on the street as they will block off the access for customers.

Scott Holloway, of Coast Pontiac, indicated that they can get in touch with the car haulers and advise them to unload in the parking lot. It was also a BOA stipulation that if they can't get them off the street, it is the problem of Coast and they will need to remedy it.

Mr. Will stated that they used to have a problem with truck routes and they were asked to tell them where they should go rather than where they couldn't go.

Councilor Ferrini asked that this become a stipulation and that it become the subject of a Traffic and Safety referral. Also, he heard a non-response relative to the lighting issue. He asked why they could not have either low level bollard type lights with minimum impact on the neighborhood or add a light or two to the customer service portion of the lot because it might be dark. He doesn't believe it requires a lighting plan but he is looking for something.

Mr. Connolly reconstituted his answer by saying that they wouldn't object to putting in additional lighting but up to this point they have been trying to be sensitive to the neighbors.

Councilor Ferrini understood that and he would only be recommending sensitive lighting and he would welcome other Planning Board members to voice their opinion.

Mr. Coviello was very familiar with the intersection and believes the intersection is very well lighted. He doesn't believe anything further is required.

Mr. Sullivan asked them to keep in mind that as trees go up they are creating dark area.

The Chair asked if anyone else was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Deputy City Manager Hayden made a motion to approve with stipulations, to include no car carriers off loading on Cottage Street, Mr. Ricci's request for erosion control, and referral to Traffic & Safety in December.

Councilor Ferrini asked that they make a notation to Traffic & Safety to consider the potential of trucks still unloading on Cottage Street and how to address that.

Mr. Holden indicated that one condition was that there shall be no unloading and Traffic & Safety is to look at prohibiting any parking in that area.

The motion passed unanimously with the following stipulations:

Stipulations from the November 17, 2005 Planning Board Meeting:

- 1) That no car haulers shall unload vehicles on Cottage Street and the dealership will formally notify their drivers of this stipulation;
- 2) That this matter be referred to the Traffic & Safety Committee meeting in December;

- 3) That additional erosion control be done during construction to protect Hodgkins Brook;

Stipulations from the November 1, 2005 Technical Advisory Committee Meeting:

- 1) That an oil/water hood shall be added to the catch basin;
- 2) That the shrubs to the west of the driveway shall be moved back 10' from the
- 3) That an Existing Conditions Site Plan shall be prepared and included as part of the Planning Board packet;
- 4) That no handwritten notes shall be allowed on the Site Plans;
- 5) That the stormwater drain be shown on the Existing Conditions Site Plan;
- 6) That a 12 x 12 single rail wood barrier (similar to fence around South Mill Pond) be erected along the Route One property line and around the corner to the bollard (per stipulation of BOA approval on 9/30/05);
- 7) That any new illuminaries are proposed, they shall be Dark Sky Friendly;
- 8) That the proposed entrance driveway shall be striped with a stop bar and 30' of double yellow line, and this shall be reviewed and approved by David Desfosses, of DPW, prior to the Planning Board Meeting;
- 9) That this matter shall be referred to the Traffic & Safety Committee to consider the elimination of on-street parking, unless there is already an ordinance in place addressing that issue;
- 10) That the two subject lots shall be consolidated by the recording of a Voluntary Merger, said document to be reviewed and approved by the City Legal Department;
- 11) That the hooded catch basins be pumped out on an annual basis;

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Councilor Ferrini made a motion to table the remainder of the Agenda to the December 15, 2005 Planning Board Meeting. Deputy City Manager Hayden seconded the motion.

Chairman Smith asked Mr. Holden if there was anything pressing that should be heard.

Mr. Holden indicated that there were people present and items that had been tabled several times. He suggested that they do the amended Site Plan Revisions and Attorney Pelech on Falkway Way.

Mr. Ricci indicated that he would like to move on and suspend the rules. The motion was made and seconded and passed unanimously.

The remaining items were taken out of order.

III. CITY COUNCIL REFERRALS/REQUESTS

E. Request to review archeological matters and historic sites in the City;

Mr. Hopley made a motion to table this matter to the next Planning Board Meeting. Mr. Will seconded the motion. The motion passed unanimously.

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F. Request for Amendment to Zoning Ordinance to Permit Financial Institutions in the Office/Research Zone;

Mr. Will made a motion to have a work session at the December Planning Board meeting from 6:30 – 7:15 pm. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

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G. Request for the discontinuance of Falkland Way;

Mr. Will reclused himself from sitting on this matter.

Mr. Holden indicated that this was a Council Referral for the abandonment of the remaining portions of Falkland Way. This has been subject to a discontinuance and has been approved in the past. This is a request for the discontinuance of the rest of it. Mr. Holden recommended that they refer it to the City Attorney for a report back as to the status of Falkland Way so that they can then take it up and refer it back to the City Council.

Attorney Pelech stated that this is a portion of a street that was not even originally shown on a 1919 street plan. In 1925 there was an amendment showing a future Falkland Way. The street was never built and it's never been developed. He researched at length the City Council minutes, the Registry of Deeds and all pertinent places for dedication or acceptance of this street and cannot find anything and believes this street was never dedicated. He is suggesting that the Planning Board recommend that the City abandon any rights they have to this street. It is part of a proposal to connect two streets, Crescent and Saratoga, so that there will not be two deadend streets and it will ease the transportation in that area.

A motion was made by Mr. Coker to send this to the City Attorney for a review. Councilor Ferrini seconded the motion.

The motion was unanimously approved.

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H. Request of Exchange City to Erect a sign at 25 Granite Street;

Mr. Holden indicated this was a referral to the Planning Board. It is a request to place a sign in a right-of-way. It is the Department's recommendation that this use does not require visibility and the Department does not recommend it.

Steven Berg appeared on behalf of Exchange City. He handed out a letter from Dr. Lister of the Portsmouth School Department, showing his support. Mr. Berg indicated that he was Treasurer of the Cody Foundation, which is a non-profit organization. He explained what the purpose of Exchange City was. They are seeking approval to erect a sign on City property. The issue appears to be that the sign is visible from Market Street and therefore is excessive. He feels that their sign is not excessive and also pointed out that it will not be illuminated. There are not a lot of signs in the area. The sign is slightly over 4' x 8'. There are two sign posts already existing, which previously held the Portsmouth Christian Academy sign, so this sign will fit on the posts. It sits back from the paved surface and is only visible from a short distance from both directions. It is true that most people coming to Exchange City know where they are going, but the sign is on the corner of their property and by seeing the sign, it lets people know exactly where they are going. Why did they wait so long to put a sign up? Their program is not widely known in the City and they need visibility for fund raising. Financially speaking, they had greater priorities than a sign however Timberlane employees made this great sign and donated the tools to put the sign up. Mr. Berg respectfully appealed to the City to support their sign request.

Mr. Will made a motion to accept the placement of the sign in the requested location. Councilor Ferrini seconded the motion.

Mr. Will indicated that the Academy had a sign there and he doesn't think it's sign gluttony. People do not know what Exchange City is and he believes it is reasonable.

Deputy City Manager Hayden stated that Exchange City is a great program however the Planning Department receives endless requests for signs. 4 x 8 is not a "small" sign. Signs are a big issue for the City and she had great concerns about this sign in this location. They will be setting a precedent for the City and she felt it was a "can of worms". She felt this was a bigger issue and not just about this one sign.

Councilor Ferrini felt the program was a great thing but he has experienced frustration by the very issue of signage from Leary Field to signs at the City borders. He hopes that the City Council will take up a comprehensive sign policy for the City. His concern is not the Exchange City sign but the many in the Que.

Mr. Holden stated that there are other pending sign requests in the same corridor.

Mr. Sullivan asked what Mr. Holden's rational was.

Mr. Holden indicated that the right of way is to be used for directional signs for traffic and once they start allowing private signs they will open this up to every other agency in the City. This sign is inordinately sized and the sign was made before they received permission to put it up. A policy will be coming back to the Board and he felt this should be tabled until such time as a policy is accepted.

Mr. Sullivan indicated that he has had strong feelings about signage in the City. He recently opposed the National Guard for putting up a sign and it broke his heart to have to do that but he felt it was best for the City. He felt it should be tabled until a policy can be approved.

Mr. Coker asked if the signage in the right of way is reserved for directonal signs?

Mr. Holden indicated the right of way is usually used for speed control, identifying pending streets, and to give directions. This is where you get into the question of how many signs does it take to find a location and how do they actually help you get there?

Mr. Coker felt that, looking at the photo, there is a sign in the right of way for Kane and why is that allowed?

Mr. Berg believed that a mistake had been made. They don't have a survey but the sign is 40' from the paved surface and is inside the fence.

Mr. Holden indicated that he believed the sign was in the Granite Street right of way.

Mr. Berg felt it is on private property.

Mr. Holden stated that it may be on someone's private property then.

Mr. Sullivan made a motion to table this matter until the Planing Department brings back a sign ordinance for the City of Portsmouth to the Board.

Mr. Will indicated he was more comfortable tabling it rather than denying it.

Chairman Smith agreed as Exchange City does a fabulous job for the community. He also added that, during the time of tabling, Mr. Holden should look into the location of the sign.

Mr. Holden felt there may be some other options available if it's not in the right of way.

The motion to table passed unanimously.

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V. NEW BUSINESS

A. Revisions to Planning Board Rules & Regulations;

Mr. Hopley made a motion to table this matter to the next Planning Board meeting. Mr. Will seconded the motion. The motion passed unanimously.

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B. Discussion on PDA Land Use Regulations and Master Plan (Raymond Will);

Mr. Will requested that a letter of invitation be prepared to the PDA to do a joint land use work session and Mr. Will will assist with the details. The Board agreed to this action.

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C. Report back from DPW on current standard for monuments;

Mr. Holden indicated that he is still awaitng a report from DPW.

Mr. Hopley made a motion to table this matter to the next Planning Board meeting. Mr. Will seconded the motion. The motion passed unanimously.

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I. Appointment of CIP Sub-Committee;

Mr. Holden indicated that the meeting to go over all Department requests will be on 12/21 from 12:00 – 6:00 pm

Mr. Coviello, Mr. Sullivan and Mr. Ricci volunteered for the Committee. Mr. Holden indicated that he would contact Mr. Hejtmanek to see if he is interested.

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VI. AMENDED SITE PLAN REVIEW

J. Portsmouth Boulevard – Proposed changes to fence location, type and slope modifications;

Mr. Holden indicated that this change was fairly significant so the applicant was invited to speak. The Department has reviewed it internally with Public Works and they are in support of it.

Michael Myers, of S & S Hotels, appeared on behalf of Hilton Homewood Suites, who are building the hotel on Portsmouth Boulevard. In June of 2004 they received Planning Board approval, part of which required them to erect a fence in the rear along their boundary. The abutters have started to use some of their land as their back yards and, to be a good neighbor, they are willing to move the fence line back. The abutters, the Bakers, have planted all of their shrubs and trees on the hotel property. Therefore, they are more than happy to comply with Mr. Baker’s request to move their fence to accommodate his backyard.

Mr. Myers confirmed that the proposal would be to move the fence 20’ back along their property line. Secondly, when they went to cut the ledge at a specific angle they were able to make it less steep. He provided photos to show the less steep ledge and asked to be allowed to do that and also to use rip rap rather than loam and seed on the slope. Thirdly, DES came back with a small erosion control pond and

said they would need a DES permit, which they received, so they submitted those drawings for their approval.

Chairman Smith asked Mr. Ricci his opinion of them using rip rap.

Mr. Ricci indicated he was a big advocate of using rip rap.

Chairman Smith asked Councilor Ferrini about moving their fence with people using their land.

Councilor Ferrini indicated that it would be inappropriate for him to offer a legal opinion on behalf of the Planning Board however, in a hypothetical sense, if people are not knowingly and adversely possessing land, i.e. by invitation, they could eventually lose the land by adverse possession.

Mr. Myers indicated that they have already made arrangements with John Madden and the Bakers to indemnify them if there are any damages.

Mr. Sullivan noted that hotels often change hands and it's very nice they are doing this.

Mr. Will made a motion to amend the Site Review approval to include the revisions itemized this evening. He asked if there should be a 5th stipulation that they should put permission in the deed?

Councilor Ferrini did not think this was necessary as it would be the applicant's responsibility.

Chairman Smith indicated that was why he had the discussion on the record.

The motion passed unanimously.

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K. 430 West Road – relocation of dumpster and parking spaces;

Mr. Holden indicated that the Department approved the recommendation for a better space for a dumpster and they are advising the Board of this change.

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VII. ADJOURNMENT

A motion to adjourn at 11:30 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on January 19, 2006.