

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

7:30 P.M.

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

AUGUST 17, 2006

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Richard A. Hopley, Building Inspector; Raymond Will; Donald Coker; George Savramis; Paige Roberts, Alternate; and Timothy Fortier, Alternate;

MEMBERS EXCUSED: Jerry Hejtmanek, Vice-Chairman; Cindy Hayden, Deputy City Manager; and Anthony Coviello

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

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6:00 pm – 7:00 pm SITE WALK regarding The Housing Partnership’s request for an Amendment to Section 10-1503 of the City’s Zoning Ordinance Relating to Residential Planned Unit Developments (PUD) and request for an access easement for property located on Bedford Way. (Meet in Hanscom Park, located in the triangle formed by Kearsarge Way, Falkland Place and Ranger Way).

7:00 – 7:30 pm WORK SESSION regarding The Housing Partnership’s request for an Amendment to Section 10-1503 of the City’s Zoning Ordinance Relating to Residential Planned Unit Developments (PUD) and request for an access easement for property located on Bedford Way;

John Ricci opened up the work session.

Mr. Holden stated that the process started 2 months ago and there were two components, an amendment to the Zoning Ordinance for affordable housing and another to look at a particular area. They have worked with The Housing Partnership on a number of initiatives and have come up with a draft that allows for a starting point. Rick Taintor was present to go over the nuts and bolts. They believe they are at a point to create something to go to the City Council.

Mr. Taintor passed out a revised copy of the draft ordinance which the Board previously received.

He indicated that the initial approach from The Housing Partnership was to modify the PUD. They looked at that and some of the problems of squeezing it into a residential district and it didn’t seem to work very well. They decided to create a new PUD focused on affordable housing. The strategy was to trade off higher density for public benefit. This would be a starting point for the Board.

He reviewed the proposed ordinance. The purpose and intent would be to facilitate the creation of affordable housing options. It further defines how many units it takes to qualify for this ordinance. He reiterated that this is a good starting point and could be applied to other parts of the City. He reviewed required lot area and permitted uses. He brought up day cares and home occupation use and suggested that should be discussed. He gave two options to figure out the number of units allowed on the site. The new option is a calculation based on the layout of the land and will give a lower density.

Mr. Coker asked about the terminology, excluding all open water bodies. He asked why not exclude the buffer zones also? Mr. Taintor indicated that the buffers would be part of the calculations and they are not excluded.

Mr. Savramis thought it would be nice to site some examples. Mr. Taintor indicated that page 2 does that.

Mr. Taintor stated that based on the level of affordability, it provides bonus units or a fraction of bonus units for every affordable dwelling unit. There are two multipliers. If they are below median household income, they would get $\frac{3}{4}$ of a bonus unit. If they are 80% of median income, they would get $1\frac{1}{4}$ bonus units. He showed examples of how this works in his handout.

Councilor Dwyer asked if he was basing this on other areas or what was typical? What was the rule of thumb to arrive at those thresholds? Mr. Taintor indicated that it came out of discussions about this project, based on information that has been provided. They will respond on whether these numbers are feasible to them. He tried to design this so that a for-profit would be able to work with this as well as a non-profit as they have to provide an incentive for this to work.

Chairman Ricci asked how he came up with this draft? Mr. Taintor explained it was based on the current ordinance, as well as the rough numbers that came out of The Housing Partnership proposal and he also looked at other ordinances.

Mr. Taintor discussed design requirements. He stated that low income should not be stigmatized. They should be disbursed throughout the development and not be distinguishable. This is a very important goal of development. They added the issue of exterior elevations to be approved by the Planning Board. The exterior design of units is important because the interior of the unit is not comparable. Mr. Will felt they already see distinguishable differences in the Heights. Councilor Dwyer felt that #2 should read "all levels", and not just market-rate and affordable housing. There are many levels in between.

Mr. Taintor referred to Item I, #1. Because they are looking at increased density, there should be an increase in sideyards. Perhaps rear yards are not an issue so it was suggested to delete those words. #2 addressed the minimum yards and he mentioned that The Housing Partnership has an issue with the 30' front yard.

Item #3 stated that the Planning Board shall establish such requirements for open space as it determines to be necessary and in the best interest of the City.

Items J #1 & #2, there were no substantive changes, just a simplification of language. #3 specifies that if a road is to become a City road, it needs to meet City standards at the time of acceptance.

Item K., Review and Approval Procedures were the same as current. There was a question of whether they need more specific criteria and they should probably discuss that.

The actions, based on the residential PUD, stated that the Planning Board has the ability to grant or deny.

Mr. Coker asked to revisit, F 1 and asked where was the buffer zone reference? Mr. Taintor explained that they are taking the total lot area, take out water bodies and wetlands and that becomes the developable area and the buffer is still in the developable area. The reason is if you were doing a conventional subdivision, those areas would be included in the calculations. Mr. Coker felt they could develop it by seeking a Conditional Use Permit. Mr. Taintor explained that this does not say they can develop but rather just figures out how many units they can build. Otherwise, it would be more difficult to do this. This is only used to compute residential base density.

Chairman Ricci referred to H. #4, and asked if it should say building elevations. Mr. Taintor agreed.

Mr. Taintor addressed K. #4 which talks about preliminary approval. They talked with The Housing Partnership last time and gave some examples of other restrictions and covenants. The Planning Department was willing to review those. Mr. Will felt that the rules may not be the same for everyone but if everyone has the same idea of what to expect, some guidelines would be helpful. Mr. Taintor said they would have to address sale and resale costs, etc., but he hesitates to get any more specific.

Attorney Sharon Somers stated that she appreciates the efforts of City Staff to come up with a City proposal which they conceptually endorse. They have reviewed it to see if this will work for their project and they felt that the numbers do seem to work however there are two problems. The ordinance language as drafted seems to require a restriction on the number of dwelling units in a building and the number of buildings on a lot. There is some language in the conditions of approval section that may assist but this is a problem because in order to deal with the reality of construction costs, etc., they need to have more than four dwellings in a building, which currently is allowed under the terms of this ordinance. They would like flexibility in this language, consistent with what they have presented. They would also like flexibility on the number of buildings. By allowing flexibility they can work nicely with the City's objective to maintain as much open space as possible. The second problem is the front yard setback. They made their amendment proposal and requested a front yard setback of 20'. They ask for flexibility on that and would like less than 20' from the principal accessway. The reason that they need this is for cost, and, they want to preserve open space. They are supportive in general terms of this ordinance with two items that need to be worked out. Those are the number of dwelling units in a building, the number of buildings on a lot and the front yard setback.

Mr. Taintor saw a conflict with the number of units per building. Since this ordinance refers to the residential PUD district and the residential PUD district allows attached townhouses and other configurations, wouldn't that give them their flexibility? Attorney Somers did not believe it does and referred them to GRB permitted uses on Table 2, which references buildings per lot. Mr. Taintor asked if the last phase of C #2 was eliminated, would then the reference to residential PUD be fine? He felt the residential PUD reference refers to attached townhouses and other configurations. Attorney Somers felt what needs to be looked at was the actual permitted uses on Table 2. Mr. Taintor felt that she shouldn't go to Table 2 because if you take out the last phase, that will break that tie. He asked what was the particular phrase that is causing a problem? Attorney Somers stated that #3 indicates that it has to comply with all zoning, site plan and subdivision regulations that apply, other than those waived or modified hereunder, and she believed potentially one then has to go back to GRB permitted uses in the existing ordinance.

Mr. Holden asked what was the desire of the Board? Did they want to continue to work on it or did they want a public hearing in September?

Mr. Will was more comfortable bringing it back again before having a public hearing. He felt they need to look at how it works for the City as a whole and not just this project.

Mr. Ricci suggested an additional work session.

Bryan Wyatt, of The Housing Partnership, asked what was the schedule for review of their project? Mr. Holden indicated that their project can't move forward without the ordinance. Chairman Ricci felt they needed to take more time to make sure the ordinance is right. Attorney Somers asked if they would be looking at a public hearing in October? Mr. Holden and Chairman Ricci indicated that they would both recommend that and the City Council would come after the Planning Board. Mr. Wyatt indicated that they need some sense of a time frame.

Chairman Ricci reinforced that they need to tailor this for the entire city and not site specific for The Housing Partnership.

Mr. Coker asked about scheduling a Work Session and Public Hearing both next month? Mr. Will stated he would like to “chew” on it. Mr. Holden added that this board does not have to have a public hearing but it is the best way to get everything out there.

Councilor Dwyer felt that it seems if they have things they want input on, they would like to have it ahead of time rather than wait until the work session. Mr. Holden stated they will provide a maser list for members to review and see what they will have questions about.

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the May 18, 2006 Planning Board Meeting – Unanimously approved.
 2. Approval of Minutes from the July 20, 2006 Planning Board Meeting – Unanimously approved.
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II. PUBLIC HEARINGS

A. The application of **The State of New Hampshire, Owner, and The State of New Hampshire Liquor Commission, Applicant**, for property located at **605 Route 1 By-Pass (the Traffic Circle)** wherein Site Review approval is requested to construct a 25’6” x 44’ one-story addition to be used for public rest rooms, a mechanical room and a storage room, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 235 as Lot 1 and lies within a General Business District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Gordan Graham from the State of New Hampshire, was present and displayed the plan for the Board.

Alan Yeaton, of Amoskeag Architectural Group, of Manchester, indicated that the project was to provide public restrooms at the State liquor store to alleviate problems in the summer months. The State put out this project with Hong Environmental to design the bathrooms facilities. They will add an addition on the east side of the building and they will connect into the existing utilities. The water connection is outside and the electrical connection is inside. It is a one story addition, it will be sided the same as the existing building and the roof will be the same height as the existing store. It will have vinyl clapboard siding, similar to the warehouse. Access to the public restrooms will be limited through a single door. They feel it is adequate size to meet the demand of the location. They are not eliminating any handicapped parking from the site. There will be indirect lighting on the addition for security. There will be no access except a secured access from the interior of the store. They are also improving some of the HVAC inside the building to improve energy efficiency. They are not adding any light poles nor adding any landscaping except they will reduce some of the density of the landscaping along 95 to eliminate people from loitering.

Chairman Ricci asked Mr. Yeaton to address the 12 TAC stipulations.

- 1) That a fence be added to the Site Plans to run along the rear of the property, with a detail; *Mr. Yeaton indicated that there is already a fence on the north side so they did not add that. Chairman Ricci asked if there was a fence detail on the plans? Mr. Yeaton responded that there was not as the fence already exists. Mr. Holden indicated that it was his understanding that the height of the fence would be increased and that was why they needed the detail. Mr.*

Yeaton didn't see where it said anything about adding height to the fence. Mr. Holden referred him to Stipulation 12 regarding a meeting with various City officials and they discussed the fence and agreed that it would be increased. Mr. Holden suggested the Deputy Police Chief Len DiSesa will address that later in the presentation.

- 2) That additional lighting be added to the Site Plan, that is aimed at the new facility;
Mr. Yeaton stated that the current lighting is adequate. They have added extra lighting to denote the entrance and exit to the building and they feel that is adequate. Mr. Holden asked if they added additional lighting to the Site Plan as requested by TAC? Mr. Yeaton responded that they did not.
- 3) That the hours of operation be added to the Site Plan, indicating that they shall conform to the hours of operation of the liquor facility;
Mr. Yeaton stated that the hours of operation did not have anything to do with them. Mr. Holden asked if they were added to the Site Plan? Mr. Yeaton responded that they were not added.
- 4) That the responsibility for maintaining and securing the building belongs to someone other than the City and a note shall be added to the Site Plans;
Mr. Yeaton indicated that was not added to the Site Plans.
- 5) That the water shut-off shall be installed at least 5' away from the building;
Mr. Yeaton indicated that had been done. Mr. Holden asked if that was noted on the Site Plans? He responded that there was a shut off outside the building, just to the outside of the addition as proposed.
- 6) That a note shall be added to the Site Plans that all water shall go through the existing water meter for the new bathroom;
Mr. Yeaton believed that had been added to the Site Plans. Mr. Holden asked if he could confirm it? Mr. Yeaton confirmed that it had been added.
- 7) That the footings and foundation that go over the water main shall be bridged;
Mr. Yeaton stated that had been added.
- 8) That the current sprinkler system in the existing facility shall be extended into the new bathroom facility;
Mr. Yeaton indicated that is being done. Mr. Holden asked if that had been noted on the Site Plans? Mr. Yeaton stated it was not added to the Site Plans but it was on the building plans.
- 9) That the rear emergency exit door be labeled on the Site Plans as being locked at all times;
Mr. Yeaton stated that note has been added.
- 10) That the handicapped levels shall be noted on the Site Plans for the handicapped toilet and sink;
Mr. Yeaton stated that detail has been added to the plan.
- 11) That a written agreement regarding the concerns of the City shall be prepared for review and approval by Deputy Police Chief DiSesa, David Desfosses of DPW and David Holden, Planning Director;
Mr. Yeaton did not know anything about that and assumed that the State would address that.
- 12) That a meeting shall be held with the applicant, David Desfosses, Deputy Police Chief Len DiSesa, David Holden and Lucy Tillman to finalize the stipulations prior to the Planning Board meeting;
Mr. Yeaton believed that was done.

Mr. Will noted that stipulations #1,2,3,4, have not been added to the plans and he asked why not?

Mr. Graham stated that at the first meeting they asked for additional things. At the second meeting they did up a letter addressing those items. When they went out to look at the fence they saw that it was quite substantial. He didn't think they agreed to increase the height of the fence. Mr. Will asked why not? Mr. Gordan stated that cost is important. Mr. Will stated that there were concerns about homeless people in the area who would hop the fence and they would increase people who use the facility. Mr. Graham felt that the fence separates it. Mr. Will thought that maybe the Police can better address the issue.

Len DiSesa, Deputy Police Chief, stated that he raised concerns about the fence being in good repair. He is comfortable with a 6' fence as long as it is in good repair. He is concerned with New Franklin Elementary School. He has been assured by the Planning Department that there will be no signs indicating there will be restrooms.

Mr. Will asked about the second stipulation regarding additional lighting. What was the intention there? Deputy Police Chief DiSesa stated he was of the opinion that more light is better than less light and it was his feeling after meeting that more light would be added. He would press for that.

Mr. Will didn't believe the hours of operation were a problem. Stipulation #4, locking of the building, was a concern from a police standpoint, and he asked about regular patrols from the State Police? Deputy Police Chief DiSesa indicated that they have joint jurisdiction with the State Police. That is their area of patrol and the State also patrols. He would like regularly scheduled walk throughs by employees, as his police officers would not be doing that. Mr. Will asked if he is expecting any additional State Police patrols? Deputy Police Chief DiSesa felt that once this is in place he will be telling his troops to keep they eye on it because they have some concerns. Mr. Will asked about the State Police? Deputy Police Chief DiSesa did not know but he will be in touch with Trooper Bobby Quinn at Troop A.

Chairman Ricci noted that the drawing calls for 4 exterior wall packs and he asked what was originally proposed? Mr. Holden thought some of the wall packs might be new and he believes the City had an agreement on them. Chairman Ricci asked if Deputy Police Chief DiSesa had any additional concerns before stepping down? Mr. Holden asked if it was the Police Department pushing to have the hours of operation put on the plans? Deputy Police Chief DiSesa stated that the hours of operation for the bathrooms should reflect the hours of operation for the store so that the bathroom is not open beyond those hours. Mr. Holden asked if it would acceptable for the Planning Board to favorably act on this and work on a Memorandum with the State, as a work in progress. Deputy Police Chief DiSesa indicated that he wants something in writing and would be agreeable to that.

Mr. Graham indicated that they did agree to exterior lighting but not extra poles.

Peter Engel, Director of Store Operations for the State Liquor Commission, stated that they will only be open parallel to the store hours. Mr. Holden asked if they could deal with the Liquor Commission directly to wrap this up. Mr. Engel stated, for the record, that they currently have restrooms that are shared with the employees so it's not a healthy situation.

Mr. Hopley noted that on Sheet L1, some notes were added to the plans, covering stipulations #1 – 5.

Mr. Graham added that this will be a much better situation than what is there now.

Mr. Holden also added that the Department has worked with the City to design this site and everyone has been working very well together.

The Chair asked if anyone 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 urged that the Board approve this pending the details in the original TAC letter of recommendation.

Mr. Will moved to approve with the 12 stipulations and that the Liquor Commission will be the contact person who the City works with. Mr. Hopley indicated that the stipulations are noted on the plans but the applicant just didn't seem to realize that. Mr. Savramis seconded the motion. Mr. Holden stated that the fence is fine as long as it is maintained so this stipulation should be removed.

The motion for approval passed unanimously with the following stipulations:

Stipulations from the July 5, 2006 Technical Advisory Committee Meeting:

- 1) That additional lighting be added to the Site Plan, that is aimed at the new facility;
- 2) That the hours of operation be added to the Site Plan, indicating that they shall conform to the hours of operation of the liquor facility;
- 3) That the responsibility for maintaining and securing the building belongs to someone other than the City and a note shall be added to the Site Plans;
- 4) That the water shut-off shall be installed at least 5' away from the building;
- 5) That a note shall be added to the Site Plans that all water shall go through the existing water meter for the new bathroom;
- 6) That the footings and foundation that go over the water main shall be bridged;
- 7) That the current sprinkler system in the existing facility shall be extended into the new bathroom facility;
- 8) That the rear emergency exit door be labeled on the Site Plans as being locked at all times;
- 9) That the handicapped levels shall be noted on the Site Plans for the handicapped toilet and sink;
- 10) That a written agreement regarding the concerns of the City shall be prepared for review and approval by Deputy Police Chief DiSesa, David Desfosses of DPW and David Holden, Planning Director;
- 11) That a meeting shall be held with the applicant, David Desfosses, Deputy Police Chief Len DiSesa, David Holden and Lucy Tillman to finalize the stipulations prior to the Planning Board meeting;

Stipulations from the August 18, 2006 Planning Board Meeting:

- 12) That David Engel, of the NH State Liquor Commission, will be the contact person to work with City Staff to complete the approval process;

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B. The application of **Stephen J. Brulotte, Owner**, for property located at 398 Cutts Avenue, and **Stephen A. Brown, Owner**, for property located at 450 Cutts Avenue, wherein Preliminary and Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 008 as shown on Assessor Plan 210 increasing in area from 18,690 ± s.f. to 20,278 ± s.f. and with 127.71' of continuous street frontage on Cutts Avenue and Lot 009 as shown on Assessor Plan 210 decreasing from 19,050 ± s.f. to 17,462 ± s.f. and with 110' of continuous street frontage on Cutts Avenue. Said lots lie in a district where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. Said properties are shown on Assessor Plan 210 as lots 008 and 009 and lie within a Single Residence B District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech, appeared on behalf of the Brulottes. He explained that this was a simple lot line adjustment where one land owner is buying 10' of land from his neighbor so that his entire driveway will be on his land. All lots comply with all zoning requirements and they will continue to comply.

The Chair asked if anyone 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 made a motion to approve preliminary and final subdivision with the recommended stipulations. Mr. Hopley seconded the motion.

Motion passed unanimously with the following stipulations:

1. That boundary monuments shall installed per the requirements of DPW; and,
2. The submission, to this department of electronic data, suitable for updating the City Assessing Records.

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C. The application of **March Twenty Two, LLC, Owner**, for property located at **58 State Street**, and **Barbara Theodore, Owner**, for property located at **449 Court Street**, wherein Site Review approval is requested to construct a 3,210 ± s.f. mixed use building on Lot 12 with an access and utility easement extending across Lot 6, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 105 as Lots 6 & 12 and lie within the Central Business B District and the Historic District A.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, appeared on behalf of the applicant. Also present was Jennifer Ramsey, Paul McEachern and Steve Kelm. He indicated that this project has gone through the Historic District Commission (HDC) and the Technical Advisory Committee (TAC). This was also before the Planning Board for a lot line change a couple of months ago. They plan to infill the driveway with a new structure which will be a 3-story building with infill between 46 & 58. The utility connections are on State Street with access and utility easements from Court Street. They included a parking plan from the rear, on Court Street, where they are providing covered parking. Some additional work will be done on Court Street for drainage to the project. The last catch basin in the City project is further to the west and they are proposing to bring the line a little further up for a tie in. The TAC stipulations were addressed in a Memorandum to the Board.

Staff recommended one additional stipulation which they would like to discuss and would like the Board to reconsider. They do not need a grease trap as no restaurant is proposed for this site. A further applicant would have to go through that approval process should the need arise.

Ms. Roberts asked about snow in the back on the brick driveway area. How will they get it out? Mr. Chagnon indicated there are notes referring to the removal of the snow or they will put in a heated driveway. (Sheet C-2)

Councilor Dwyer asked what was the resolution of the chimney issue? Mr. Chagnon confirmed that in discussing the codes with the Building Department the chimney is going to have to be raised slightly. It is a very small increase and they will file an application with the HDC for a revision to an existing approval. Roger Clum did a letter addressing that issue.

Chairman Ricci indicated that Peter Rice indicated there was an issue of an escrow account to deal with drainage. Mr. Chagnon explained that the drainage extension on Court Street if funded by the City and they need the mechanism to include the extension in the contractors scope of work so they would need to go through the City's engineering firm for a modification of the drawings. They will reimburse the City for that section of the work. They were supposed to meet with Peter Rice on August 3rd but that didn't work out. He has another meeting set up on August 29th. Chairman Ricci suggested that can be a condition of approval.

The Chair asked if anyone 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. Hopley stated that most plan views refer to a new 3-story building but the front page of the Site Plans shows a 4 story building. Mr. Chagnon clarified that the plan should say three full stories and 4 stories. Mr. Hopley noted that a four story building with one stair is a concern and it may effect this parking design. He sees that as a red flag but it is not an issue for the Planning Board.

Mr. Holden addressed the grease trap. He stated that David Allen is very concerned that there is not a grease trap. The City was looking at an amendment for Fleet Street tonight for the addition of a grease trap and one also had to be put in at 6-16 Congress Street. He suggests having DPW meet with the applicant to find a location to put one it at a later date.

Mr. Coker asked what was the harm in doing it or not doing it? Mr. Holden explained that the City is under very strict regulations for handling this material. Waivers are sometimes granted for old buildings. The issue is a new building being constructed in a district that encourages mixed uses. By approving a building they don't want to create a hardship that will come back to haunt them. He is confident that there is an area on that lot to place a grease trap to make sure this was possible in the future. Otherwise, DPW would not be supporting this project. Mr. Hopley further explained that in the future, they are considered an existing building and they show a hardship so they could apply for a waiver. As this is a new building, they have to comply with the existing code. Mr. Holden stated that this issue was addressed in the minutes by Dave Allen. He felt it was important to come up with a solution acceptable to DPW. Mr. Hopley added that this has happened in two brand new buildings in downtown Portsmouth. Mr. Coker asked why is it a difficulty to put it there? Mr. Holden stated it creates a hardship where none should have issued. Mr. Hopley stated it is complicated to install one after the fact and becomes a nightmare. Mr. Will felt maybe they should review the Site Review Regulations and consider adding that in the future.

Councilor Dwyer felt the proposal seemed to be a good solution. She feels it might not just be downtown buildings and they should give it some thought about when it should apply and when it should not apply. Mr. Holden stated they have run into this consistently in the downtown. They generally don't have this problem in other districts. Councilor Dwyer asked if this was the first time the Board has required it on the plans? Mr. Holden stated that, if DPW will concur, they will simply identify where it will go for future use.

Mr. Chagnon felt there was another way to look at it. Any change of use would require compliance with City Ordinance regarding a grease trap for a restaurant. This is the same note that has been placed on the other two buildings that installed grease traps. Chairman Ricci felt this doesn't alleviate the problem down the road. Mr. Chagnon gave a hypothetical. The sewer connection goes out the front of

the building. They are asking them to put something on the plan that could conceivably be an impediment to other things. Mr. Holden indicated that's what it's intended to be. This plan is ready to be approved but the applicant and DPW need to decide how to handle this. Mr. Holden suggested that they could have a stipulation that this be worked out and come back to the Board if it can't be worked out.

Mr. Coker asked what specifically was their objection to having this installed? A restaurant is a permitted use in this district. Down the road, things change. What is his objection to locating a grease trap?

Attorney McEachern explained it is intended that the building will be a condominium use on the upper levels. In the description of the condo it will say no restaurant will be allowed. In order to put a restaurant in you not only need a grease trap but also extensive ventilation. That would not be good for expensive condos. The notes on the plan represent that no restaurant use will be allowed. In order to amend that they need approval from 2/3 of the condo owners, who will be residents. This site doesn't allow a 1,000 gallon tank as the 5% open space requirement makes it almost impossible. Mr. Coker stated that this board is not asking them to put in the grease trap or exhaust systems but rather merely to locate one. Attorney McEachern indicated they are willing to do so if possible.

Chairman Ricci indicated that they will simply make a stipulation that the applicant will work with DPW and City staff to work out the grease trap issue.

Mr. Holden added that the purpose is to address this to everyone's satisfaction. If an agreement can't be reached, it will be back before the Board again next month. He appreciated all of the time everyone has put into the project and will continue to help to finalize things.

Mr. Will made a motion to approve with the 25 stipulations as well as a stipulation for an update on the grease trap after meeting with the applicant, DPW and City Staff, and if it doesn't work out, they will come back next month.

Chairman Ricci made an additional stipulation for an escrow account for drainage.

Mr. Hopley seconded the motion.

Motion passed unanimously with the following stipulations:

Stipulations from the July 5, 2006 Technical Advisory Committee Meeting:

- 1) That a note shall be added to the Site Plans so that a smooth transition is made with the sidewalk materials, and that should be shown on the old part of the sidewalk so that the entire section between the two front buildings is consistent. Also, the transition should be shown beyond the area that is shown in brick. All work shall be completed to the satisfaction of DPW;
- 2) That a note and detail be added to the Site Plans indicating that they are filling the driveway, that standard size curbing to match what is already there shall be used and the curbing adjacent to the driveway will be reset to the proper reveal;
- 3) That an agreement be reviewed and approved the City Legal Department, Planning Department and DPW on how the drain line will be set in and paid for and said agreement shall be under review prior to Planning Board review;
- 4) That the electric service for #46 and #58 State Street must be relocated;
- 5) That the water coming from the downspout on #46 State Street onto the sidewalk needs to be addressed;

- 6) That a note shall be added to the Site Plans indicating a minimum of 5'4" clearance on the front of the building for snow tractors;
- 7) That the finished floors on the proposed building shall be no lower than what is existing. All finished floors should be the same and the sidewalk modified to meet those;
- 8) That the Site Plans should be redrawn to assure that the roof drains are on the appropriate properties;
- 9) That the drain line on Court Street should be lowered and the drainage lateral should be a minimum of .1%;
- 10) That the arrow pointing to the site panels on State Street be clarified, that a detail be added and the first barrier closest to State Street should be sloped;
- 11) That a Construction Management Plan shall be reviewed and approved by the City Legal Department, Planning Department, and DPW, prior to the issuance of a Building Permit;
- 12) That pavement markings and chevrons shall be added on State Street;
- 13) That the applicant is responsible for removing the meters and poles and reinstalling the poles, however DPW will reinstall the meters. This shall all be coordinated with DPW;
- 14) That the Planning Department reserves the right to review the parking calculations for accuracy and a final figure will be confirmed for the final plans;
- 15) That the Access and Utility Easement and the Drainage Easement be prepared for review and approval by the City Legal Department;
- 16) That the proposed driveway clearance of 12' be noted on the Site Plans;
- 17) That the truncated domes be removed from the private driveway. The bricks should go to the driveway apron and there should not be any concrete;

Stipulations from the August 1, 2006 Technical Advisory Committee Meeting:

- 18) That prior to the issuance of a building permit, the applicant shall apply to the HDC for the meter and gutter on 46 State Street and those must be resolved;
- 19) That the applicant and the Building Inspector shall meet and advise the Planning Board on what is required regarding the chimney issue;
- 20) That the curb reveal be continuous in uniform in front of #46 and #58;
- 21) That the gate be eliminated from the plans but a note added that it can be revisited in the future if the need arises;
- 22) That the steps in front of #46 be labeled as existing;
- 23) That Note 10 on Sheet C-3 should be revised to state review by the City Legal Department, DPW and the City Manager;
- 24) That Note 8 on Sheet C-2 be revised to state that the applicant shall remove the posts and meters and reinstall the posts once construction is done; and
- 25) That a short detail on the meter post be added to the Site Plans;

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D. The application of **Micronics Realty Trust, Owner**, for property located at **200 West Road**, wherein Site Review approval is requested to construct a 75' x 94' one-story addition with accessdrive and additional parking, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 267 as Lot 22 and lies within an Industrial District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Weeks, presented along with Dennis Moulton, of AMES MSC, for approval of this project. He indicated that that Planning Board approved a Conditional Use Permit last month and this matter was recommended by the Conservation Commission. They are now in the process of getting DES approval, which they should receive any day. This is an industrial building located on West Road. The building was built by Trapper Brown in 1990 and his client purchased it in 1992. Last month he gave a history of the company explaining why they need this addition. At the Conservation Commission, they stipulated improvements to the drainage on site which was part of the Conditional Use approval. Mr. Moulton will provide landscaping details, including a rain garden. The driveway access being proposed was recommended by the Conservation Commission and they have agreed to a different type of treatment on the driveway. It will be able to drain and still be used for a loading zone for trucks. This evening they are asking for Site Review approval and concur with the minutes of the Technical Advisory Committee (TAC) meeting to include stipulations from both the Conservation Commission recommended approval and TAC recommended approval. This is a good addition to the industrial area of the City and will allow Micronics to stay in Portsmouth.

Dennis Moulton, of AMES MSC, reviewed some of their presentation from last month when they were requesting a Conditional use. This is a 2 acre site behind an existing building on West Road. The proposal is for an approximate 7,000 sf addition with parking spaces. 40 parking spaces are required. They are constructing an access to the loading dock area, constructed of a grasscrete product. The stormwater management system was presented at the previous hearing. It will take sheet flow from the pavement, to a stone trench and over to the vegetative treatment strip. They will plant wetland friendly vegetation. They had a detail prepared by NH Soils of the raingarden which he handed out to the Board. The basic premise is a shallow pool area to collect part of roof run off. For the larger volume storms, the raingarden will flow over the trench and into the vegetative filter strip.

Mr. Hopley asked what a phragmite was? Mr. Moulton explained that it is an invasive species that is a non-native plant that is undesirable. It is considered invasive and we should try to remove it.

Chairman Ricci asked about winter maintenance with 2" of ice on the grasscrete. Mr. Moulton indicated they would maintain it with a non salt treatment and it would be sanded for traction. Chairmen Ricci asked what was the likelihood that someone will plow down to 1" from the surface and he also asked what would stop them from paving this in a year or two? Mr. Moulton indicated that this was a fairly new product in this area. They have looked at other projects in New England and Grasscrete is more permeable than gravel. Chairman Ricci asked for what little area they have, why not just use gravel? He just wanted it on the record that should this become a maintenance issue, it needs to be maintained and not torn up.

Chairman Ricci asked what was the vegetative filter strip? Mr. Moulton confirmed it was a planting mixture of wetland seeding mix. The specific plantings are shown on the lower corner of the plans, showing traditional plants which they are providing. Normally a vegetative filter strip would just be grass but this mix and plants would more effective. Chairman Ricci asked that it be a condition that there be a delineation in the legend referring to the vegetative filter strip. He wants something down the road that the grasscrete needs to be maintained and not paved over.

The Chair asked if anyone 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. Savramis made a motion to approve with stipulations. Mr. Will seconded the motion.

Chairman Ricci asked for a note that the hatching be shown on the plan and any change in the approved Site Plans shall first be presented to the City for approval. He commended them for the steps they have taken with the raingarden and the grasscrete.

The motion to approve passed unanimously with the following stipulations:

Stipulations from the August 1, 2006 Technical Advisory Committee Meeting:

- 1) That any changes to the Site Plans regarding the grasscrete product shall be reviewed and approved by DPW;
- 2) That the proposed species for the raingarden shall be reviewed and approved by Lucy Tillman of the Planning Department;
- 3) That the force main coming out should go straight out to the sewer system and should be revised on the Site Plans;
- 4) That the building sprinkler system and fire alarm system should be extended to the new addition and a knox box should be installed if there is not one on the present building;
- 5) That if there is not adequate space for snow storage on site it shall be trucked off-site;
- 6) That the stipulations from Conditional Use Approval at the July 20, 2006 Planning Board meeting shall be incorporated into the Site Review approval;

Stipulations from the July 20, 2006 Planning Board Conditional Use Approval:

- 7) Separate drainage of roof water from other storm water will be employed with at least part of roof drainage to be used for irrigation of native landscaping and remainder outleting beyond storm water treatment area.
- 8) In landscaped areas outside of storm water drainage area, the applicant shall install native wetlands vegetation and where possible employ the use of a rain garden.
- 9) Before site disturbance, the applicant shall remove and bag phragmites in black plastic and dispose of in an appropriate manner in order to eliminate the spreading of invasive species, and a note shall be added to the Conditional Use Plan as well as any Site Review Plans.
- 10) The applicant shall report annually to the Department of Public Works the condition of the storm water treatment system including any monitoring of invasive species and including the maintenance of a no mow policy of the native plants in the treatment area.
- 11) The applicant shall apply wetland seed mix in the disturbed areas behind the new addition.
- 12) That approval is conditioned up the applicant receiving a permit from NHDES.

Stipulations from the August 17, 2006 Planning Board Meeting:

- 13) That the grasscrete accessdrive and the rain garden shall be maintained by the applicant and no changes shall be made to the approved Site Plans without the review and approval of the Planning Board.

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III. CITY COUNCIL REFERRALS/REQUESTS

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

Mr. Holden indicated that they are continuing to look for the long lost deeds to this property.

Mr. Will made a motion to table to the September meeting. Mr. Coker seconded the motion.

The motion to table passed unanimously.

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IV. AMENDED SITE PLAN REVIEW

A. Property Located at 154 – 158 Fleet Street – addition of Grease Trap;

Mr. Holden indicated that Mr. Chagnon was available for questions. This Plan was reviewed and approved by DPW for a grease trap. The Department recommended approval as a minor amendment to the Site Plan.

Mr. Will made a motion to approve. Mr. Coker seconded the motion.

The motion passed unanimously.

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B. Property Located at 225 Heritage Avenue, Smuttynose Brewing Company – revised grading;

Mr. Holden stated that it became apparent that a revision to the Grading Plan would work to everyone’s benefit. David Desfosses of DPW reviewed the plan and agreed it should be approved.

Mr. Will recused himself from this application.

Mr. Chagnon stated that the amendment was a request by the landlord. The Site Plan was for the tenant. They were paving the west side of the building and they made some changes which resulted in the loading docks being less than 48”. Their landlord asked to keep it 48” for future tenants. Another thing is that part of the pavement was covered by dirt which was not readily seen when they did the survey in January.

Mr. Holden added that there would be no negative impact on abutting properties.

Mr. Savramis made a motion to approve. Mr. Coker seconded the motion.

The motion passed unanimously.

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V. NEW BUSINESS

A. Scheduling of a Prime Wetland Worksession with Conservation Commission members and Mark West of West Environmental Services;

Peter Britz, City Environmental Planner, stated that three years ago they completed a wetland inventory of the City and identified the prime wetlands. Mark West was hired to look at the prime wetlands to make an index for the City. He will made a presentation at a September Conservation Commission meeting. Mr. Britz indicated that this is a statewide designation. If it is a prime wetland there will be a bigger setback and will require a public review at the State level. They are bringing a first look at the prime wetlands to the Conservation Commission at their September 13th meeting. They usually meet at 3:30 but he asked if the Planning Board would be able to meet with them at that time?

Mr. Holden felt that this is really the Conservation Commission meeting but the Planning Board should take part. They may want to explore an evening so more could attend. Mr. Britz clarified that it will be a work session and probably won't be televised. There is another option to go ahead and have the Conservation Commission hold their meeting and he will report back to this Board and take input.

Chairman Ricci preferred to pick some early evening so the Planning Board members could attend.

Mr. Britz suggested September 13th at 6:00 pm and felt it would take between ½ - 1 hour.

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Mr. Holden advised the Board that the City Council Work Session on affordable housing is coming up and the Planning Board Member will be invited to attend. He will advise the Board as soon as he is advised of the date.

He also mentioned the New Hampshire Supreme Court case which was provided to the Board members. It appears that the Court is moving back to a more traditional stance on variances and he felt this would be interesting as they continue with their ordinance revisions.

IV. ADJOURNMENT

A motion to adjourn at 9:10 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 September 21, 2006.