

Chris Eaton, who was with Mr. Taintor, introduced herself and explained that they will start with the Mixed Use areas and corridors. Appendix C was also pertinent to the section (page 59). The sections were structured to start by looking at the Master Plan and their recommendations.

Ms. Eaton started with the Northern Tier which will be a redevelopment area and is currently zoned in the CBA district. Currently a wide range of uses are allowed and CBA is a little lower scale than CBB. It has fairly similar heights. Compatibility will be important. A lot of the area is currently bulldozed or not particularly noteworthy. Deputy City Manager Hayden clarified that if a building is constructed in the northern tier, they may not want it to be built to look like the rest of the northern tier as that is not the direction that they want to go in. Ms. Eaton agreed and added that they need to clarify exactly what compatibility they should be looking at. The possible changes they are looking at is to look at required human scale and pedestrian amenities. It is easy to show ideas of pedestrian amenities in the Zoning Ordinance but they need to be identified. Design standards and guidelines should include building heights and setbacks, roof designs, etc. Provisions for shared parking should be considered. An example would be an office building and a movie theatre sharing a parking lot and developers should be rewarded for that.

Councilor Dwyer asked if they are suggesting these ideas for all CBA Districts or just this specific CBA area. Ms. Eaton was being very specific about this area.

Mr. Coviello thought CBA was a waterfront district. Mr. Holden confirmed it was based off the waterfront but with City Council changes it has been reinforced more than just waterfront. Mr. Coviello asked if they would look to change lots off the water to B? Deputy City Manager Hayden referred to page 33 which shows what is CBA. It shows Bow Street is all CBA and the northern tier is CBB. Mr. Holden added that CBA is downtown and is more water related. The Map on Page 33 is not current and this would be a good time to discuss and refine that.

Ms. Eaton indicated that she added the Master Plan objective for the Northern Tier which was to redevelop the Northern Tier with mixed use, pedestrian-friendly development and integrate with the downtown.

Chairman Ricci stated that under performance standards, he recommended a landscaping minimum requirement. Mr. Taintor referred to Exhibit D, Page 72, where they start getting into that a little bit but maybe not as specific as Chairman Ricci was talking about. Ms. Eaton added that pedestrian amenities also would include planters and would lean towards green space.

Councilor Dwyer indicated that Ms. Eaton used the phrase "look to the downtown for character" however she felt another challenge is looking to the other side of character as well, or residential character. The challenge is not just downtown, but views extending across the pond and down Islington Street. Deputy City Manager Hayden understood what Councilor Dwyer was expressing and felt the northern tier was a good example where they shouldn't have an abrupt change. Councilor Dwyer was intrigued with some of the examples included in the Audit Report about the stepping and adjacencies of different types of building, residential, or water. She asked if they could they identify or recommend different kinds of approaches to the stepping and adjacency issue.

Ms. Eaton talked about when you are re-doing any type of legislation, the devil is the details. One of the difficult things is whenever you make something that is related to something else less intense, that building may have the ability to increase in size. It is very common in Zoning Ordinances to having buildings step down towards another building but that other building could actually add one or two more stories. They have to realize the trade offs and they should keep that in mind.

Mr. Coviello indicated that airports don't want tall buildings next to the airports so they define a plain away from the runway and he didn't know if that would work in this situation. Ms. Eaton stated they were talking about the Pease Airport planes and that it is something to think about. Mr. Holden felt that the nuts and bolts of CBB and CBA are lot area and open space and the Board should consider the pros and cons of lot dimensions.

Councilor Dwyer asked regarding the concept of design districts, do they typically have generic minimums or maximums or proportions for the size of what a design district should be? Ms. Eaton felt that different planners would give you different answers however generally her recommendation would be to write more broadly and the samples include the manual approach. That helps the applicant understand what they need to do. Portsmouth downtown is extremely diverse in relation to what is immediately adjacent to it. They should prohibit things they cannot live with and require things they must have.

Ms. Eaton went on to discuss the Islington Street area which is a very interesting corridor to look at. She looked at previous studies that were done on Islington Street. The Master Plan starts out with the corridors that lead into downtown, design standards and consistent signage. It specifically referenced the Streetscape Improvement Plan that was done 10 years ago. In the OR area she looked at mass and scale, review process for corridors, site plan building design, retail and strengthening drive up and drive-throughs. For redevelopment, parking along and behind buildings should continue and signs should be looked at. The Map is on Page 37. There is the Historic District to Dover Street, then some commercial structures, there is a park, there are converted industrial buildings and at Bartlett Street there is a major congested intersection, or "a node". What there really isn't is a sense of one thing applying to this area however as a planner it feels like a fairly consistent area up to Bartlett Street. The use and scale and age and character all go together. Her recommendations on page 39 are to rezone the entire corridor as mixed residential business, MRB. Maybe they should think about a step down, illustrated on page 39. She discussed how to regulate that.

She talked about illustrating form based zoning. Islington Street is very different from Lafayette Road. Planners talk about how buildings relate to the street, and the height of the buildings and the width of the street and there is an ideal proportion to that. They probably don't want to see very high buildings on Islington Street. They could probably promote 3-story development. They should also consider some pedestrian amenities. She felt the Streetscape Plan was a good document that should be reviewed. A façade improvement program is something they may consider, but not as part of zoning.

Councilor Dwyer referred to the design standards form based approach and asked about commercial vs. residential? Ms. Eaton stated that uses become less important. How buildings work with each other is important. A mixed use overlay would be something to consider for Islington Street.

Mr. Hopley mentioned street width in relation to building sizes. Some of Islington Street is in the CBB district so that should probably be looked at. Ms. Eaton agreed and felt they should maybe consider CBA for that section. What the City wants that to be is a key decision. Mr. Taintor pointed out that Page 33 shows the whole tail of that section and that area is CBB, surrounded by apartments, MRB, MRO and there is really no logic in the zoning. Mr. Hopley noted that, in reviewing the proportions of the buildings, they should transform them into something the developers and staff would use. Deputy City Manager Hayden felt that when a street is already built out, people think it will be like that forever however over time it will be redeveloped. Therefore, that is a very key corridor. Mr. Will asked to what degree they will use form based zoning as it seems to be all or nothing. How do they integrate this into their existing ordinance? Mr. Taintor explained that the type of thing they are talking about is not using form based zoning. They can change the height. Secondly, they could look at special overlay districts. They don't want to create a district that only addresses the first three buildings on the street. Before coming up with the answers they have to decide what it is they are trying to solve. Ms. Eaton added that they are doing a complete revision of the current Zoning Ordinance so this is a wonderful opportunity to look at the whole structure to make sure it all works together.

Councilor Dwyer stated that potentially one may have one area that has another additional area nested on top of that which would also apply. Mr. Taintor agreed that would be one district with additional requirements for certain sections.

Ms. Eaton referred to Page 41, showing an example of an existing building with a big parking lot next to it and then below it is a drawing with proposed improvements including a façade improvement and landscaping screening of the parking lot. This is the kind of improvement which is simple but would be a huge improvement.

Deputy City Manager Hayden felt that Islington Street is a very important corridor that needs to be closely looked at for design review. Mr. Taintor added that further down Islington, past Bartlett Street, is another mess. The bridge is a problem.

Ms. Eaton continued on with Lafayette Road which she stated is an important transportation corridor. The Master Plan wanted to see a mixed use development, beautification of gateways to the City, a corridor study, seek public input, look at pedestrian circulation, and landscaping improvements. Page 44 is a map of Lafayette Road, which is mostly GB. She indicated there was not much character on Lafayette Road and that will continue unless they take some action. GB is a wide open commercial district with lots of special set backs and some are especially deep setbacks. There is some MRB, OR and some SRB sections. She felt this was a lot of retail acreage for a City the size of Portsmouth. That much retail space will eventually completely fill with retail. Over time, that much retail on deep, large lots will eventually take away from the economics. Do they want to look at other uses and limiting retail use? Do they want to permit residential uses in GB? Building placement could also be looked at. They might want to have special standards regarding parking standards as some existing parking lots are just a sea of parking. They might want to look at improving pedestrian movements and look at more urban standards in some sections to see if they might be more appropriate.

Mr. Will referred to GB and asked how do they integrate with the existing ordinance. Rather than another overlay, could they integrate form based zoning into the business district or do they have to pick one or the other. Attorney Sullivan felt the form based zoning would work best in the Northern

Tier where they will have no structures but in areas where buildings are already in place he didn't know how form based zoning would work. He was not very excited about form based zoning in developed areas of the city. Mr. Will asked if areas of the City where there is potential to raze a building and build something new it might be more effective. Attorney Sullivan stated that, unless they do it in a district without existing buildings, he doesn't see how it can be effective. Deputy City Manager Hayden referred to some of the older shopping malls where they do not want them rebuilt exactly the way they are now. They would like to have the ability to get a better design. Mr. Taintor stated maybe it could be done at some key nodes or intersections. If they change their zoning, there will be a developer who will build according to the new zoning. Ms. Eaton felt that form based zoning could apply to existing areas of existing zoning and Lafayette Road does have an existing form, which is low scale development pushed to the back of the lot. Form based zoning may not work as well for Lafayette Road but it comes down to how strict they want to be with it and how much political support there is for being strict. Mr. Will felt it was more likely in General Business that developers will want to raze buildings.

Councilor Dwyer stated that there are a whole group of areas in town that they haven't discussed and she asked how form based zoning would apply to those areas? There is nothing in the Audit Report about the residential areas. Mr. Taintor indicated that one of the things they thought about was the issue of the older neighborhoods with substandard lots. They haven't actually looked to see if that is an issue. Not only is downtown special but downtown is surrounded by neighborhoods that are also special.

Attorney Sullivan stated that if there is going to be a change in design review in the City, the most important policy decision for the Planning Board is who is going to conduct that design review and what standards will apply. In the Northern Tier one option would be to extend the historic district and have the HDC oversee it or there could be a different body to oversee the new areas. Is the future of the City to forever look at the year 1812 or do they want something different in different areas of the City?

Councilor Dwyer felt that once they have clearer standards, that helps to make that decision easier. Attorney Sullivan added that another option would be that the same HDC apply different standards in different areas of the City.

Ms. Eaton stated that there are different approaches to different standards. Performance based takes more discretion. Prescriptive is more text book and can be very onerous. Performance based would require a design review board.

Mr. Coviello indicated that he would love to see another board but more like a Conservation Commission that would give recommendations. He asked if advisory boards get challenged in Court? Attorney Sullivan confirmed that some City board would have to make the final decision. If it wasn't going to be HDC, the PB would be the next logical board to take on this review. Mr. Taintor stated that a lot of communities have an advisory board to advise the Planning Board.

Deputy City Manager Hayden felt that Lafayette Road and Islington Street are very important to look at for design review and zoning, and maybe Maplewood too. Chairman Ricci agreed with Cindy and added that he was concerned with the number of zones on Islington Street. Councilor Dwyer didn't

feel this was only additive. Some approaches we have used will go away and some bottlenecks will be lessened while others will be increased. She asked if design review substitutes for something else? Mr. Taintor stated that an advisory board may stream line it and take away the inherent conflict on the different districts.

Deputy City Manager Hayden stated that she has learned that the incentive approach works well and most developers want to do the right thing. They should center their efforts on incentives to do things better. Ms. Eaton felt that the revision to the Zoning Ordinance can help because developers like certainty and they may not like it but they will know what they will have to do. Certainty is something they are trying to build more into.

Deputy City Manager Hayden reminded the public that the Audit Report was available on line, at the Public Library, at the Planning Department and copies were available tonight for people to take home with them to study.

Chairman Ricci thanked the public for listening in and coming to the meeting.

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the September 21, 2006 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the September 28, 2006 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

A. The application of the **City of Portsmouth, Owner, and Nextel Communications, Applicant**, for property located at **280 Constitution Avenue**, wherein Site Review approval is requested to construct an 11’ 6” x 20’ equipment shed and backup generator pad adjacent to an existing water tank and to install antennas on the top of an existing water tank, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 273 as Lot 8 and lies within a Municipal district;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Heather Castagano appeared on behalf of Nextel Communications and stated they were requesting site plan approval for a wireless communications facility. They will be installing 12 antennas on top of the existing City water tank on Constitution Avenue. The antennas will not extend above the height of the tank and will be the same color as the tank, as well as the cable. The equipment shelter will be surrounded by a chain link fence. There will also be a generator that would be used in case of a power outage. There will be no fuel or gas stored at the site. The facility would require 1-2 maintenance checks a month. The chain link fence would be locked at all times. They met with the Technical Advisory Committee on October 10th and 5 stipulations were identified and agreed to by Nextel.

- 1) The City of Portsmouth will maintain snow plowing for municipal access purposes only. If additional snow plowing is required to access tenant's equipment shall be tenant's responsibility and at tenant's expense;
- 2) Tenant shall not install hydrogen batteries within the equipment shelter per the request of Deputy Fire Chief Steven Griswold;
- 3) Tenant shall insure compatibility of Sprint/Nextel antennas with the City of Portsmouth's equipment on the water tank. Should any interference be identified, it shall be the responsibility of the tenants to
- 4) There shall be an interior inspection of the water tank where the stud welds were applied to the outside of the tank. This inspection shall be at the expense of Nextel and under the direction of the Water Division. The inspection shall check for any damage to the interior coating system. All damage shall be repaired to the satisfaction of the Water Division;
- 5) Construction of Nextel facilities shall be in done in accordance with the City 2006.

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 confirmed that the applicant accurately represented all conditions from TAC and the Department recommends approval.

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

The motion to approve passed unanimously with the following stipulations:

1. City of Portsmouth will maintain snow plowing at the water tank for municipal access and purposes only. Any additional snow plowing required to access Tenant's equipment facility shall be Tenant's responsibility and at Tenant's expense.
2. Tenant shall not install hydrogen batteries within the equipment shelter, per the request of Steven Griswold, Deputy Fire Chief for the City of Portsmouth. Battery specs shall be provided to the Deputy Fire Chief prior to construction of Tenant's facility.
3. Tenant shall ensure the compatibility of Sprint Nextel's proposed antennas with the City of Portsmouth's existing equipment on the water tank. Should any interference be identified, it shall be the responsibility of the Tenant to cause any such interference to cease, at Tenant's expense. This is also a requirement of the Lease Agreement signed by Sprint Nextel.
4. Per request of Tom Cravens of the City of Portsmouth Water Department, there shall be an interior inspection of the water tank where the stud welds were applied to the outside of the tank. This inspection shall be at the expense of Nextel and under the direction of the Water Division. The inspection will check for any damage to the interior coating system. All damaged shall be repaired to the satisfaction of the Water Division.
5. Construction of Sprint Nextel facilities to be done in accordance with CBI Review dated May 11, 2006.

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Raymond Will recused himself from Item B as he lives in the neighborhood however will return for Item C.

B. A public hearing is convened to consider the request of The Housing Partnership for an access easement on Bedford Way. The purpose of this hearing is to solicit public comment on this request. Relevant materials are available for public inspection in the Planning Department. Said properties are shown on Assessor Plan 212 as Lot 120-A which lies within a Municipal District and Lot 118 which lies within a General Residence B District;

Sharon Somers, Esq., Attorney for The Housing Partnership spoke to the Board. Chairman Ricci confirmed that Item B and Item C will be completely separate. Attorney Somers indicated they are requesting an access easement across Bedford Way. She displayed the most recent access plan and explained it would provide the safest access to their property. She pointed out the City property and where Bedford Way was located. Bedford Way was formally discontinued by the City. There is an easement to benefit Portsmouth Senior Housing and they propose that the City approve The Housing Partnership the ability to share the easement and cross the portion of the City property for access to their property. John Chagnon could not attend tonight's meeting however she discussed the engineering points with him and was confident they were proposing the most practical and safe options. The other option is to use Kearsarge Way. Their property sits well below Kearsarge Way and in order to bring that section up to the street level it would require an enormous amount of fill. Moving further north on Kearsarge, there would be a problem because they would be closer to the "throat" or 4-way intersection. It is her understanding that the last thing they want to do is create another driveway at an already congested intersection. One question that has come up before about why they can't use the existing paved road is that that road was never intended to be an access road. It was a temporary road built by the City. Additionally, by using the paved road they would lead right back into the same problem by leading into the wide throat. Therefore, they believe this is the more logical proposal. More importantly is the issue of safety. The City's traffic consultant has strongly recommended against using Kearsarge Way. They recognize the concerns regarding safety and traffic concerns but this issue tonight is solely to use City property for access to their property. The other items would be part of a Site Review process. The easement was granted in 1995 over City property to benefit the Portsmouth Housing Authority property. The easement is not exclusive and can be shared. There are practical realities where they have to agree to conditions of sharing the easement with the Housing Authority. Lastly, in addition to the access request, the Board will also have to address the State law regarding access. The City can grant permission for access off of a private way, which the easement is treated as, and the Staff memo addresses the same course of action and they look forward to working with the City on that aspect.

Chairman Ricci brought to the Board's attention that the Portsmouth Housing Authority had provided a letter and a copy was provided to them for their review.

Mr. Holden stated this is a City Council referral having to do with a right of way in an easement area. It has been largely dismantled and it is gone. What is left is city property and the City has granted an easement to the Portsmouth Housing Authority for access to their property. The Department has proposed 5 conditions plus this is an appropriate use of the property for access to another property, as long as the Portsmouth Housing Authority is in agreement with it.

Ms. Roberts felt that the Portsmouth Housing Authority played a major role in this and asked The Housing Authority if they had seen the letter. Attorney Somers stated that the letter reiterates a number of issues that were raised previously so they are not new issues. They intent to have further discussions with the Portsmouth Housing Authority.

Councilor Dwyer asked why the Planning Department is placing so much weight on an agreement between the Portsmouth Housing Authority and the applicant since this is a non exclusive privilege that the City Council granted to the Portsmouth Housing Authority. Mr. Holden indicated they are

trying to drive a middle line. The City Council has expressed interest in an affordable housing project. They are suggesting their approval should be limited because sometimes projects are sold and the Portsmouth Housing Authority needs to understand what the project is and that it is for an affordable housing project.

Chairman Ricci opened up the public hearing and called for public speakers.

Demira Morse, of 35 Concord Way, felt that there was already traffic congestion and this would add another road with one access and exit. This presents a safety and security issue. If they had to evacuate Atlantic Heights they would not have much time and this would create chaos. The extreme parking problem in the Heights will start spilling over. While the housing concept is a good one, they are trying to put a square peg into a round hole. They have two housing projects currently being developed. There are many reasons why they are requesting that the Planning Board not vote for this.

Raymond Will, 125 Preble Way, just wanted to confirm that the Portsmouth Housing Authority would not be "out of the loop" if this was approved this evening.

Steve Valenhardt, 181 Kearsarge Way, felt that public safety was a concern. There is an increase in traffic that affects residents of Atlantic Heights. He asked if the bridge was built knowing it would be used for this traffic. He does not agree or disagree with low income housing but he is concerned that this is not the safest way in and out of Kearsarge way.

Attorney Douglas Macdonald indicated that he represents Dick and Elda Fusigni. It seems that as this project is moving forward they were putting the cart before the horse and the project should be approved first.

David Choate indicated that he has been involved with The Housing Partnership since 1983. He clarified that this was a work force housing project and not a low income project as some speakers stated. Attorney Macdonald was incorrect as they were not approving the easement but simply making a recommendation to the City Council. The only way that affordable work force housing was going to come to the community was if someone makes some concessions. Another misconception was that residents and visitors would be parking all over the streets but the future Site Plan would address that. It is very hard to find a seller who is willing to sell his land at an affordable price for a project such as this.

Andrew Cardoso, of Concord Way, was concerned about traffic.

Sharon Somers, responded to Attorney Macdonald's comments and stated that it was important that this move forward to the City Council as it was a threshold matter to move forward with the project.

Steve Valenhardt, stated that when the City gave the easement to the Portsmouth Housing Authority, there was not a lot of traffic going in and out.

Jay Martineau, of Merrimac Street, stated he was in support of the general idea of affordable housing in Portsmouth. If Portsmouth wants young couples to remain in town, they will need places to live. He has lived in an apartment for 12 years and does not want to have to move to Rochester to continue to live in an affordable home.

David Marion, Kearsarge Way, stated that he was all for the working class in Portsmouth but they should focus on the fact that this area was already over congested. People would not be able to get out if there was an emergency and the road is unsafe.

Don _____, of 598 Kearsarge Way stated that he agreed with previous speaker.

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.

Mr. Holden indicated that this was a narrow question of whether to allow the use of city property as a driveway into another property. It is currently being used as a driveway to another city property for the Portsmouth Housing Authority. The Department recommends a favorable recommendation back to the City Council with five stipulations.

1. That the Portsmouth Housing Authority endorses the joint use concept as proposed by this proposal for use in an affordable housing project;

Mr. Holden explained that the rationale was that the Portsmouth Housing Authority is the entity most affected by the use of their current easement so they should have a say in whether or not there is another user. Since this is all about affordable housing, if they are going to do this, they suggest that it be limited to an affordable housing project.

2. If the PHA endorses this concept, that a *Memorandum of Understanding* should be prepared that formalizes their partnership in this matter in terms of future use/liability/maintenance/etc.;

Mr. Holden explained that the reason for this is someone has to plow it and maintain it and there are a whole multitude of issues that will come up as a result of that and this is intended to encourage a dialogue between parties.

3. That as the driveway would not be built to municipal standards that it is not to be accepted as a municipal street;

Mr. Holden stated this is for the future. No PUD in the City has a street that is built to City specifications and that is why they do not receive certain municipal services. In return for that they receive density bonuses. This is to put on the record that this is not a City street. Ironically, if a City street were to be proposed they would see a very different project.

4. That the easement should be amended so as to include these matters and shall be approved as to content and form by the Legal Department;

Mr. Holden stated that was assuming concurrence by all parties including their counsel.

5. That all necessary easements and related materials shall be recorded in the Registry of Deeds.

Mr. Holden summarized the rationale for the Department which is saying that in this narrow instance, this type of use can be recognized provided all of the parties involved are on board.

Deputy City Manager Hayden asked if they felt Stipulation #1 needed to be “beefed up” a little bit. For example, what if the Board decided to recommend and the City Council decided as part of their recommendation to give this easement but they didn’t approve Item C which is on the Agenda tonight. How do they better tie Item B on the Agenda to Item C on the Agenda? Chairman Ricci asked to hold off on that discussion until he had a motion.

Vice Chairman Hejtmanek made a motion to recommend approval to the City Council with 5 stipulations, on the narrow issue of the driveway easement. Mr. Savramis seconded the motion.

Mr. Coviello was wondering how narrow he should look at this. Right now this is GRB and it could be a single family home, or many other things. Chairman Ricci reminded Mr. Coviello that they were only considering the easement.

Councilor Dwyer considered the fact that the City approved an easement for a particular use access which makes her wonder why or whether they simply apply "first come, first serve" rules, why would they place so much emphasis on the agreement at this point of the Portsmouth Housing Authority to another easement. She understands it makes sense to work that out but she wonders why they would use it as a threshold requirement at this point in time.

Mr. Holden stated that if this was a different type of development, they would not have development necessarily by easement. In this case, there are serious concerns with site distances, etc. with the site. This is a referral by THP and the City has worked on an ordinance on affordable housing, and even though they are looking at them separately, the gestation of them comes from the Council. What the Department is trying to say is that you don't normally have development occurring in this manner so if you are going to be doing this then be aware that there is a component that deals only with affordable housing.

Councilor Dwyer fully agreed with that however she asked why are they granting one agency so much authority over another agency? Mr. Holden mentioned that the Portsmouth Housing Authority is also an agency of the City. Deputy City Manager Hayden felt that anytime an easement is shared it can be challenging and the issue of use maintenance is not a small one. Shared easements present challenges and when the easement was granted to the Bethel Assembly, they knew what was there. This is different as they don't know what will be there. Councilor Dwyer asked if Stipulation #2 could stand without Stipulation #1? Deputy City Manger Hayden felt that if the PHA indicated that they didn't want someone in there, they would be right back to Stipulation #1. Mr. Holden stated that Stipulation #2 is the implementation method for Stipulation #1. Vice Chairman Hejtmanek felt this was a reality check as the Council is not bound by the Planning Board stipulations.

Deputy City Manager Hayden referred back to the issue that she raised previously, are they granting an access easement for the Housing Partnership and do they need to tie it more clearly to what it is for. She wants to make sure they are not granting an open ended easement. Maybe they could just add another little section that is to The Housing Partnership for an access easement on Bedford Way for the development of workforce housing. Mr. Holden felt that anyone of those would clarify further.

Vice Chairman Hejtmanek was agreeable to an amendment to the motion.

The motion to make a favorable recommendation to the City Council with the following recommended stipulations passed unanimously:

1. That the Portsmouth Housing Authority endorses the joint use concept as proposed by this proposal for use in a workforce housing project;
2. If the PHA endorses this concept, that a *Memorandum of Understanding* should be prepared that formalizes their partnership in this matter in terms of future use/liability/maintenance/etc.;
3. That as the driveway would not be built to municipal standards that it is not to be accepted as a municipal street;
4. That the easement should be amended so as to include these matters and shall be approved as to content and form by the Legal Department; and,
5. That all necessary easements and related materials shall be recorded in the Registry of Deeds.

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C. Public hearing is convened to consider the request of The Housing Partnership for an amendment to Section 10-1508 of the City's Zoning Ordinance relating to Planned Unit Developments (PUD). The purpose of this hearing is to solicit public comment on this request. Relevant materials are available for public inspection in the Planning Department;

Rick Taintor, of Taintor & Associates, addressed the Board. He was asked to assist in working up some revisions to amend the Zoning Ordinance to permit an increase in density in certain areas for affordable housing. The Housing Partnership brought in a very simple proposal to amend the PUD ordinance but it didn't work very well as the City ordinance offers the benefit of open space. They worked together to create a new PUD ordinance to create that purpose. He reviewed the articles by section.

Paragraph A outlines the purpose of the section to implement one of the goals of the Master Plan, affordable housing, by allowing additional flexibility. It allows the Planning Board to issue a Conditional Use Permit or increase in density in exchange for provisions of some restrictions on the sale or rental of units. Section B cites the authorities. Section C uses bullets through the provisions and they agreed to limit it to GRA and GRB. Item Two, the Conditional Use Permit allows the increase in density. Item Three allows other modifications. In Item Four, aside from anything else, the PUD has to comply with all zoning requirements in the underlying district. Section D identifies which sites currently would be eligible. They found 24 lots initially, with a cluster in the Atlantic Heights area. Most of the one acre parcels are already developed. There is a possibility that someone could assemble several lots to acquire enough acreage.

Item E include the Lane Use Development Regulations. The PUD can include all uses except daycare and Home Occupation II due to traffic concerns. Items F & G are key items, which allow you to figure out how many units are permitted on a site. The first way is a formula which simply divides the developable area of the parcel by the number of units. The more complicated way is for the applicant to apply to the Planning Board for a higher number of units.

Item G is the intensity density computations. Basically it says that you take the number of affordable units that are provided, which means units that are restricted for sale or rent to be affordable to people who are making less than 120% of the median family income. The number of units are multiplied by 1.5 and that is the bonus density. The maximum bonus density is 1.5 times the base density. The chart showed that a one acre parcel might get 5 units with base density if there were no restrictions and a maximum of 8 units with the bonus. Wetlands would not be included in the calculations. Item H makes a couple of changes. A free standing building would allow more units per building, creating more flexibility, and it does not restrict the maximum number of buildings per lot. Item I includes the dimensional regulations. The side yard dimensions must be increased by twice the increase in density which gives a little more breathing room from your neighbors. Item 2 reduces the minimal yard internal to make sure it is safe between buildings. They don't need traditional yard separation. Item 3 speaks to the Planning Board review of the Conditional Use Permit and states the Planning Board can require a certain amount of open space for recreation.

Item J is height requirements. #1, the development must relate to its surroundings. #2, says you can't have a cluster of low income residents and another cluster of affordable income residents. You don't want to be able to tell the difference between the units.

Item K states that vehicular circulation can be by public or private streets or by private driveways. Utilities should be underground and it should be designed to City standards although the Planning Board could waive street design standards according to subdivision regulations.

Item L reviews the approval procedure. The Legal Department is given the authority to review condominiums. Item M provides the Planning Board findings and talks about the ability to review and

require covenants and legally binding documents to assure that the affordable interests are restricted to the longest legally binding term. Item 2 gives the option to grant a Conditional Use Permit with a maximum number of units or for a smaller number of units or to deny it.

Item 3, on Page 6, says that they do not have to approve a residential density permit unless it is in the City's best interest.

Item N includes the agreements that restrict affordability.

Finally, there are four terms that need to be added to the definition section: Affordable Unit, Area Median Family Income, Base Residential Density and Residential Density Incentive.

Mr. Will had an older copy of the working draft of the Ordinance change and he asked about the number of lots that could be developed. Deputy City Manager Hayden had mentioned this could be beefed up a bit but he did not see any material change. Deputy City Manager Hayden responded that they actually had addressed it in #1, where it actually belonged. Will asked about Mr. Coviello asking about using a word more specific than the word harmonious in J.1. Mr. Coviello responded that he had asked whether they should make it more specific but he has been convinced that it wasn't needed.

Councilor Dwyer asked about Section M, 1, C, regarding the covenant with the longest legally binding term and how it related to L, 5, where the Legal Department may review the condominium cooperative agreements. Do they specify a covenant with whom?

Mr. Taintor stated that they decided to leave it broad because they put it in the last section, regarding the development agreement so that City Attorney could negotiate as there would be different cases. Attorney Sullivan confirmed it was deliberately left vague so that developers could use every way to be creative to satisfy the Planning Board. Also, it would be impossible to think of all of the different ways that affordability could be secured in the future.

Chairman Ricci opened up the public hearing.

Bryan Wyatt, of The Housing Partnership, who also lives on Wibird Street, stated that The Housing Partnership supports this ordinance amendment and thanked the Board for their working relationship.

Sharon Somers, Attorney for The Housing Partnership, stated that she appreciated the collaborative effort between the City staff and The Housing Partnership. This is a compromised product which they endorse. The ordinance reflects a proto-type that can be used as a model for use in the future in other districts after it is adapted. In the meantime it allows other projects, such as this one, to go forward immediately in the GRA and GRB district which will be viable from an economical standpoint. She had noted that at the core of the ordinance is the notion of a negotiated PUD. She believes it shows good faith negotiation and also protects the abutters. One thing she expects they will hear is opposition. She commented that this is an ordinance that is under discussion and similarly provides the City to move forward with work force housing. It provides protection for abutters through the Site Review process. Most importantly, it reflects the City's own Master Plan recommendation. To those who say this may not be enough, the fundamental goal of the Planning Board and the Conservation Commission is to establish the authority to have affordable housing and this is a start. They will discover how to refine it and move on with other applications. A new ordinance needs to be looked at as an evolutionary process.

Chairman Ricci called for public speakers.

Christi Cardoso, of Concord Way, felt that the changes that have been proposed are good. She addressed the "not in my back yard" syndrome. Atlantic Heights is work force housing so they are not against this. However, being in an affordable area, they have many challenges. They have a power

plant, they have a fuel depot, they have a lumber yard. People have said they have traffic and safety concerns and those are legitimate concerns. Even putting aside that it is work force housing, she does not want to see a condominium development in her neighborhood that doesn't fit on top of the other challenges that they already have.

Attorney Douglas McDonald, represented Dick and Elda Fusigni who live on Kearsarge Way. His clients are opposed to the zoning change as it would allow significant increased density. It is an issue of overdevelopment, which would increase traffic, noise, pollution and decrease open space. They feel this is a classic example of overdevelopment. Their concerns were outlined in a letter to the Board dated August 2, 2006. He addressed some of the elements in the working draft which was discussed this evening. This was not an issue of people opposing work force housing but rather an issue of people opposing the zoning ordinance because it encourages over development. Concerns are not only from Atlantic Heights residents but also those of the Portsmouth Housing Authority. His clients do not believe this will benefit any area in the City and are opposed to the proposed change this evening.

David Choate spoke as an individual but he is speaking to the issue as much as for it. He recommends that the Planning Board pass this on to the City Council for adoption but he also directs the staff to immediately address some issues that he feels were missed. His overriding comment is that it has taken years to get to this point and he was disappointed that it only related to the GRA and GRB zones as there are very few parcels that are eligible for development in those districts. Section C should be inclusive of all zones and he would like to make it a true overlay zone for the City. Section D deals with a one acre minimum but he feels that should be the minimum for the lot size. In Section G, #1, he urged it should be 120% or below and not below 120%. In Section G,3,1, he does believe it's realistic to expand the current maximum number of units to more than 6. He questions the rationale of doubling the side yard setbacks when they have an affordable housing project. It also ignores the fact that many sites are not in GRA or GRB. In Section L,3, why would they allow the Conservation Commission to weigh in on something that they would normally not weigh in on. In Section M,1,C, documents should be prepared but not executed. He felt that condominium documents have to be submitted to the Planning Board but they are not necessarily recorded documents. In summary, he felt the current ordinance was a great first step so that it could be adopted but he also urged them to request the staff to make it much broader. The Economic Development Commission is looking at the Islington Street corridor and that is not GRA or GRB so that could not be eligible.

Stephanie Stoddard, Co-Chair of the Work Force Housing Coalition, stated that she wanted to look to the future where Portsmouth will continue to be economically viable and Atlantic Heights will still be thriving. She stated that the City needs to act today to protect the future.

A resident from 220 Kearsarge Way echoed the comments of the previous speakers. The area is subject to a lot of traffic and industrial development. There is no shoulder on Kearsarge Way and the road is narrow and dangerous. He felt they should include other areas other than GRA and GRB.

Attorney Douglas Macdonald, on behalf of the Fusigni's, added one point regarding the scope of the proposed ordinance and the discussion that it can be changed later. He felt it was more appropriate to keep it at this level, rather than send it to the City Council, until everything was worked out.

David Marian stated he opposed it for traffic. If this area is going to be a "dumping ground" for work force housing then the access in and out should be looked at and improved.

Chairman Ricci called for any speakers and, seeing none rise, closed the public hearing.

Mr. Coviello made a motion to recommend to the City Council. Mr. Will seconded the motion.

Mr. Coviello felt it might be beneficial to explain what a Conditional Use Permit was and the Planning Board process. Even if this gets approved by the City Council, it doesn't give the right to use the

property in this manner. They would still have to come to this Board for Conditional Use approval and Site Review. He feels this would be an excellent proposal to help work force housing. Deputy City Manager Hayden felt there had been a lot of good comments from speakers but they are trying to decide whether to recommend this proposal to the City Council. The concerns of the neighborhood will be addressed through Site Review and they will also need input from the Conservation Commission regarding natural resources, and a key part of this ordinance, as referenced on page 12, is that the Planning Board shall act "at its discretion" and that is a fairly broad discretion. She knows there are neighborhood concerns and she loves that neighborhood but the Master Plan process was loud and clear about more affordable housing. They need to put some seeds out there to work on work force housing and this is just the first bite of the apple. Mr. Will agreed with Deputy City Manager Hayden. He felt there was a lot of difference between a proposal and an ordinance. A PUD has to be proposed by them. There is currently not a PUD being proposed as this just deals with the ordinance. This is a good first step to work with in the future. The Master Plan and study circles came back with a lot of challenges but very few proposals. The City has had "quick fix" ideas in the past and they haven't worked. He likes Section M,3 that reads "Nothing contained herein shall compel the Planning Board to approve a Residential Density Incentive conditional use permit". Mr. Will disagreed with Mr. Choate who made comments about spreading this to all districts but he felt this was a start and they should stay with GRA and GRB for the time being. He stated that he enthusiastically supports the ordinance.

Councilor Dwyer supports this as a first step. She felt Mr. Choate was correct and she will be advocating that they very quickly look at it in different zones. She appreciates the comments of the neighbors regarding the traffic and she will recommend a review at the next City Council meeting regarding the one way in and one. She also appreciates the sincere statement on a part of a number of people that this is not a "NIMBY" issue.

Deputy City Manager Hayden referred to Mr. Choate's comment regarding "incomes below 120%" being changed to "120% or below" and she was in agreement to making that change. Mr. Will was also agreeable to this.

Deputy City Manager Hayden asked Attorney Sullivan his opinion about having covenants or other legally binding documents executed. She asked if that has special meaning or should it say prepared instead?

Attorney Sullivan stated that he prefers it to say "executed" because otherwise the documents can be changed afterwards.

Chairman Ricci stated that this Board will work as expeditiously as it can to look at other areas of the City. He will also support this as he feels it is a good first step and gives the Board some teeth for future PUD's that come before them.

Mr. Will asked if it was possible, as a friendly amendment, to add that they will be working on it and will be making future recommendations? Chairman Ricci did not believe that was necessary.

The motion to recommend to the City Council passed unanimously.

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D. The application of **The Society of the Protection of New Hampshire Forests, Owner**, for property located at **400 Little Harbor Road** (a/k/a The Creek Farm) wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to widen an access driveway to accommodate traffic within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 203 as Lot 8 and lies within a Rural Residential District;

E. The application of **The Society for the Protection of New Hampshire Forests, Owner**, for property located at **400 Little Harbor Road**, wherein Site Review approval is requested to widen an access driveway and provide public parking, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 203 as Lot 8 and lies within a Rural Residential district;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Jack Savage, Vice President of Communications for the Society of the Protection of NH Forests, addressed the Board. He stated that the Society is the State's largest and oldest land preservation society. They own land in Concord, Rochester and Portsmouth. They have owned Creek Farm since 2000 and it was a bequest to be maintained for public enjoyment. The Shoales Marine Lab leases a building on the property which is being used for educational purposes. They are now attempting to make the land more accessible and useable to the public.

Eric Weinrieb, of Altus Engineering, displayed the Site Plan and described the property. They are proposing to widen the existing driveway to be used as an access drive, add 20 unpaved parking spaces and a paved handicapped space. All run-off will be sheeting off the site through grass areas with a concentrated flow coming down the slope. Initially they had a little apron paved however a condition of TAC was to extend the pavement up the hill. There are about 2,025 s.f. of disturbance activity within the 100' wetland protection district. The areas are at the mouth of the access and they are providing some pullouts along the way to allow two vehicles to pass. They are proposing three pullout areas which will be 20' wide flat surface so that another car can pass. The intent was to locate them in existing flat areas outside the wetlands and do the minimum amount of clearing and regrading. There will be no wetlands disturbance as the work will be all in the buffer. Some things they are doing to address fire safety issues are the pullouts and raising the canopy up to 16' for emergency vehicle clearance. Other items that were addressed at TAC is a note on the plan that the road is private and will be maintained by the Society. They added additional riprap along the edge of the road. The pullout areas have been modified to have flares which were also requested by TAC. Mr. Weinrieb indicated that they have addressed all TAC concerns.

Ms. Roberts asked if they were anticipating any larger than normal vehicles or trucks for the Shoales Marine Lab. Mr. Weinrieb stated this was strictly for public access. They would have to go back to Site Review for that.

Councilor Dwyer stated that leaving the road onto Little Harbor Road seemed to be dangerous. She asked if they had given any thought about how the road they are improving interacts with Little Harbor Road. Mr. Weinrieb felt it does have an angle to it. They do not want to modify the fence or change the area. Maybe some striping will force them to use it as a "T" and they can address that in the future.

Mr. Hopley felt that maybe a stop sign was warranted. Mr. Savage stated there was a post that defines the entrance and they could put a small sign that says to look out for traffic.

Deputy City Manager Hayden felt a stipulation could be added that they come to some agreement with the City Traffic Engineer or Public Works Director on whether a stop sign would be warranted or an alternate solution.

Chairman Ricci asked about a silt fence? Mr. Weinrieb confirmed there was a silt fence along the wooded area.

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

Deputy City Manager Hayden made a motion to approve the Conditional Use Permit. Mr. Will seconded the motion.

The motion to approve Conditional Use Permit passed unanimously.

Deputy City Manager Hayden made a motion to approve Site Review with stipulations. Mr. Will seconded the motion.

Deputy City Manager Hayden stated that, per Stipulation #5, a report from Public Works was not provided. Mr. Holden stated that a report was not received but the plans reflected the stipulations. He suggested that the items of interest that Councilor Dwyer and Mr. Hopley pointed out could be included in the final report.

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

- 1) That the driveway into the parking lot shall go to the top of the hill and should be paved;
- 2) That another riprap stone filter strip be added on the southerly side;
- 3) That the temporary road shall be a permanent road;
- 4) That the pull outs shall be flared out rather than 90 degrees;
- 5) That a report from the Director of Public Works be submitted to the Planning Department for review and incorporation into the Site Plans;
- 6) That a note be added to the Site Plan indicating that the maintenance and plowing of the road is not a public responsibility;

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F. The application of **Millennium Borthwick, LLC, Owner**, for property located at **155 Borthwick Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to add 13,771 s.f. of grading and pavement within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 259 as Lot 14-1 and lies within an Industrial District;

The Chair read the notice into the record.

Mr. Holden indicated that this matter should be tabled to the November 16th meeting.

Mr. Will made a motion to table to November 16, 2006. Mr. Hejtmanek seconded the motion.

The motion to table to November 16, 2006 passed unanimously.

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G. The application of **Michael LeCroix, Owner**, for property located at **151 High Street** wherein Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 18 as shown on Assessor Plan 118 decreasing in area from 6,800 ± s.f. to 4,233 ± s.f. and decreasing continuous street frontage off of High Street from 57.2' to 42.8' and Lot 19 as shown on Assessor Plan 118 increasing in area from 626 ± s.f. to 3,192± s.f. and increasing continuous street frontage off of High Street from 13' to 27.4', and lying in a zone where a minimum lot area of 1,000 s.f. and no continuous street frontage is required. Said properties are shown on Assessor Plan 118 as

Lots 18 & 19 and lie within a General Business B District, Downtown Overlay District and Historic District A;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Michael LeCroix, owner of 151 High Street, indicated that he started this process in April when he received preliminary subdivision approval. He worked with the HDC and received approval from them. He has increased one lot because he needed to be 3' from the lot line in order to have windows in his structure. Otherwise the plan is pretty much the same.

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 indicated that the recommendation from the department is largely the same as the preliminary approval. He read the following stipulations:

- 1) That the final plat conform to the Subdivision Rules & Regulations and that primarily means that the plan needs to be stamped and that it needs to show the existing lots areas, which they would normally have.
- 2) That boundary monuments shall be placed in accord with the requirements of DPW;
- 3) That appropriate GIS information shall be provided to the City's Department of Public Works; and
- 4) That when all of the aforementioned stipulations are completed, that the plat is accepted by this Board and filed in the Registry.

Mr. Holden explained that the plat plan that they submitted does not conform to the Planning Department requirements but the information on it is correct.

Mr. Hopley asked if the additional 3' that he came up with was a result of a discussion with Roger Clum? Mr. LaCroix confirmed that was correct. They have very minimal windows on the back of the house where the 3' would be and also on the left side of the house there are only 4 windows. Most windows are on the righthand side of the house, facing the Moffatt Ladd House where he has 5'. He also mentioned that the surveyor was busily working this week to accommodate the plat requirements but he was unable to have it completed for tonight's meeting.

Mr. Savramis made a motion to approve final subdivision approval with stipulations. Mr. Will seconded the motion.

The motion to approve final subdivision approval passed unanimously with the following stipulations:.

- 1) That the demolition of the existing structure/construction of a new structure receives the required approval(s) from the Historic District Commission;
- 2) That Parking Credit information shall be identified on the Final Plat Plan;
- 3) That the former lot lines shall be identified on the Final Plat along with a Table identifying "Existing" and "Proposed" lot areas, zoning district and other information as required by this Board for a Final Plat (see Subdivision Rules and Regulations);
- 4) The Plat needs to be stamped;
- 5) That boundary monuments shall be placed in accord with the requirements of the Department of Public Works;

- 6) That appropriate GIS information shall be provided to the City’s Department of Public Works for the purpose of updating the Tax Maps; and
- 7) That when all the aforementioned stipulations are complete that the Plat is accepted by this Board as the Final Subdivision Plat and shall be filed in the Registry of Deeds.

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H. The application of **Portsmouth Hospital Office Building Association, Owner**, for property located at **330 Borthwick Avenue (Jackson Gray Medical Office Building)**, wherein Site Review approval is requested to expand an existing asphalt parking lot by 50 parking spaces into a vacant wooded area, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 240 as Lot 2-2 and lies within an Office Research district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Steve Towne, of Oak Point, appeared along with Dr. Wilton, Chairman of the Condominium Association. He explained that the project consists of 50 parking spaces with a sidewalk connecting to the existing building. He displayed a site plan with the parking spaces in color. The existing area is wooded and it is predominantly ledge. The drainage drains towards Borthwick Avenue and the large wetland across from the hospital. There is a sewer easement which runs through the proposed parking lot and a gas easement along the railroad tracks in the rear. There is a gas main which services the building. They went through TAC and they revised the site plans according to their stipulations.

- 1) That all existing sewer easements be shown on the Site Plans;

They added what they thought was the most appropriate dimension for the sewer easement. The sewer easement was created in 1941 and as far as their surveyor can tell, it is 23’ wide. For the purpose of the plan, they centered it over the existing pipeline.

- 2) That snorkel hoods be installed on all existing and proposed catch basins;

On Sheet C 2 they show the drainage system as a new catch basin to be built in the corner of the parking lot, sloping in that direction. It will drain down through a new pipe being placed in the parking lot, connecting to an existing catch basin which drains to Borthwick Avenue.

- 3) That the sidewalk on Borthwick Avenue be extended in front of this site, at the expense of the applicant, the exact location of which to be determined by David Desfosses and Deborah Finnigan;
- 4) That all proposed lighting shall be Dark Sky Friendly and shall not extend over the property line;

They are proposing two islands with two light fixtures. Currently the fixtures are box type fixtures and they are proposing the same for the expansion. They included two electrical drawings with their plans. The first shows the wiring and the second describes a series of poles and lighting requirements that would meet the City’s ordinance.

- 5) That the applicant shall meet with DPW, pending the review of a condition assessment being done on that section of sewer line, to coordinate work in the area if replacement is needed;

They understand they haven't determined the condition assessment of the sewer line yet. There is a project going on below this site that this sewer line will be replaced downstream. The condition of TAC is if this section required any work the applicant would be cooperative when that work was being done. They added a note on Sheet C-1;

- 6) That a maintenance schedule for the catch basins shall be prepared on a schedule to be determined by DPW and said reports shall be filed with DPW for their review;

They added Note 11 on Sheet C-1.

- 7) That the Site Plans reflect that this is in a Wellhead Protection Area and all work shall follow the Water Protection Guidelines due to the proximity to a City well;

They added Note 12 on Sheet C-1.

- 8) That the applicant shall work with the City Water Department relative to the installation of two monitoring wells on the site;

They tentatively show 2 monitoring wells and they have been in contact with Tom Cravens of the City Water Division to determine the exact location of the wells.

- 9) That the applicant plant a native conservation seed mix, rather than Kentucky blue grass, and shrubs in the wetland fill area;

They have added Note 20 to Sheet C-2.

- 10) That all State and Federal permits shall be obtained;

There is only one permit they will apply for and that is to fill a small wetland which was created when they built the sewer line. They worked with the Conservation Commission on coordinating that.

The Conservation Commission had the following stipulations as a result of their State Dredge and Fill Application:

- 1) That the Technical Advisory Committee's recommendations be supported.
- 2) That the applicant consider a pervious surface for the parking area.

They looked into this process and looked at their borings and ledge and determined that if they did that they would create a swimming pool underneath as the water would have no where to go. Therefore, they would prefer not to put in a pervious surface and they are looking at doing just the standard asphalt.

- 3) That there will be minimal cutting of trees.

They added a notation along the buffer line to preserve the existing wooded buffer adjacent to the railroad tracks. Also, when the Association negotiated with Islington Woods, it was a condition that the wooded buffer be maintained to the extent possible.

One TAC stipulation was a recommendation to construct a sidewalk along the front of the property. The applicant looked to see where that could go and decided that it would be quite a stretch as the existing sidewalk on Borthwick ends prior to their site. They felt it would be pertinent to build an extension on the Hospital side of the road rather than on the other side where there is already a widened parking zone. Therefore, they requested a waiver of that condition. He also noted that the Jackson Gray Building is not associated with the hospital and did not feel they should be required to build the sidewalk.

Jim Wilton, President of the Condo Association, addressed the Board. Also present with him was Tom Clairmont, a Board member. Their concerns regarding the sidewalk issue were that they are separate from the hospital and they are an independently owned condo association. If they were asked to add a sidewalk on the Jackson Gray building side of the road, they would have to eliminate 8 spaces along the front of the road. Their other concern is that they don't own the land across the street and they would have questions about putting a sidewalk on land they don't own. As a practical matter, he does not see many people walking up and down Borthwick Avenue during the day. They do have people that walk from the Jackson Gray building to the hospital but they do that through the south end parking lot where there is a cross walk that goes from their parking lot to the hospital parking lot. Along the north section, there is very little pedestrian passage and he is not sure who would use a sidewalk.

Ms. Roberts indicated that she did not see a note on the plan for snow storage. Mr. Towne indicated that they talked to Evergreen Management and they are now plowing up to the northeast corner and by extending the parking lot in that direction they would continue to plow in that direction.

Mr. Wilton added that with the further development of the property, there will be another area of available land to push the snow onto.

Chairman Ricci asked about the 2 to 1 grading on the south side and if that is all in ledge or will they have some loam and seed. Mr. Towne indicated it was a ledge base and they will loam and seed it. Chairman Ricci stated he would like to see at least something there. Their silt fence is actually on a high point. He would like it in front of the pavement where it would make more sense. It should be at the toe of the slope and not the top. Mr. Towne stated the silt fence was more to protect the vegetation. Chairman Ricci then proposed some jute matting where it won't wash out.

Dr. Tom Clairmont indicated that he has tripled the employees in his office. There is no longer any parking for his patients. This is also a safety issue for their older patients.

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. Coviello asked if they should have a discussion about the sidewalk first. Mr. Holden stated that the TAC Committee recommended sidewalks be provided as they have been requiring them for all projects on this road. This is an industrial street built to city specifications, meaning that the sidewalks would be built in the right of way and it doesn't matter which side it's on, just that it is on the side that performs best for the public. Mr. Holden sees a lot of people walking along this stretch. This would be a first step for completing the sidewalk on this road. The location would be determined with DPW. The doctors have also indicated that we may be seeing another project and he would assume the sidewalk would continue.

Mr. Will made a motion to approve with the 10 recommended stipulations, including the sidewalks. Mr. Hejtmanek seconded the motion.

The motion to approve passed unanimously with the following stipulations:

- 1) That all existing sewer easements be shown on the Site Plans;
- 2) That snorkel hoods be installed on all existing and proposed catch basins;
- 3) That the sidewalk on Borthwick Avenue be extended in front of this site, at the expense of the applicant, the exact location of which to be determined by DPW;
- 4) That all proposed lighting shall be Dark Sky Friendly and shall not extend over the property line;
- 5) That the applicant shall meet with DPW, pending the review of a condition assessment being done on that section of sewer line, to coordinate work in the area if replacement is needed;
- 6) That a maintenance schedule for the catch basins shall be prepared on a schedule to be determined by DPW and said reports shall be filed with DPW for their review;
- 7) That the Site Plans reflect that this is in a Wellhead Protection Area and all work shall follow the Water Protection Guidelines due to the proximity to a City well;
- 8) That the applicant shall work with the City Water Department relative to the installation of two monitoring wells on the site;
- 9) That the applicant plant a native conservation seed mix, rather than Kentucky blue grass, and shrubs in the wetland fill area;
- 10) That all State and Federal Permits shall be obtained;

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III. CITY COUNCIL REFERRALS/REQUESTS

A. Disposal of or reuse under the City Ordinance of the old Library Building (8 Islington Street);

Mr. Holden stated this is a very narrow issue and they recommend that it be treated as such. He contacted all municipal departments to indicate to the Department whether they have an interest in using this structure and there was no existing municipal purpose that would be served by going into the former library. This issue will be considered by other committees so this is intended to show that there is no existing municipal service that would be forwarded by moving into the library space.

Mr. Will asked if this endorsement by the Board is that this should be sold off or just that they don't have any municipal use for it at the present time and does not include future uses.

Councilor Dwyer added that the Mayor has appointed a Building Re-Use Committee which she serves on. The Library is their first priority and they have been collecting information on it. They are looking at financial information on 8 different buildings. They are developing financial scenarios for different proposals. The disposition of the property is only one of about 8 scenarios being considered.

Mr. Will made a motion to recommend the staff memo to the City Council. Deputy City Manager Hayden seconded the motion.

The motion passed unanimously.

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IV. NEW BUSINESS

A. Property Located at 125 Brewery Lane – Request for One Year Extension of Site Review approval;

Mr. Holden stated that the Department recommends approval from November 17, 2006 to November 17, 2007.

Deputy City Manager Hayden made a motion to approve. Mr. Will seconded the motion.

The motion to extend Site Review approval to November 17, 2007 passed unanimously.

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V. AMENDED SITE PLAN REVIEW

A. Property Located at 566 Islington Street – Amended Site Review approval to remove and replace two trees;

Lucy Tillman indicated that this was Dr. Clarizio’s office on Islington Street and this request stems from a 1986 Site Review. The trees have matured well and now cover the roof of the building and most of the sidewalk and the utility lines. Their roof is in disrepair and they want to remove the trees and replace them with a more appropriate street tree. They will be working with the Department on that. They also have five trees on their side yard, between the parking lot and the road that appear to be unhealthy. They will watch them for another year however they may have the plant virus that appeared in the area. If they need to be replaced, they would like to be able to do so. The 1986 Site Plan did not have any variety of trees that needed to be planted and it just showed location so the Department would like the Board’s concurrence that they can work with them to replace their trees.

Deputy City Manager Hayden made a motion to grant amended Site Review approval and authorized the Department to work with the applicant to replace trees that are unhealthy. Mr. Coviello seconded the motion.

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Chairman Ricci announced to Board members the City Council Work Session scheduled on October 23rd.

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VI. ADJOURNMENT

A motion to adjourn at 10:15 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 November 16, 2006.