

Mr. Coker wanted to clarify as the principal remains the same regarding the proposal for reuse of the land in the non residential PUD and the outdoor entertainment will still be disallowed. He wanted to make sure that remained. Mr. Holden indicated his point was well taken and it will be discussed at the next work session.

Vice Chairman Hejtmanek made a motion to propose to the City Council the proposal as outlined in the handout. Mr. Will seconded the motion. The motion passed unanimously.

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2) Nonresidential Planned Unit Development (PUD) which would function as an overlay in the Office Research (OR) and Industrial (I) Districts;

Mr. Taintor handed out the same document that was used before. They made one change which was on page two, where outdoor entertainment was crossed off. The handout still had the same date at the top however. He gave a recap of their intent. It came as a response to a specific proposal for a specific site. This created an opportunity to transition two districts with limited applicability. The minimum lot area of 10 acres of continuous land area and 8 acres of upland, it had to either be in the Industrial District and abut the Office Research District or in the Office Research and abut the Industrial District. The intent is to take the transitional large scale areas and create a campus style development.

Page two deals with the details. There was confusion over what the principal uses were and what was permitted: Permitted uses are defined as follows:

1. All uses permitted in the underlying district.
2. The following uses if permitted as principal uses in the supporting district:
 - Industrial occupancy
 - Warehousing or distribution operation of non-flammable, non-hazardous materials
 - Food processing operation
 - Hotel or motel of any occupancy capacity.
3. The following additional uses:
 - Restaurant
 - Manufacturing of alcoholic and nonalcoholic beverages
 - Gallery or museum
 - Arts and crafts studio or work shop
 - Outdoor entertainment
4. Customary accessory uses incidental to any permitted principal use, provided that said incidental uses do not exceed 30% of the gross floor area of the principal use.

Additional provisions that further regulate uses:

1. A PUD-NF must include a principal use that is permitted in the underlying district, or a principal use not permitted in the underlying district which the Planning Board determined meets the standards for special exceptions set forth in Section 10-1302.C.1.
2. Any use in a PUD-NR that is not permitted in the underlying district must be functionally related to and integrated with a principal use that is permitted in the underlying district;
3. The individual uses in a PUD-NR shall be developed in a unified manner.

4. Where the underlying district is Office Research and the supporting district is Industrial, any uses not permitted in the Office Research district shall be located no closer than 75 feet from any residentially zoned property.

Mr. Taintor added that, at the last meeting, they discussed the issue of hazardous uses, and one way to address that would be to add a #5 that would say that high hazard uses would have to have a further separation from a residential area.

Councilor Dwyer felt that the Developing Planning Criteria should come first in the document. And in D. 2., she suggests adding “only” before if permitted to help clarify the intent.

Mr. Coker asked if the Department felt confident that the Regulations adequately define industrial? Mr. Holden felt they need to work with the definition but it has not been problematic. Where they stumbled a little bit was trying to make sure they have the right relationship with the Building Code with the Zoning Ordinance language. They are keeping the high hazard uses out but they may want to work with the definition.

Mr. Coker referred to E. 4. where the underlying district is Office Research and the supporting district is Industrial, any uses not permitted in OR shall be located no closer than 75 feet from any residentially zoned property. Mr. Holden indicated that the zone line would run down the middle of the street. Mr. Coker asked if that buffer was adequate? Mr. Will agreed and suggested adding language similar to “unless there is a right of way”. This is great if there is a buffer but if there is only a street then it’s not as effective. Why not add language to increase the buffer when there is a right of way involved. Deputy City Manager Hayden felt that might be challenging. She would like to see the buffer increased for high hazard uses. Mr. Holden reminded the Board that the idea of this district was to move the buildings to the front and move parking to the back. Mr. Coker stated his concern was light pollution, smells, and noise pollution. He questioned whether 75’ was enough. Chairman Ricci agreed with Deputy City Manager Hayden. He felt some buffering issues were going to be addressed in Site Review. As the hazard gets greater, they should set the buffers back further. Councilor Dwyer referred to 2. B. regarding a landscape buffer, and suggested they talk about the screening in the front as well as the side and rear. Chairman Ricci went back to Deputy City Manager Hayden’s question on how to define a high hazard use. Mr. Hopley felt that they should probably try to parallel language in the Zoning Ordinance with what is in the Building Code so they are not creating two sets of regulations. Otherwise it gets complicated. He went on to explain that there are five sub-categories of hazardous uses in the Building Code. As a general rule, 1 & 2 are volatile chemicals or items that would react in a more violent manner, 3 & 4 are more health related hazards, such as toxins, corrosives, or irritants and 5, which they have not seen in this area, are called HPM, Hazardous Production Manufacturing, having to do with IC chip manufacturing. The whole issue of hazardous uses is material specific and gets into chemistry.

Vice Chairman Hejtmanek suggested banning high hazard uses. Also, a chemical cloud would be a problem if it got into a neighborhood.

Mr. Hopley felt they must be mindful that many processes would involve hazardous materials along the way to making their final product, or they could just be cleaning agents. Usually they are subordinate to their primary use. It’s dependent on what they are, how much there is of them and how they are stored. Control areas are important. They would have to be careful prohibiting all hazardous materials as it may choke some uses that they would want to see come in. It is something they need to be mindful of. Deputy City Manager Hayden noted that high hazard uses are not allowed as this is written, on the permitted use table. They should better define the hazardous uses and how much additional buffer would they want.

Mr. Will stated this particular parcel was previously reviewed and a change to residential use caused concern due to additional traffic, etc. Now with this PUD, maybe they should look at this differently. And maybe they should have a table that specifies brewery uses. Portsmouth has a history of breweries so they may want to be more specific relative to this use. Mr. Coker felt they are having two different conversations. There is no concern about a brewery creating a high hazard. The brewery is the least of his worries. Mr. Will agreed that the brewery was the least of his worry also. He felt it was more of what uses could be allowed down the road on this parcel.

Chairman Ricci suggested that staff should coordinate with the Inspection Department so that they are consistent.

Mr. Holden asked if, given Mr. Will and Mr. Coker’s comments, they were trying to do too much with this? Chairman Ricci thought they were on the right track. Mr. Coker also agreed. Deputy City Manager Hayden thought they could strengthen items such as odor and noise pollution. Mr. Taintor indicated he was working on some of that language today. He felt maybe they should pull back and not be quite so broad and label this as a Conditional Use and deal with it differently in the Zoning Ordinance. They may be able to streamline this a little bit when they include it in the new Zoning Ordinance Re-Write. It would still be a PUD but it would be very focused. They have also just created another PUD for residential and so they would consolidate all of these into a PUD section.

Mr. Hopley asked if the Board will have a greater say in any given use in these districts, project by project? Mr. Taintor reminded him that the uses are limited on what would be allowed. They are listed out very specifically. Mr. Hopley felt that some regulatory areas they have discussed such as noise and odor, from an enforcement perspective, will be difficult to assess the impact at the time of development. Deputy City Manager Hayden liked the section on the 4th page that says, “The Planning Board may, at its discretion, approve or deny the request for a PUD-NF. Nothing contained herein shall compel the Planning Board to approve a PUD.” Mr. Holden added that they will be holding the bond to enforce an item.

Chairman Ricci asked if staff could prepare what the Board is looking at in the next two weeks? Mr. Taintor felt he could have that ready. Chairman Ricci thought they could then have a public meeting on March 15th. Mr. Coker wanted to assure that the final draft would remove D.3.e.

Deputy City Manager Hayden asked about warehousing? Mr. Taintor thought the question was do they need warehousing distribution as a principal use. The ordinance says you are entertaining that particular use. He felt it was much more focused on the production of alcoholic beverages and less broad on other items. Mr. Holden stated that the Zoning Ordinance is intended to be a working document and if there is a good reason for doing something, there is a process to accomplish that.

Deputy City Manager Hayden asked if they should eliminate 2.b. The consensus was that they will continue to look at it.

There was a consensus of the Board to continue this discussion at the March 1st Work Session.

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3) Zoning Ordinance Re-Write.

Mr. Taintor gave a brief update. They have been concentrating on consolidating the use regulations as they are difficult to follow. They are trying to clarify the dimensional regulations. Also, they are consolidating additional regulations that are neither use or dimensional but are more performance standards. Those could all be consolidated with a reference to another table. There are a number of items they are looking at removing and putting in other regulations such as issues regarding design of the site, which could go in the Site Review regulations. They have jumped ahead and they are looking

at the Site Review Regulations for areas to strengthen and where to pull things out of the Zoning Ordinance. Finally, they are looking at the issue of design considerations and how to incorporate them into the Zoning Ordinance. They are looking at what type of design standards and guidelines should be in the Zoning Ordinance or Site Review Regulations. Also, they are trying to put together a design based alternative to be used as an option in key locations.

Mr. Holden indicated they should be able to have public meetings on March 15th on the Non-Residential PUD and also on the height issue.

Deputy City Manager Hayden reminded the Board that the City Council has renamed what started as the CBA height and is now floor area ratios and open space. The first reading has been done, the second reading is scheduled for March 19th so the Planning Board would like to have a public meeting on March 15th for public input.

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the January 4, 2007 Planning Board Meeting – unanimously approved.
- B. Approval of Minutes from the January 18, 2007 Planning Board Meeting – unanimously approved.
- C. Approval of Minutes from the January 20, 2007 Planning Board Meeting – unanimously approved.

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Deputy City Manager Hayden made a motion to take items B & C and City Council Referral A out of order. Mr. Will seconded the motion. The motion passed unanimously.

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II. PUBLIC HEARINGS

B. The application of **Meadowbrook Motor Inc, Owner, and Key Auto Group, Inc., Applicant**, for property located off **U.S. Route One By-Pass (Traffic Circle)**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to develop the site to include a hotel, a retail building, three restaurants, and a convenience store/gas station, within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 234 as Lot 51 and lies within a General Business District; (This application was tabled at the January 19, 2007 Planning Board Meeting)

The Chair read the notice into the record.

Mr. Holden indicated that this application was scheduled before the Conservation Commission yesterday and the hearing was cancelled due to the snow storm. Therefore, the Department and the applicant have agreed to table this matter until the March 15th Planning Board meeting, with the Conservation Commission meeting on March 14th.

Mr. Will made a motion to table to March 15th. Vice Chairman Hejtmanek seconded the motion.

The motion to table to March 15th passed unanimously.

Chairman Ricci stepped down for this application. Vice Chairman Hejtmanek took the chair.

C. The application of **Chad & Laura Morin, LLC, Owners**, for property located at **36 Market Street**, wherein Site Review approval is requested to create two additional residential units and to construct miscellaneous additions to include a new third floor addition at the rear of the building, a stair enclosure, a three story elevator and a lobby structure at the rear of the building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lot 29 and lies within the Central Business B District, the Overlay District and the Historic District A.

The Chair read the notice into the record.

Mr. Holden advised the Board that the parties have requested that this application be tabled indefinitely.

Mr. Coker made a motion to table this matter to a time indefinite. Deputy City Manager Hayden seconded the motion.

The motion to table to a time indefinite passed unanimously.

CITY COUNCIL REFERRAL:

A. Request to replace the “Community Campus” signs at 100 Campus Drive with a large sign listing each of the agencies;

Mr. Holden advised the Board that City staff met with representatives of the Community Campus and the Agencies, reviewed their request and had a good discussion. He recommended that the Board table this matter to March 15th so that there can be a continuation of those discussions.

Mr. Will made a motion to table to March 15th. Vice Chairman Hejtmanek seconded the motion. The motion to table to March 15th passed unanimously.

A. The application of **Guthrie R. Swartz and Elizabeth Swartz Revocable Trust, Owners**, for property located at **33 Johnson Court**, **Sean and Lina Tracey, Owners**, for property located at **24 Johnson Court**, **James Sparrel and K. Towler, Owners**, for property located at **125 South Street**, and the **City of Portsmouth, Owner**, for property located at **1 Junkins Avenue**, wherein Final Subdivision approval is requested to allow for the re-subdivision/lot line relocation of various properties located off of South Street, Johnson Court and Junkins Avenue. Wherein property is conveyed to existing lots with the following effect: Assessor Plan 102, Lot 47 increasing in area from 7,266 s.f. to 8,537 s.f.; Assessor Plan 110, Lot 12 decreasing in area from 29,730 s.f. to 23,827 s.f.; Assessor Plan 110, Lot 9 increasing in area from 10,863 s.f. to 13,786 s.f.; and Assessor Plan 110, Lot 1 increasing in area slightly over 8 acres by 1,708 s.f. Also proposed in this conveyance is a view easement to the benefit of Assessor Plan 102, Lot 47. Said properties are shown on Assessor Plan 110 as Lot 12; Assessor Plan 102 as Lot 47; Assessor Plan 110 as Lot 9 and Assessor Plan 110 as Lot 1 and lie within a General Residence B District, a Municipal District and the Historic District B.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Corey Colwell, of AMES MSC, addressed the Board. He indicated that at the December 21, 2006 Planning Board meeting this application came before the Board and they granted Preliminary approval. There were four conditions of that approval:

1. That the City acts to accept the land offer proposed by this application.

Mr. Colwell understood that this had been completed or is in the works.

2. That a conforming Final Subdivision Plan shall be submitted for approval by this Board;

This is the plan that is before them and the only change that was made was the addition of monumentation.

3. That all property monuments shall be set in accordance with the Department of Public Works;

That was done along with the submission of the plan.

4. The submission, to Department of Public Works of electronic data, suitable for updating the City Assessing Records.

This has also been done.

Mr. Colwell confirmed that there have been no changes to the plan since December. The purpose of tonight is to seek final approval.

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

Mr. Holden indicated that Mr. Colwell is correct but the Department is recommending five recommendations. First, the City Council needs to act to formally accept the land. That would follow the Board's subdivision approval. #2 is that a deed transferring this would need to be prepared which would also follow the Board's action. #3 is the only slightly unusual condition as the Subdivision Rules & Regulations require that all lands be surveyed. In this case that would be a huge burden on the applicant because the lot that would be surveyed would be the City's municipal lot which likely has been surveyed but it is not an easy task for two surveyors to come to an agreement. Therefore, the Department is suggesting that they waive that requirement. #4, the monuments have been set and #5 an electronic record will be made available.

Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION

Mr. Holden confirmed that the Department suggested that they make a motion to grant final subdivision approval and the waiver of the Subdivision Rules and Regulations for the requirement of the survey and with the five stipulations.

Mr. Coker asked for further explanation of Stipulation #3 regarding the survey and asked why the City wouldn't pay for the survey. Mr. Holden stated that the City does not have the money in its budget to pay for it. Also, this lot has been surveyed in the past. It is not reasonable to expect the applicant to pay to survey the City lot.

Mr. Coker questioned whether it would be wise to waive that? Mr. Holden indicated that the portion that is coming to the City is surveyed. If there is going to be an issue, it would be whether or not the City owns this building.

Deputy City Manager Hayden moved to approve with 5 stipulations and acknowledged by this vote that they waive the survey requirement by a greater than 2/3 vote.

The motion to approve along with a wavier of the survey requirement passed unanimously with the following stipulations:

- 1) That the City acts to accept the land offer proposed by this application;
- 2) That a deed transferring this parcel to the City shall be reviewed and approved as to content and form by the City Attorney;
- 3) That the Planning Board agrees to waive the requirement for a survey of the municipal lot as required by the Board’s Subdivision Rules and Regulations (approval by 2/3 of the Board required);
- 4) That all property monuments shall be set in accordance with the Department of Public Works; and,
- 5) The submission, to Department of Public Works of electronic data, suitable for updating the City Assessing Records.

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Mr. Holden indicated that Eric Weinrieb was coming from a Conservation Commission meeting in Rye and was expected to arrive at 7:30 pm.

Mr. Will made a motion to suspend the rules and move Application #D to the end of the Agenda. Vice Chairman Hejtmanek seconded the motion.

The motion passed unanimously.

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III. CITY COUNCIL REFERRALS/REQUESTS

B. Request for a report back approving the acquisition of the Maxam parcel and execution of the Conservation Easement Deed;

Chairman Ricci stepped down and Vice Chairman Hejtmanek chaired the matter.

Peter Britz spoke to this City Council referral. He provided a description of the property and indicted this was a very high resource valued piece of property which the Seacoast Land Trust worked with the Maxam family to donate for conservation. The purchase price was \$75,000 and to raise that money the Seacoast Land Trust applied for a grant from the NH Coastal Program in the amount of \$45,000, the City’s Conservation Commission donated \$25,000 and the Seacoast Land Trust provided the remaining \$5,000.

The problem was, at the time, the health of the owner was declining and the parties had to move quickly so they did not come before this Board. Therefore, this approval is after the fact however Mr. Britz recommended that they acquire this parcel and the Conservation Easement deed. This puts the stewardship duties on the Seacoast Land Trust which the City agreed to as they raised the majority of the grant funds.

Mr. Britz referred to the aerial photo which he provided and pointed out a sewer line and indicated that will be added to the easement deed and added prior to the City Council approval.

Deputy City Manager Hayden made a motion to approve the land purchase and to execute the easement deed. Mr. Hopley seconded the motion.

The motion passed unanimously.

Mr. Will was unaware that the Conservation Commission had funds for land purchases. He asked how that worked. Mr. Britz explained that the City has a Conservation Commission fund. When someone takes land out of current use, there is a 10% penalty and that money is allowed to be placed in a Conservation Commission fund, per State Statute. In order for money to come out of that fund, the Conservation Commission recommends to the City Council and they must authorize the request.

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C. Regulating Formula Businesses in the Historic District;

Mr. Holden reminded the Board that they forwarded a report to the City Council that stated that the regulation of formula businesses should take the form of design control and sign ordinance and that they did not recommend the ordinance that was being considered. The City Council largely accepted that report but wished to make sure the Board understood that they would like to see this addressed in the sign ordinance as well as the Historic District ordinance. The Board is recommending that the Board acknowledge that suggestion and that they work with Rick Taintor on that section as it comes up.

Mr. Coker asked if signs are already regulated in the downtown? Mr. Holden confirmed that they are regulated but they may want to consider modifying those regulations as they exist. He felt there was a viable discussion on what should be regulated and how. That is also why they are re-doing the whole Zoning Ordinance. Mr. Coker felt there were already regulations regarding signs and was confused why they needed broader regulations. Mr. Holden felt that, upon their review, that may be their finding. Mr. Coker wanted to point out that the City of Portland, Maine recently passed a similar ordinance and 3 stores left the City, 3 stores ceased plans to come to Portland and 3 sued Portland. Mr. Holden reminded him that the Board recommended not to do the ordinance but rather to concentrate on the signs. Mr. Coker felt they are being asked to look at something that is adequately addressed now. Deputy City Manager Hayden suggested that discussion should be had at a future date. This issue was much broader than the sign ordinance.

It was the general consensus of the Board to continue to look at this as they work on the Zoning Ordinance re-write.

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D. Sign for Little Harbour School at the corner of South Street and Clough Drive;

Lucy Tillman explained that this was a project of the PTA and they are proposing to replace the sign that is currently on the corner of South and Clough Drive, which is rotting and falling apart. The sign will have three changeable lines of text at the bottom. It is not illuminated and the wording must be changed manually. It is totally approvable and the Department recommends that the Board make a recommendation to the City Council as such. It is before this Board as it is in the City right-of-way.

Mr. Will made a motion to favorably recommend the erection of this sign in the City right of way to the City Council. Deputy City Manager Hayden seconded the motion.

The motion passed unanimously.

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IV. OLD BUSINESS

A. Prime Wetlands Up-Date;

Peter Britz provided an update on the prime wetland process and discussed Mark West's recommendations. He went through part of the report that speaks to the wetlands that are not recommended for designation because the wetlands that were in the green were of a very high quality and probably don't require a lot of discussion.

To frame the thought process on why they should designate wetlands as prime, in the statute the prime wetlands are those that have a size, unspoiled character, fragile condition or other relevant factors.

The first area he talked about was labeled 13A, 22 and 29 which are around the high school and Jones Avenue area. It is fairly deceiving because it looks like a large wetland area but these wetlands, with one small area, are all not at least 50% bigger than the size. One was previous labeled as 40 acres but it is actually only 16 acres in size. Wetland 29 is not 22 acres but is actually only half that size. Wetland 22 is not the 20 acres. When Gove originally did the wetlands, they did a lot of work with aerials and made a lot of assumptions and they over-mapped quite a bit of wetlands in that area. Therefore, the size of that area doesn't compare with the other wetlands in the City.

Area 14 is along the highway and it has a drainage wetland that runs behind it and has a lot of degraded water quality. The size is just under the threshold size and therefore it was not recommended.

Wetland 4 & 16 on Banfield Road, are quite large in size and they are adjacent to the Great Bog area but they did not meet the threshold of having over 50% of poorly drained soils.

Wetland #7 is on Pease. Accordingly to the City and PDA land use regulations it is not the responsibility of the City or the jurisdiction of the City to deal with their landuse so staff recommends that they let the PDA know that they looked at that wetland because it is in the City boundaries but they recommend that they advise the PDA that that wetland is a really nice wetland and they can possibly designate it as prime themselves.

Deputy City Manager Hayden asked Mr. Britz to remind people that all of the current wetland regulations will still be in place and this is an added level of review.

Mr. Britz stated that the City has a 100' wetland protection setback. This prime wetland designation takes the state process a little further. Not only would the City have its 100' buffer but the State would be able to look at it as well.

Deputy City Manager Hayden asked Mr. Britz to confirm whether the state public hearing process is automatic or not. Mr. Britz confirmed that the City would notify the State that they want a public hearing and the State would then decide to have a public hearing.

Mr. Coker asked for clarification. RSA 42-815 defines prime wetlands and they lay out because of their size, unspoiled character, fragile condition or other relevant factors. He doesn't see anything that

prohibits them from designating the wetland on Pease. Mr. Britz stated it was a jurisdiction issue but he also confirmed that wetland #7 does meet the criteria and is #6 in rank. Mr. Holden explained this is a land use regulation and the State Statute gives the PDA the authority to do their own land use regulations. The land within the boundaries of the Pease International Tradeport, the land use regulations and the regulatory authority is not with the City by State law but rather it is with the PDA and the State. Deputy City Manager Hayden stated that the City could declare this as a prime wetland but it would be meaningless. It's not going to make the world a better place. The City will share this information with the PDA. Mr. Holden even suggested that the Board make a motion that the Board do a letter to the PDA expressing their concern.

Mr. Will agreed this would give the State some idea that this is a prime wetland and it would provide them with the tools to identify their concerns. They could do a letter stating that, in coordination with previous discussions, they have identified this parcel as a prime wetland and they could recommend that the PDA act appropriately.

Mr. Coker asked if the difference between a prime wetland and a non prime wetland is it could trigger a State hearing with public comment. Mr. Britz confirmed that was correct. A non prime wetland continues with the current conditional use requirements.

Mr. Britz indicated that Mark West will map prime wetlands more accurately so they will be better recognized.

Councilor Dwyer asked why wetland #13 wasn't recommended. She noted the wildlife and vernal pools which are huge breeding grounds. Mr. Britz indicated that the size was the big reason along with the disconnect of the areas which results in the wetlands being treated separately. He also noted that the vernal pools are actually in wetland #29 rather than #13. Deputy City Manager Hayden thought they may want to have Mark West come and weigh in on these questionable wetlands.

Mr. Holden felt it would probably make sense to bring Mark West together with the Planning Board and the Conservation Commission as the next step and there was a general consensus of the Board as well. Chairman Ricci asked Mr. Britz to get back to the Board with a date.

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D. The application of **Perry and Kristin Silverstein, Owners**, for property located at **10 Commercial Alley, 19-25 Market Street and off Penhallow Street**, wherein Site Review approval is requested to construct a 3-story (plus loft) mixed use 1,400 s.f. addition, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 106 as Lots 9, 10, and 12 and lies within the Central Business B District, the Overlay District and the Historic District A.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering appeared on behalf of Perry Silverstein, owner, who was also present. They were proposing to expand his existing facility on Commercial Alley. This would be a 1,475 s.f. building expansion. They will have new sewer and water services and they will terminate the water service that comes in through the Paper Patch and the new services will go out to Penhallow Street. They will have a new external grease trap for the kitchen use. There are no new proposed drainage structures in Commercial Alley or on the property. The roof drains on the northerly side of the building and are part of the old combined sewer service which DPW will be doing a separation of sometime in the future. The pitched shed roof will have a gutter along the north side of the building with a downspout on to his property. It is currently all pavement and it flows across the parking lot to

Penhallow Street and it will continue to do the same. There will be a slight decrease in runoff. They will merge Lots 9 & 10. There is no exterior site lighting proposed except for a couple of lights on the building. Because of encumbrances during constructions, they will need approval from the City Council for construction in Commercial Alley and they will maintain access through Commercial Alley at all times.

Deputy City Manager Hayden asked Mr. Weinrieb to explain how they will manage construction in that dense area as this is a very heavy pedestrian area. Mr. Weinrieb explained that they have prepared a preliminary Construction Management Plan which will be approved by the City. Their goal is to do construction in stages. They will do excavation and foundation and then step two will be the staging area. Construction vehicles will be parked off site. He is not sure what the excavation subsurface conditions are but the goal is to provide a barrier or temporary fencing around the construction site. When they are done, they will repair all of the sidewalks.

Deputy City Manager Hayden asked about noise impacts, porta potties and other things related to the staging areas that might impact surrounding businesses. Mr. Weinrieb stated that the staging area will be very limited because it is a very small area and the porta potties will have to be on his property. They will work out of dump trucks regarding earth work materials and lumber will be very small deliveries and they will not stock pile supplies. Deputy City Manager Hayden asked what the duration of construction might be? Mr. Weinrieb guessed 6 months, beginning to end.

Mr. Hopley referred to the Utility Plan and asked if he intended for those two water lines to be labeled PW, for proposed domestic water service? He felt one should be labeled SP, for proposed fire suppression service. Mr. Weinrieb indicated that one is intended to be the sprinkler service and the other is intended to be for domestic. He knows that Mr. Cravens would never allow two domestic water services to one building. Mr. Weinrieb indicated he would check the labels and correct the Site Plans.

Mr. Will asked who reviewed the Construction Management Plan? Deputy City Manager Hayden stated they are trying to formalize this document in the downtown area. Typically this involves review by various departments. Mr. Weinrieb added that as they generate this, the contractor also needs to be consulted and needs to be part of the final document.

Chairman Ricci asked about curbstops in the City right of way, which was #15 from TAC. Mr. Weinrieb clarified that they had two TAC meetings and that was resolved after the first TAC meeting. Chairman Ricci asked if he had addressed all of the stipulations from both TAC meetings? Mr. Weinrieb confirmed that he had and the notes are referenced on the Site Plans in "clouds". Chairman Ricci also asked them to label the size of the fire suppression service.

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 with the TAC stipulations and Mr. Hopley and Chairman Ricci's comments. Mr. Will seconded the motion.

The motion to approve passed unanimously with the following stipulations:

Stipulations from the January 2, 2007 Technical Advisory Committee Meeting:

- 1) That the applicant shall be required to obtain City Council approval to work in the public right of way during construction;

- 2) That the sizes for the domestic water and fire service should be shown on the plans;
- 3) That the applicant shall work with DPW on where to tie the sewer line into and to determine what shall be required of the applicant;
- 4) That the applicant shall provide a detailed calculation for open space for review and approval by Lucy Tillman;
- 5) That all lighting shall be Dark Sky Friendly and shall have shields on them, for review and approval by David Desfosses;
- 6) That a Construction Management Plan shall be prepared by the applicant for review and approval by the City of Portsmouth.

Stipulations from the January 30, 2007 Technical Advisory Committee Meeting:

- 7) That Commercial Alley shall be properly labeled on the Site Plans;
- 8) That a cut sheet be prepared for the pitched roof and shingles that are intended to prevent snow and ice sliding onto Commercial Alley, for review and approval by DPW;
- 9) That the applicant shall make a contribution to the City to be used towards improvements to the brick sidewalks on Penhallow or Commercial Alley, in an amount to be determined by DPW;
- 10) That the brick sidewalks that the applicant’s contribution will be used for shall be shown on the Site Plans (to be worked out with DPW);
- 11) That the dumpster shall be located at least 10’ from the property lines and shall be screened with a 8’ solid board fence, per zoning requirements;
- 12) That the Pole Attached Utility Detail on Sheet C-5 should show the existing pipe that is on the pole;
- 13) That the applicant shall work with DPW and the Planning Department to coordinate the replacement brick used on site.

Stipulations from the February 15, 2007 Planning Board Meeting :

- 14) That the water service labels be revised so that one reads “PW” and one reads “SP”;
- 15) That the size of the proposed fire suppression service should be labeled on the plans.

VII. ADJOURNMENT

A motion to adjourn at 8:05 pm was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on March 15, 2007.

