

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 P.M.

OCTOBER 4, 2007

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Jerry Hejtmanek, Vice-Chairman; Donald Coker; Anthony Coviello; Paige Roberts; and MaryLiz Geffert, Alternate;

MEMBERS EXCUSED: Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector and Timothy Fortier, Alternate

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

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6:30 – 7:30 pm Non-Meeting with Council, Conference Room A

I. PUBLIC HEARINGS

Chairman Ricci recused himself. Vice Chairman Hejtmanek chaired the meeting.

A. The amended application of **Harborcorp, LLC, and City of Portsmouth, Owners**, for properties located **off Deer Street, Green Street, Russell Street, and Maplewood Avenue** to delete the stipulation of approval on August 16, 2007 whereby Preliminary and Final Subdivision approval was granted to reconfigure three existing lots into two proposed lots, as follows: 1) Eliminate lot line between lot 12 as shown on Assessor Plan 124 and as Lot 28 as shown on Assessor Plan 118; 2) Eliminate lot line between Lot 28 as shown on Assessor Plan 118 and Lot 21 as shown on Assessor Plan 125; 3) Subdivide the aforementioned lots into two proposed lots, with proposed lot 1 consisting of 38,084 s.f. and proposed lot 2 consisting of 65,011 s.f. Said lots are shown on Assessor Plan 118 as Lot 28, Assessor Plan 124 as Lot 12 and Assessor Plan 125 as Lot 21 and such other land of the City as shown on the subdivision plan and lying within the Central Business A (CBA) and the Central Business B District (CBB), the Downtown Overlay District (DOD) and the Historic District A. (This application was postponed from the September 20, 2007 Planning Board Meeting);

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

Mr. Holden advised the Board that the Department received a request from Attorney McNeill requesting the withdrawal of this request. Therefore, the Department would recommend that the Board note the withdrawal and table this matter to a time indefinite.

Mr. Coviello made a motion to table this matter to a time indefinite. Ms. Roberts seconded the motion. The motion to table to a time indefinite passed unanimously.

Vice Chairman Hejtmanek brought to the attention of the Board that they have in front of them correspondence from Keane & Macdonald dated September 20, 2007, which they also received at the last meeting.

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II. CITY COUNCIL REFERRALS/REQUESTS

A. Easement and License Plan for Harborcorp, LLC and City of Portsmouth;

Mr. Holden stated that this was referred by the City Council. There is a need for certain easements and licenses due to streets and building configurations. The plan has been submitted and this is very similar to other requests in the City. The department will be recommending that they make a recommendation back to the City Council that the City Attorney's office should be authorized to represent and review any easements or licenses that are necessary based on the presentation.

Attorney McNeill presented on behalf of Harborcorp. Also present were Lee Griswold and Don Petersen, of Harborcorp, and Corey Colwell of AMES MSC. This started after the approval of the Site Plan. This is not a change but a delineation of expected events. This matter was forwarded to the City Council, which referred it back to the Planning Board for a recommendation. Some items are temporary such as flag poles and awnings. Some are easement areas which he will draft appropriate language after the City Council agrees they are appropriate. All will be reviewed before their report. He hopes this is the last step with regard to this project. He had Corey Colwell address the Board with a color plan.

Mr. Colwell, of AMES MSC, handed out a supplemental elevation drawing. He explained that there are two lots, one proposed garage and one proposed hotel and conference center. There is a 6' easement beyond the property line that goes up Deer Street and wraps around Russell to the cross connector. The purpose of that is for footings, building overhangs, cornices, trim, lighting, canopies and other design elements. In the easement there is a long blue stripe representing cornice, 3' overhang at the garage and 1 1/2' overhang at the hotel. That corresponds to the elevation views. The cornice lies along the Deer Street right of way and wraps around Russell. Also within the easement area are two fixed canopies. One canopy is at the garage entrance at Maplewood and one is at the center at Deer Street. The third feature is the fabric awnings, in the Deer Street right of way, approaching Maplewood Avenue. All items are part of the 6' easement that goes around the building. Another proposal is a license for four flag poles on the Russell Street portion.

Mr. Coviello asked if the awnings are operable or fixed? Don Peterson felt they were probably retractable.

Mr. Colwell indicated that the last element was the connector bridge. There is another 4' easement beyond the other easement for maintenance, such as washing windows or repairing the façade of the building. That would extend into Deer and Russell Streets. There are no easements along Green Street. Anything structurally necessary for the building is an easement and anything not structurally necessary is a license, or revocable.

Ms. Geffert asked if the maintenance grant was a license or easement? Mr. Colwell stated it was an easement. Mr. Holden confirmed that because of the 0 yard and they build right up to the lot line, they are taking a little extra care with the sidewalks in this situation and it may be excessive but wise to consider. Ms. Geffert asked if the delineation is that structural are easements, why is a maintenance right an easement? Mr. Colwell reiterated that maintenance of the building is necessary, i.e. broken windows or replacing brickwork. Maintaining the building is a necessity. That is the purpose of it being an easement. Mr. Holden also mentioned that they require that they acquire a sidewalk obstruction license so it all fits together in the long run. Attorney McNeill felt this was the same analysis they used for the Hilton. It seems to make logical sense with regard to the revocability issue.

Ms. Roberts asked why in this case and not other cases downtown where they have buildings up to the street? Are they creating a situation where they need an agreement with all buildings with 0 setbacks? Attorney McNeil felt this varies from city to city. Portsmouth tries to document this but Dover would issue a permit. Mr. Holden agreed and used the North Church as an example. The key ones the Board should concentrate on are the permanent ones. It behooves the City to take acknowledgement of these easements.

City Attorney Robert Sullivan stated the reason they are in front of the Planning Board is to get input for the City Council. He felt the discussion was very good and this is the first time he has ever heard of a maintenance easement. Attorney McNeill stated they will do this any way the Board wants them to.

Mr. Coker reiterated that the easement is non-revocable. Attorney McNeill agreed that it went with the land. Ms. Geffert stated that the right would go away if the rights of the easement were not satisfied. Mr. Coker asked, as long as they maintain their building and comply with the terms of the easement, would it be irrevocable? Attorney McNeill stated that if they violate what the easement says, the City could revoke it. Mr. Coker was looking for unintended consequences. He asked if this was much ado about nothing? Attorney McNeill agreed that it was. Mr. Holden added that it is important to all projects that they have done in the downtown which is acknowledging the Site Plan that shows foundations that extend underneath the sidewalk and portions of this building will be extending over the right of way and those need easements. Attorney Sullivan mentioned that they had not heard anything about a maintenance easement and perhaps the Board would make recognition of that. Everything else besides the maintenance easements are the same as other projects downtown. Councilor Dwyer understood this is different as the project is so litigious. She can see why in some cases they may ask for an easement rather than license. Ms. Geffert found the maintenance easement inappropriate.

Lee Griswold, or Harborcorp, stated that he just finished a project up north that insisted on a maintenance easement. The Board may also want to consider the liability issue. It will be specific to maintenance. Ms. Geffert indicated that her recommendation was that it be a license. Mr. Griswold was agreeable to that.

Mr. Coker asked Attorney Sullivan what his opinion was and Attorney Sullivan indicated that he preferred the license. Attorney McNeill confirmed that they will amend the plan.

Mr. Coviello made a motion to recommend to the City Council the license, but not an easement for the maintenance, and all other requests related to easements as presented. Ms. Roberts seconded the motion. Mr. Holden requested that the language of the easement and license agreement be prepared in conjunction with the City Attorney's Office.

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Chairman Ricci chaired the remainder of the agenda items.

B. Request for report back regarding property located at 5 Adams Avenue and Van Buren Avenue;

Mr. Holden advised the Board that he went out to the area with David Allen, Deputy Director of Public Works, and they discovered there is a driveway there and they have photographs of what it looks like. What has complicated this is that the City has some utilities in the area. They do not believe they are under the driveway. The utility is a storm drain. They have suggested that they don't have to relinquish any rights they may have. Instead DPW could consider granting a driveway permit that recognizes the current situation and the driveway could be paved. They would be able to insure no disruption to the storm drain and no other related issues. The City reserves its rights, the applicant gets

their driveway and the status quo is maintained and no abutters would be concerned as the situation remains the same.

Ms. Dorley was present as an abutter and asked how she would know where the storm drain was? Mr. Holden stated that the issuance of the permit would assure the proper placement of the driveway. DPW would determine where the storm drain was. This would be to make a driveway and accomplish what Ms. Dorley wants.

Mr. Coviello inquired about what if the applicant finds out work is required.

Chairman Ricci stated that DPW would have to determine where the storm drain was. Mr. Holden felt this opens up a fair number of issues. The City can preserve its rights and the standard driveway permit would authorize what was already there and make sure there would be no impact on the utilities.

Chairman Ricci asked why doesn't the City know where the utility is? Mr. Holden stated it is original to when it was developed.

Mr. Holden suggested that the Board recommend to the City Council that they take no action and have DPW issue a driveway permit. The City is under no obligation to maintain the paper part.

Councilor Dwyer indicated that if the City were to pave it, it would be their street and not her driveway but the City will not do that as it is not in their interest. Mr. Holden confirmed that this was the alternative to having her pay to have the paper street paved..

Ms. Dorley indicated that she would like to get a driveway permit.

Mr. Coviello made a motion to have the City Council take no action and have DPW work with applicant on locating the utility to issue a driveway permit. Councilor Dwyer seconded the motion.

The motion passed unanimously.

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Mr. Holden indicated that they need to set a date for a work session on Borthwick Forrest. The Department recommended October 25th. Mr. Coker recalled agreeing to a public hearing to talk about the larger issues. The Board agreed to have a Work Session and a Public Hearing the same night. They will have a 45 minute work session, immediately followed by the public hearing. They will firm up the exact times at their October 18th meeting.
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III. WORK SESSION

A. Site Review Regulations

Rick Taintor and Juliette Walker were present from Taintor & Associates.

Their purpose was to make the site review process more logical and clearer and to address the policies of the Master Plan, such as improving aesthetics of development, environmental sustainability, landscaping, coordinate with other regulations to avoid conflicts. They were also trying to move things from the Zoning Ordinance to the Site Plan Review regulations, wherever that made sense, as that would give more flexibility to waive things rather than forcing them to go to the Board of Adjustment. They looked at the water utility ordinance, the drainage ordinance, DPW's driveway permit regulations, EPA stormwater rules, DES rules for groundwater protection. They improved the format of the Site Review Regulations with headers and better spacing.

They began with a review of the Site Review Regulations and had discussions with Staff. There are model Site Plan Review regulations and they took ideas from that. There were a number of meetings with TAC members, both as individuals regarding their areas of expertise, as well as a group. The document is 58 pages as opposed to the 13 page document now in existence. The definitions include all terms from the Zoning Ordinance.

Mr. Taintor highlighted the major changes. Applicability: This allows you to include three or more residential units in Single Residence where the current regulations allow five or more. As a result of discussions with staff it was revealed that there have been a lot of problematic things so they are recommending the reduction.

They are also proposing to dropping the parking threshold from 9 or more to 7 or more parking spaces.

In Section 3.7 they are proposing standards for drive thru facilities which is essentially the work that they did in 2005 when they were looking into the Office Research district, and they incorporated some of that in here and some in the Zoning Ordinance. In Section 4.3 they have parking space design regulations which are from the Zoning Ordinance. They have a new article on bicycle circulation. They expanded Article 6 on screening standards. They have added Article 7 on water resource standards. Article 9 addresses on-site waste storage and disposal is mostly new. Article 10 on outdoor lighting is also mostly new. They added new sections 12.4 and 12.5 on inspections.

Mr. Taintor felt it was best to take their comments. The Board agreed to go page by page.

Mr. Coker asked for a red line version from their existing to the proposed regulations. Juliette has that but doesn't think it would be very helpful, but it is available if they want it. Mr. Coker stated he would like to see it.

Councilor Dwyer thanked them for including sustainable development in the purposes. She wondered whether there should be something about design and aesthetics.

Mr. Taintor indicated that there are things that are not included in the Site Review Regulations and can only be addressed in the Zoning Ordinance. This enables them to simplify the Zoning Ordinance. Mr. Holden felt that a lot of issues are driven by the Zoning Ordinance and a benefit of this process was seeing that if they just find the threshold on Site Review they can actually pull some of that out and get it into the design issues where it is better treated. This is exactly where that happens.

Section 1.41, Councilor Dwyer did not think that was accurate in all cases. Juliette stated the intent was to not have to say "or TAC" every time. Councilor Dwyer indicated that if TAC approved something it was not as good as Planning Board approval and this implies that it would be. Mr. Taintor understood her point and they will try to re-phrase it. Mr. Coviello had the same comment on page 3.

Section 1.3.03.2 and 3, Ms. Geffert felt they should say "all applicable laws, ordinances and regulations" instead of "pertinent ordinances" and in 3 they should say "required approvals" rather than "above mentioned approvals". She gave cell towers as an example. Mr. Holden added that would also indicate that the City does not give out a permit until they have their easements and licenses.

Section 2.1 – Mr. Coviello noted that "committee" should be plural.

Section 2.1 & 2, Councilor Dwyer felt it would be helpful to say Planning Department rather than a non specific reference. In Section 2.3, she asked if they want the flexibility to not have these be standing representatives? Mr. Holden thought they might want to make a note that in #6, given the importance of the school, they are suggesting that they actually have an opportunity to sit and review all applications, where in the past it has only been on residential. Councilor Dwyer was bothered by

the fact that people in the community feel the Planning Department and City Staff don't want affordable housing. Because there is a sense of whether this will adversely affect the schools by having more kids, that is viewed by lots of people differently than whether they will have enough capacity in their sewer system. She was not quarreling with having a representative of the school department but she felt there was a sense that they were trying to limit the growth of the school system. She asked if she was off base with her comment? Mr. Holden indicated that under the impact ordinance and Site Review, this is one of the specific criteria that a municipality must consider. It has never been a factor in denial but has always been a factor of consideration. It is helpful to kept the schools for when they do a redistricting. Councilor Dwyer indicated that it's the misinterpretation that bothered her. Juliette stated that this was reviewed by the City Legal Department.

Section 2.2.3. Mr. Coviello asked about applicants paying postage and advertising and how the applicant is advised of this. Mr. Holden did not want to make the procedural process so cumbersome that it actually gets in the way but they have had a very good impact by the Board of Adjustment where they post a sign and perhaps they could ask their consultants to work with them to see if that might be a way. It's a very low cost and it doesn't impact the process and helps with notification. Chairman Ricci indicated that it works as you see them around town. Ms. Geffert asked about fees being set by the Planning Department? Mr. Holden confirmed that fees are set by City Ordinance and all other costs are set by actual of cost of what an expense way.

Section 2.2.5 Ms. Roberts felt that they have had a problem in the past with applicants presenting packets or information the night of meeting and that became a problem. Maybe they could add provide technical information and expertise "in a timely manner" or "before the meeting" Chairman Ricci suggested within the required Planning Board submission date. Mr. Holden felt they might be able to build on that as in the Planning Board Rules and Regulations they would add that if the Planning Board received information the night of the meeting they would be able to postpone the hearing if it was overwhelming. Mr. Coker stated a traffic study was an example. Councilor Dwyer felt even the letters.

2.3.01. 9 – Mr. Taintor felt this addresses submission as soon as possible. Chairman Ricci asked what "as soon as possible" meant. That could mean anything. Chairman Ricci reminded the Board that they can decide to postpone an application at any time.

Ms. Geffert was appalled at the amount of paperwork that they accumulate. They should encourage conservation or CD submission. She would like to look at environmental issues. Mr. Coviello suggested double sided documents. Also, big plans are not always necessary. Mr. Holden indicated that the applicant only has one opportunity to get information submitted and one chance to have everyone together. The reason they have plan requirements is because someone submitted something in the past that wasn't acceptable. This is information for the applicant so they can put their best foot forward and present their project. Mr. Coker agreed that he would rather have too much information rather than too little. Ms. Geffert asked about having the Planning Department working with the applicant to determine what would be required. Councilor Dwyer felt their presentations are usually very antiquated. Maybe there could be rules to help people think about what they need to submit. Maybe a list of recommendations to assist the applicant with their presentation would be helpful. Chairman Ricci played devils advocate and asked what if the applicant minimizes their plans and during their presentation the Board asks for more information. Councilor Dwyer suggested that it not be a requirement but rather a recommendation, or a checklist. Chairman Ricci agreed that an 8 ½ x 11 sheet listing out their requirements would be helpful to the applicant. Ms. Roberts felt there were too many issues with CD's. Mr. Holden suggested keeping it under consideration. An applicant will often say "Just tell me what you want". Councilor Dwyer stated that if she was presenting to the Planning Board, she would do a powerpoint presentation. That would assist the audience also as they are currently at a disadvantage. Ms. Geffert felt this may be a problem in a case of hardship. Mr. Holden stated that the City has the ability to provide equipment.

The Board confirmed that twelve copies of submissions are required.

Mr. Holden noted that the legal notice and abutter notice also allow people to come in and review the plans.

Page 6. Rules for Regional Impact. Councilor Dwyer felt it might be helpful to have a summary of that in the document. Juliette referred to Page 2 where it is described per state statute. They will cross reference it on page 6. Councilor Dwyer asked for an example. Mr. Holden stated that the PSNH wood burner was one and Mr. Britz mentioned Packard in Greenland.

Section 2.3.06.1 Mr. Coviello asked if easement owners should be on the list. Mr. Holden indicated they should not, only property owners.

Section 2.3.05.1 Councilor Dwyer asked about a second request for a one year extension? Mr. Holden stated the assumption was that if they have gone through Site Plan review, some approvals and other issues may have delayed them so the first one is pretty much a "gimme". They will be seeing these more often now and it is because of the economy and it affords the Board to make sure no substantive changes have occurred in the area so they may, if they wish, open it up again.

Section 2.3.08.4. Mr. Coviello asked for a sample Construction Management & Mitigation Plan. Mr. Holden advised they were in the process of finalizing a new one.

2.3.12. Ms. Geffert felt they should add Federal, State and Local regulations. Mr. Holden suggested caution as they are not responsible for the enforcement of any state and federal permits. They cannot hold up a local approval for lack of a federal permit. He also added that as part of TAC they try to get them to list all required permits on the Site Plans.

Ms. Geffert had a global question about energy efficiency and green buildings and asked if consideration could be given? She also compared current evaluation criteria and it is very different. Juliette asked if she prefers the wording? Ms. Geffert did not but was just noting the difference. Mr. Taintor indicated that they have made general statements and they are more specific in the standards section. He asked whether they should look back to page 1 and make sure they are coordinated on a single list rather than having two separate lists. Councilor Dwyer felt that natural features and historic features should be separate.

Section 2.6.7 Mr. Holden suggested adding "or other sources" and eliminate listing them. #9, under fire, one of the key ones is the emergency medical.

Mr. Coviello asked where traffic was addressed. #7. He asked if there is such a thing as a pedestrian traffic study? Should they start considering that downtown? Mr. Holden felt that would be a good idea. Juliette stated they could put it in the standards section. Mr. Coviello felt that pedestrian safety and pedestrian traffic are two different things. He was worried about sidewalk widths. Mr. Holden also felt when they do a quick review, they use the criteria so having something there will trigger it. Juliette indicated they can modify D. Ms. Geffert suggested adding bicycles too. Mr. Coker asked about inadequate insulation from aircraft noise and whether they were talking about all noise. Mr. Holden mentioned that rails were making a come back so they are not. Ms. Roberts suggested just transportation. Mr. Holden just wants to see if broadened.

Page 12, C). Councilor Dwyer mentioned open space being green space and that proportions denotes more than percentage. Functional open space is what they have been talking about. She would like to see that opened up a little bit. Mr. Taintor felt they can turn the items around and make them all positives. He will talk to Bob Sullivan about it.

Section 2.5. Mr. Holden asked about plan and plat requirements and whether that would mean "Site Plan and Subdivision Plat requirements" as they might have different applications. Mr. Taintor asked if they should just take out plat? Mr. Holden wasn't sure.

Section 2.5.3.a. Ms. Geffert felt it should say “not larger than”

Section 2.5.3.d. Chairman Ricci noted it should say 12 instead of 9.

Mr. Holden asked if they could imply that the scale would be a bar scale? And, did Jason Wise approve it? Juliette confirmed it is based on what he submitted.

Page 13. Mr. Taintor asked if N should show licenses and easements? Mr. Holden felt it should as an easement could be a subdivision. Ms. Geffert suggested using additional rights (easements, licenses, etc.)

Page 13, L. Chairman Ricci asked if they should put wetland soil scientist? Mr. Britz felt it should be wetland or soil scientist. Mr. Holden noted all stamps should be NH. Mr. Britz confirmed that was covered.

Page 14. 2.6.3 Councilor Dwyer stated that they often ask for elevations as they are not provided. Is it fair or is there some way they can describe when they want these? Mr. Taintor suggested taking out the word “when requested” and put in a waiver instead. Councilor Dwyer agreed that was a good idea. Chairman Ricci agreed that was something they all look for.

Section 2.6.2. Chairman Ricci asked what a snow break was. Juliette indicated they will check their terminology.

Page 15, #12. Mr. Coviello asked about outdoor lighting. Most applicants do site lighting and the only time they see building lighting is when they see the elevations. That should be defined.

Mr. Holden asked if they have a requirement that when they are showing adjacent abutting street, they provide the full profile including driveway locations, sidewalks, etc.

Page 16, Section 2.7 Waiver Request. Mr. Coviello felt this should be part of the discussion they had about the Strafford case. Mr. Holden felt this is just how they would do the waiver requests and does not say anything about what they are waiving as that is the Board’s decision. Mr. Coviello asked if this would be reviewed by City Attorney. Mr. Holden indicated it would.

Page 18. Section 3.7 Drive Thru facilities. Mr. Coviello asked if they are requiring two lanes? They worked on this quite a bit but never applied it. Mr. Taintor indicated that this is included in the Zoning Ordinance, stating no more than two drive thru lanes and the districts are limited.

Ms. Roberts referred to a case several years ago regarding a historic structure not within the historic district. There was discussion about taking down the structure to facilitate a drive thru. Maybe it’s not relevant to this but by having all these standards they don’t want to give the impression that they are going to approve a drive thru. What if there are some other issues that are important from the Zoning Ordinance, the Master Plan, protecting natural and historic resources. Mr. Coker recalled that debate hinged on the Master Plan and the gateway to the City. Mr. Holden stated that the applicant backed down so it never came to a test. Perhaps they can take this down as something for staff discussion as it is a very good point, someone who might purchase adjacent property in order to accomplish drive thrus. One of the criteria would be consideration of the neighborhood. Mr. Taintor didn’t see this appropriate to go in the drive thru section and felt it goes somewhere else, maybe the Site Plan Review section or the zoning section? Mr. Holden felt another consideration was pedestrian safety. Council Dwyer felt maybe it should be a separate item in Section 3 with a cross reference.

Page 21. Section 3.7.04.b. Councilor Dwyer felt that depending on the project, they may want to look further out. Mr. Holden stated they used DPW on this but the standard is generally 10 years out. But they should make sure they can go out further.

Page 22. Section 3.8.01.4. Mr. Coviello referred to the off street loading areas and he understood the intent. He is very annoyed at large developments that have parking lots half full. He would like to look at shared use. Mr. Taintor felt they need to look at the parking ratios and they may be too strict.

Section 3.8.02.2 Ms. Roberts referred to surface of pavement. She felt they have had discussions on pervious pavement a lot lately and she asked if this was a case of us being too strict? Juliette felt they need to reword this. The intent was to allow pervious pavement if it met all other items. Chairman Ricci suggested using durable surface.

Mr. Coviello felt pervious pavement was only a matter of cost. When applicants say the soil doesn't support it, the soil can be replaced. Mr. Britz added except where there is a ground water that is too high. Mr. Holden asked if they are saying the no longer want a gravel parking lot? Because they say facilitate snow removal. Mr. Britz felt that maybe the definition of durable needs to be looked at.

Page 23. Mr. Holden asked Mr. Taintor to review loading and service areas and how they have evolved. They are trying to make them less restrictive and more flexible in his approach. Mr. Taintor stated that it came from the ZO without any changes. They want to talk about the issue of office uses not needing the same number as retail uses. Mr. Holden felt they should distinguish between loading berths and loading areas for design standards..

Page 24. Councilor Dwyer felt it was impossible to set standards for parking and asked if these standards comply with the RSA related to parking and criteria. There seems to be an assertion from Traffic & Safety and the Parking Committee that it is not possible to have clear parking area standards on a street as it's a case by case determination. She is thinking of the South end. She asked if the Site Review items are all things they have had before or are they new from other places? Mr. Taintor indicated some are new. He asked what she was looking for? Mr. Holden presented it a different way. If he had a public street, the authority for public parking is vested in another agency. When they do standards, they can be made applicable to other standards other than where they have them. What Mr. Taintor has done is be a lot more specific with their parking as they had conflicts and a lot of ambiguity so this is more defined and it could be applied in other situations. Councilor Dwyer asked where they tried to add clarity and clean up conflicts? Ms. Holden gave examples of angled parking, trying to define various widths, parallel parking lengths, discussion about proper space of parking area, locations to a cross walk, locations to a corner. Or a City ordinance could also incorporate them into standards if appropriate. They felt frustrated because it wasn't as important many years ago and they are playing catch up.

Page 25 Mr. Coviello asked if they are making provisions for compact cars? Mr. Holden indicated there was no way to enforce that and the cars end up getting dinged. They had compact car spaces for 4-5 years and it was a disaster.

Chairman Ricci noted that a lot of empty parking lots are due to car pooling. Councilor Dwyer added that people are also working further distances.

Mr. Taintor stated it was possible to put a maximum number of spaces. Councilor Dwyer stated or is there a threshold point where they would have to justify why not building a garage? Mr. Holden felt maybe they need to set up different parking standards for the downtown. The ZO required a 1:1 ratio, but give ways to option out. There is a lot of shared parking. Mr. Taintor proposed scraping the existing parking for CBB and replace it with a system of first floor non residential uses don't have to provide any spaces but every upper floor must provide parking, either on site or payment of real cost. That won't affect things immediately but further development would have to provide all of its parking. Mr. Coker felt that an unintended consequence would be that people cannot afford it. Chairman Ricci would like to see pre and post and how does it impact the project. That would be a good discussion to have. Mr. Taintor indicated they would be requiring 3:1, or three times as many parking spaces. Mr. Coviello didn't want the Board to assume they all agree on parking.

Section 4.4.01.4 Mr. Coker asked what enforcement for maintenance of landscaping does the City have? Mr. Holden stated most site plans have a requirement that they are responsible. The Mattress Store on Woodbury Avenue was given as an example where he cut down two mature trees and they were forced to replace them at a very high cost. Mr. Coviello asked if the zoning enforcement officer was overworked? Mr. Holden confirmed he is very busy. Mr. Coviello mentioned that Home Depot has the vendor selling sausages which is a violation of their Site Plan approval. Mr. Holden was surprised to hear about that and they will definitely look into that.

Section 5.1.1. Ms. Geffert suggested saying “and” rather than “and/or”. Mr. Holden suggested saying “Pedestrian or bicycle or both” and “as appropriate”. Ms. Roberts asked if having a bicycle addressed in that section, do they have to have something for routes on which a bicycle will travel. Mr. Taintor suggested one paragraph for pedestrians and another for bicycles.

Section 5.1.5. Ms. Roberts felt that “vehicles” should be “motor vehicles”.

Section 5.2.02 Mr. Holden assumed they could require more? They have a minimum of 5’ but they may want more.

Section 5.3.03 Bicycle Racks. Mr. Holden felt maybe they should provide storage for bicycle safety. Mr. Taintor felt that would be part of the ZO. He asked if it was the Boards feeling that storage was important or was it the shower that was important? The Board responded that they did not feel the shower was appropriate. Councilor Dwyer asked that the location of the bike rack should be in a safe location.

The Board concluded their review with Page 30. It was agreed that they would complete their review on Thursday, October 25th at 7:30 pm.

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IV. ADJOURNMENT

A motion to adjourn at 10:00 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 15, 2007