

**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.**

**DECEMBER 20, 2007  
Reconvened to  
JANUARY 24, 2008**

**MEMBERS PRESENT:** Jerry Hejtmanek, Vice-Chairman; M. Christine Dwyer, City Council Representative; Paige Roberts; John Rice; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; MaryLiz Geffert, Alternate and Norman Patenaude, Alternate.

**MEMBERS EXCUSED:** John Ricci, Chairman; Donald Coker and Anthony Coviello;

**ALSO PRESENT:** David M. Holden, Planning Director;  
Lucy E. Tillman, Planner I

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**I. APPROVAL OF MINUTES**

1. Approval of Minutes from the November 15, 2007 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the December 6, 2007 Planning Board Meeting – Unanimously approved.

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**II. PUBLIC HEARINGS**

A. The Planning Board is conducting a Public Meeting in conjunction with the City's Emergency Operations Center in order to solicit public comment for consideration of changing duplicate street names of the following streets: Sherburne Road, Sherburne Avenue and Sherburne Street. *The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

Vice Chairman Hejtmanek read the notice into the record.

Mr. Holden confirmed that the abutters were notified that this hearing will be postponed. The City will convene a meeting of the Emergency Operation Center (EOC) representatives to assess how this matter should best proceed. He recommended that the Board postpone to a time indefinite and when the issue comes up again, abutters will be re-notified.

Deputy City Manager Hayden made a motion to postpone to a time indefinite. Mr. Rice seconded the motion.

The motion to postpone to a time indefinite passed unanimously.

Councilor Dwyer asked who would be meeting with the EOC? Mr. Holden confirmed it will be a staff meeting with the City Manager, Deputy City Manager, and the effected departments to review the process and make sure what they are doing is exactly what they hoped to achieve. Deputy City Manager added that they will report back to the Board following that meeting.

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B. The application of **Portsmouth Regional Hospital, Owner**, for property located at **333 Borthwick Avenue**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for expansion and renovations as follows: 1) additional 722 s.f. of paving related to reconfiguration of the emergency room entrance drive; 2) 1,889 s.f. of new roof area related to the addition of a mechanical room; 3) 4,126 s.f. of new roof area and paving related to the reconfiguration of the existing loading docks; and 4) installation of two water monitoring wells for the City; said expansions and site improvements resulting in an increase of 6,737 s.f. within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 240 as Lot 2-1 and lies within an Office Research District; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Vice Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Gregg Mikolaities, of Appledore Engineering, presented on behalf of Portsmouth Hospital. Also present was Bill Duffy, VP from Portsmouth Hospital. Because of the snow storm, their applications have gone out of order which resulted in them receiving their Site Review approval last week.

Mr. Mikolaities indicated that they met with the Conservation Commission on November 15<sup>th</sup> as well as December 12<sup>th</sup> and they provided a copy of the December 17<sup>th</sup> letter of approval from them with stipulations. He displayed the site plan which showed the buffers. There were four areas where they will be working. The emergency room drop off area will have 671 square feet of additional pavement, the mechanical room addition adds about 1690 square feet in the buffer zone, approximately 3,373 square feet of the loading zone area is partially in the buffer zone and a small area of about 100 square feet which will support the upper expansion. As a result of the Conservation Commission meetings they included a number of things to improve stormwater quality and they added two stormwater treatment units to treat currently untreated runoff. A large rain garden will be constructed and will take the roof water from the building. They removed an area of pavement and are putting in pervious pavers for groundwater infiltration. They also put in about 8,000 square feet of buffer plantings. Mr. Duffy handed out their Maintenance Plan to the Board and Mr. Mikolaities confirmed this was reviewed and approved by Peter Britz.

The December 17<sup>th</sup> letter from the Conservation Commission had three stipulations. They asked for plantings other than grass and the applicant has added perennial plantings. They were asked to use Best Management Practices and that is what they handed out tonight. Thirdly, they were asked to maintain the rain garden and that has been added to the plan set. In accordance with the Zoning Ordinance, there are four conditions that must be met and he read those into the record.

To address all of those conditions, they are enhancing the wetlands, and adding stormwater quality treatment units that haven't been there before, they are tripling the size of the rain garden, they are removing pavement within the buffer zone and noted that the additional areas of pavement are all in the loop.

Deputy City Manager asked about stipulation #1 which is shown on Sheet 2 as well with a flower enhancement plant schedule. Because they received their Site Review approval after doing up these plans, she asked if that had been revised Mr. Mikolaities noted the only difference is on the detailed landscape plan, the islands got changed after going to the Conservation Commission. The plans they saw last week for Site Review were actually revised because the sequence of hearings got switched.

Councilor Dwyer asked if the area where they used pervious pavers was where they achieved the 1,000 foot reduction in impervious surface? Mr. Mikolaities confirmed that was correct and it was in response to the Conservation Commission.

Vice Chairman Hejtmanek asked how often they will be sweeping the parking lot? Mr. Mikolaities confirmed it was in the handout and it is once a year.

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

**DISCUSSION AND DECISION OF THE BOARD**

Mr. Holden advised the Board that the applicant has worked closely with the City and Peter Britz on the maintenance schedule and they are seeing something more detailed than they normally would at this point.

Mr. Rice made a motion to approve with the three TAC stipulations. Deputy City Manager Hayden seconded the motion.

Councilor Dwyer asked about the third stipulation about maintaining the rain garden. She wondered what would be entailed in the schedule to check the maintenance of the rain garden? Mr. Mikolaities responded that he had spoken to Peter Britz about that. In the first year, they want all plantings to grow. The Contractor has a one year warranty. After that it is the intent of the rain garden to make sure the underdrains don't get clogged and it is meant to be natural. It is not meant to hold water and it should filter. Councilor Dwyer asked if that would be after the first year and how often? Mr. Mikolaities stated they have put yearly maintenance in the maintenance agreement. There is an existing rain garden now so the hospital has some experience with it.

Deputy City Manager Hayden also noted that the rain garden is listed as a bioretention site.

Ms. Geffert asked if Peter Britz was satisfied? Mr. Holden confirmed it was exactly what he was looking for.

The motion to grant Conditional Use Approval passed unanimously with the following stipulations:

**Stipulations from the December 12, 2007 Conservation Commission Meeting:**

1. That the applicant looks at other options for landscaping besides grass;
2. That the applicant investigates and adopts Best Management Practices, such as a regular sweeping, routine cleaning of the catch basins, and consider alternatives to salt; and
3. That the applicant maintains and vegetates the rain gardens.

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C. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Redhook Ale Brewery, Inc., Applicant**, for property located at **35 Corporate Drive**, wherein site review approval is requested for the construction of two 14' diameter, 38' tall RFP equalization tanks, one 12' diameter, 34' tall digester tank (after the removal of a solids removal tank), and above and below ground piping, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 303 as Lot 3 and lies within the Airport, Business and Commercial District; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Corey Colwell, of MSC Engineers, presented on behalf of the applicant. Also present was Douglas MacNair, Production Manager of the Redhook Ale Brewery. The proposal was for an upgrade of the existing sewerage treatment plant at the brewery. The site plans show the entire facility and the location of the brewery, wetlands, paved accessways and parking areas. To the southwest of the brewery is a sewerage pretreatment building. Page two of their plan set is a blow up of that sewerage pretreatment building. They are proposing to add two 14' diameter, 38' tall equalization tanks. Connected to these tanks is an above ground pipe fence which connects the tanks to the existing sewerage tank. The purpose of these tanks is to regulate the volume of affluent coming from the brewery and going into the City sewer system. During a high production time or a water bottling event there is a huge amount of affluent going into the City sewer and the purpose of these tanks is to equalize the flow. If the underground tank is filled up, it pumps additional affluent into the tanks. The second part of the proposal is the removal of a solids removal tank along the southerly edge and replacing it with a second digester tank, 12' in diameter and 34' tall. The purpose of the digester tank is to give the affluent leaving the site a second treatment. The end result of these improvements means the affluent is treated to a much larger degree and the flow into the City system is regulated. This proposal was approved by TAC with three stipulations.

The first stipulation was that all under ground utilities be shown on the plan. Those utilities have been shown on Sheet 2. They have added the water services, both domestic and fire, as well as gas and the remaining underground sewer line.

The second stipulation was that a Construction Management & Mitigation Plan be prepared. This plan was prepared and submitted to the City at the end of December.

The third stipulation was that they coordinate the design and process schematics with Peter Rice and that process has been started. Full schematic design drawings have not been completed but they will be in contact with Peter Rice on that.

Councilor Dwyer noted in the TAC minutes there was a discussion about one tank vs. two. She asked if they have decided? Mr. Colwell confirmed they will be using two tanks.

Councilor Dwyer asked if their flow into the City system is monitored and reported? Mr. Holden suggested that Mr. Colwell give some explanation about working in conjunction with the City. Mr. Colwell confirmed that the City has been monitoring it and that is why this got started. The flow was not equal and they wanted to equalize it.

Douglas MacNair indicated that as a part of their sewer permit with the City, they fill out a variety of data reporting and they give the City give daily flows, composites, and loading DOTs, which gives them an indication of their use.

Deputy City Manager Hayden referred to Sheet 2, bottom left corner where there was an optional equalization tank. Mr. Colwell confirmed that when they submitted the drawings in November they had to make a decision of whether one or two tanks would be used so they showed both. They have now decided to go with the two tanks so that larger tank can be removed from the drawings.

Mr. Rice asked if the visual impact was something that was within the Planning Board purview. Mr. Holden conformed that it was not in this instance as this is an airport district and it is an allowed use.

Deputy City Manager Hayden asked if DPW has reviewed the underground utility plan and has staff reviewed the CMMP? Mr. Holden indicated that the CMMP should remain outstanding. Peter Rice is still involved but that should also be kept current.

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

**DISCUSSION AND DECISION OF THE BOARD**

Ms. Geffert made a motion to approve Site Review approval with 3 stipulations and that the final plan not show the alternate tank. Deputy City Manager Hayden seconded the motion.

Motion to **recommend**<sup>1</sup> site review approval passed unanimously with the following stipulations:

**Stipulations from the December 4, 2007 Technical Advisory Committee Meeting:**

- 1) That all underground utilities be shown on the Site Plans;
- 2) That a Construction Management & Mitigation Plan be prepared for review and approval by the Planning Department and City Legal Department;
- 3) That the applicant coordinate the design and process schematics with Peter Rice of DPW:

**Stipulation from the January 24, 2008 Planning Board Meeting:**

- 4) That the alternate tank be removed from the final Site Plans;

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D. The application of **Aggregate Industries, Owner**, for property located at **650 Peverly Hill Road**, wherein Site Review approval is requested for the installation of one 10,000 gallon above ground storage tank for bulk storage and dispensing diesel fuel, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 254 as Lot 4 and lies within the Industrial District; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

<sup>1</sup> See RSA 12-G:10 ( c ) “In all instances the authority (Pease Development Authority) shall retain the power to make the final decision regarding applicability, interpretation and enforcement of its land use controls, which shall require 5 affirmative votes.”

**SPEAKING TO THE APPLICATION:**

Tim Jones, Senior Permitting Specialist, of Aggregate Industries, appeared on behalf of the applicant. Also present was Russell Barton, design engineer. They were present as a continuation of their permitting process to install a 10,000 tank for fueling at their ready mix concrete facility. They received approval from the State in August of 2007. They presented to TAC on December 4<sup>th</sup> and received a favorable approval with 5 stipulations. They submitted additional information which he reviewed.

Notably, Stipulation #2 asked that they work in concert with DPW to make sure the DPW drive would receive a facelift this spring. Both Mr. Jones and Rick Abani, their Ready Mix Concrete Manager, provided their telephone numbers and will be in contact with Mr. Desfosses when the time comes.

In Stipulation #5, it was noted that they had material stockpiled in the buffer zone and they had a couple of empty poly tanks that they used to store materials in and they have removed all of those materials except an old steel part of a concrete crusher but they will be getting that out in short order. They will also be extending their signage in that area.

From an administrative perspective, they will be instituting a spill prevention plan on site and it is in the works being drafted. They will train their entire staff on site.

They are looking for a more efficient way of fueling their trucks.

They will register the tank once it is installed with the State and the City.

Mr. Barton designed the plans and he reviewed some items. Regarding stipulation #1, regarding the specifications for on site lighting, they included in the submittal a detailed description of the lighting and fixtures. The other item they were discussing was stipulation #3, regarding the need for a lightning rod. After the TAC meeting they had a discussion with Mr. Cravens and it was decided that the original grounding system meets their needs.

Stipulation #4 represents a comment being added to the plan, on Sheet 1 of 4, regarding the installation of a spill kit in the adjacent shed to the fueling station.

Mr. Barton felt confident that they had addressed the comments from the TAC Committee.

Ms. Roberts noted at the December 4<sup>th</sup> TAC meeting there was discussion about an alarm and she asked about the status. It stated that there was an alarm on site but if it went off at night there would not be anyone to hear it or respond. Mr. Barton indicated that the system is not designed to work off site. A catastrophic release would result in an alarm after hours but no one would be on site. Mr. Holden confirmed that was a concern at TAC and they were going to address that there was an alarm that no one could hear. Ms. Roberts felt maybe they could connect to a remote location. Mr. Barton felt that was doable and they can send the alarm to a designated monitoring system.

Mr. Jones confirmed when the spill plan is done it will come to them. They basically will have a telephone communication put in and they have a 1-800 number. They will make sure that is in service.

Deputy City Manager Hayden referred to the Conservation Commission stipulation#5 regarding removing what is stored in the wetland buffer. She understood that they were going to post the area as a natural wetland buffer but she doesn't see it shown on the plan. Mr. Jones noted that it is not shown on the plan. Deputy City Manager Hayden added to the stipulation that the posting of that area take place in cooperation with the City's Environmental Planner to make sure it is posted in the right place. Mr. Jones indicated that was agreeable and that they worked with the City in another location also.

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

**DISCUSSION AND DECISION OF THE BOARD**

Deputy City Manager Hayden made a motion to approve with the Conservation Commission stipulations, that the applicant address the issue of having the alarm be monitored 24/7 for a response from an off site location and amend #5 that the location of those postings should be at the approval of the City Environmental Planner.

Mr. Hopley seconded the motion.

The motion to grant site review approval passed unanimously with the following stipulations:

**Stipulations from the December 4, 2007 Technical Advisory Committee Meeting:**

- 1) That the applicant shall provide specifications on site lighting to David Desfosses for his review and approval;
- 2) That the applicant shall meet with David Desfosses to confirm the area of the "DPW drive" which the applicant shall be responsible for paving;
- 3) That the applicant shall research the need for a lightning rod and report back to Thomas Cravens;
- 4) That a note shall be added to the Site Plans that the applicant shall provide a spill clean up kit on the pad;
- 5) That the applicant shall provide a report to the Planning Board regarding what is stored in the on-site wetland buffer;

**Stipulation from the January 24, 2008 Planning Board Meeting:**

- 6) That the applicant shall address the issue of having the alarm be monitored 24/7 for a response from an off site location;
- 7) That the applicant shall work with the City Environmental Planner regarding the posting of the natural wetland buffer;

Mr. Holden noted that the applicant has made a request to amend this Site Plan. He believed it to be a minor amendment but they feel it should go through a public hearing process and they should meet in a Pre-TAC with staff to make sure there are no great concerns. He just wanted to advise the Board that they may be seeing this again to allow an additional structure on the property at the February meeting.

Deputy City Manager Hayden asked if that would go through TAC or just Pre-TAC? Mr. Holden confirmed it would on need to go through Pre-TAC.

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**III. CITY COUNCIL REFERRALS/REQUESTS**

A. Request of Public Service Company of NH for an easement to relocate electrical switch gear at the intersection of Maplewood Avenue and Hanover Street; *The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

Mr. Holden advised the Board that this was a City Council referral and dealt with placing a switching station on City property. Michael Coffee from PSNH and David Allen from DPW were both present.

They have reduced the original request down to the minimum to serve the electrical needs in this area. They have worked to preserve an existing tree. He felt the three recommendations they made cover it nicely. A little later in the agenda they will deal with something similar to this. At this point the Department is recommending it with the recommended conditions.

Mike Coffee, of PSNH, stated they are in the process of upgrading their electrical system in the area. The system is going to be impacted by a development that is coming forth, the Portwalk project. They need to remove all underground utilities on the Hanover Street side. They have manholes that have equipment that need to be removed. The technology is old and they are no longer able to put their equipment in a manhole. They are requesting a 10 x 24' easement. A manhole and a piece of switch gear will be placed on the property. He handed out a plan and a photograph of the equipment showing where the manhole will go. The easement area will be placed so as to have the least impact in the area. They have one of them in the area which is screened behind fencing. There is another one at 157 Deer Street. There will be no impact to City services so the City, because of this location, will not be impacted by the loss of revenue or taxes and PSNH will maintain the property.

Councilor Dwyer felt this area will soon be as important to the City as Market Square is. Not knowing a lot about electrical switchboards, she noted that other cities are placing these underground in vaults. She knows they can go underground because they are going underground with the parking garage. Mr. Coffee responded that the reason they are not doing that is because of OSHA requirements and the National Safety Code. The safety practices of PSNH, which is in part Northeast Utilities, do not allow them to go in those spaces. The environmental hazard no longer allows them to go underground. They would have to energize the entire system if they go underground. The new system is above ground and it is very time saving and the liability of the equipment is much better. They can restore it much quicker. In NY, they will have catastrophic failure in a manhole and there is often loss of life. They protect their employees by having equipment that is very safe. They do not use oil and they use gas which is environmentally safe and will not explode. One thing they do in the HDC is they will screen the device to conceal it so that it is not obvious. It doesn't have odor or noise and people often don't even notice it.

Mr. Geffert wondered if there was any possibility for art space on the box. Is it possible to have the exterior framed for City announcements or directional signs to point downtown or to have actual local artists have the ability to slide in or paint on the exterior some type of art. She would like to see it used and useful for the City. Mr. Coffee indicated they would be willing to sit down and talk to the City. It would have to be something removable so they would have access to the device in an emergency.

Mr. Rice commented about the Whalen Wall. He did not like the idea because he could see graffiti and decay happening to it. He felt artwork invites this type of trouble. Councilor Dwyer felt architecturally they should not generalize and use the Whalen Wall as an example. There are other architectural options to deal with it. Mr. Rice liked the signage idea. Deputy City Manager Hayden indicated that a sculpture could go on top. She suggested a stipulation that the applicant will work with Art Speak and City Staff and also noted that it is going to HDC. Mr. Coffee pointed out that fences are often used as something for people to hide behind. A little bit of something is enough to break up the features of the device.

Councilor Dwyer made a motion to recommend the granting of an easement with a mutual agreement with City Staff for an aesthetic plan for the location, and with the three recommendations of staff. Deputy City Manager Hayden seconded the motion.

The motion to recommend the granting of an easement with the following recommendations passed unanimously:

- 1) That the applicant shall work with City staff for a mutual agreement for an aesthetic plan for the switch gear box;

- 2) That the Historic District Commission shall consider this request as part of an application from PSNH for a Certificate of Appropriateness;
- 3) That the Legal Department shall review and approve all necessary easements as to their content and form;
- 4) What the aforementioned stipulations are complete that the City Manager shall be authorized to file all appropriate documents with the Rockingham County Registry of Deeds.

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**IV. NEW BUSINESS**

A. Notification of Intent to Subdivide Property Located at **192-194 Raleigh Way** (Atlantic Heights), per Article III, Section 10-301-A(4) of the *Zoning Ordinance*; *The Board action in this matter has been deemed to be legislative in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

Mr. Holden indicated this is a reaffirmation of a subdivision that was shown on the original 1919 Atlantic Heights Subdivision Plan. He asked the Board to place it on file.

Deputy City Manager Hayden made a motion to place the subdivision on file. Mr. Rice seconded the motion.

The motion to place the matter on file passed unanimously.

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**V. AMENDED SITE PLAN REVIEW**

A. **400 Gosling Road**, PSNH Warehouse – Utility revision;

Mr. Holden advised the Board that in the development of the Site Plan, the applicant has requested the revision of a utility. DPW has reviewed the plan and is in agreement that it is a minor revision. Mr. Holden indicated that they are notifying the Board of this change.

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B. **1800 Woodbury Avenue**, Gerber Dental – Move dumpster location and convert two parking spaces to porous pavement;

Mr. Holden indicted this discussion has been going on for almost 2 plus years. The site plan did not match what was actually constructed. City staff has worked with the applicant and they have worked out a proposed dumpster location and converting two parking spaces to porous. That met the requirement of the Conservation Commission and this does not require any Board action as it has been approved as a minor site plan amendment.

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**NON AGENDA ITEMS:**

A. **Bartlett-Islington Street Sewer Separation Project, Acceptance of Easements and Other Property Interests, Quitclaim of Abandoned Lines**

Mr. Holden indicated that two sets of easement plans were put at the place settings of each member. Some Board members will recall that these were CIP projects and they have come off of the Capital Plan as the projects are coming in for construction. They require easements and property acquisitions so the Planning Board is being asked to affirm that these are necessary and they are time sensitive. Suzanne Woodland, Assistant City Attorney, was present for further details. Most of their site plan reviews on Islington and Bartlett Street have addressed the need for the work on the sewer. Now they are looking for concurrence on the easement and right of way.

Suzanne Woodland indicated that this was part of the sewer separation project. As Mr. Holden indicated this was a project they have seen before and the City Council has seen a summary of this project and there was a hearing in August of 2007. This is more of a housekeeping measure to get the Boards approval before going to the City Council one more time. With the exception of the railroad, they have had discussions with effected property owners and have come to agreements.

Ms. Woodland stated that the action she is looking for was on page two of her memo. She was asking the Planning Board to recommend to the City Council the transfer of the property interests as identified in her Memorandum.

Deputy City Manager Hayden made a motion to recommend to the City Council to transfer property interests identified in attached Exhibit A, to Memorandum from Suzanne Woodland, dated January 24, 2008, regarding the Bartlett-Islington Street Sewer Separation Project. Mr. Rice seconded the motion.

The motion passed unanimously.

Councilor Dwyer noted that everything but the railroad was in agreement. She asked about the status of the railroad. Ms. Woodland confirmed that they have commenced the takings proceedings and it should take about 60 days.

Mr. Holden added as a historical note that because Frank Jones controlled the B&M railroad and because Frank Jones controlled the brewery and because Frank Jones needed a way to get his affluent out, the brick box was actually constructed by him. Because he owned the B&M, no easements were ever done so 100 years later they are still dealing with that problem.

**B. Route 33 Railroad Bridge Replacement – Property Acquisitions**

Ms. Woodland reviewed the second project on Route 33 and Greenland Road. They are in the process of a bridge replacement. The bridge is in very sad condition and it is high on the City’s to do list. This is also housekeeping in many ways. The City Council has seen this project once to establish the takings if they have to go that route with the railroad property. They need to expand the right of way in some locations so they are looking at various easements. They are getting appraisal reports in to give them a better idea of what they are looking at. They hope to get started in spring.

Deputy City Manager Hayden made a motion to recommend to the City Council the acceptance of easements as identified in Exhibit A to Memorandum from Suzanne Woodland dated January 24, 2008 regarding Route 33 Railroad Bridge Replacement Property Acquisitions. Mr. Hopley seconded the motion.

The motion passed unanimously.

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**VI. MISCELLANEOUS**

A. Planning Board Schedule;

Mr. Holden stated that they have given the Board materials which include requests from various parties who have business before the Board. One request is from Kane Development regarding Commerce Way and also Borthwick Forrest where they are working with the Board for re-zoning. Peter Britz has been aware of these requests and he brought these to the Conservation Commission and the Conservation Commission has requested a joint work session with the Planning Board.

He indicated that the City’s consultant Rick Taintor would like to do a February 7th work session on the Site Review criteria.

Staff is looking for an indication of when and how they would like to schedule these. Deputy City Manager suggested doing Site Review on February 7<sup>th</sup>, Borthwick Forrest on February 14<sup>th</sup>, invite Atlantic Heights for a 6:00 Work Session before the February 21st meeting, and a joint Conservation Commission work session on February 28<sup>th</sup>.

Councilor Dwyer noted that there is a public hearing on the police budget on February 7<sup>th</sup> and she wondered if that would be a television conflict. Deputy City Manager confirmed that has been worked out and the Police hearing has been rescheduled to 6:00 so that the Planning Board can have the room at 7:00 pm. Vice Chairman Hejtmanek felt that Borthwick Forrest should have a final meeting.

Mr. Holden summarized the meeting schedule:

**February 7<sup>th</sup>** – Draft Site Plan Review with Rick Taintor.

**February 14<sup>th</sup>** – Public Meeting on Borthwick Forrest with a brief presentation by the applicant and public comment. Ms. Roberts would also like to receive the information the Board has requested from them prior to the meeting for review. Mr. Holden confirmed abutter notices would be sent.

**February 21<sup>st</sup>** – Atlantic Heights Work Session prior to regular meeting, starting at 6:30 – 7:30. Deputy City Manager Hayden asked that they invite the co-chairs of the Atlantic Heights Neighborhood Association to that work session.

**February 28<sup>th</sup>** – Joint Work Session with the Conservation Commission regarding Commerce Way.

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B. Commerce Way Master Plan;

Consolidate with above agenda item.

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**VII. ADJOURNMENT**

A motion to adjourn at 8:30 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on February 21, 2008.