

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

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

**7:30 P.M.**

**NOVEMBER 20, 2008**

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

**MEMBERS EXCUSED:** Donald Coker;

**ALSO PRESENT:** David M. Holden, Planning Director;  
Lucy Tillman, Chief Planner  
Robert Sullivan, City Attorney

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Mr. Coviello the Work Session to order and turned it over to Rick Taintor, of Taintor & Associates.

**6:30 – 7:30 pm WORK SESSION on Draft Zoning Ordinance**

The Board picked up their review on Page 12 of the proposed Sign Regulations, Section 10.1070.

This was an attempt to get at some of the issues of having buildings that have facades on more than one street or when visibility is not on the street sides or a series of buildings that link into one building where more flexibility is required.

On Page 13, they talked about moving the provisions for upper floor signs to the beginning of the ordinance and they wanted to talk about whether the area of projecting signs was appropriate or having them all on a single bracket.

Mr. Coviello noted that they were allowing another sign area on the building, for example, if a building was along Route 16 and there was a wetland separating it from the road, do they get the additional signage on the back of the building? Mr. Taintor felt it was a good point as the ordinance is designed to address the visibility on the frontage but there are buildings that may not be facing the main road. Mr. Holden stated they had that issue come up for Home Depot and they used the shopping center criteria so they could split the signage. They can take a look at that. Mr. Taintor explained the provision says you can have signs on multiple sides of the building up to the maximum sign area for the business. They might have a situation where a business might have access from Woodbury Avenue and visibility from Route 16. Councilor Dwyer felt it was reasonable as it was parallel to the one below it and in a case like that they would go to the BOA for a unique circumstance, if they wanted more. Deputy City Manager Hayden asked what relief the Christmas Tree Shop got? Ms. Tillman indicated they were given relief for attached signage greater than what they would have been allowed and aggregate because they have signs facing the parking lot, the side entrance and also the turnpike. Deputy City Manager Hayden asked if the best way to deal with that was with zoning or have them go to the BOA? Mr. Taintor felt it doesn't come up that often. Mr. Holden felt the Home Depot worked out. Councilor Dwyer was worried about multi use ideas they have talked about for

Route One and if they talked about the different layouts for those, potentially buildings in there would have all four sides. What they don't want to do it, if they have a public entrance and a sidewalk facing Route One, they do not want to fill Route One with signs. She felt this was a better way to do it. Route 16 was one thing but Route One is a completely different one.

Mr. Hopley referred to 10.1071.10 where it says "separate use". What does that mean? Mr. Taintor felt that maybe just a use by itself works. They don't need the word "separate". They are trying to regulate a building with multiple sides for signage. Mr. Taintor noted that the illustration was changed as they were trying to show too many things in the same illustration. They will try to get a clearer illustration.

At the top of page 13, Mr. Taintor noted that one thing that should have been included was a non illuminated sign. Mr. Hopley asked if there should be a limit of the size. Mr. Taintor kept coming back to letter height. The numbers he has done is  $\frac{3}{4}$ " is readable up to 20 feet and  $1\frac{1}{2}$ " is readable up to 50 feet. These are instructional signs so they may want to put a height or size in.

They had a discussion about the above ground floor signs last time. Mr. Coveillo asked about the per use and asked if it was per business or per tenant? Mr. Taintor felt it would be per establishment. They don't want one space having five different uses and five different signs. Mr. Hopley referred to 10.1072.20 and asked what people thought about mounting on a single bracket? It is currently what it is. Mr. Hopley felt it really doesn't work but on the flip side if you had 75 uses and they want 75 brackets around the building, that is a problem. If they take it out, that opens up an unlimited amount of brackets unless there is a cap. Now, those signs above the first floor are not included in the aggregate but are limited to only 2 sq feet on a signal bracket. Mr. Taintor asked if 4 sq ft was more reasonable? Mr. Hopley felt it was. Mr. Taintor felt maybe they could eliminate the single bracket. Mr. Rice referred to 10.1072.1 where a wall sign will not exceed 4 square feet in use in Sign District 2, yet the chart says 100 square feet. Mr. Taintor stated that was the confusion they had before because the chart was meant to be the maximum on any building but they were saying above the ground floor it was going to be 4 square feet. Mr. Coveillo then asked if it was 100 square feet aggregate? Mr. Taintor confirmed 100 was too big last time and they will look at it.

Councilor Dwyer referred to .30 and asked if the intention was if you choose for your property to have a free standing sign, then they can't do an above second floor sign? Mr. Taintor clarified that the maximum aggregate sign area for all signs on a lot, wall or free standing or a combination, but they cannot do multiple free standing signs for a building. He asked is there are examples of free standing signs in Central Business? The Vaughn Mall was an example. Councilor Dwyer read that a free standing sign should include all uses above the ground floor so they couldn't have a small second floor sign and a free standing sign. Mr. Taintor indicated that was not the intent. They should say that they cannot have multiple free standing signs on the lot. Mr. Coveillo stated that 100 Maplewood has multiple signs but they only want site to have one now. Mr. Holden felt that was getting closer to a monument sign too and they are trying to distinguish that.

Mr. Coveillo felt the number of brackets should be based on street frontage. Mr. Holden felt it would be helpful to get the brackets down after the sign is removed. Ms. Tillman felt it was better to leave them up so that they don't continue to put holes in the buildings.

Mr. Taintor moved on to section 10.1073 Shopping Centers and indicated they have tried to simplify this from their current Zoning Ordinance. They first identify what kind of signs they can have. They have not defined what provisions they can have on awning signs. An odd thing about the Ordinance is that in the current ordinance the only provision for monument signs deals with shopping centers. They allow them in other areas but they don't make regulations for them. Shopping centers only allow one sign for a free standing building. A monument sign is a low sign, not high than 6' from the average grade. It is a big slab, continuous in size. Mr. Rice felt it was confusing to say monument signs as he thinks of something like the Yoken's sign but under the definition that is a pole sign. Mr.

Taintor suggested thinking of someone who makes gravestones. Mr. Coviello felt they have to be clear with their definition. Just because it comes up 6' with no poles, is it a monument sign?

Mr. Taintor distributed a handout to the Board to help define what is a monument sign vs. a pole sign. In their current regulations a monument sign is a low sign that is solid from the top to the ground as opposed to something with a structural support. Typically a monument sign is at your height as you drive by. There is a new type of sign that car dealerships are using that are 20' – 25' tall. There are also hybrids that are almost a monument sign as it has the same block and is continuous up to the top but it has legs, stripes and it expands what the sign area is. Halfway in between is the Texaco sign which is a somewhat older pole sign and the components are getting closer to the ground. They have to think about this as part of this is aesthetic and part is controlling the scale of advertising. If they were looking at the Nissan signs, they should include the whole sign but they may not do it with the Toyota sign as the sign area is sort of limited. Mr. Coviello asked if the issue of traffic was an issue on monument signs for visibility and site lines? Mr. Taintor felt it could be except if they set it back 20' from the street. Mr. Coviello asked why don't they call it a monument sign if it's below 8' and a free standing sign above that and they would have to be a certain thinness. Mr. Taintor added that they could just throw out the whole distinction and have a high sign and a low sign. The general issue is that the large, pylon signs are the wave to the present. They will see more of these and they need to decide how to deal with them. Chairman Ricci agreed with Mr. Coviello's logic regarding a certain height for a monument sign, but do they have to say they have to be so far off of the right away and anything above that. That would make it very simple. They could regulate setbacks and sign area. They need to think about enforceability. Councilor Dwyer likes the direction they are going in but wants to make sure they are not encouraging pylon signs. She is having a real hard time finding any sign from the exhibit that they would want and doesn't think they want any of them. She likes the monument sign idea but they need to regulate the other signs as they don't want to push people in that direction.

Mr. Coviello asked if this sign area is subtracted off the total sign area? Mr. Taintor confirmed it will be subtracted off the total sign area. Councilor Dwyer suggested defining the sign area as the entire pylon and not just the top third of it. Mr. Taintor pointed out that if the entire pylon was going to be counted as a sign, they might as well fill it up with words and did they want that? Deputy City Manager Hayden felt they the reason they are all uniformly ugly because they are so tall. She always got into the issue of where do you begin and end measuring the sign. If they limited everything, and not just the monument sign, can't be over so many feet, then that will limited the amount of words because they wouldn't do it in tiny font. She agreed that the Raleigh Spring Mall sign might be somewhat less unattractive but the only one that is half way decent is the Carnegie Center sign. She felt there should be a height restriction. Councilor Dwyer felt they all looked like a place that was going down the tubes.

Deputy City Manager Hayden felt that the shorter the sign the better. Mr. Hopley felt they might want to look at the Nissan sign on Route 16 as it is considerably shorter. A newer sign is along the same theme at Heritage Common at the old White Birch Plaza. It is supposed to be no more than 20'. Deputy City Manager suggested making them 10' which would make them shorter with less words. Mr. Taintor noted that in either Plaistow or Haverhill has a height limit because all of the signs are shorter than they are anywhere else and it looks less intrusive. Also, in Santa Barbara it is all monument signs. And, interestingly, some communities say no more than 3 colors per sign.

Ms. Roberts decided to play devil's advocate. She agrees aesthetically with limiting height but would that encourage multiple stores trying to advertise on multiple signs? Deputy City Manager Hayden pointed out they could only have one sign. Chairman Ricci likes limited colors on all signs. Mr. Hopley felt that enforceability would be difficult. Councilor Dwyer also didn't think we were a uniform community and did not believe that was appropriate for Portsmouth. Mr. Coviello agreed that would be tying the hands of people.

Ms. Tillman felt it was important to have all signs at the front of the shopping center. They strive to do that at the Vaughn Mall. Otherwise, how would you know they were there? Deputy City Manager Hayden was talking about Route One which is very different. Mr. Taintor asked if they wanted to establish a total sign area that includes every part of the sign, including the supports. Councilor Dwyer asked if anything that is free standing would be included in the total area. Mr. Taintor confirmed that was correct and they would have a maximum of 20 – 25' for total height and a maximum square footage. Mr. Tillman asked if they would consider an address as part of the sign? They have to be careful with the address and whether that is a sign as they already have that problem.

Mr. Coviello asked for a summary of where are they now? Mr. Taintor felt they are saying they need to get smaller signs. They will work within the current height limits but measure all parts of the sign to include the poles in the total sign area so that they will keep the signs low. Mr. Coveillo liked the idea of pushing it back from the road. Councilor Dwyer asked if the two sides are counted separately? Mr. Taintor confirmed that a 2 sided sign counts only as a one sided sign. Councilor Dwyer added that it is not allowed to revolve.

Chairman Ricci asked if the size of the sign is the height times the width? Mr. Taintor indicated they use multiple rectangles to measure oddly shaped signs.

Mr. Taintor confirmed they are not going to do anything with limiting colors or text? There was a Board consensus that they will not limit colors.

Page 14. Standards for Free Standing Signs in Shopping Centers. They have a primary site entrance and a secondary site entrance. If they have a shopping center with two driveways they could have two free standing signs but one would have to be smaller. There is a setback of 25' from the property line. Mr. Hopley asked if the height was too high and maybe they should do 20' instead of 25'. Mr. Taintor indicated that the current regulation is 25'. Most agreed it should be 20'.

Ms. Tillman asked what are light fixture heights? Mr. Taintor stated that would be in the Site Review regulations. Ms. Tillman suggested that they coordinate the sign height with the light fixture height. Mr. Hopley agreed that was a good idea. Mr. Holden felt that the height of light fixtures may vary, depending on the size of the site.

Section 10.1073.30 Wall Signs. This area has a distinction between shopping centers that are larger than 30,000 sq. ft or smaller than 30,000 sq. ft. and the sign area is based on distance on distance from the building to the front lot line. He's not sure they necessarily want to keep that concept.

10.1073.40 Outlot Building Signs. They will be getting rid of this section as there will be no distinction between the different types of monument signs.

10.1074 Marquee Signs. They want to add awning signs to this.

10.1075 Design Standards for Signs in an Historic District. This was carried forward with no changes. wais? Mr. Taintor indicated there used to be one in front of Eagle Photo on Congress Street.

Mr. Hopley asked for help with the first sentence under Marquee signs. How else would the letters be placed other than around the outside faces or edges? Mr. Taintor indicated they could be sitting on top of it like a roof sign. Mr. Holden thought they were going to add that they might require additional approvals, like easements and licenses? Mr. Taintor thought they said that was already being taken care of because they had it in one spot but he will check to make sure. Mr. Coviello asked what was wrong with a marquee sign having letters above the roof? Councilor Dwyer confirmed that they to not allow roof signs.

Mr. Hopley asked if they could re-work 10.1074.20 into a positive rather than a negative regulation.

Mr. Rice felt they should add no internally illuminated signs in the Historic District? Mr. Taintor believed they had that in illumination, in section 10.1063. Deputy City Manager Hayden thought they could do a cross reference.

10.1076 Temporary Signs. Mr. Hopley felt that staff needs to take a look to see if this is being used consistently.

Mr. Coviello referred to special Event Signs, Section 10/1076.20 and felt that .21 should be deleted and allow a little time after the event. They should define how long after the event the signs need to be taken down. Councilor Dwyer felt it was a good idea to keep it consistent and also agreed with deleting 21. Deputy City Manager Hayden indicated that section is to avoid having signs all over town for things such as the K-Mart sale signs. Mr. Rice asked if they need to get a permit for a real estate open houses which are special events? Mr. Coviello noted that the NH Film Festival is held in six different locations so are those all site locations and allowed to have signs?

Deputy City Manager Hayden stated that they have a work session scheduled in two weeks and they can wrap signs up then.

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**I. APPROVAL OF MINUTES**

- A. Approval of Minutes from the September 25, 2008 Planning Board Work Session – Unanimously approved.
- B. Approval of Minutes from the October 16, 2008 Planning Board Meeting – Unanimously approved.
- C. Approval of Minutes from the October 23 2008 Planning Board Work Session – Unanimously approved.

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Mr. Hopley made a motion to take Item F out of order. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

F. The application of **Home Depot, Owner and Paul Long, Jr., Applicant**, for property located at **500 Spaulding Turnpike**, wherein amended site review approval is requested to add an 8' ± x 18' ± mobile coffee kitchen trailer, to be located adjacent to the existing building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 238 as Lot 20 and lies within a General Business 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.

Mr. Holden advised the Board the Home Depot requested that this be postponed and negotiations are continuing between them and Paul Long.

Mr. Rice made a motion to postpone to a time indefinite. Mr. Coviello seconded the motion.

The motion to postpone to a time indefinite passed unanimously.

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**II. PUBLIC HEARINGS**

A. The application of **Aquila Chase and Marcia N. Chase, Owners**, for property located at **71 Baycliff Road** and **Stephen J. Little and Rosemarie Golini, Owners**, for property located at **82 Driftwood Lane**, wherein Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 42 as shown on Assessor Plan 207 decreasing in area from 24,695 ± s.f. to 24,618 ± s.f., with 71.20'± of continuous street frontage on Driftwood Lane and Lot 46 as shown on Assessor Plan 207 increasing in area from 12,203 ± s.f. to 12,280 ± s.f. and with 27.75'± of continuous street frontage on Baycliff Road, and lying in a zone where a minimum lot area of 15,000 s.f. and 100' of street frontage is required. Said properties are located in a Single Residence B district and are shown on Assessor Plan 207 as Lots 42 and 46. (Plat plan is on file in the Planning Department Office and is identified as Plan #02-02-08). *(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.

Ms. Geffert will be voting.

**SPEAKING TO THE APPLICATION:**

Attorney Lynn Morse, representing Mr. & Mrs. Chase, indicated that they were before the Board on June 19<sup>th</sup> when they presented this proposal for a lot line revision on a preliminary basis. As the notice indicates, this involved two properties. He represents Mr. & Mrs. Chase, owners of 71 Bay Cliff Road, and Bernie Pelech represents the Little's, owners of the property on Driftwood Lane. They have worked this out subject to the Board's approval which will resolve issues of driveway and parking encroachment which go back several owners. The plan shows that there are areas of the driveway that cross over property lines. There is also a small encroachment of the parking area. It is to the benefit to both owners to exchange deeds that will then cause the common boundary line to be relocated so that there will be no further encroachments. There is a second beneficial reason to approve this. The area adjacent to the residents on the Baycliff Road property, they were able to increase the setback from 2' to 8'. This was a setback that was approved back in 1999 by the BOA and was granted to a prior owner. It became apparent that there was an error on that plan and there never was an 8' setback but there will be if they are allowed to record this plan. This is an area where minimum lot size is 15,000 square feet. Mr. Chase's property will be slightly larger but still non conforming. The Little property will still be conforming. Therefore, they are not increasing any non-confirming conditions. The issues from June have been resolved, they have had several meetings with City staff and they now ask for the Board's approval.

Councilor Dwyer wanted to be clear that the note that was added, which stated "Meaning and intending to connect Baycliff Road through to mean low water" resolves the issue of whether this is a City street? Attorney Morse confirmed that would resolve the previous issues. This would be the low water line and it would be an extension to Baycliff Road and it would be City property. Mr. Holden added that in the Department Memorandum on page 2, where it says Discussion and Decision of the Board, it says that a meeting was held before the BOA and there will have to be another but that is the direct response to that problem.

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 indicated that he was present, along with City Attorney Bob Sullivan, Lucy Tillman, for a non-meeting with the BOA and the Department’s recommendation has not changed from that meeting so they would recommend that the Board recommend that they grant final subdivision approval. Everything will have to be resolved before the Deed is filed but they are comfortable that this is representing the City’s best interests and the parties that are involved and that they can resolve any remaining issues.

Deputy City Manager Hayden made a motion to approve final subdivision approval with stipulations and that they delete “and” at the end of stipulation #3. Mr. Coviello seconded the motion.

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

- 1) That a deed conveying the platted right-of-way connecting Baycliff Road through to Little Harbor shall be prepared and it shall convey this area to the City and it shall be reviewed as to content and form by the City Attorney and shall then be recorded in the Registry of Deeds concurrently with this Plat.
- 2) That property monuments shall be placed per the requirements of the Department of Public Works; and,
- 3) That submission to DPW of electronic data, suitable for updating the City’s Assessing Records;

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Mr. Coviello recused himself from Items B & C

Deputy City Manager Hayden made a motion to hear Items B & C together. Mr. Rice seconded the motion. The motion passed unanimously. They will be voted on separately.

B. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Two International Group LLC, Applicant**, for property located at **75 New Hampshire Avenue**, wherein Preliminary and Final Subdivision approval (Lot Line Revision) is requested to reconfigure three existing lots into two proposed lots, as follows: 1) Adjust lot line between Lot 1 and Lot 2 with no change in square footage; 2) Eliminate lot line between Lot 2 and Lot 4 so that the proposed lot totals 604,695 ± s.f. (or 13.88 ± acres) with 899 ± feet of street frontage off New Hampshire Avenue; Said lots lie within the Business & Commercial District where a minimum lot area of 5 acres and 200’ of street frontage is required. Said property is shown on Assessor Plan 306 as Lots 1, 2 and 4. (Plat plan is on file in the Planning Department Office and is identified as #11-01-08). *(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.)*

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 **Two International Group, Applicant**, for property located at **81 New Hampshire Avenue**, wherein site review approval is requested for the construction of a two-story, 27,300 ± s.f. (footprint) day care facility, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 306 as Lot 3 and lies within the 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 notices into the record.

Ms. Geffert and Mr. Patenaude will be voting.

### **SPEAKING TO THE APPLICATION:**

Attorney Bernard Pelech appeared on behalf of the applicant. With him was Dan Plummer, of Two International Group, Maria Stowell of the PDA, Michael Mates and Dirk Grotenhuis from Hoyle Tanner. Attorney Pelech stated that this project was reviewed extensively at TAC and it was evident that it was given close scrutiny. The proposed use for the day care center is a needed use and in the public interest. He indicated that the engineers will confirm that all issues and stipulations have been satisfied as recently as yesterday when he was in the Legal Department working out the water service issue. He stated that all issues have been dealt with and resolved. He turned the presentation over to Dirk Grotenhuis.

Mr. Grotenhuis passed out to the Board the subdivision plan with a small modification. They are eliminating a lot line between lot 2 and 4 and combining those lots. In doing so they are changing the lot line between Lot 2 and Lot 1 so that Lot 1 would always remain the same square footage so as not to affect the lease at 50 International Drive. The first request is the consolidation of two lots. The project is on the Tradeport in a location where previously there was a mega-plex. 75 New Hampshire was a recent building just constructed and approved by this Board. The location is in the area of the old gymnasium. They are proposing a day care facility in the approximate footprint of where the gymnasium was.

Mr. Grotenhuis displayed a plan showing the site location. It is surrounded by Manchester Square, International Drive and New Hampshire Avenue. The Lot Line Adjustment is going to take place between Lot 2 and Lot 4. It incorporates 75 New Hampshire, which is a new building, and a vacant lot. Combining the lots makes a little over 13 acres. The remaining lot has a building address of 50 International Drive with parking completely on site and a 28,000 sf building which is fully occupied. The existing site had a gymnasium building on it. He displayed the location of the day care and pointed out that it is in the same footprint of the old gymnasium. The proposed day care facility is a 2 story 27,300 s.f. facility. The front façade is a one story and the back side is 2 stories. The zoning is business commercial and this is an allowed use. The existing conditions of the site include some wetland area that had been flagged and the whole development is respecting that for the current buffers.

The proposed use will be up to 250 children, infant to Pre-K. Wendy Monroe, the facility owner, is present for questions. The site still has some remaining pavements which are being removed. By consolidating the lots they will meet all setbacks. There are two exterior play areas. One is on the lower side and one is on the upper side. Those areas are fully fenced. Parking is located immediately in front of the facility where they have a total of 22 parking spaces that will be brand new to the facility. 50 parking spaces are required based on one stall per five children and with total build out of 250 children they will need all 50 spaces. They are only showing 22 spaces as they are planning on sharing parking spaces with an under utilized lot adjacent to the site. They will have 16 spaces reserved at 50 International, totaling 38 dedicated spaces to the facility. The parking area at 50 International is under utilized now by 50% and the building is fully occupied. They propose 16 reserved spaces and then they would estimate a little over 50 spaces would be available for shared parking throughout the whole parking lot giving it over the required spaces. In order to facilitate this they would have an access easement on the recorded plan. They don't intend to build all 50 spaces unless they have to and would prefer to use shared parking. A requirement of TAC was that a trigger

be established of when they will need that additional parking. They added some trigger language on the plan that they coordinated with City Staff and the PDA and this seems to satisfy everybody's need.

There was another stipulation with the water service and this afternoon they came to a resolution that the water to the building, because of the ordinance of one service per lot, it would be accommodated by a second service that would feed the day care specifically. There is already a service provided to 75 and a service for a small building that Bayring occupies. By the consolidation of the lot they would have to add an additional service connection to the water but there is an ordinance that does not allow that. Through coordination with the Legal Department and the PDA, that will be allowed in this case.

Mr. Grotenhuis indicated that they are hooking up to municipal sewer through a sewer that was installed for 75 New Hampshire site and they will not have to cut into the roadway for that. The electric will be run underground and that has been coordinated with PSNH. Site lighting will be Dark Sky Friendly. Landscaping will be in keeping with the rest of the buildings and Pease. The newer buildings all have specific landscaping requirements. Traffic has been estimated with trip generations by using some codes from the traffic engineering code. This is not in a site that fits the day care code. The counts seem high but they have recommended that counts be done after the facility is open to confirm their counts.

Ms. Roberts asked about the play area. There was a significant discussion about the location of the play area adjacent to the wetland, specifically there was interest in adding an underdrain or something to mitigate that issue. Mr. Grotenhuis confirmed that they added some underdrains to that lower area and the plans have been updated to reflect that.

Councilor Dwyer asked about parking. Looking at the new map, in the solid green area which is reserved parking, do they do intend to mark that for staff parking? Mr. Grotenhuis confirmed that was correct. The area will be signed for employees of the day care facility. That is done through an agreement with the PDA.

Councilor Dwyer noted that the ratios for infant and pre-school children shows considerable staff. She asked where will the rest of staff park? Mr. Grotenhuis indicated that they have signage dedicated on 11 spaces for child drop off in the spaces with the closest proximity to the doorway. There will be a 10 minute loading/unloading zone. The remaining could be utilized for faculty or staff. The intent is to have the reserved spaces in the adjacent parking lot used for staff. Any spaces beyond the reserve will be in a shared capacity. Councilor Dwyer asked what the estimated number of staff will be? Wendy Monroe, Executive Director of Great Bay Kids Company, indicated that at any given time there would be about 40 – 42 staff members on site. Deputy City Manager Hayden asked her to talk a little bit about her familiarity with drop off and how that works. Ms. Monroe stated that the center opens at 6:30 a.m. Parents drop off between 6:30 - 9:00 am so there is a steady flow but not an overflow of parents at one time. It is the same during the afternoon between 4:00 – 6:00 pm. Everyone does not come at the same time. Deputy City Manager Hayden asked if the parents need to come inside when they drop off or pick up their children? Ms Monroe confirmed, according to State licensing standards, they have to come in and sign their child in and out. Deputy City Manager Hayden asked if there was an issue to get all children off site, are there state requirements for an emergency response plan? Ms. Monroe stated they do not have one for this facility yet but they do for their other facilities. Deputy City Manager Hayden asked if she would have any concerns if they added a stipulation for them to work with the City fire and police to work out an evacuation plan? Ms. Monroe was happy to work with them on that.

ML Geffert was concerned about the way the parking spaces are configured as parents would be required to cross a street with their children. In terms of site review, could they reconfigure parking so that they were actually parking in front of the site and not crossing a parking lot. Her second issue was the ingress and egress to the site and she would like to have a better sense of the easement. Parents are often in a hurry to drop off or pick up their children. Mr. Grotenhuis indicated that at TAC

they did go through a number of scenarios for dedicated spaces for students. They met with fire, police and traffic and they were required to place the dedicated spaces by the doorway. There is some site circulation that happens with the other buildings on the lot and the parking in the driveway is purposely offset by that. They have added a very generous aisle of 30' from the parking spaces for safer pulling in and backing out. A lot of considerations were given to that. The driveways do go off to Manchester Square and off of New Hampshire Avenue which are limited parking spaces so they don't pull back into a lot of on coming traffic. Primarily they would be coming off the main drive aisle and would be able to maneuver around in the parking lot.

Ms. Geffert asked where the easement was on the 50 International Drive lot and is it for driving and parking? Mr. Grotenhuis stated it was not on the plan but it will be and will be worked out with the DPA.

Deputy City Manager Hayden asked about the parking trigger and what is meant by future parking lot? Mr. Grotenhuis stated that they are showing a two phase as they don't know how much more demand will be needed and it may be all of it. If they find, through an assessment of the PDA that there are a lot of cars utilizing the lot then they will build all of the parking spaces. Deputy City Manager Hayden asked about the trigger. It says that the PDA shall review parking demand after 50% of occupancy of the facility and she asked if they will continue to monitor it over time. Mr. Grotenhuis confirmed that the intent is to monitor it. When they went through trying to get this language together, it is not going to be occupied 100% from day one. They may find indications and they can react sooner. Deputy City Manager Hayden asked them to modify that trigger so that is it monitored over time. Ms. Stowell agreed with that and is what she had in mind. They will track this in the lease and it will run with the tenancy. Deputy City Manager Hayden asked what would be agreeable in terms of that monitoring? She suggested the PDA reviewing parking demand after 50% occupancy and periodically as needed. Ms. Stowell felt that covered it.

Councilor Dwyer asked if this was a situation where most kids are there at different times of the day? Ms. Monroe confirmed they are planning to have infants through five year olds. During the school year they will not have school age children except for vacations. Councilor Dwyer asked that during summer there may be more children? Ms. Monroe agreed that there would be more children between age 6-12 during the summertime. Councilor Dwyer asked about the adequacy of the play area for 6-12 year olds. Ms. Monroe stated it was a requirement of State licensing that they have absorbent material under any climbing equipment so bark mulch would be under any climbing equipment 29" or higher. They hope to have a variety of surfaces but that would be for the play area.

Chairman Ricci asked if this is maxed out at 250 children, how many are siblings? Ms. Monroe did not have any information on that however in their Exeter facility they have about 15 siblings out of 94 children. Generally there would be siblings involved.

Chairman Ricci asked if they have given any consideration to pervious pavement? Mr. Grotenhuis agreed there are a couple of areas and some pocketed wetlands and there is some groundwater that they wanted to be concerned with and didn't want to get to far into. Yes, they could do a little bit in the filled areas but it would have been sparse and not a full area. They took the measure of trying to reduce the impervious by not putting pervious down and by using combined and shared parking. Chairman Ricci asked if the bulk of that is about a 4-6' fill in the front? It looks like a 74 and an 82 on top of it. Mr. Grotenhuis agreed that the west end is a little bit more of a fill area and they would not have wanted to do that on one end and not the other end. There is a big hillside that comes down through there and the grade differential between International Avenue at 90 comes down that hill very steep. Chairman Ricci asked what they need for separation for pervious pavement to groundwater? Mr. Grotenhuis liked around 6'. They can get it with 4'. Chairman Ricci noted they are bringing in a lot of fill and he just wanted to pose the question as it looks like a good area. But, if they have looked at it and it doesn't work, then that's fine. Mr. Grotenhuis stated they always consider it and evaluate the site. Some adjacent areas are in the redevelopment stage and they can look at them in the future.

They did provide some infiltration practices at the outlet of the storm drainage. They have a vegetative swale and it is elevated enough where they have some stone infiltration media underneath it. Chairman Ricci was not a big fan of point source discharge, but he made his point and moved on.

Chairman Ricci noted the bottom says Silt Fence and he doesn't know what that is pointing to. Mr. Grotenhuis explained that the intent was to work with a silt fence down to that point. They added a piece of sidewalk so there is land disturbance. They need to change the line on the plan.

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**

### **Motion for Preliminary and Final Subdivision Approval:**

Deputy City Manager Hayden made a motion to recommend approval of preliminary and final subdivision approval with the three recommended conditions. Councilor Dwyer seconded the motion.

Ms. Geffert asked if the easement from Manchester Square should be in the Subdivision conditions or the Site Review conditions? Mr. Holden recommended that it be included with the Subdivision and there should be easement for the parking and for the access into the driveway. Ms. Geffert requested that be a fourth stipulation.

The motion to recommend preliminary and final subdivision approval passed unanimously with the following stipulations:

- 1) That the Plat plan should be stamped per Regulation requirements;
- 2) That Proposed lot figures shall be added to the General Notes section of the Final Plat;
- 3) That the applicant shall submit to Department of Public Works, electronic data, which is suitable for updating the City's Assessing Records; and
- 4) That the easements for parking and driveway access for 50 International Drive shall be shown on the Plat.

### **Motion for Site Review Approval:**

Deputy City Manager Hayden asked, given the water service issue, does Stipulation #1 cover that or do they need to add any additional stipulation?

Deputy City Manager Hayden made a motion to recommend Site Review approval, with the 18 stipulations from TAC plus a stipulation that the applicant work with the City Fire, Police and DPW to develop an emergency response evacuation plan and that the trigger for the modification of future parking so that it would read that the PDA shall review parking demand after 50% occupancy and added the language "and periodically as needed", that the parking and driveway access easements for 50 International Drive shall be shown on the plans and that they revise the silt fence line.

Mr. Hopley seconded the motion.

Councilor Dwyer notice that Stipulation #6 suggests that all the parking spaces on the west side are for parent drop off but they have determined that there are 11 spaces for parent drop off. Therefore, she felt the stipulation is different from what the applicant has suggested. Mr. Grotenhuis confirmed that the intent that the 11 spaces on the west side of the parking area. The discussion with Deborah Finnigan and traffic was that it would be on the west side of the parking lot that has the 21 spaces.

Councilor Dwyer noted that the stipulation says the west side of building which is why she thinks there is a difference. Mr. Grotenhuis met with Ms. Finnigan afterwards and revised their site plan so that they are signed that way and they submitted those back to her and she felt that the 11 spaces were what they meant by the west side. Deputy City Manager Hayden asked if it was the ones on the island they intend, and not the ones closest to the building. Mr. Grotenhuis confirmed that was correct.

Deputy City Manager Hayden asked that Stipulation #6 be amended to reflect that.

Deputy City Manager Hayden asked about stipulation #1 again and whether it was broad enough? Mr. Holden explained that it is still a process in motion but he talked to David Allen and they feel they have the resolution in sight.

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

**Stipulations from the November 4, 2008 Technical Advisory Committee Meeting:**

- 1) That the applicant and representatives of DPW shall come to an agreement regarding the configuration of the water service prior to the Planning Board meeting;
- 2) At the expense of the applicant, he shall perform a radio strength test with a Motorola service shop to ensure that there is sufficient signal strength within the structure to support adequate radio coverage to police and fire personnel. If the test indicates that amplifiers are required, that expense shall also be born by the applicant. This should be coordinated with the Fire and Police Emergency Operations Supervisor, Gil Emery, 610-7411;
- 3) That the sewer outfall shall be reviewed for appropriateness for a new building;
- 4) That the outfalls shall be 2' above the ground water or existing grade;
- 5) That light poles shall be no higher than 20' from base to mounted height with a 6" base;
- 6) That the eleven parking spaces on the west side of the parking area shall be for parent drop off with appropriate signage; (revised by Planning Board);
- 7) That the PDA shall review parking demand after 50% occupancy and periodically as needed, to determine when or if the additional parking spaces are needed; (revised by Planning Board);
- 8) If the play area remains adjacent to the wetland then underdrains shall be required and added to the Site Plans;
- 9) That the catch basin detail on the Site Plans shall identify the type of snout being used;
- 10) That the applicant shall correct the water service entrance and planting conflict;
- 11) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the Applicant for review and approval by the City prior to the issuance of a building permit;
- 12) That a traffic generation letter shall be reviewed and approved by Deborah Finnigan, City Traffic Engineer, prior to the Planning Board meeting;
- 13) That an easement for 50 International Drive shall be prepared for review and approval of content and form by the City Attorney;
- 14) That the PDA parking requirements shall be added to the Site Plan;
- 15) That the applicant shall confirm that there are no trees on site that are on the State's invasive species list;
- 16) That the gate in the fence around the play area shall include a locking mechanism that can be locked from the outside to prevent entry but is operable from the inside;
- 17) That a Traffic Impact Fee shall be coordinated with the PDA and the Applicant for their contribution to the Traffic Impact Fund;
- 18) That the applicant shall prepare calculations on water and sewer consumption and production for the use surcharge;

**Stipulations from the November 11, 2008 Planning Board:**

- 19) That the applicant shall work with the City Fire, Police and DWP Departments to develop an emergency response evacuation plan;
- 20) That the easements for parking and driveway access for 50 International Drive shall be shown on the Plat.

.....  
 Chairman Ricci indicated he would read the two application in together and they would vote on them separately.

D. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Northeast Rehabilitation Health Network, Applicant**, for property located at **105 Corporate Drive**, wherein Preliminary and Final Subdivision approval is requested with the following: Proposed Lot "6A" having an area of 7.36 ± acres and 766' ± of continuous street frontage off Corporate Drive; Proposed Lot "6B" having an area of 6.44 ± acres and 200' of continuous street frontage off Corporate Drive; and the remaining land area being decreased by 13.80 ± acres and constituting a portion of the Tradeport. Said lot lies within the Business & Commercial District where a minimum lot area of 5 acres and 200' of of street frontage is required. Said property is shown on Assessor Plan 303 as Lot 6. (Plat plan is on file in the Planning Department Office and is identified as #10-02-08). *(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).*

E. 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 **Northeast Rehabilitation Health Network, Applicant**, for property located at **105 Corporate Drive**, wherein site review approval is requested for the construction of a two-story, 26,175 ± s.f. (footprint) rehabilitation facility, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 303 as Lot 6 and lies within the 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:**

Bradley Mezquita, of Appledore Engineering, presented on behalf of the applicant. As part of the subdivision plan they are dealing with the land just to the south of Franklin Pierce College and Corporate Drive. They are proposing to create two separate lots, one for the 7.3 acre parcel for the Rehab Center and one for 6.44 acres of future development. He displayed a Site Plan showing the existing conditions as well as the proposed Site Plan. They are creating two entrance drives, one down the southerly portion of the lot and one will access the easement which goes up to Franklin Pierce, known as Pine Street West. They are proposing a 2-story building, taking advantage of the different levels of the property with a drop off in front with an over hang. They allowed circulation for drop off and they pull in for parking. They have a loading area in the rear of the property. They have an ambulance drop off on the southerly side. As part of the project the question came up why they are showing a future lot out back and do they need access to that rear lot. They are proposing an access

and utility easement that will use the common drive for access in the future to that lot. On the back side they have created a patio area which is located off the 2<sup>nd</sup> floor of the building. They have proposed a stormwater collection system down in the southerly portion of the site, collecting it throughout the site with a closed drainage system and the using the new LID technology using the gravel wetland for treatment and detention. They had submitted a complete summary of all changes that were made as part of the TAC comments which they can review if the Board wants him to. Chairman Ricci found the table very helpful that they submitted on the TAC stipulations and that was adequate.

Ms. Roberts had parking related questions regarding the number of spaces. She wanted clarification on how they came up with the numbers. The letter from Appledore dated November 11<sup>th</sup> which talks about 40 employees and 33 beds. That letter also indicates that 150 parking spaces will be provided which seemed like a lot. Mr. Mezquita stated that the requirement of 33 spaces is a PDA requirement based on the number of beds. The number was derived based on a ratio of the same facility in Salem, New Hampshire. They also see the number of handicapped spaces on site. Because they are a rehab facility, ADA indicates 20% of all parking spaces must be handicapped accessible.

Ms. Roberts asked about the possibility of pervious pavement? Mr. Mezquita stated they were under the impression that DES would have their new regulations in place by now but they don't. They started in that direction as they were designing the site. As the topography slopes from north to south, 90% of the site is in a cut section. The geotechnical report and borings show there will be a significant amount of ledge out there and porous pavement won't work. They reviewed rain gardens or tree filters and they just won't work. Using the gravel wetland for infiltration and detention is part of it. They are doing the deep sumps and oil hoods on all catch basins. Even after all of that and have treated and retained in the gravel wetland, they have a treatment swale that would by itself meet the regulations for today's regulations for stormwater. They have exceeded twice what the State would normally require.

Councilor Dwyer asked what is the mobility park? Mr. Mezquita explained that was a space that had different textured surfaces to practice on, sort of like a walking track. Councilor Dwyer's bigger question was, from her effort to address the housing possibilities on Pease, there are restrictions on the part of the Air Force on extended human habitation. Part of the restriction on housing had to do with the nature of the site and issues of residual danger on the site so it would not be appropriate to have people living on Pease. She asked what the Air Force is thinking about people who might have breathing problems on the site. Ms. Stowell stated that the PDA Land Use Controls do allow day care centers and hospital uses and one of the first things she did was to check with the Air Force, the EPA and DES and explain where the site was for the Day Care and asked them to go through and find any reason why that could not be allow. They did not have any objections. Councilor Dwyer asked if their objections are not to the overall PDA but to specific locations on the Tradeport? Ms. Stowell responded that in this cas, when they are uses that are allowed by the Land Use Controls, that would be correct.

Mr. Coviello referred to one of their responses in the Department Memo that they are not proposing any invasive species but that is not what the Department was asking. They are asking whether there are any invasive species currently on the site. He asked if there would be any problem if they reworded it so that the stipulation said that the applicant shall inspect the current species and remove them if they are on the invasive species list. Mr. Mezquita was fine with that. Mr. Coviello indicated that the gravel wetland has become a popular means for Best Management Practices but there has been some difficulty in constructing them and he was not yet comfortable that the contractors and even civil engineers are familiar with them. He asked if there has been any review from an outside engineer who specializes in these designs? Mr. Mezquita confirmed that they have had discussions with Rob Roseen at the UNH Stormwater Center. They have also actually designed and installed one at their own building on Corporate Drive. They certainly have personal experience and have had discussions with Rob Roseen. Mr. Coviello stated that Dr. Roseen has indicated that a number of places where they have not been constructed properly and he would be more comfortable with someone from the

stormwater center or another expert to review the design and also the constructed product. Mr. Holden suggested that they might want to have the City and the PDA work out a process to have it constructed properly and they can work out a format for that. Chairman Ricci indicated that he would be more comfortable with that as he is also concerned about the construction.

Mr. Hopley felt they did a very good job coordinating their site plan with the architects building exit plan. The plan actually shows door locations that coordinates with their patio and sidewalks.. His only question is that on the northwest side of the building, they leave the building in the rear, go to the patio and then come back into the building again and then to back out to get to the front of the parking area. He would submit that if they are leaving the building in an emergency, they would not want to re-enter the building to get to the parking lot. They need a path to come around the building. Mr. Mezquita indicated there is a wall so they can't get around the northerly side of the building. Mr. Hopley felt they could build stairs. Mr. Mezquita pointed out that the intent was that it was going to be an exit to get back to the patio and they have a door on the lower floor which is the access to the mobility parking lot. Mr. Hopley confirmed that his point was that if the building design requires exiting out of the rear because of travel distance then you need to get to the public way from the patio without going back into the building. Someone needs to think about that at some point.

Mike Parma, from JSA, stated that in the hospital construction they are looking for access to the mobility park for part of the training of the public and re-integration and not for emergency egress from that building. Mr. Hopley indicated he was not going to belabor it now but their exit discharge ends at the public way so if they have a public exit out of the building to a public yard, he will be looking for access to a public way. That will be reviewed at the building permit stage.

Mr. Coviello asked about dark sky friendly lighting? Mr. Mezquita confirmed that was what they were using. Mr. Coviello asked if, by definition, is the lamp they provided dark sky friendly? Mr. Mezquita confirmed that they use a different terminology but it is compatible. Mr. Desfosses has approved it. Mr. Coviello asked if the Site Plan indicates any signage? Mr. Mezquita confirmed that they show up front, along the Corporate Drive entrance, a location sign. Mr. Coviello confirmed it was a pylon sign.

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**

### **Motion on Preliminary and Final Subdivision:**

Deputy City Manager Hayden made a motion to recommend Site Review approval with the five stipulations. Mr. Coviello seconded the motion.

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

- 1) That the Plat plan should be stamped per Regulation requirements;
- 2) That an easement shall be prepared by the applicant to provide access/egress and utility services (emphasis added) through to Lot 6;
- 3) That the easement shall reviewed and approved by the City Attorney as to content and form;
- 4) That language shall be added to the final plat and deeds stating access/egress to Lot 6 is limited to this easement, unless otherwise recommended by this Board to the PDA; and,
- 5) That the applicant shall submit to Department of Public Works, electronic data, which is suitable for updating the City's Assessing Records.

**Motion for Site Review:**

Mr. Hopley made a motion to recommend Site Review approval with the TAC stipulations and an additional stipulation that additional sidewalks are needed from the rear of the building and that they be brought out to the parking area.

Mr. Coviello seconded the motion with the stipulation that the wording in Stipulation #11 be reworded that any invasive species currently on the site shall be removed and that the applicant shall work with the department to coordinate with the City staff and the PDA during the installation of the gravel wetland for construction oversight..

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

**Stipulations from the November 4, 2008 Technical Advisory Committee Meeting:**

- 1) That the letter submitted by Bradlee Mezquita, of Appledore Engineering, at the November 4<sup>th</sup> TAC, dated November 4, 2008, shall be incorporated as a list of outstanding stipulations; (Attached and incorporated herein)
- 2) That lights shall be moved and/or added to provide adequate lighting at the two intersections;
- 3) That the area where the water line enters the building conflicts with a tree planting and shall be resolved;
- 4) That if an irrigation system is installed, they shall use Smart controllers which irrigate from 10:00 pm to 5:00 am, and 6" of loam shall be used wherever the irrigation system is used;
- 5) At the expense of the applicant, they shall perform a radio strength test with a Motorola service shop to ensure that there is sufficient signal strength within the structure to support adequate radio coverage to police and fire personnel. If the test indicates that amplifiers are required, that expense shall also be born by the applicant. This should be coordinated with the Fire and Police Emergency Operations Supervisor, Gil Emery, 610-7411;
- 6) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the Applicant for review and approval by the City prior to the issuance of a building permit;
- 7) That a trip generation memo shall be approved by DPW prior to the Planning Board meeting;
- 8) That the diameter landing in the crosswalk shall be reviewed to make sure it is adequate;
- 9) That the Landscape Plan shall be reviewed and approved by DPW and the Planning Department;
- 10) That Note 9 in the Erosion Control Notes should include the public streets and sidewalks;
- 11) That the applicant shall confirm that any invasive species currently on the site shall be removed; (revised by the Planning Board);
- 12) That a note or detail shall be added to the Site Plans that all trees that are planted shall be 6' from ground to canopy;
- 13) That subdivision approval shall be received from the PDA prior a building permit being issued;
- 14) That "No Parking" signs shall be added to the common driveway;
- 15) That the applicant shall prepare calculations on water and sewer consumption and production for the use surcharge;
- 16) That a Traffic Impact Fee shall be coordinated with the PDA and the Applicant for their contribution to the Traffic Impact Fund;

**Stipulations from the November 11, 2008 Planning Board:**

- 17) That additional sidewalks shall be added from the rear of the building to the parking area;
- 18) That the applicant shall coordinate with City staff and the PDA during the installation of the gravel wetland for construction oversite.

Chairman Ricci asked the Applicant to notice the Planning Department when they are going to be constructing the gravel wetland as members are interested in seeing the new LID's and how they go in. Mr. Mezquita indicated that they have installed one on their new site and they would be happy to show it to anyone that wants to come out.

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**III. CITY COUNCIL REFERRALS/REQUESTS**

A. Request for a License Agreement for 10 Pleasant Street for the Installation of a Metal and Glass Canopy; *(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 explained this is a referral and the Department prepared a Memorandum. He gave a brief synopsis. The handicapped ramp was put in with conjunction with an amendment to the original site plan and it is recognized as a largely public facility. They are recommending with the canopies that they consolidate it all under one master license that would effectively recognize the handicapped ramp and both proposed canopies. Of note, the installation of the canopies has received a Certificate of Appropriateness from the HDC. He believed that DPW took part in a considerable amount of consideration into the installation of the ramp but they have not had a change to review the proposed canopies so the intent is to allow them the opportunity to review it. That would include Mr. Hopley incase there was a code requirement. They would advise the Board to favorably recommend this license request back to the City Council subject to the four stipulations.

Mr. Coviello indicated he will not be voting on this.

Deputy City Manager Hayden made a motion to recommend this favorably to the City Council with the four stipulations. Mr. Hopley seconded the motion.

The motion to recommend favorably to the City Council passed unanimously with the following conditions:

- 1. That this favorable recommendation is based on receiving a concurrent approval from the Department of Public Works;
- 2. That canopy dimensions shall be as presented by the applicant in their submittal;
- 3. That the request shall be subject to a municipal license, which incorporates prior municipal actions authorizing the placement of the handicap ramp, and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
- 4. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works;

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**IV. NEW BUSINESS**

A. Appointment of CIP Sub-Committee.

Mr. Holden confirmed that the Sub-Committee would meet on December 17<sup>th</sup>. They would begin at 11:30 a.m. and end about 5:00 p.m.

Volunteers included: Chairman Ricci, Anthony Blenkinsop, Anthony Coviello and Norman Patenaude.

Mr. Holden confirmed that it is the recommendation of the Sub-Committee that set up the initial prioritization of the CIP and at the Planning Board meeting in January they will be reviewing the CIP draft and upon their adoption, with or without amendments, it will become the draft document that will go to the City Council. It will become a component in the City's annual budget.

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**V. AMENDED SITE PLAN REVIEW**

A. Request for amended Site Review approval for 6-16 Congress Street, to relocate a handicapped parking space in the parking level; *(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).*

Mr. Holden advised the Board that they received a request to verify that the requirements of the site plan were being met. The City did an inspection and the issue was that there was a reorientation of the required handicapped parking space. They worked out an amendment to the plan and moved the parking space closer to the elevator. They agreed to bring it to the Board with a recommendation to approve. There is considerable interest on behalf of another party and that correspondence was distributed to the Board. The issue of what this Board is dealing with is the amended site review and whether the new location was appropriate and plans should be amended as shown. There is an issue that arises from that handicapped space that should be worked out between the private parties and does not concern the City.

Chairman Ricci opened the public hearing and called for speakers.

Paul McEachern, representing 6-16 Congress Street, stated that this is a secure private parking area under 6-16 Congress Street and is accessed only by owners of spaces. It has a secure door that requires a code to enter. The space was originally located further away from the elevator and has been relocated next to the elevator. They are asking for a minor change to the Site Plan. All spaces are used by the owners of the spaces who have to be unit owners of the building. It is not open to the public. The lot has to have a handicapped accessible space and it does have one.

Chairman Ricci called for further speakers. Seeing no one rise, he closed the public hearing.

Mr. Holden advised the Board they he would look for a motion to approve the amendment to the approved site plan.

Deputy City Manager Hayden made a motion to approve the amended Site Plan. Mr. Hopley seconded the motion.

Chairman Ricci acknowledged the letter that was received from Attorney Murphy on behalf of Nancy Gregor in objection to the amended parking space. Copies were provided to the Board Members and he read it into the record.

Mr. Coviello asked if they are basically saying this is an internal issue between the Condo members. Mr. Holden confirmed that the Board is responsible to make sure there is a handicapped space and the sign should be put back up. The Condo Association should be responsible for this. Deputy City Manager Hayden stated it was not really within the purview of the Board to take any action on Ms. Gregor's concerns.

The motion to grant amended Site Plan approval passed unanimously.

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Chairman Ricci confirmed that upcoming Planning Board meetings are scheduled for December 4, December 11 and December 18<sup>th</sup>.

**VI. ADJOURNMENT**

A motion to adjourn at 9:10 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on January 15, 2009.