

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

APRIL 15, 2010

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Eric Spears, City Council Representative; Donald Coker; John Rice; Anthony Blenkinsop; MaryLiz Geffert; Cindy Hayden, Deputy City Manager; Richard Hopley, Building Inspector; and Norman Patenaude, Alternate and William Gladhill, Alternate

MEMBERS EXCUSED: n/a

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the March 18, 2010 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

*The Board's action in these matters 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.*

A. The application of **J. P. Nadeau, Owner, and Witch Cove Marina Development, LLC, Applicant**, for property located at **187 Wentworth House Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the placement of two structures, a portion of which fall within the tidal wetland buffer. Said property is shown on Assessor Plan 201 as Lot 12 and lies within the Waterfront Business District. (This application was postponed from the March 18, 2010 Planning Board Meeting).

The Chair read the notice into the record.

Rick Taintor advised the Board that at the last meeting there was a discussion about whether the houses could be located outside the tidal buffer. The applicant has filed a new application before the

Board of Adjustment to amend his previous variance to allow the relocation of those structures. To avoid confusion, it was suggested that Mr. Nadeau withdraw his previous Conditional Use Permit application from consideration until action takes place on the variance next week. The City Attorney felt the proper action would be to vote to accept Mr. Nadeau’s request to withdraw.

Councilor Spear made a motion to accept the request to withdraw the application. Mr. Blenkinsop seconded the motion.

The motion passed unanimously.

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B. The application of **Bromley Portsmouth, LLC and RCQ Portsmouth, LLC, Owners**, for property located at **1465 Woodbury Avenue**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the demolition of 1,600 s.f. of existing building and the construction of a 2,770 s.f. addition on the historic School House building, a portion of which falls within the inland wetland buffer. Said property is shown on Assessor Plan 216 as Lot 3 and lies within the General Business District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Gregg Mikolaities, of Appledore Engineering, handed out an exhibit for the Board. Mr. Taintor advised the Board that the Conservation Commission unanimously recommended approval yesterday with one stipulation that the property manager be educated about the attributes and function of the rain garden and tree box filters and that the maintenance of these systems be conducted according to the specifications of the University of New Hampshire Stormwater Center.

Mr. Mikolaities advised the Board that the only difference in the plan that he handed out was the inclusion of the Conservation Commission stipulation. He stated this is the old Schoolhouse Restaurant at the K-Mart Plaza and the proposal is for a 3,800 s.f. restaurant. The 1,600 s.f. addition to the rear of the historic structure is in poor shape. They are looking to remove it and construct a new 2,770 s.f. addition. They were present tonight for Conditional Use approval and they will be back next month for Site Plan approval. The project involves the increase of 669 s.f. of green space or an 11% reduction of impervious surface in the buffer. They are also proposing four tree box filters on the east side of the parking lot and a rain garden on the west side. Currently there is no stormwater treatment and they will now be capturing all of the stormwater runoff. Peter Britz, the City Environmental Planner, provided a report to the Board and he had a positive recommendation.

Mr. Mikolaities addressed the five criteria for granting a Conditional Use permit.

1. The land is reasonably suited to the use. The project site has previously been disturbed. It is paved and is a vacant restaurant. They are not proposing any work closer to the wetlands. All work is in the buffer and everything is on the far side of the access drive. There is an 11% reduction in impervious surface.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use. Because they are trying to preserve the historic building, they are only taking off the addition and putting on an expansion that fits between the existing drive and the existing historic structure.
3. There will be no adverse impact on the wetland functional values of the site or surrounding properties. As he mentioned, with the addition of the rain garden and tree box filters, there will be a substantial improvement over what is there today.
4. Alteration of the natural vegetative state of managed woodland will occur only to the extent necessary to achieve construction goals. They are not altering any natural vegetation and, in fact, are adding green space.
5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section. Again, adding the proposed stormwater treatment will be an improvement.

Mr. Mikolaities stated that was the end of his presentation for the Conditional Use Permit and he will be back next month for Site Review.

Mr. Coker referred to the proposed rain garden and the proposed tree box filters. Sometime ago there were some proposed changes to the K-Mart plaza and, as Mr. Mikolaities mentioned, the run off is straight into the wetlands with no treatment. He asked for more information on what they are proposing. Mr. Mikolaities referred to the existing pavement which they are proposing to grind in place and repave. There is a raised island between the vacant Schoolhouse building and behind Wendy's. They are draining the east side of the parking lot as everything will go to those tree box filters. Once the stormwater is treated it goes into the existing drainage system that runs parallel to it. On the west side there are currently 6 parking spaces which will be removed and replaced with a rain garden. They swaled the lawn area between Commerce Way and the existing pavement. There is an existing culvert across the road and they are adding a drain manhole at the end of the culvert and directing stormwater there. Mr. Coker asked if it was their intention that any run off from this property will now be treated. Mr. Mikolaities confirmed that was correct.

Mr. Rice asked about the little drain off the back of the property which he noticed today and he asked if that was the culvert. Mr. Mikolaities confirmed that was correct and he pointed it out on the plans. Everything that goes into it will be treated before going into that culvert.

Chairman Ricci noted that none of the existing contours were labeled and it was hard to follow the plan. Also, the rain garden outlet is a drain manhole and he would like to see a detail added to the Site Plans. Chairman Ricci stated that Mr. Mikolaities has previously given the Board an update on the porous pavement at his office and how it is performing, but Mr. Ricci asked if he had any knowledge from past projects on how the box filters have lasted. Mr. Mikolaities indicated that there is some new data which UNH just passed out in their new Stormwater Manual. They have 2 more years of data in it and it is very encouraging. Mr. Mikolaities stated they are just starting to use them. Chairman Ricci confirmed he would like to see these on this plan as the drainage is part of this plan and it will make the plan complete.

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 two stipulations proposed by Chairman Ricci regarding the contours and the manhole detail, along with the Conservation Commission stipulation.

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

1. The property management shall be educated on the attributes of the rain garden and the tree box filters and maintenance thereof according to the specifications of the UNH Stormwater Center.
2. All contours shall be labeled on the Site Plans.
3. A detail of the rain garden drain manhole shall be included on the Site Plans.

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Chairman Ricci stepped down from the next two applications as he has a working relationship with Public Service. Vice Chairman Roberts chaired the hearing and Mr. Patenaude became a voting member.

C. The application of **Public Service of New Hampshire, Owner**, for property located at **400 Gosling Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance to construct an outside wood fuel storage facility, including the regrading of cover soils of the former landfill, paving of an access road and storage area and construction of stormwater management features, a portion of which falls within the inland wetland buffer. Said property is shown on Assessor Plan 214 as Lot 2 and lies within the Waterfront Industrial District.

D. The application of **Public Service of New Hampshire, Owner**, for property located at **400 Gosling Road**, requesting amended Site Plan Approval to construct an outside wood fuel storage facility, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 214 as Lot 2 and lies within the Waterfront Industrial District.

The Vice Chairman read the notices into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor advised the Board that the Conservation Commission unanimously recommended approval of the Conditional Use Permit at their meeting yesterday. Also, David Allen, the Deputy Director of Public Works, provided a memo stating that the information provided in an amended traffic pattern memo as well as the presentation by the applicant at the April 2, 2010 TAC meeting indicating that under the proposed operational plan there will be no increase in the number of truck trips to deliver wood chips over the course of the year, over what is referred to as the banking period. When additional chips are being delivered the truck traffic will increase by approximately one truck per hour over the course of the 14 hour delivery day. The memo also states that a slight decrease in truck traffic

will occur when the operations change to withdrawing the wood chips from the proposed storage area. Based on those assessments, Mr. Allen concurred with the assessment of the applicant that adjusted truck traffic patterns are of minimal impact. This was in response to the TAC Stipulation #5.

Mr. Taintor stated he had a communication from the applicant's attorney regarding State permits, and in particular a groundwater management permit. One of the recommended stipulations is that all required State and local permits shall be acquired before construction. They received information that the groundwater management permit is not required by the State prior to construction. Mr. Taintor will recommend that the stipulation be changed to state "All State and local permits required for construction shall be approved prior to construction".

Attorney Rob Ciandella, of Donahue, Tucker and Ciandella, was present along with Attorney Sharon Somers and Stella Shiveley, as Senior Counsel with PSNH. Eric Steinhauser, of Sanborn, Head & Associates of Concord, Site Engineer of the project, and Amy Bell Segal, of Terrence J. DeWan Associates, will be their two presenters. Also present were Dick Despina, Schiller Station Manager and other PSNH staff.

Attorney Ciandella stated that this is an application for a modest amendment to a 2004 Site Review approval to convert one coal unit to a wood burning unit. It remains a clean energy project known as the Northern Wood Project at Schiller Station. The 2004 Site Plan was elaborate and, in contrast, this is a modest amendment to allow for additional on site storage capacity for wood chips. This will permit PSNH to have a more stable supply of wood chips without the possibility of seasonal interruption. Wood is currently stored off-site at satellite locations and during the mud season that access is impaired because of road postings. This project will allow wood to be banked on site in mid-fall through mid-winter and would allow for the wood to be withdrawn from the on site storage from mid-winter to mid-spring to avoid any seasonal interruption in the delivery of wood to the site. There is no increase in volume of overall truck traffic.

Attorney Ciandella referred to the TAC recommendations. Mr. Taintor addressed the revision to condition #2. Condition #3 deals with presentation to the Board of a final landscape plan which will be presented by Amy Bell Segal. The plan is a product of discussions with an abutter along Portsmouth Boulevard. There are two additional conditions that flow from those discussions. They agreed that all PSNH wood yard loaders shall be installed with the White Sound alarm system manufactured by Brigade Electronics or comparable alarm. The other condition is that PSNH will take all reasonable measures to make sure the wood pile is stable and that stored wood chips remain on PSNH property and PSNH will take reasonable steps to recover or remove wood chips that leave its property.

Attorney Ciandella introduced Eric Steinhauser and handed out an "enhanced" landscape plan.

Mr. Steinhauser explained that their project was to design a wood storage area on a former landfill which was used for discarded materials from the plant from 1948 – 1979. Since that time the landfill has been an unused piece of property at the plant. Mr. Steinhauser pointed out the site restraints on a plan which was displayed. He pointed out on the eastern side the property line and the wetlands. The former landfill comes almost to the property line. On the southern area there is a natural gas pipeline, which is another constraint. Towards the western edge is an above ground oil pipeline and on the northern edge are two rows of overhead power lines. Their project is to develop the wood storage area

on the former landfill, inside those site constraints. The proposed development will make a plateau by adding fill soil to get the site a near flat but graded surface. They will be improving some of the access roads coming into the former landfill area.

Mr. Steinhauser indicated that the stormwater flowing onto the facility will be split into two directions. The western portion will flow to a pond they will create that will discharge into an existing waterway that streams towards the north side of the landfill. They will maintain the stormwater flow rates for both sides of the landfill. The eastern side will flow water to two catch basins which will discharge to a swale, taking the water uphill to level spreaders, flowing back to the natural waterways. The criteria of the stormwater design was to maintain the current stormwater flow and mimic the patterns of water flow that are occurring now.

Based on the Conservation Commission meeting yesterday, they demonstrated the project was outside the wetlands and there will be no impact on their functions or values. The proposed project has no proposals for new utilities for power, water or sewer but they will have a fire protection system which consists of a forcemain loop around the pile area and an access road on a gravel pad around the site for hydrant access. There will be a delineated pile line. There are no outdoor buildings or lighting associated with the project and no additional parking. Attorney Ciandella mentioned that there is no increase in traffic. There are no provisions for pedestrians or bicycles and no waste will be generated by this activity.

Amy Bell Segal, Landscape Architect, was hired by PSNH to look at buffering. They have two directives. One is to enhance the area within the 100' wetland buffer and to provide a visual buffer screen for abutters to the south and east. The changes to the landscape plan have been to reduce the number but increase the size through negotiations with the abutters. The previous plant material was ranging in size from 5' – 14' with a quarter of it being in the 10' – 14' height. On the new plan all evergreen trees are 12' – 16' high but there are less of them and they are spaced out a little more to provide for growth. The existing vegetation shall remain. She displayed renderings showing the views during the different times of year and how the vegetation would block the wood pile. The wood pile would still be below the tree line but you can certainly see it between the branching of the existing trees. The evergreen trees will fill in over time and will grow fairly quickly. As required, any tree which is dead or diseased will be replaced.

Attorney Ciandella stated that concluded their presentation and they were available for questions.

Ms. Geffert stated that she had fire concerns with the site. She understood that they have put in perimeter hydrants and access points but she asked if they have any information or details regarding the kind of hazard proposed by a 40' wood chip pile? Attorney Ciandella stated the wood chip are one half water and therefore not a combustible material.

Eric Kingsley, of Innovative National Resource Solutions, stated that green wood, as it comes from the forest, is about 45 – 55% moisture so half of what is trucked in is water and it remains water until such time as it goes into the boiler. This wood is meant to come on site for a couple of months and then leave. If this wood were to sit for a year or more there would be a concern of combustion and smoldering. The one high profile time where there has been a fire at a similar plant in the northeast is when the pile had been on-site for over a year. This would not happen here due to the amount of

storage that they have. Ms. Geffert understood that fire was not their primary concern but it does reflect on the site if they don't have adequate protection for a possible hazard and their Site Review would be remiss. Mr. Kingsley also noted that, in addition to the management practices, there is a hydrant loop around the site and, at the request of the Fire Chief, there will now be a painted spot where the pile ceases which provides fire access.

Deputy City Manager Hayden asked Attorney Ciandella if he had the two additional stipulations he was proposing in writing? Attorney Ciandella confirmed he would give them to the Chair.

Ms. Geffert asked them to explain why they are doing the back alarm? Attorney Ciandella explained it was a state of the art "air puff" so that they do not have the "beep-beep". The condition addresses the abutters concern.

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

Attorney Malcolm McNeill appeared on behalf of Commerce Center, LLC, Brora, LLC and the Hilton Hotel. On behalf of his clients, he thanked PSNH regarding the manner in which they approached this expansion with his clients. Their team has been available to them, their counsel has been more than responsive and it was instructive on how developers should deal with abutters. They had the following concerns: The Hilton Garden Inn overlooks what will be a 40' wood pile. They had concerns about visual effects, sound, debris impact and hours of operation. In response, the landscape materials have been revised from deciduous trees and smaller trees to an intensification of evergreen trees. If you were to stand in the parking lot of the Hilton Garden Inn you would understand why they chose to go in this direction. PSNH has been very responsive and cooperative. They feel the Landscape Plan is acceptable. There is also a limitation of hours of operation from 7:30 a.m. to 7:30 pm, which they feel is compatible with their operations. PSNH directed Attorney McNeill to the back up bell website where you can listen to it and it is acceptable. Finally, there was concern of wood being blown off site. PSNH has been a good neighbor and the terms which Attorney Ciandella read into the record are acceptable.

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

DISCUSSION AND DECISION OF THE BOARD

Motion on Conditional Use Permit:

Ms. Geffert made a motion to approve without any stipulations. Mr. Hopley seconded the motion.

The motion to grant Conditional Use Permit approval passed unanimously.

Motion on Site review:

Mr. Taintor referred to Page 4 of the Department Memorandum where there were three recommended stipulations. The second stipulation would read "All State and local permits required for construction shall be approved prior to construction". There are the two new stipulations from Attorney Ciandella.

The only other item he would change is the first recommended stipulation regarding the Planting Plan, the applicant has revised it to conform but he would like to make sure they keep “that the plan shall be integrated into the rest of the site plan set.”

Ms. Geffert made a motion to grant Site Plan approval with the three stipulations as amended, and the two stipulations from Attorney Ciandella. She also added a stipulation that the wood chip pile shall be managed to avert a fire hazard as they heard tonight that if the pile is not turned over enough they are going to have a fire hazard. Deputy City Manager Hayden seconded the motion.

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

1. The Planting Plan (Sheet 1 of 1) shall be integrated into the rest of the Site Plan set.
2. All State and local permits required for construction shall be approved prior to construction.
3. A Construction Management Plan (CMP) shall be prepared by the applicant and then submitted for review and approval by City Staff prior to the issuance of a building permit.
4. All PSNH woodyard loaders shall be installed with the White Sound Alarm System manufactured by Brigade Electronics or a comparable backup alarm.
5. PSNH will take reasonable measures to ensure that the wood pile is stable and that stored wood chips remain on PSNH property and PSNH will take reasonable steps to recover or remove wood chips which leave the property.

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Mr. Coker made a motion to discuss Applications E and F together. Mr. Patenaude seconded the motion. The motion passed unanimously.

E. The application of **Regeneration Park, LLC, Owner**, for property located at **3612 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the removal of 15,000 s.f. of paving and removal and construction of new light poles, a portion of which falls within the inland wetland buffer. Said property is shown on Assessor Plan 297 as Lot 3 and lies within the Gateway District.

F. The application of **Regeneration Park, LLC, Owner**, for property located at **3612 Lafayette Road**, requesting Site Plan Approval to renovate the existing building and parking lot with retail, professional office, trade and craft uses, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 297 as Lot 3 and lies within the Gateway District.

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor advised the Board that the Conservation Commission heard this matter at their meeting yesterday and voted unanimously to recommend approval.

Shannon Alther of TMS Architects, presented on behalf of the applicant. He stated this project was previously the old automobile dealership across from State Street Discount on Route One. The

concept is to reuse the existing building within its existing footprint and envelop. They hope to recapture this exciting building with reuse and give it new life. The existing parking lot is quite expansive and is all paved. They are proposing to remove 19,000 s.f. of existing paving and a good portion is within the 100' buffer zone. Also light poles will be discontinued although not removed as they may work on some wind power in the future. They will add new lights that are dark sky friendly on the site and on the building. They met with the Conservation Commission yesterday and a stipulation on the TAC plan was the lay out of the gates. He displayed the revised landscape plan with the removal of a good portion of the parking lot within the wetland buffer which they will be planting with conservation grass seed to give back to the environment. There will be some additional landscaping and paving in the front sections also. The plans show two options for sliding gates as they have not decided which plan they want to go with. They are working with a gate system and they will have recycling dumpsters in the back that they want to close off. They have worked with the Fire Department. to have either a knox box or a key pad. Mr. Alther stated that this project meets the five criteria for Conditional Use approval and it is not contrary to the public interest, it doesn't have any special conditions, it is consistent with the spirit of the existing ordinance by re-using an existing building, substantial justice will be done if they grant the proposal and there will be no diminishment of value and, in fact, it will actually increase the area values.

Mr. Coker did not see where the removal of 15,000 s.f. of paving was on the plans. Mr. Alther pointed out the front and back sections.

Ms. Geffert did not see any notations for signage. Mr. Alther responded they are in the middle of their sign plan. As they are still working out who their tenants will be, they will go through the sign permit process once they get closer to knowing who their tenants will be.

Chairman Ricci asked about a stop sign and stop bar at the exit. Eric Weinrieb, of Altus Engineering, referred to Sheet C-1 where that is shown. Chairman Ricci asked whether the snow storage is in the way of any truck access. Mr. Weinrieb indicated that the snow storage area was more for overflow. They looked at what was practical on the site. There is plenty of turning movement as they have a 30' wide aisle and plenty of room to maneuver.

Mr. Coker asked about protection for the wetlands during construction. He asked them to outline how they will address that. Mr. Weinrieb stated they are proposing a silt fence all the way around the perimeter of the site to allow them to stabilize the site. Then they will just pull the silt fence out at the end.

Ms. Roberts realized this was in the new Gateway district and although it is not a bicycle friendly area now she hopes it will be eventually. She asked if they would consider bicycle racks? Mr. Weinrieb did not feel that would be an issue to provide bike racks. There used to be parking in front of the building and they have pulled that all out to be more in compliant with the regulations.

Mr. Blenkinsop referred to the Landscape Plan and asked them to depict where they are planting trees. Mr. Alther indicated that another component to this building is they are looking at making it a zero energy building so all of the energy used in the building will be created on site, either with solar panels, solar thermal tubes, geothermal and even wind. One thing they also talked about is having a green screen where they would have plants grow up either side of the building to cool the building

during the summer months. When they started working with the Landscape Plan, their biggest concern was removing as much asphalt and paving as they could. For landscaping around the building they have allocated a river rock drip band so they can get the water back into the ground, along with the porous pavement. They have allocated some areas for landscaping and he has not picked out specific pieces. They have come up with a plant species list but they have not picked out where they will go. Regarding trees, he wants to be careful with the solar component as they would not want trees blocking anything. He can come back with specific tree layouts if that is a requirement but his main focus was to get the grass in and have low shrubs closer to the building.

Deputy City Manager Hayden noted that her Landscape Plan was color coded but was in black and white. Mr. Taintor confirmed there was a full color plan in the file.

Mr. Hopley asked for information regarding the water service to the building. Mr. Alther responded that the existing water line feeds into an existing mechanical room. They need to double check to make sure the system and the piping will work. Mr. Hopley assumed the building was not currently sprinkled. Mr. Alther confirmed it is not currently sprinkled and they are not going to sprinkle it. He has reviewed that with Roger Clum, Assistant Building Inspector, and has had discussions with the Fire Department at TAC to discuss how they are going to approach that.

Mr. Coker understood this was a new use for the building and in the staff report it says TAC has a stipulation that a brief traffic memorandum shall be submitted. He asked if there was a change of use in the building, which logic tells him is a far more intense use than what it used to be, why wasn't there a discussion about a traffic study as opposed to brief traffic memo. Mr. Weinrieb confirmed that stipulation came from Deb Finnigan and there was more of a concern about turning movement on site as they are reducing some pavement and making turning maneuvers tighter. They were to look and see if turning movements still worked. Mr. Coker was talking about volume. Mr. Weinrieb responded that they are not proposing any changes to the intersection and it may sound like a more intense use but it actually will be a less intense use. The auto dealership use would have people dropping off vehicles for repairs in the mornings and people coming back later to pick them up and also people would be coming at night to look at cars. This will not be a retail use and will be more for contractors.

Deputy City Manager Hayden asked if there are curb stops at the head of the parking spaces. Mr. Weinrieb stated that no curb is being proposed against the building as they did not want to get into pulling up the pavement and re-grading. It will all be flush. They will put some green space in between the building and the parking, some stone drip edge. They wanted to have the ability for people to walk around safely so they came up with the porous concrete and they will strip the end so they will have an at grade sidewalk at the end in a different surface to help delineate that area. Mr. Weinrieb stated that he has done several projects with porous concrete and has had great success. As the pavement fades, the porous concrete and the pavement are more similar in color. Deputy City Manager Hayden stated that she likes the color contrast for pedestrian safety. Mr. Weinrieb felt it was a moderate concern. They have done a lot of work at York Hospital where their design premise is to be curbless and it has been very successful.

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. Taintor explained the Department's recommendation for waivers from applicant. The area they are looking at is a very small portion of the entire site and it did not make sense to require an entire survey of the entire site with most of it being wetlands. The Department recommended that the applicant request a waiver of the Site Plan requirement for a full surveyed plan of the parcel. They also recommended it would not be necessary to show a specific loading area. The Board will see more of these waivers as applications come in to see what requirements are not being met.

Deputy City Manager Hayden asked Mr. Taintor to review with the Board the Conservation Commission finding. Mr. Taintor stated it was a unanimous vote with no stipulations.

Mr. Coker asked if a request for a waiver requires a specific vote by the Board on each of the waivers. Mr. Taintor felt that one vote could be made for both waivers and one vote to grant Site Review approval.

Motion on Conditional Use:

Deputy City Manager Hayden made a motion to grant Conditional Use Permit Approval. Mr. Rice seconded the motion.

The motion to grant Conditional Use Permit Approval passed unanimously.

Motion on Site Plan Review Approval:

Deputy City Manager Hayden made a motion to waive Section 2.4.3a and Section 2.4.4.3d. Ms. Geffert seconded the motion.

The motion to grant the two waivers passed unanimously.

Deputy City Manager Hayden made a motion to grant Site Plan Review Approval with the two recommended stipulations. Mr. Blenkinsop seconded the motion.

Ms. Geffert commended the applicant for the plan as she was thrilled about the re-use in the Gateway District.

Ms. Roberts hoped to include a stipulation for a bicycle rack and that an updated version of the Landscape Plan be provided to the Board when possible.

Deputy City Manager Hayden stated that was acceptable. Mr. Blenkinsop was also acceptable to the additional stipulations.

Ms. Geffert asked if the applicant would have to come back for permitting of signs. Mr. Taintor indicated there were two ways to look at that. Signs on the building are not Site Plan Review issues. If they want to reuse the existing free standing sign they would not need to come back to the Board. If they want to come up with new signs in new locations, that would be a case where it could be done

administratively but a significant change would come back for an amendment. Ms. Geffert did not see the existing sign on the plan. Mr. Alther pointed out the sign on the Existing Condition Plan.

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

1. A bicycle rack shall be added to the Site Plan.
2. A revised Landscape Plan shall be filed with the Planning Board including the layout of specific trees.
3. All required State and local permits shall be approved prior to construction.
4. A Construction Management Plan shall be prepared by the applicant and submitted for review and approval by City Staff prior to the issuance of a building permit.

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III. CITY COUNCIL REFERRALS/REQUESTS

*The Board's action in these matters 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. Coker stepped down from this matter.

A. Request from Jay McSharry, of 106 Grill, LLC (dba 106 Kitchen & Bar), for property located at 106 Penhallow Street, to install a projecting sign.

Mr. Taintor indicated that all three of the sign requests are fairly simple. They are all in compliance with zoning requirements and are similar to others in the area. The Department recommends the approval of the revocable municipal license subject to the three conditions listed.

Mr. Blenkinsop made a motion that they recommend approval of a revocable municipal license subject to the three conditions. Ms. Geffert seconded the motion.

The motion to recommend approval of a revocable municipal license passed unanimously, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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B. Request from Paul G. Keegan, of 1 World Trading Co., for property located at 76 Congress Street, to install a projecting sign.

Mr. Taintor indicated the Department made the same report and recommendations for this request.

Deputy City Manager Hayden made a motion that they recommend approval of a revocable municipal license subject to the three conditions. Mr. Coker seconded the motion.

The motion to recommend approval of a revocable municipal license passed unanimously, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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C. Request of Joseph Hickey, of Denimrack, for property located at 19 Congress Street, to install a projecting sign.

Mr. Taintor indicated the Department made the same report and recommendations for this request.

Deputy City Manager Hayden made a motion that they recommend approval of a revocable municipal license subject to the three conditions. Mr. Coker seconded the motion.

The motion to recommend approval of a revocable municipal license passed unanimously, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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IV. OTHER BUSINESS

A. Planning Board Representative to the Historic District Commission.

Mr. Taintor indicated that this position is still open. If anyone is interested they should talk to him. It could start as a one year term. Chairman Ricci stated they will leave this item open until next month.

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B. City Representatives to the Rockingham Planning Commission.

Mr. Taintor advised the Board that since he wrote the Department Memorandum they have had some more discussion about some of the existing appointments. Mr. Taintor spoke to Cliff Sinnoff, Executive Director of Rockingham Planning Commission, and he recommended that they reappoint the entire slate.

Therefore, the recommendation would be that they recommend to reappoint as Commissioners John Ricci, Anthony Blenkinsop, Esther Kennedy and John Bohenko and to recommend as alternates Steve Parkinson, Dave Allen, Cindy Hayden and Rick Taintor.

Ms. Geffert made a motion to reappoint the existing Commissioners, as outlined above. Councilor Spear seconded the motion.

The motion to reappoint the existing Commissioners as listed above passed unanimously.

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V. PLANNING DIRECTOR’S REPORT

A. Administrative Approvals – Amendments to Approved Site Plans

1. 198 Islington Street – Pad mounted transformer, 3 pad mounted A/C units.

Mr. Taintor stated that an extension of Site Plan Approval has been granted and the applicant is required by PSNH to put in a new transformer. A location for it was found in the back corner of the parking lot. This was discussed with the TAC members and it was agreed that it could be an administrative approval.

Mr. Taintor indicated that another administrative approval was issued to 933 Route One By-Pass, which is the old Portsmouth Paper building, which also fronts on Myrtle Street. In the back there is an un-delineated parking area and a new tenant has come in with a proposal for reconfiguring and striping the parking area, putting in a screened dumpster pad and taking care of the traffic lanes. This was also discussed with TAC members and administrative approval was recommended.

A third item is also at 933 Route One By-Pass for the small building that fronts on the By-Pass. The BOA granted a variance for used automobile sales of no more than 5 cars at any time. TAC again recommended administrative approval.

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Mr. Taintor advised the Board members that there will be a special Planning Board meeting on April 29th. They had planned to have public hearings tonight on two items referred by City Council but the Department internally missed the deadline for publication of the public notice. Therefore, they will have a very quick meeting to discuss the two items.

Mr. Coker, Mr. Gladhill, Mr. Patenaude and Ms. Geffert indicated that they will not be present for the April 29th meeting.

Mr. Taintor advised the Board members that he is preparing a package of Site Plan Review Regulations and Zoning amendments in May for a public hearing.

Chairman Ricci stated that he has asked Peter Britz to supply all Board members with the UNH Stormwater Center Annual Report as it is really interesting.

Chairman Ricci also pointed out to the Board members the Memorandum from the Legal Department which was handed out to them regarding “social media” such as Facebook. It is very interesting and they should take a few minutes to read it.

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VI. ADJOURNMENT

A motion to adjourn at 8:25 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 May 20, 2010.