

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

MAY 20, 2010

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Eric Spear, 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

A. Approval of Minutes from the April 15, 2010 Planning Board Meeting – Unanimously approved.

B. Approval of Minutes from the April 29, 2010 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

A. The application of **150 Greenleaf Avenue Realty Trust, James G. Boyle, Trustee**, Owner, for property located at **150 Greenleaf Avenue** requesting Site Plan Approval to expand an existing car dealership, to include a 26,000 s.f. (footprint) building and approximately 944 additional parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 243 as Lot 67 and lies within the General Business District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Kuzinevich, attorney for the applicant, was present along with Bruce Scamman, of Emanuel Engineering. He explained that Mr. Scamman would do a brief presentation on the engineering of the site and then he would follow to discuss where they are legally and what they will be asking the Board to do tonight.

Mr. Scamman stated they were hired to look at an expansion of the current site. He displayed a copy of the site plan and pointed out the existing site and the proposed second building, parking and infrastructure. He stated that the project will be done in an environmentally friendly way and they hired Dr. Robert Roseen from the UNH Stormwater Center so that they could look into porous pavement designs. He pointed out the proposed porous pavement sections which were in red on the displayed plan. They are also working on upgrading the drainage and the sewer line on the site so that they work in a more efficient manner. He didn't want to talk a lot about the design as there were other things they wanted to present to the Board.

Attorney Kuzinevich addressed the Board and stated that he assumed they were aware of the pending law suit against the City by the Applicant regarding the placement of the sewer line and the Zoning Ordinance issues. He stated that this plan was designed under the prior Zoning Ordinance and not to the 2010 Zoning Ordinance. They believe the prior version applies as the City had improper notice of adoption of the new ordinance by failing to notice that the copies were available free of charge and they believe that the Technical Advisory Committee (TAC) is a design review committee and their notice of the TAC hearing pre-dated the notice of the second reading of the proposed changes to the Zoning Ordinance. As a result, Attorney Kuzinevich stated that they believe Chapter 676 mandates that the old version of the Zoning Ordinance applies. They realize that Attorney Sullivan and Mr. Taintor disagree with that position and have put it in writing. They raised that issue before the judge and the judge said that until the Planning Board took a vote on whether the old ordinance or the new ordinance applied, they would not receive a decision from the Court in that regard. As a result, they are asking the Planning Board to only consider and take a vote on the issue of applying either the 2010 ordinance or the prior version to this project and that they not engage in any substantive review. The principal issue is a change prohibiting any automobile uses from within 200' of a residential property line. The prior version had prohibited parking, display or storage of materials and there was an issue with another prior law suit between Mr. Boyle and those limits. However, Attorney Kuzinevich indicated that changing that from parking and display to uses prohibits the building from being located where it is. That changes all of the drainage and all of the calculations for the entire site review. Because it is such a radical change in terms of which ordinance applies, they would ask that the Board make that determination now and suspend any action on any substantive review so they can either get a court decision or make sure their plan conforms to the ordinance.

Chairman Ricci asked City Attorney Sullivan to advise them on the Board's vote and the public hearing process.

Attorney Sullivan recommended that the Board follow the order of questions contained in Mr. Taintor's Memorandum to the Board on this application. In consideration of the applicant's request, the first action would be to vote on which Zoning Ordinance applies to this application. Following that vote, the Board would make a finding as to whether the application meets the criteria for Site Plan approval (as noted, the findings would be based on the former Site Review Regulations). Attorney

Sullivan stated that in every other respect, he recommended that this be treated like any other site plan that may come before them.

Mr. Coker asked Attorney Sullivan if there is a statute or regulation pending that if the zoning changes, a pending application is not necessarily governed by the prior zoning and it can or does or should follow the new zoning. Attorney Sullivan responded that both he and Mr. Taintor agreed that the Zoning Ordinance which applies to the Board's review at this meeting in reviewing this site plan is the Zoning Ordinance as it currently exists, having become effective on January 1st. They have prepared a written memorandum and that was provided to Attorney Kuzinevich. Mr. Coker understood what his recommendation was but he asked for a point of clarification. He didn't believe they were mandated to follow that. He was trying to understand if there was a regulation or law that says that, if zoning changes, it is not mandatory that they follow the old zoning and someone can follow the new zoning and be within legal grounds. Attorney Sullivan responded that he feels it is clearer than that. They feel the Board is obligated to follow the new Zoning Ordinance and they do not have the option of following the old Zoning Ordinance. However, Attorney Sullivan followed up by saying it was their decision and if the Planning Board chooses by motion and vote to take some action other than what is being recommended the Planning Board has the authority to do that.

Mr. Blenkinsop asked Attorney Sullivan for clarification on statements of Attorney Kuzinevich. Mr. Blenkinsop noted that Attorney Kuzinevich stated there was an issue with the notice regarding the new zoning. He cited two reasons why they would not apply the new zoning. One was a notice issue and two was something to the effect of TAC review. He asked Attorney Sullivan to clarify the City's position on those two issues. Attorney Sullivan stated those were issues that have been raised in the law suit to which Attorney Kuzinevich referred and they will ultimately be determined by a judge. The judge has indicated that she does not want to rule on these matters until the Planning Board has acted because the action is an appeal of the Planning Board's decision. Mr. Blenkinsop assumed that the City's position was that notice was proper. Attorney Sullivan stated that was correct.

Ms. Geffert asked Attorney Kuzinevich for clarification. She noted that he had asked the Board to vote first on which Zoning Ordinance applies. If they elect that the 2010 Zoning Ordinance applies, she asked if they will want to withdraw their Site Review application. Attorney Kuzinevich stated they would not withdraw but they would need time to modify it because admittedly it is in conflict with the 2010 Zoning Ordinance. To be clear, Ms. Geffert asked if they determine that the 2010 Zoning Ordinance applies then the next thing they will be asking the Board to consider is not this plan but to postpone site review to allow them to comply with that ordinance. Attorney Kuzinevich added they will need time to go to Court to get the Court decision as to which Zoning Ordinance version applies. While Attorney Sullivan says it is his opinion that the Planning Board is obligated to apply the 2010 Zoning Ordinance, the applicant believes under RSA 676:12 VI and 676:4 that the Planning Board is obligated to apply the old version. It is a legal issue conflict. Ms. Geffert understood that. As she did not want to waste their time or the Board's time, and she wanted to be very clear for the record, if they determine tonight that the 2010 Zoning Ordinance applies, then what do they request of the Board? Attorney Kuzinevich stated he would then request that they take no substantive action on the plan until they either have a decision from the Court as to the correctness of this Board's decision or they submit revised plans to conform to the 2010 requirements.

Ms. Geffert understood that, rather than voting up or down on the Site Review application in front of them, they are requesting that the Board table their review. She asked Mr. Taintor if there were any limitations on their tabling ability in terms of time. Chairman Ricci stated they could postpone it

rather than table it, to a time indefinite. Mr. Taintor added that if they were to postpone to a time indefinite, he believes it would have to be re-noticed but they could do that. Ms. Geffert stated the only reason she was trying to get clarity is because what she doesn't want is for the Board to do what they think the applicant says he wants from the Board and then have him come back and say "What the heck were they doing?" Therefore, if they determine, as they have requested, which Zoning Ordinance applies, and that determination is the 2010 version, they then are asking the Board to postpone. Attorney Kuzinevich stated that was correct. He stated he was not trying to be tricky. In its simplicity it is almost too simple to say what is going on. Ms. Geffert agreed but reiterated that she wanted to be clear for the record because she doesn't want to be challenged that they never voted on the Site Review application when it was in front of them. She stated the applicant is requesting a postponement if they make a certain determination. Attorney Kuzinevich agreed.

Deputy City Manager Hayden asked Attorney Sullivan if it would be useful to read the RSA sections that were referenced tonight. Attorney Sullivan stated that there is a way in which any particular project can acquire a vested right to be completed, notwithstanding subsequent changes in site review regulations, zoning regulations and the Zoning Ordinance specifically. Generally the statute that discusses this is RSA 674:39 which states that the developer has to have completed some substantial amount of the project, or as the statute reads "once substantial completion of the improvements as shown." Attorney Sullivan stated that the developer in this particular case has not gone sufficiently far enough into the process and has not even acquired a building permit much less done any work, such that the vested right has not been acquired.

Mr. Coker asked if this application requires a conditional use permit. Attorney Sullivan responded that they believe it does. Mr. Coker asked if that process had been applied for. Mr. Taintor stated the application has not been filed for a Conditional Use Permit and Site Review could only happen if Conditional Use Permit had been approved.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Geffert made a motion to find that the Zoning Ordinance adopted by the City Council on December 21, 2009, and effective January 1, 2010, is applicable to this application.

Councilor Spear seconded the motion.

The motion passed unanimously.

Councilor Spear made a motion to postpone Site Plan Review to a time indefinite.

Mr. Blenkinsop seconded the motion.

Ms. Geffert asked to clarify that the motion to postpone was at the request of the applicant.

Mr. Coker asked that the motion be repeated into the record. Chairman Ricci stated the motion is to postpone Site Plan Review to a time indefinite as requested by the applicant.

The motion passed unanimously.

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B. The application of **Robert and Pearl Revocable Trust, Owner, and Stephen Kennedy, Applicant**, for property located at **175 Fleet Street**, requesting Site Plan Approval to construct a 1-story 365 s.f. addition to an existing structure, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 117 as Lot 8 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Stephen Kennedy, co-owner of Gilley’s Lunch, presented to the Board. He stated they are present to request an addition to their lunch cart. This was a result of an inspection by the Health Inspector where it was found they did not comply with the current health code.

Ms. Geffert wondered if they would object to adding some planters or other greenery in front of the property, but not where the parking spaces are to make it a little more visually attractive. Mr. Kennedy indicated that his wife just recently put some flower pots under the front of the old portion of the site. Ms. Geffert asked if they would be comfortable with having planters become a permanent element of their site. She does not want to put an undue burden on them but she would love to see them add some landscaping. Mr. Kennedy indicated that as they are open late at night, they have patrons that tend to trash things. They could add something but it is all asphalt. Mr. Geffert was agreeable to including some permanent planters along the windows of the new building. There are deciduous trees in the back but she was just asking for some planters or flowers in the front. Mr. Kennedy did not believe that would be a problem.

Mr. Hopley noted that the plan says they are moving a section. Mr. Kennedy stated they are removing a section and replacing it along with the addition to make it more structurally sound.

Mr. Coker asked what will happen to the truck. Mr. Kennedy explained that to comply with zoning, the truck will be removed along with the structure in the back which holds their supplies. Mr. Coker asked if they are donating it to a museum. Mr. Kennedy stated they are looking at options.

Chairman Ricci asked who prepared their Site Plan. Mr. Kennedy stated it was a private person. 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 Site Plan Review with stipulations. She requested a stipulation for a Construction Management Plan and she felt they could probably do a better job with seasonal planters where they get color. She felt the applicant was trying to politely say that they are going to become trash barrels or worse if they are there year round. Therefore, if agreeable to Ms. Geffert, she would not add that stipulation. Ms. Geffert stated that was all that she

was looking for. Deputy City Manager Hayden also added in response to the question of who prepared the Site Plan, TAC waived the Site Review requirement on that.

The motion to approve Site Plan Review passed unanimously with the following stipulation:

1. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.

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C. The application of **David D. and Elizabeth Paquette, Owners**, for property located at **8 Pheasant Lane**, requesting Amended Site Plan Approval to install an above ground swimming pool with wood deck, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 268 as Lot 99-8 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

David Paquette, owner of 8 Pheasant Lane, appeared and requested approval to install a 24’ diameter above ground pool with associated decking around the pool.

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 grant Site Plan Review approval. Mr. Blenkinsop seconded the motion.

The motion to grant Site Plan Review approval passed unanimously.

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Deputy City Manager Hayden made a motion to consider applications D. & E. together and vote them separately. Ms. Geffert seconded the motion. The motion passed unanimously.

Councilor Spear stepped down from this hearing.

D. The application of the **City of Portsmouth, Owner, and the School Department, Applicant**, for property located at **25 Granite Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the demolition of an existing building and the construction of a softball field, including bleachers, concrete pads, parking and a concession building, a portion of which falls within the inland wetland buffer. Said property is shown on Assessor Plan 217 as Lot 5 and lies within the Municipal District.

E. The application of the **City of Portsmouth, Owner, and the School Department, Applicant**, for property located at **25 Granite Street**, requesting Site Plan Approval to demolish an existing building and construct a softball field with bleachers, restroom/concession pavilion and a 63-space parking area, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 217 as Lot 5 and lies within the Municipal District.

The Chair read the notice into the record.

Mr. Taintor advised the Board that after the department memorandum was written, they spoke with an abutter who will be speaking this evening, who raised a number of questions and concerns regarding lighting, noise and impact on vegetation. Many of those items have been discussed internally and he felt some could be addressed by staff at the end of the presentation. Also, they will note on the plan a fence which was added as a result of a concern of another abutter to prevent individuals crossing their property to get to the softball field. The fence was shown along the sidewalk pathway from the parking area to Woodbury Avenue. Staff has expressed concerns about that fence to the applicant's engineers and staff's recommendation is that if there is a fence in that location, which they are not convinced is needed, it should be on the property line and not dividing a portion of the property from another portion as it reduces the ability to use that for future purposes.

SPEAKING TO THE APPLICATION:

Bryant Anderson, of VHB, was present with Rus Wilson, Director of the Recreation Department and Rob Harberson of DeStefano Architects. Mr. Anderson pointed out where the site was located. The existing site is the old Wentworth School building. They are proposing to demolish the building to make way for a new softball field for the City school department. They are proposing a main access drive off Granite Street, they will provide 60 parking spaces, 3 accessible spaces and a concrete pad for 6 motorcycle parking spaces for a total of 66 parking spaces. The concession building will be in the lower section of the plan. They will remove a portion of the end of Granite Street which is a deadend, to make room for some of the grading and associated site improvements for the field as well as adding a sidewalk connection to the Rite Aid sidewalk to the sidewalk that connects to the pedestrian bridge over Market Street.

Mr. Anderson stated they are requesting a Conditional Use Permit for work being done in the wetland buffer as well as Site Plan approval. He pointed out the red line on the plan which is the existing wetland buffer and the blue line which is the wetland on an adjacent property with a small portion coming onto this property. There is a portion of the existing building which is in the buffer currently.

The green line on the plan shows the tree line along the property line and it will not be touched. They are only doing work in previously disturbed areas. They are proposing a stormwater management system of a rain garden between the concession building and the parking lot with a 25' wide vegetative buffer so that the water would sheet flow off of the parking lot, through the buffer for pre-treatment and then through the rain garden. There is a drain line coming from the wetland, across the site to Market Street and then towards the river. They are proposing to replace the drainline which would go under the field as there was concern from DPW that those structures would be difficult to access if they were buried under the field. They will put a new segment of drainline in, connect all of the drainage from the site into that line and maintain the drainage patterns that are established today with only one exception: there is a drainage swale along the property line that is very flat and is not

vegetated and there is a significant ponding of water that occurs during rain events which they have addressed by installing a new structure and piping the flow from Woodbury Avenue to tie into the site's drainage system and then off towards the river.

Mr. Anderson stated that all utilities will be coming in along Granite Street. They have electric for the building which will be underground from the pole. There will be no gas service and they will connect to the water service from Granite Street.

The field will have 300' from home plate to the outfield. It will have a moveable fence, depending on what type of tournament game is being played. They will have site lighting for the parking area and the field. The parking area will have five 25' high standard shoe box style light poles with side shields. The field itself will have 60' high specialty lights that are specific to sports field use. During games, they need to be 60' high to light up the entire field. Staff has noted that they have a little bit of light levels running over the property line ranging between 0.2 and 0.7 foot candles and they are working with the applicant to reduce those levels. They are not sure how much they can reduce that beyond what it is now.

Mr. Anderson discussed landscaping. He indicated the field will have a sod outfield and a skin infield and skin warning band. There will be some red maples coming down along the edge of the parking lot along with crabapples and shrubs and a conservation wetland planting mix to help treat the stormwater.

Deputy City Manager Hayden understood that staff reviewed the Drainage Report but she asked if they are getting higher water quality leaving the site, there is less water leaving the site and there is less impervious surface in total. Mr. Anderson agreed and indicated that they are reducing the impervious area by half and are reducing it by .6 acres. The calculations show a slight reduction in volume. They are applying for an Alteration of Terrain permit with the State so they will have to meet all of their requirements for stormwater treatment, recharge and things like that. Because they are removing 0.6 acres of pavement that is essential to provide additional recharge for the site. Deputy City Manager Hayden understood that they certainly will not be increasing the ponding with this project in the corner and, in fact, there really shouldn't be any ponding there on that lot at all. Mr. Anderson indicated that there is a catch basin there today that has no outlet and is not functioning. They are proposing to put a new structure in and hard pipe it into the drainage system. Deputy City Manager Hayden assumed once the new drainage structures are in they won't see ponding in that area. Mr. Anderson confirmed they would not.

Mr. Blenkinsop had landscaping questions. He referred to an area to the left of the parking area where the sidewalk will go and the area to the left of the concession building and asked if those areas are just grass? Mr. Anderson indicated that there is some ledge and grass today and they are not proposing any changes to those areas. Mr. Blenkinsop asked if they thought about increasing tree plantings to block lighting for the abutters, which appear to be residential. Mr. Anderson stated that one abutter was concerned about headlights and they are putting in vegetation to block those. Mr. Blenkinsop asked if there are any reasons why trees could not be planted in the other areas. Mr. Anderson responded that they are trying to be cognizant of the overall budget for the site. He pointed out the line of shrubs on both sides. He also mentioned the barrier fence and because the abutters are encroaching on City property for parking there need to be further discussion on the fence location.

Mr. Coker asked about the 25' high light poles in the parking lot. In the past, the Board has tried to keep those poles lower and dark sky friendly. He felt 25' is pretty high and they have been talking about 16'.

Mr. Coker also asked about hours of operation or curfews and whether the City has discussed that with the abutters. Russ Wilson, City Recreational Director, indicated that no league is allowed to go past 11:00 pm but most are done between 9:00 pm – 10:00 pm. They have not spoken to the abutters about that however they asked that question at one of the previous meetings and they gave them the same answer. He did not receive any feedback from the abutters.

Mr. Hopley asked Mr. Wilson how are the lights controlled. Mr. Wilson confirmed they are controlled with an on/off switch. Chairman Ricci asked who was the "gate keeper" who determines 11:00. Mr. Wilson stated that has been a long standing practice and all leagues are aware of that. Chairman Ricci asked if it would be the umpire that would enforce? Mr. Wilson agreed and said it would be the league itself. Deputy City Manager Hayden asked if it had ever been an issue at the Middle School. Mr. Wilson stated it had not.

Ms. Roberts had a scheduling question. She asked for a better sense of the overall use of the field, such as how many nights per week and what the season was. Mr. Wilson stated they play at least four leagues there: high school softball, men's league, women's league, coed softball. It is all softball and not baseball. They start in March and go well into the fall with tournaments. They are there basically from the time the snow gets off the ground until the snow gets on the ground. They play 7 days a week and usually during the day on Saturdays but they try to stay away from Sundays. Deputy City Manager Hayden referred to a comment asking if they needed that many parking spaces out there. As she understands it from City staff knowledge of who comes to games and to try and avoid people parking on Granite and Woodbury Avenue, it is staff's feelings that they do need that many parking spaces. Mr. Wilson agreed. Adult games are not big spectator games but at times they will have 4 teams there, consisting of the two teams playing and the two teams that will be playing next. Adding in a few spectators and a few umpires, there should be sufficient parking so that no one would ever have to park on Granite Street.

Mr. Taintor answered Mr. Coker's question about light poles. He stated the new Zoning Ordinance allows 20' light poles. He does not see a height shown on the plan for the parking lot lights and he believes TAC thought they were using 20'. Mr. Anderson indicated he would follow up on that and make sure they were reduced to 20' high. Mr. Coker if there was such a thing as Dark Sky Friendly lights for a field. He understands the field requires a lot of light but there are a lot of people living around the field. Mr. Anderson stated they are specialty lights but they are looking to see what they can do. The initial thought is that they are not designed the same as a parking lot light. Mr. Coker asked if they would have any objection to making that a stipulation. Mr. Anderson confirmed they are working on that but he is not sure it is technically feasible with the products that are out there to do that. The parking lot lights are shoe box with the full side screens and the light levels would be zero at the property line for those lights. It is with the field lights where a stipulation would make him nervous saying that they have to do that because he's not sure that is technically possible. Mr. Coker said they could encourage them to look into the field lights.

Rob Harbeson, of DeStefano Architects, stated they would be happy to accept a stipulation that they would investigate with staff if there is a means to mitigate that circumstance. Mr. Coker asked if they would investigate and report to staff.

Mr. Gladhill asked how much light is a foot candle. Mr. Anderson responded that a 1' candle would be the light of one candle one foot away. It is for perception at that property line and whether it is 0 or 0.5 or 0.7 there is not going to be a perceivable difference. If there is vegetation, the levels depend on how high you are. He did not believe there would be much perceived difference between 0 and .5 or .7 at the property line.

Deputy City Manager Hayden asked for clarification. The only gaps in vegetation and buffers along property lines are along the path along the property where the parking encroaches on and on the corner of the property line which is very short. Mr. Anderson stated that the width of the vegetative buffer is being reduced so they are considering some arborvitaes to block headlights. Deputy City Manager Hayden asked if any mature trees are being removed. Mr. Anderson pointed out the mature trees. Trees will be removed along Granite Street for the driveway. There are three or four trees along the right of way. He will discuss with DPW whether it is possible to tighten up the edge of pavement in order to limit tree removal but there needs to be sufficient width for snow plows to turn around.

Ms. Roberts asked them to address the plan for use of fertilizers for the field. Mr. Anderson responded that based on the Conservation Commission approval they added a note to the plan that references the proper sections of the Zoning Ordinance saying that if fertilizers are used in certain areas inside or outside of the buffer they must be of a certain type. Steve Parkinson, Director of Public Works stated that the City does not use fertilizer on any of their ball fields. Unless something happens to the field and they have to bring an expert in to rejuvenate a field they do not use them.

Mr. Taintor went back to the lighting to clarify a few items. The Zoning Ordinance stated that luminaires for recreational fields have to be full cut off fixtures which means no light above the horizontal plane is allowed. The ordinance also talks about presenting glare on adjoining properties. He felt that a simple objective is that an abutting property should not be able to see a light bulb and it should be shielded somehow. Mr. Anderson stated they submitted cut sheets for the ballfield lights and if people look up to the 60' high lights, they will see a bulb. Mr. Taintor indicated this is a zoning issue and they should look at the glare issue on the abutting properties. Mr. Anderson stated he would like to see a stipulation requesting that they work with staff to come up with an acceptable lighting plan. Mr. Taintor added that there are some things that staff cannot give them a pass on.

Mr. Taintor had not seen the colored landscape plan before and he wanted to ask about the planning process that went into it. They put the rows of trees on the field side of the parking lot and the wood side of the parking lot rather than on the residential side of the parking lot. Mr. Anderson responded that they were trying to break up the view as people came in. There is a fairly steep slope and trees don't usually do as well on a 2-1 slope. They also wanted to provide shade to the parking area.

The Chair opened up the public hearing and called for public speakers,

Steven Oxholm, of 51 Granite Street. He lives with his wife and 3 children. Two sides of their property abut this property so they are significantly impacted by this project. Section 10.1332 states you can't have noise in excess of 45 decibels at the property line between 9:00 pm and 7:00 am and from 7:00 am to 9:00 pm you are allowed 55 decibels. He asked how will they determine if that limit is exceeded. He also asked if there is any intention to allow alcohol on the property. Chairman Ricci stated no alcohol is permitted on municipal property. Mr. Oxholm asked if there will be signage on

the property to that effect. Mr. Wilson confirmed that no alcohol is allowed on the property and there will be signage.

Mr. Oxholm noted there are trees and a memorial behind his property and the powerline comes from Woodbury into his house. He asked if there will be any disturbance to the shrubbery and vegetation on the power line. Mr. Anderson responded that the powerline will remain and any vegetation along the back property line will remain.

Mr. Oxholm asked about a plan for school buses. Mr. Wilson indicated that Portsmouth will not have a bus but the visiting team will have a bus. There is plenty of room for the bus to turn around in the parking lot.

Mr. Taintor went back to the noise issue. Generally they don't monitor noise and it comes up on an individual complaint basis and it is an enforcement issue. Mr. Blenkinsop felt public use was exempt under the Zoning Ordinance under Section 10.1333.

Mr. Oxholm stated they have had quite a lot of pooling at the catch basin. If the downstream drain attaches to that line now he asked why it isn't draining. He understands that the slope of the parking lot will drain towards the rain garden, away from his property. Chairman Ricci confirmed that was correct. Mr. Oxholm assumed the construction activities will only take place between 7:00 am – 6:00 pm on weekdays according to the Zoning Ordinance. Chairman Ricci confirmed that was correct and that will be part of a Construction Management Plan which will be approved by the City.

Mr. Oxholm asked how rubbish will be handled as he didn't see a dumpster. He also understood there will be a separate hearing on the demolition of the school building. In light of not having a definite answer at this point, he listed out some questions and concerns about demolition. He would like the CMP to address hazardous materials and rodents. He was concerned about noise, including yelling, cheering, the PA system, batting of balls, car doors, motorcycles and chatting in the parking lot. Outdoor recreational facilities are not permitted in residential areas and, although the ball field is being constructed on municipal property, this site is surrounded by residential properties. He felt it would be reasonable to stipulate operational restrictions in conjunction with the Site Plan approval to insure the spirit of the ordinance is met. Section 402 of the noise control regulation states that it is unlawful for anyone to make, continue or cause to be made any excess noise. He has no doubt, if they are playing games until 11:00 pm, there will be a problem. He researched public address systems on line and found that many are about 10 db above what the crowd is making for noise to insure they can hear it. Mr. Oxholm requested a stipulation that the softball field and associated equipment, including the PA system and the lights, can only be used from 9:00 am – 9:00 pm daily.

Mr. Oxholm addressed the parking lot which encompasses two sides of his property which will reduce the property value. The Zoning Ordinance requires 10 parking spots. He would ask that the parking lot only go straight across and not turn to an L shape. It would be more aesthetically pleasing and it would open up space for people to play and help mitigate noise. Section 10.1.1.3 requires parking areas to be 50' or 100' from some residential districts, depending on which district you are in, and he would like to see that apply here. He would be okay with reasonable hours of operation having parking down one side of Granite Street and 10' away from his property line. He would request that a stipulation be imposed that the number of parking spaces be reduced from 66 to the appropriate number that would allow a single straight parking lot extending from Granite Street to the rain garden.

Mr. Oxholm noted that the brush line abutting his property needs to be cleaned up but there are several large trees that will help mask the field from his property, both visually and for sound. Section 6.3.4 states that existing vegetation should be shown on the landscape plan, and he does not believe they are specifically shown, and shall be retained when required by the Board. He requested a stipulation that the site plan will be updated to show the retention of trees within 5' of the property line of 51 Granite Street.

Mr. Oxholm discussed the fence. He requested that either a 6' wooden fence or shrubbery be installed along that corner to prevent people from walking through the property. The noise and lighting verification are the biggest issues in his mind. Section 2.13.1 states that during construction and upon completion of the project the Planning Board may require inspections to insure compliance with the approved site plan either by an oversight engineer or other licensed professional. He requested a stipulation that upon completion of construction and during normal use of the softball field at night, the lighting and sound pressure levels should be verified to be within the spill lighting analysis contained in the site plan and the sound pressure level limitations contained in the Zoning Ordinance, Section 10.1332.20, and that any corrective actions be taken to bring those areas into compliance.

Mr. Oxholm discussed parking lot screening. He believed the parking lot was a little higher than the catch basin and the house is at a higher elevation, so a 6' fence is not going to block headlights from the parking area. He requested a stipulation that evergreen trees be planted to provide a continuous barrier between the parking lot and abutting residential areas to preclude headlights from illuminating abutting properties in accordance from Section 10.1113.43 and Site Review Regulations Section 6.9.2. He also requested that the planted trees be at least 6' tall at planting.

Lastly, Mr. Oxholm thought if the full cut off lights are not available for the field, that further demonstrates that they need to have significant limitations on the field use. There has been some reference to the other City fields but this field is going in next to people who already own properties in the area so they have a reason to complain. Therefore, he does not agree with the analogy that because it's okay to go to 11:00 pm at the current field it will be okay to go to 11:00 pm at the new field.

Kerry Boring, of 1201 Woodbury Avenue. She asked about drainage. Mr. Anderson pointed out the drainage swale where they are running a hard pipe and noted there is nothing next to her property. She also indicated that she has the same type of concerns about noise and lighting that Mr. Oxholm has. It is disturbing to her that they will be using the field March through October, 7 days a week. She doesn't have an objection to the ball field but she objects to them going all day and evening on weekends. It will be very distracting to her and it will impact her life. She felt the hours should be decreased to 9:00 pm as 11:00 pm is not reasonable for a residential area.

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

Chairman Ricci asked someone to address demolition and on-site trash.

Steve Parkinson stated that all of the City ball parks have trash barrels which are emptied every day. They do not use dumpsters at any of their parks or fields. Regarding demolition, there are rules and regulations dealing with any of the materials that may or may not be in the facilities. There are studies

being done as to any hazardous material in the building. The demolition will be conducted in accordance with any health, State or federal regulations. Chairman Ricci asked if he is referring to both the land and the building. Mr. Parkinson confirmed that was correct. Also, most materials in the building will be separated out and recycled.

Deputy City Manager Hayden asked Mr. Wilson if the PA system is similar to others they use. Mr. Wilson stated it was and was a portable system, very limited, and they have control of the volume. Deputy City Manager Hayden asked if they have ever gotten any complaints from the current field. Mr. Wilson stated he has never received a complaint.

Mr. Coker asked if it was reasonable to put a curfew on a baseball field of 9:00 pm. Mr. Wilson stated they have very limited hours that they can play and this will be the only regulation softball field in the City. They can't start before 6:00 pm because people don't get out of work. A 9:00 pm curfew would put them in a big bind as it would cut their games in half. Mr. Coker did not feel the abutters are making unreasonable requests. Mr. Wilson felt it would have to be discussed with staff and a decision could not be made tonight. Mr. Coker lives downtown and he understands the hardship of enforcing the noise ordinance. He felt there should be a compromise by either not putting any lights in or enforcing a curfew. Chairman Ricci asked, on average, what time is the final game finished. Mr. Wilson stated the last game usually goes until 9:30 pm – 10:00 pm.

Ms. Geffert asked someone to speak to the notion of removing parking. Mr. Wilson stated they are very happy with 60 - 66 spaces. Limiting it to 42 to 44 would take care of the players and officials but fans also come and they don't want people parking on Granite Street.

Conditional Use Permit:

Deputy City Manager Hayden made a motion to grant Conditional Use Permit approval with stipulations. Councilor Spear seconded the motion.

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

1. During the construction of the project the debris on the site shall be removed to the maximum extent practical.
2. The applicant shall comply with the vegetation management standards in section 10.1018.24 regarding the use of fertilizers in the vegetated buffer strip and wetland buffer.

Site Plan Approval.

Deputy City Manager Hayden made a motion to grant Site Plan approval with the following stipulations:

- A Construction Management Plan will be prepared (and for the benefit of those listening tonight, abutters will be invited to that meeting to express concerns about the construction process.)

- The engineers will work with City staff and lighting designers to reduce spillage onto abutting properties and will also look at shielding of the bulbs themselves, in particular, in directing any further light away that they can from the abutters.
- The engineers will work with staff and the abutters to provide reasonable screening at Lot #3, which is Mr. Oxholm's property, particularly on the corner where there is a 24' x 24' gap as well as along the other edge along the new driveway as they are removing some vegetation there.
- Remove the fence as shown on the plans near Lot #6, which is shown as O'Brien but she believes there is a new owner of record. They should either remove that fence in its entirety or relocate it to the lot line and only be long enough to cover the gap.
- Work with City staff to maintain as many of the mature trees as possible at the corner of the new driveway at Granite Street and the Oxholm's property line.
- Reduce the height of the parking lot light poles to 20'.
- Comply with the City noise ordinances
- Add trash receptacles to the plan, as well as a detail, as directed by DPW regarding where they would like them.

Mr. Coker seconded the motion for the purposes of discussion.

Mr. Coker did not personally believe it was unreasonable to set a curfew, in the spirit of compromise, of 10:00 pm. They have to address the issues of the abutters. The lights have been addressed, the noise is difficult to monitor, but the least they can do is try to minimize the disruption. He asked the maker of the motion if she would consider another stipulation to establish a 10:00 pm curfew.

Deputy City Manager Hayden expressed her concern about that stipulation. When they were doing the revised Zoning Ordinance they talked about things just like that and specifically about fields. The problem is what to do if they are almost done with a game. She also thought there was an 11:00 pm limit in the Zoning Ordinance which is why she believes that it may not be within their purview. Mr. Taintor said there was an 11:00 pm for lighting. Mr. Coker felt it was well within their purview to establish a curfew as a stipulation as part of Site Review approval and he felt this was a special consideration as the City is going to step in and disrupt the abutters lives. Mr. Taintor read the section in the Zoning Ordinance on recreational facilities:

“Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities, public or private, such as but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts or show areas, provided all of the following conditions are met:

- All fixtures used for lighting recreational fields and facilities shall be full cut off fixtures.
- All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America.
- All events shall be scheduled so as to complete all activity before or as near too 11:00 pm as practical but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 pm except to conclude a scheduled event that was in progress before 11:00 pm and circumstances prevented it concluding before 11:00 pm.”

Mr. Coker reminded the Board that the City is exempt from the zoning regulations so they can't have it both ways. Deputy City Manager Hayden appreciated what Mr. Coker was saying but abutters should have realized that something would be going in at this property. Chairman Ricci heard Mr. Wilson say that he was willing to work with the City and that typically the games were over by 9:30 pm. He suspects if games went to 11:00 pm the residents of Richards Avenue would be ringing the phones off the hook. He felt a curfew for an occasional game that goes to 10:10 pm is unnecessary. He felt a lot of times the Board will require a report back. As an example to stress his point, Mr. Coker mentioned an outside deck downtown that has live music and they do not close down at 11:00 pm as the ordinance requires and no one enforces it. Chairman Ricci felt the zoning requirement was reasonable as the games are usually over much earlier.

Mr. Blenkinsop asked if this would come back to the Board under Deputy City Manager Hayden's motion. Deputy City Manager Hayden stated it would not and staff will work with them. She reminded the Board that this is a City project and the City is heavily involved in it. Numerous staff members and committees are working on this. Mr. Blenkinsop appreciates the need for the field but he has significant concerns about the landscaping and some abutters have spoken very eloquently about their concerns. It concerns him that the Board would not see this again. He has faith in City staff but he is concerned that it seems like a lot could be done just with the landscaping to mitigate this and the fact that it hasn't been done already surprises him. They have the trees between the parking lot and the field rather than the parking lot and the abutters. He would like to see these revisions come back to the Board. Deputy City Manager Hayden felt that Chairman Ricci had a good idea that staff can report back to the Planning Board. Mr. Blenkinsop asked what the Board's role was after tonight as it seems they will not be involved again and they only served as a conduit to have this discussion. Deputy City Manager Hayden stated that they could not have more control as they own the property. Mr. Blenkinsop felt her motion and conditions were well made but his main concern was that after tonight they will no longer have a role.

Ms. Roberts agreed with Mr. Coker and Mr. Blenkinsop. She understands the importance of this project going forward in connection with the Middle School project. Echoing what Mr. Blenkinsop said, she is disappointed with the landscape issues. The trees jump out at her and she would like to see a lot more work go into landscaping as a buffer for noise and light for the abutters. She has not received the detail she wants and she would like to see it come back to the Board rather than just receive a report.

Mr. Coker stated that he was still feeling like he was hung out to dry as there was no resolution. Procedurally he has asked for another stipulation to be added. Deputy City Manager Hayden suggested they remove his stipulation and vote on it separately as she does not believe it is within their purview as the Zoning Ordinance says 11:00 pm.

Ms. Roberts advised the Board on her opinion of Roberts Rules and how they should proceed. She was not speaking as an attorney and was only speaking as someone who is familiar with Roberts Rules.

Deputy City Manager Hayden indicated that she would accept Mr. Coker's amendment. She will add a 9th stipulation that there will be a 10:00 pm curfew for all lights and noise to cease.

Ms. Geffert felt a curfew was fine but she likes what is in the zoning ordinance and if something is in progress then they should be able to finish.

Deputy City Manager Hayden suggested taking her motion off the table and postponing to next month. That will give the consultant time to work with staff. Deputy City Manager Hayden withdrew her motion.

Mr. Rice made a motion to postpone Site Plan Review to the next Planning Board meeting. Deputy City Manager Hayden seconded the motion.

The motion to postpone Site Plan Review until the next Planning Board meeting scheduled for June 17, 2010 passed unanimously.

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Chairman Ricci recused himself from the next application. Vice Chairman Roberts chaired the meeting

F. The application of **Blue Star Properties, LLC, Owner**, for property located at **233 Vaughan Street**, requesting Site Plan Approval to demolish an existing building and construct a 4-story, 10,905 s.f. (footprint) mixed use building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 14 and lies within the Central Business A (CBA) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, represented the applicant, 233 Vaughan Street. Also present was Carla Goodnight, of CJ Architects. They handed out exhibits. Mr. Chagnon explained that the project consists of the demolition of the one story building known as the Armour Warehouse, and construction of a 4-story building with parking underneath. This is unique as a portion of building has 2 levels of parking. There will be an entrance on Green Street to a lower level parking area of 24 spaces and an entrance from Vaughan Street to a first floor level with 7 spaces. The project consists of a plan set which he reviewed. Mr. Chagnon pointed out the brick sidewalks which will be brought to the site. They have some off site brick sidewalk that they will be constructing at the request of the City to bring people in from Maplewood Avenue to the site. Along Vaughan Street and Green Street there will be brick sidewalks introduced where there are none now. On site will have circulation with concrete sidewalks. The site will have a dumpster, fully enclosed, in the rear as well as underground electric utilities with pad mounted transformers. The utilities will be re-used with the exception of the electricity. The site has an overhead line along Green Street for a portion of the property, it is then fed underground from Vaughan Street and then rises up out of the ground and terminates at the end of the property to feed the last building on Green Street. They will bring it all down below grade and re-feed everything with underground electric services. Water and sewer will come off Green Street. The project sewer loading is anticipated at 2,151 gallons per day. This is based on anticipated uses of retail on the first floor, two floors of offices and two units of residential on the fourth floor.

Mr. Chagnon referred to the Foundation Drainage Plan. They are taking into account that they are depressing the lower level parking garage and providing appropriate water drainage so the parking garage will not be wet. On the Lighting Plan there are mostly building mounted lights. There are a few bollard lights for the walkway. They have asked for a waiver of a Photometric Plan as the only spillage might be in the back next to the railroad tracks.

Mr. Chagnon stated the project has been approved by the HDC. The TAC recommended approval with 3 conditions.

1. The applicant shall work with Public Works to evaluate repair needs for the sewer line that it will tie into, prior to Planning Board approval.

This is the sewer line on Green Street. They met with DPW on the 10th and reviewed the situation and the condition of the line. As a result, the Department requested that their contribution to the sewer be reconstructing the sewer manhole at the intersection of Green Street and Vaughan Street. That is noted on the plan set. Acting Chair Roberts added that they have a Memorandum from Deputy Public Works Director, Dave Allen, stating the same.

2. A detail for reclaiming part of Vaughan Street shall be added to the Site Plans.

In front of the site they need to change the grading of the street slightly and instead of adding pavement they will do a full depth reclamation to a small portion of Vaughan Street and they have added a detail to the plan set.

3. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.

This is a standard stipulation about the CMP, which they will be glad to provide prior to the issuance of a building permit.

Mr. Chagnon stated that they believe this will be a kick start to improvements to the northern tier.

Mr. Blenkinsop asked if they have bike racks on the plans. Mr. Chagnon stated they did not add bike racks but there are plenty of opportunities and they will add one. Ms. Goodnight explained it was their intention to pursue at least LEED certification so they will be adding a bike rack on the underside, in the lower level parking garage which is private and potentially outside if they have room. Mr. Blenkinsop indicated that he only asks to encourage bicycling and it is consistent with what they ask a lot of applicants do. Mr. Chagnon felt they could add a bike rack outside also.

Mr. Rice asked about the Bloodgood Condor Plane trees planted on the railroad track side. He asked how tall do they grow and he only sees two in front of the parking lot. Mr. Chagnon was not aware how tall they grow but there are 7 Bloodgood Condor Plane trees along the railroad tracks. They are about 35' apart and appear to be fairly substantial trees. Ms. Goodnight talked to the landscape architect and she can't remember the height of the tree but they will grow away from the building and it will be a substantial tree.

Deputy City Manager Hayden asked if the tables shown on the deck on the Green Street side are in support of a restaurant. Ms. Goodnight indicated they are also there for marketing. For the record,

Deputy City Manager Hayden advised them that for a restaurant with liquor, the Liquor Commission would want them to screen that from the public sidewalk. Mr. Chagnon noted there was a height change between the patio and the sidewalk with a railing so that may be enough.

Acting Chairman Roberts asked about a grease trap. Mr. Chagnon confirmed there was not a restaurant proposed as of this plan however they did provide for a grease trap as shown on Sheet C-4.

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. Patenaude made a motion to grant Site Plan Review with stipulations. Councilor Spear seconded and requested that they have one bike rack outside of the building.

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

1. The applicant shall work with Public Works to evaluate repair needs for the sewer line that it will tie into, prior to the issuance of a building permit.
2. A bicycle rack shall be placed on the outside of the building.
3. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.

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G. The application of **Madison Commercial Group, LLC, Owner**, for property located at **150 Mirona Road**, requesting Site Plan Approval to construct a 2-story 2,600 s.f. (footprint) garage with open space on the second story, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 253 as Lot 2A and lies within the Gateway District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, appeared with Michelle Bedard, on behalf of the applicant who also owns the abutting parcel. The main parcel has been upgraded many times over the year. The applicant recently purchased the Re-Max property and they propose to construct a 2 story building with a garage area on the first floor and open storage on the second floor. The existing building was originally developed as a funeral home and was then converted to a bank. They are not proposing any changes to the building. They will construct the garage building behind the existing structure. They completed a very detailed Existing Conditions Plan and mapped the on-site wetlands. There are about 3,200 s.f. of wetlands on the property so they are exempt from the inland wetland protection regulations. The project provides exterior parking spaces to supplement their existing parking at 72 Mirona Road for use by employees only. The back of the lot is currently scrub growth and they will enhance the on-site landscaping, they will put a strong buffer between the existing building and the proposed building, filling in landscaping next to Portsmouth Ford and landscaping behind the building by the buffer behind the parking to provide a visual break from Lafayette Road.

Mr. Weinrieb addressed stormwater management. He stated the pond in the back has degraded and is subject to flooding. They weren't sure if it was from flooding or from undersizing because it provides stormwater detention from area as far as the former Yoken's site, Comfort Inn and the Bauman Building. They enhanced the detention pond by increasing the storage volume by about 20%. They also provided an outlet structure on the detention basin for overflow. That detention basin discharges between the buildings, across Mirona Road and into Sagamore Creek. By enhancing the stormwater leaving the property they will be providing a benefit into the creek. On site, from the stormwater management standpoint they are providing a stonedrip edge all along the building. They will direct all run off in the back to a rain garden. The rain garden will have a liner because they are in an old landfill and they do not have information back from DES to find out what they want them to do. By using the liner, they will not be introducing more stormwater into the landfill area which will reduce the amount of discharge.

Mr. Weinrieb stated in their initial submittal to the City they provided a draft access easement to allow access across both properties. The lots are currently under the same ownership so it is a non-issue but as part of the approval they have that draft easement for review by Legal and it will be recorded prior to approval.

Mr. Weinrieb stated they have submitted two waivers. One waiver was for Section 7.4.4 for stormwater management calculations and providing an erosion control plan. They requested not to provide the stormwater computations but they provided the erosion control stormwater management plan. Secondly they asked for a waiver from Section 2.4.4.3.(b), requesting an architectural rendering. He felt it was a small project and not necessary.

As he mentioned earlier, the site is part of the old landfill and as part of the purchase of the site a Phase I Environmental Assessment was completed and they came up with some hits for heavy metal and DES is reviewing it. They will be following whatever recommendations DES requires.

Deputy City Manager Hayden asked if the area that is between the building and the new parking will be grass. Mr. Weinrieb confirmed it is primarily grass and it will be mowed. The owner has been very good about maintaining their property. Deputy City Manager Hayden was just wondered if there was something else, environmentally friendly, that might be easier to maintain.

Mr. Hopley asked what the water and sewer going to building was for. Mr. Weinrieb indicated there would be a small bathroom for whoever is working in there. There would not be a full time staff member but as the sewer is right next to it, it made sense to put in a bathroom. Mr. Hopley asked Mr. Weinrieb to convey to the owners that this is not a garage like a family garage. This garage would fall under the International Building Code. He mentions this because he has had prior experience with compliance for commercial garages and it ended up being quite a challenge and not something that a contractor may be familiar with. Mr. Weinrieb confirmed they are looking at larger contractor firms.

Ms. Geffert asked if the only access to the garage from the adjacent lot. Mr. Weinrieb confirmed she was correct. She noted that the landscaping will sit between the driveway and the parking area and asked if it will be elevated or if things were to change could they put pavement in to access the garage from the existing building? Mr. Weinrieb felt it would be awkward to get a vehicle in there but there is very little grade change and it could be accomplished.

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 grant Site Plan approval with the two recommended stipulations. Mr. Coker seconded the motion.

Ms. Geffert did not have a real problem with these plans but felt this is more along the lines of a lot line revision because they are creating something that benefits the 72 Mirona lot and not the 150 Mirona lot. Ms. Taintor advised that they discussed this and it has to do with lot area. Mr. Weinreib added that if they were to do a lot line revision, because of the setback adjustments, they would not have enough area for a minimum lot size and because of the 50' in the rear, they would end up losing all of their building envelope. Ms. Geffert felt from a planning perspective it would be very awkward if one lot was sold and there were different owners. Mr. Taintor indicated they looked at this and felt this lot was very unique, even without the easement.

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

1. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.
2. The Easement Deed shall be executed and recorded at the Registry of Deeds.

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Councilor Spear had excused himself from the remainder of the meeting and Mr. Patenaude became a voting member. .

A 5 MINUTE RECESS WAS TAKEN.
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H. The application of **Sureya M. Ennabe Revocable Living Trust, Owner, and C.N. Brown Company, Applicant**, for property located at **800 Lafayette Road**, requesting Site Plan Approval to demolish an existing building and construct a gas station with a 1-story 2,800 s.f. canopy and a 1-story 2,770 s.f. convenience store, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 244 as Lot 5 and lies within the Gateway District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Loughlin, Attorney for the applicant, was present along with Tom Saucier, of Site Design Associates and Kevin Moore of CN Brown. Attorney Loughlin originally met with City Staff and discussed a gas station and car wash. It was suggested that they reduce the size of the building, remove the car wash and eliminate paving in the rear. CN Brown was agreeable to those suggestions. In October 2009 they brought in a new plan which accomplished everything that staff had

recommended. They needed three variances which they received. However, the new Zoning Ordinance went into effect and they then needed a Conditional Use Permit as well. They received a favorable recommendation from the Conservation Commission and received final Conditional Use Permit approval from the Planning Board. In March they were notified they needed a variance for parking in front of the convenience store as a result of the new Zoning Ordinance. They received that parking variance on April 20th. They appeared before TAC on May 2nd and received a favorable recommendation with 10 conditions and all have been addressed. When they were before the Planning Board for Conditional Use they were advised they are now the Gateway District and additional landscaping would be nice. They went to the State and asked if they would allow them to landscape the 50' strip of land they have a right of way over and the State agreed they could do that. The area is currently an eyesore with parked trucks and they will landscape it with plants and shrubs.

Tom Saucier, of Site Design Associates, reviewed the Site Plan set with the Board. The existing site has three curbcuts and TAC required that they eliminate one. They eliminated the middle curbcut and NHDOT was very happy to see that done. NHDOT has indicated they will issue a permit for that.

Mr. Saucier indicated they will serve the building with a new 1" water line, there is gas service in the street, there is sewer, a grease trap and a sanitary sewer line. Power is currently fed from a pole with a transformer and the plans reflect underground service from the pole to the building. .

Mr. Saucier talked about the landscaping. The plan calls for a variety of shrubs and trees of fairly significant size. The shrubs are 24" to 30" high. In the NHDOT right of way they have various trees, flowers and vegetation. They developed a very significant landscaping plan.

Mr. Saucier indicated that the light poles are 20' high with full cut off fixtures. They have found that they can replace the fixtures under the canopy with LED cut-off fixtures and as part of one of their energy efficient items, instead of using a 250 watt metal hylite light they will use 20 watt LED and they give off better light. Mr. Taintor asked if that was shown on the plan. Mr. Saucier responded that the lighting levels on the plan will be matched with LED fixtures and they will submit a revised plan.

Mr. Coker asked Mr. Saucier to detail the drainage. Mr. Saucier stated they will maintain the same drainage pattern. There are existing catch basins in the yard. They will retrofit the catch basins if they have an adequate sump in them or they will replace them. They will put a snout on the outlets of each basin. The roof drainage will come to the back, outlet on the surface and run through the vegetative buffer before it reaches the wetlands to the back. Drainage from the building back goes to the vegetative buffer and from the building forward goes to the enclosed system with the retrofitted basins. They are sized for a 25 year storm. Mr. Coker asked if they were aware they have had three 100 year storms in the last 3-4 years. Mr. Saucier confirmed they have plenty of capacity in this system as it is such a small site. Mr. Coker asked, in terms of gallons, how much 1" rain before it overflows. Mr. Saucier felt with this site, nothing will by-pass or overflow with 5 1/2" of rain. Mr. Coker asked, since it gathers the runoff with two catch basins and then it gathers the runoff but still goes right into the wetlands, the capacity is overwhelmed, will it go straight into the wetlands. He gave an example of a gas truck accident which put 15,000 gallons right into the wetland. He lives in fear that something will somehow fill the catch basin and it will run directly into the wetlands. Mr. Saucier felt that with a 15,000 gallon spill there is probably nothing they can do about a huge spill but they have protections for small spills. Also, this is a huge improvement over what is there now. 1" of rain over 24 hours would not be held in the catch basins as there is plenty of capacity. It would flow through and to the wetlands.

Deputy City Manager Hayden asked about the little part of sidewalk on the north side and whether it connects with anything. Mr. Saucier stated that is a short piece of sidewalk to the abutting property. Because it is such a short section, it is offset from the road and has an island.

Deputy City Manager Hayden asked about snow storage. Mr. Saucier advised the Board that historically the snow was pushed to the NHDOT right of way and NHDOT did not have a problem with that. They talked to NHDOT about this and they had no objection but did not want to put it in writing to set a precedent with other property owners. If they get more than 2' of snow, CN Brown will contract out.

Chairman Ricci asked if there were any stop signs exiting this property? Mr. Saucier stated they do not and it's not a bad idea. Chairman Ricci asked if it was one way in and no way out on the north side. Mr. Saucier confirmed that was how it was set up. Chairman Ricci felt signs would be helpful.

Mr. Geffert asked him to describe the signage, whether the canopy will be lit and if the 15' high metal sign will have lighting. Mr. Saucier confirmed that the canopy can have 20 s.f. of signage. There will be internally illuminated Citgo letters on either the front or the end of the sign but that's it on the canopy. The pedestal sign out front is an internally illuminated sign and there will be a Citgo logo but they have to work with codes on that. He displayed a plan showing the proposed signage on the building but they will have to go back to the City and work on sign permits.

Mr. Coker asked if there were any other alternatives to steering the drainage someplace other than the wetlands. Mr. Saucier did not believe there were any alternatives. You can't direct it to the sewer system. He advised the Board that there is a 30" pipe that drains the entire highway and their site will be the cleanest drainage going into the wetlands.

Mr. Taintor asked if the existing sign on the island is on the public right of way and whether they have a license for that. Mr. Saucier could not answer that. Their basis for keeping that is that it will be a grandfathered sign and grandfathered permitting. He was not sure they have a license for that other than it has been there for 30 years. Mr. Taintor felt that the State may have to be co-applicant on their sign permit application if it is on their property.

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 felt that "Do not enter" and "Stop" signs are a good idea but they might want to have the applicant coordinate with Public Works for the specifics.

Ms. Geffert made a motion to grant Site Plan approval subject to stipulations on the gas company letter, that the lighting plan be revised to reflect the current Site Plan and that the lighting specs be revised to reflect the LED lighting proposed, that the applicant will work with DPW with regard to egress and entry to the site and appropriate signage. Mr. Taintor requested a CMP.

Mr. Coker asked for a stipulation that, if the catch basins require maintenance, which he assumes they do, that the applicant report to DPW on an annual basis on their maintenance. That was acceptable to Ms. Geffert and Deputy City Manager Hayden.

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

1. A letter from the gas company confirming that the existing gas service to the building is suitable for reuse shall be filed with the Planning Department prior to the issuance of a building permit.
2. The lighting plan shall be revised to reflect the current Site Plan.
3. The lighting specs shall be revised to reflect the LED lighting proposed.
4. The applicant shall work with DPW with regard to egress and entry to the site, including appropriate signage.
5. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.
6. The applicant shall report to DPW annually on the maintenance of the catch basins.

.....

I. The application of **Durgin Square Holdings, LLC, Owner, and Urban Retail Properties, LLC, Applicant**, for property located at **1600 Woodbury Avenue (Durgin Square Plaza)**, requesting Amended Site Plan Approval to upgrade landscaping along Woodbury Avenue and install an irrigation system, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 238 as Lot 16 and lies within the General Business (GB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Maryann O’Neill, of Leahy Landscaping, appeared representing Urban Retail Properties. She explained that this project was phase II of an amended site plan of Durgin Square. This area is in front of Sleepy’s and the Vitamin Shop. They intend to upgrade trees with shrubs and trees and irrigation. They will remove the declining crab trees with very hearty ginkgo trees which require much less maintenance. It was recommended that they get a license from City Council as the irrigation is on City property and that approval is in the works. This parcel will share the same maintenance procedure as the main parking lot at 1600 Woodbury Avenue. They hope to come to an agreement with the owner of 1574 Woodbury, which is Ruby Tuesday’s, so the entire site will all be consistent.

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 grant Amended Site Review approval with two stipulations. Mr. Blenkinsop seconded the motion.

The motion to grant Amended Site Plan approval passed unanimously with the following stipulations:

1. Any additional connections to the water system for sprinkler use shall be connected to back flow preventers, attached inside the building.
2. A license will be required from City Council for installation of irrigation system components within the City right-of-way.

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J. The application of **Bromley Portsmouth, LLC and RCQ Portsmouth, LLC, Owners**, for property located at **1465 Woodbury Avenue**, requesting Site Plan Approval to demolish a 1,600 s.f. addition and replace with a 1-story 2,700 s.f. (footprint) addition, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 216 as Lot 3 and lies within the General Business (GB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, of Appledore Engineering, appeared on behalf of the applicant. This project is a proposed restaurant expansion on the out-parcel at K-Mart Plaza. The proposed project is a demolition of an existing wooden 1,600 s.f. addition to the historic schoolhouse structure and the construction of a 2,770 s.f. expansion onto that historic structure. The project involves new paving, new granite curbing, and concrete sidewalks. They will have underground utilities and new drainage includes tree wells and rain gardens, new lighting and landscaping.

Mr. Crimmins stated that a portion of the project is located within the 100' buffer and they received Conditional Use approval last month.

The project will result in a net loss of 4 parking spaces; however, the entire lot requires 491 and the total plaza will provide 901 spaces. They are providing a dumpster pad in the rear which will be screened with an 8' chain link fence with slats. They will be constructing underground utilities from an existing utility pole, new sewer service with a 1,000 gallon grease trap, and new water service to the building. Drainage improvements will result in 550 s.f. less impervious area which will result in a decrease in run off. They are implementing some low impact design technology which includes tree box filters and rain gardens.

Lighting included 12' high dark sky compliant light fixtures. Cut sheets and a Photometric Plan were included in their packets.

They are implementing tree box filters and rain gardens which will not only treat the stormwater but also provide additional landscaping. They are also providing new trees, shrubs and ground covers throughout the site.

They met with the Conservation Commission on April 14th and received Conditional Use Approval last month. They appeared before TAC on May 5th and received a favorable recommendation with eight stipulations. All of those stipulations have been addressed on the revised Site Plans.

Mr. Coker noted on the Demolition Plan, Sheet C-2, the application says they are seeking site plan approval to demolish a portion of the building but it's hard to see. Mr. Crimmins pointed out where there is a wooden addition to the historic brick building which they are removing. He clarified the separate buildings and for the record confirmed they are not taking down any of the brick schoolhouse building.

Mr. Blenkinsop asked if they had considered a wooden fence rather than the chain link around the dumpster. Chairman Ricci felt that can be a maintenance issue.

Deputy City Manager Hayden asked about a light detail. Mr. Crimmins confirmed that detail was on the Photometric Plan.

Deputy City Manager Hayden asked if the 3 angled parking spaces were discussed at TAC. Mr. Crimmins confirmed that the angled spaces was a stipulation from TAC.

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. Blenkinsop made a motion to grant Site Plan approval with one stipulation. Mr. Coker seconded the motion for discussion purposes.

Mr. Coker asked, during demolition, whether the City does any supervision over the demolition of the building as it is a historic building. Ms. Roberts felt they should make sure the historic integrity of the building is maintained.

Mr. Blenkinsop made a second stipulation that the site plans be revised to include a note that the historic structure would not be demolished.

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

1. The Applicant shall prepare a Construction Management Plan for review and approval by the City prior to the issuance of a building permit.
2. That a note shall be added to the Site Plans stating that no portion of the historic structure shall be demolished.

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K. The application of **Portwalk Apartments, LLC, Owner**, for property located at **195 Hanover Street (Lot #2)**, requesting Amended Site Plan Approval to revise parking spaces and to add landscaping components, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 23 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, of Appledore Engineering, presented on behalf Portwalk Apartments, LLC. He stated that they were requesting amendments to the previous approved Site Plan for Lot #2.

Mr. Crimmins described the original parcel which was subsequently subdivided into three separate lots. Lot #1 is the hotel, Lot #3 will be the municipal parking lot and Lot 2 is off Hanover Street and it is the residential building and was approved in September of 2008. They are now focusing on Lot #2.

Mr. Crimmins stated that on April 19th they submitted an amendment to the previously approved Site Plan. On April 27th they met with City staff to review the plans and submitted revised plans to TAC. They received a favorable recommendation from TAC on May 6th with eight stipulations. They are requesting six amendments which were shown on the color exhibit which was provided to the Board.

Mr. Crimmins described the amendments they are requesting.

1. They revised the building footprint. There is no increase in square footage or units. They are just working out the details regarding where the doors will go.
2. They removed a parking space to add landscaping.
3. They relocated the accessible parking spaces and associated signage to the building's main entrance and the spaces will be delineated with pavers.
4. They relocated the "Resident Parking Only From Here to Corner" signs to the landscaped islands so they are out of the sidewalks.
5. They added an ornamental fence with granite bollards in four locations. Because this is a residential building they are trying to give it a sense of privacy to that parking area.
6. They revised the previously approved 10,000 s.f. of retail space on the 1st floor to 6,000 s.f. of restaurant, 3,200 s.f. of retail and 800 s.f. of lobby space for the 36 residential units on the 2nd through 5th floors.

Mr. Crimmins confirmed that the parking calculations marked in red have been updated accordingly. They have shifted some of the previously approved parking credits for the site. They had extra credits so they are now using those credits to meet their parking requirements.

Items #7 - #11 were done to address TAC stipulations.

7. The gas meters will be constructed in the rear by the landscaped area.
8. They relocated two flush planters to avoid the building entrance along Hanover Street and they relocated the two parking meters to avoid the planters.
9. They relocated the light poles a few feet on Hanover Street and Portwalk Place to avoid car door openings.
10. They relocated the hydrant on Hanover Street away from the parking spaces.
11. They removed the tipdown ramp and ADA detectible warning and extended the brick sidewalk out to the curb.

Mr. Crimmins indicated there were two additional stipulations. Stipulation #6 was that a detail shall be provided specifying the City's modified brick cross-section (asphalt base and sand/cement mix setting bed). They enclosed a detail in the Board's package which will go in the Site Plan set.

Stipulation #8 was that the Applicant shall prepare a Construction Management Plan for review and approval by the City prior to the issuance of a building permit. The applicant agrees to this.

Mr. Taintor mentioned to the Board that the last two items on their Agenda tonight are administrative approvals which he granted for Lot #1 and Lot #2. Some of the amendments which Mr. Crimmins has requested tonight may seem small but there were some which were even smaller and fell into the category of administrative approval.

Mr. Hopley asked if there had been a discussion regarding a grease trap for the proposed restaurant. Mr. Crimmins confirmed that the Utility Plan shows a grease trap.

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 grant amended Site Plan approval with the two remaining stipulations. Mr. Blenkinsop seconded the motion.

The motion to grant amended Site Plan approval passed unanimously with the following stipulations:

1. The final design of the crosswalk and sidewalk tip-down at the intersection of Hanover Street and Portwalk Place shall be subject to approval by DPW staff.
2. The Applicant shall prepare a Construction Management Plan for review and approval by the City prior to the issuance of a building permit.

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Mr. Blenkinsop recused himself from the next two applications. Mr. Gladhill became a voting member.

Deputy City Manager Hayden made a motion to consider Application L and M together. Mr. Patenaude seconded the motion. The motion passed unanimously.

L. The application of **Great Bay Community College, Applicant**, for property located at **320 and 360 Corporate Drive**, wherein Preliminary and Final Subdivision approval (Subdivision and Lot Line Revision) is requested with the following: A portion of the Tradeport decreasing by 6.22 acres; a new lot being created as proposed Assessor Map 315, Lot 5 totaling 6.11 acres with 459' of continuous street frontage on Corporate Drive and 405' of continuous street frontage on International Drive and existing Assessor Map 315, Lot 4 increasing from 13.05 acres to 13.16 acres with 1,260' of continuous street frontage on Corporate Drive. Said lots lie within the Airport Business Commercial District where a minimum lot area of 5 acres and 200' of continuous street frontage is required. Said property is shown on Assessor Map 315 as Lot 4 and Lot 5.

M. The application of **Great Bay Community College, Applicant**, for property located at **320 Corporate Drive**, requesting Amended Site Plan Approval to expand an existing parking lot by adding 84 new parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 315 as Lot 4 and lies within the Airport Business and Commercial District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, of Appledore Engineering, appeared on behalf of the applicant, Great Bay Community College. Also present was Maria Stowell, of the Pease Development Authority, Bradlee Mezquita, of Appledore, and Will Arvelo, President of Community Bay Community College.

Mr. Crimmins stated they are looking for Preliminary and Final Subdivision and Lot Line Revision and also for Site Plan approval for parking improvements.

They are looking for a lot line revision which will take a 4,957 s.f. sliver of land from what was the old PDA headquarters lot to allow them to expand their parking lot. They also need to subdivide the old PDA headquarters parcel because it is now considered Lot 0 which is a part of the larger PDA parcel.

They are also present for Site Review for a parking lot improvement project. The project includes 84 additional parking spaces, which will include new curbing, new pavement using both pervious and standard paving, landscaping and the relocation of one existing light fixture. They are proposing 15 new spaces along Corporate Drive. Five of those spaces were located in the PDA's front parking setback and they appeared before the BOA on April 20th and received a variance for those parking spaces.

Additionally they are proposing 10 additional parking spaces in the back and the remaining spaces will be located along the northern tier. To mitigate impacts from stormwater they are proposing to remove standard duty pavement and reconstruct additional spaces with pervious pavement. They have spaced into the parking areas to break them up with landscaped islands which will provide new trees and ground covers.

Mr. Crimmins stated that on March 18th they received approval from the PDA Board to move forward with the Site Plan. On April 12th they submitted drawings to PDA Engineering for review. They revised those drawings and they were submitted on April 19th to TAC. They met with staff on May 4th and appeared before TAC on May 5th where they received a favorable recommendation with two stipulations:

1. They were required to prepare a Construction Management Plan and Note 12 has been added to the Site Plan indicating that.
2. The Existing Conditions Plan (Sheet C-1-B) and Site Plan (Sheet C-2-B) have been revised and to extend the silt fence and to provide an orange construction fence.

Mr. Coker asked about lighting. Mr. Crimmins confirmed they are only moving one existing light pole back behind the new parking spaces.

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

Subdivision/Lot Line Revision Approval:

Mr. Coker made a motion to grant preliminary and final subdivision and lot line approval with one stip. Deputy City Manager Hayden seconded the motion.

The motion to grant Preliminary and Final Subdivision Approval passed unanimously with the following stipulation:

- 1) GIS data shall be provided to the City of Portsmouth Department of Public Works in the form specified by the City.

Site Review Approval:

Mr. Coker made a motion to grant Site Plan approval with one stipulation. Deputy City Manager Hayden seconded the motion.

Ms. Roberts wanted to mention that in light of the continued 25' wetland buffer at Pease, she was please to see the support of the project by the Hodgson Brook Restoration Project.

The motion to grant Site Plan approval passed unanimously with the following stipulation:

- 1. A Construction Management Plan (CMP) shall be prepared by the Applicant for review and approval by the City, prior to the issuance of a building permit.

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III. CITY COUNCIL REFERRALS/REQUESTS

A. Drainage Easement from David W. and Pamela A. Richard to the City of Portsmouth across 1179 Maplewood Avenue.

Mr. Taintor stated this was a very simple drainage easement. The City is doing an improvement project and this goes in the same area where the school is and it goes into the pond behind Heritage Hill Condos from Woodbury Avenue.

Mr. Blenkinsop made a motion to recommend that the City Council accept the drainage easement as proposed. Deputy City Manager Hayden seconded the motion.

The motion to recommend that the City Council accept the drainage easement as proposed passed unanimously.

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Chairman Ricci recused himself from Item B. as he is a direct abutter. Vice Chairman Roberts took the gavel.

B. Request from Ann Hopperwasser, of ESTA, for property located at 67 Bow Street, to install a projecting sign.

Mr. Taintor stated that this projecting sign request meets all of the requirements of the Zoning Ordinance and they simply look to the Board for a recommendation to the City Council for a license.

Mr. Coker asked if the three recommended stipulations are standard with all sign requests. Mr. Taintor confirmed that they are.

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

The motion to recommend approval to the City Council of a revocable municipal license passed unanimously with 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 Heather Lessard, of Tulips, for property located at 62 Market Street, to install a projecting sign.

Mr. Taintor explained that this is not on their Agenda as this came in late due to some internal discussion. They felt it should move ahead as there are some special conditions. This is a sign that was on Market Street, then moved down to Bow Street, and they now want to move back to Market Street. It doesn't comply with the current ordinance by inches, although it would have complied under the previous ordinance. It is an existing sign which the owner's mother designed so it has an emotional element. It requires a variance so the recommendation varies slightly from the usual recommendation on a projecting sign.

Deputy City Manager Hayden made a motion to recommend approval to the City Council for a revocable municipal license, subject to the recommended conditions. Ms. Geffert seconded the motion.

The motion to recommend approval to the City Council of a revocable municipal license passed unanimously, subject to the granting of a variance by the Board of Adjustment, and also 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. OLD BUSINESS

- A. Appointment of Planning Board Representative to the Historic District Commission.

This item was postponed to next month.

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V. PLANNING DIRECTOR’S REPORT

- A. Administrative Approvals

- 100 Deer Street (Portwalk, Lot 1)
- 195 Hanover Street (Portwalk, Lot 2)

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VI. ADJOURNMENT

A motion to adjourn at 10:50 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 June 17, 2010.