

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

JULY 15, 2010

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

MEMBERS EXCUSED: John Rice

ALSO PRESENT: Rick Taintor, Planning Director
Rick Chellman & Robert Thoresen, Downtown
Parking Focus Group

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6:00 – 7:00 pm WORK SESSION on Downtown Parking Focus Group Recommendations

Chairman Ricci turned the meeting over to Rick Taintor, Planning Director. Mr. Taintor indicated that this subject came about from the change to the in lieu parking fee and it was decided to set up a focus group to complete a study of this. Committee members represented a variety of people associated with downtown and Donald Coker was the chairman. They conducted 3 meetings.

Donald Coker stated they were charged with looking at the in lieu parking fee. The focus group included Rick Chellman and Bob Thoresen, along with Everett Eaton, EDC representative, Peter Egleston, Smuttynose Brewery downtown business owner, Mark McNabb, developer, Jay McSharry, restaurant owner and Eric Spear, City Council representative. Rick Taintor and Jon Frederick provided staff support to the Focus Group. He felt they had a tremendous cross section of the community. Bob Thoresen is a prior City planner and Rick Chellman has a very impressive resume. Mr. Coker turned the presentation over to Rick Chellman.

Mr. Chellman stated that he lives on Richards Avenue and as a resident he cares a great deal about downtown Portsmouth. He is concerned about the downtown as there are a lot of vacant stores. They had ideas to share with the Planning Board as well as the contents of the report and he started with a powerpoint presentation.

There are two types of land development. There are independent segregated land uses, such as Route One, as opposed to the traditional neighborhood, such as Portsmouth downtown which performs very

differently. Downtown Portsmouth is more of a “park once” environment and is very walkable. You need to provide just enough parking. If you provide too much parking, it encourages more driving. Portsmouth could have a much bigger walking radius which shrinks the need for a parking ratio. .Pic & Pay was only one mile from downtown and he showed the 5 minute walking radius; however, it was not a good pedestrian environment so it is more of a 30 second walking radius and they need more parking.

Mr. Chellman stated that they started looking at the Master Plan for support. They looked at data, such as how often the High Hanover Parking garage is full. They looked at data from other cities. Ideally they should have a 15% extra supply of parking most of the time, or a 2.1 or 2.2 ratio. Portsmouth currently has a 2.0 parking ratio and they feel that 2.2 would be good.

In a downtown environment, more and more cities are abolishing downtown parking requirements and treating parking as public infrastructure. Tenants change and it is difficult to chase each land use. They are dealing primarily with most of the first floors and a good portion of the second floors. They should keep their target ratio in mind.

Mr. Chellman added that staff provided a lot of the raw data that they based their report on.

Councilor Spear referred to page 3 of the study and asked them to address the purpose of items #3 - #7 and how they enhance the vitality or pedestrian access to downtown.

Mr. Chellman explained that additional off street parking is back to the parking ratio issue. There is currently a fair amount of vacant space so the City is getting away with having a lower ratio than it should have. The Worth Lot makes sense for the next garage and also timing-wise because the High-Hanover debt gets paid off this year. It follows the theory of the City treating parking as infrastructure. Mr. Thoresen added that they also identified other locations strategically placed through the downtown where subsequent parking facilities could be created. They recommended that parking should clearly be integrated in the Federal Building site, the Northern Tier should be looked at and if there are any opportunities for a public/private partnerships.

Chairman Ricci was interested in item #4, Parking Enterprise Fund. Mr. Thoresen indicated this is suggesting that there should be a dedicated parking fund for off street parking and limited downtown enhancements. Currently there is \$1.37 million surplus generated from parking fees. Fines are around \$1 million. They are suggesting that money should be dedicated to that purpose only. An enterprise fund is similar to a dedicated fund for water/sewer where the funds that go to that fund are used specifically for that purpose. Mr. Chellman added that instead of imposing a fee, there might be a way to encourage businesses by helping to advertise the downtown through the enterprise fund.

Mr. Coker moved to item #5, Provide Limited Free and Low Cost Parking, and indicated that the reality was that part of the success of downtown is that a lot of people live downtown. The downtown residents should have some availability of either free or low cost parking. For example, a limited number of spots at \$40/month in the Parrott Avenue lot which could be turned into a pay lot or multi level lot.

And regarding item #6, Provide Variable Parking Rates, Mr. Coker indicated that in Boston you will see the first few levels of a garage are all reserved and are premium spots. The top floors are not as desirable. The higher the level, the less valuable the spaces are. Mr. Thoresen added that there are less valuable areas downtown where they might have an 8 hour parking limit instead of a 2 hour parking limit. That way you redistribute the demand based on the amount of time you can park. There was an incredible amount of data on setting policy and fees. They found that Market, Pleasant and Congress Streets have 103% occupancy because people are leaving and people are coming in and re-feeding the meter so that is a high demand area. It suggests they are undercharging in the premium price areas.

Mr. Coker pointed out on page 5 in the second paragraph that one of the pieces of data that came out of this was where an "informal walk in the downtown showed at least 12 vacant first floor spaces and the Committee heard at one of its meetings that office space downtown was 20% to 30% vacant." According to a developer who sat on their committee, part of that vacancy was due to the fact that parking is beginning to be an issue. Mr. Coker felt that was an eye opening statistic.

Mr. Thorsen noted that One Harbour Place has converted two floors from business offices to residential which reduces 200 employees to 30 people.

Mr. Blenkinsop did not dispute that the parking fees may be an impact to developers but he asked if they know what the figures were in 2005 when the economy was much better. Clearly the downtown vacancies are not solely due to parking. Mr. Coker agreed it was only a part of it. He added that one person who is moving to Pease is moving in part due to the parking issue. Mr. Thoresen indicated that at one time there was a large company who was provided spaces at the High Hanover Lot for a reduced price but it was still too much.

Chairman Ricci felt that downtown office space compensates for parking so if they are in competition with someone at Pease it is at \$16 or \$17 and still within \$4, which is the uncompetitive advantage they are talking about.

Mr. Chellman stated that was why the Worth Lot made more sense to them as structured parking because the High Hanover garage should not fill except for special occasions. If they have the right ratio, some parking could be used for long term lease at a reduced rate during the day and also be used for restaurant use during the evening. Chairman Ricci asked if their thought would be that the Worth Lot spaces would be at a reduced rate during the day and then the rates would come back up during nights and weekend. Mr. Chellman confirmed all of those things were considered. They did all agree that some free parking should be available for employees and downtown residents at the less valuable locations. Mr. Thoresen stated there are many employees who do not make enough money to pay for parking spaces in the High Hanover garage. They need those dishwashers, bank tellers, etc. downtown. There are various ways to handle that with an identity card or something like that.

Mr. Blenkinsop asked what actually happens with the fees that the City has been collecting. Mr. Taintor referred to the list on page 17 which lists the uses. They are supposed to be expended within a six year period although most are expended within a three year period. The study showed some past uses. Mr. Thoreson stated that over a period of thirteen years the City has collected \$811,000 but they have only spent \$424,000. Those fees have not created any permanent parking in the downtown. Mr. Blenkinsop asked what has happened to the other half of the money. Mr. Taintor explained that it gets

spent on a rolling cycle and is spent within six years. Deputy City Manager Hayden explained that the challenge is that the fees were originally intended to generate enough to build a garage but \$400,000 is not going to build a garage by today's standards. So, the money has been used for smaller projects like the addition to the High Hanover garage. All surplus revenue from the meters and fines goes into the general fund.

Councilor Spear noted that the fee provides so little revenue compared with revenue brought in from other parking sources so he does not believe it is a workable solution. They haven't really touched on who is actually responsible for providing parking downtown and he felt that is the big picture that they should try to agree on.

Mr. Coker advised the Board that the first meeting was spent discussing that issue. It became very obvious to most of them that it was an infrastructure and the City has the responsibility to provide parking if they want a vibrant downtown. That decision was made early on in the process and they proceeded under that premise. There was some discussion about a development over a certain size might be responsible in some fashion but it did not make sense to them that restaurants should be responsible. The intent was good but it didn't make sense to them. Mr. Thoresen added that, from a development standpoint, it does not make sense to have a lot of surface lots in the downtown. It is disruptive to the continuity of the streetscape and they are not very attractive. The only entity that has the capacity to create structured garages strategically located is the City.

Deputy City Manager Hayden added that wanted to clarify that the old ordinance tried to connect who pays for parking to who is generating the most demand for it. She wondered if there was any discussion about a special assessment district when the enterprise fund was talked about or was it the intent that the enterprise fund would be funded solely from the revenue fees and fines.

Mr. Chellman responded that they thought it should come from the fees generated and they did not have enough data. They wanted to find out how much the downtown produces and how much it consume in terms of cost by itself. He felt that his house on Richards Avenue was worth more because it is near the downtown so there are indirect benefits. There are a lot of tax revenues that come out of the downtown and they felt imposing another fee structure, like another tax district, would be a disincentive for downtown enhancement.

Mr. Coker added that another thing that came up in the discussions was why restaurants. Why not the Music Hall? When they have an event, you cannot find a parking space downtown. Mr. Thoresen stated that what they currently have in the Zoning Ordinance for off-street parking for restaurants alone would create a demand for 1,200 spaces, or 40% more than what exists in the High Hanover lot. If that was the true demand, the High Hanover garage would be filled with restaurant patrons and no one else would have any place to park. That could not be the true demand as it is overstating the demand for restaurants.

Mr. Gladhill noted on Page 17 that the City leases the Masonic Temple and Assembly of God parking lots. He asked if those lots have ever filled up. Mr. Thoresen indicated that Jon Frederick advised them that the Masonic Temple has 45% occupancy on average and the other lot is rarely occupied but is mostly for special events.

Deputy City Manager Hayden was interested in what the Board thought about the 20,000 s.f. cut off. What sticks in her mind is in another City a sports bar came to town in a location where there was no parking and it was a huge problem. So she likes the idea that bigger users have to do something. Mr. Thoreson indicated that the reason they came up with a minimum of 20,000 s.f. was because they cannot even begin to consider off street parking until you are at least that size. You can't try to stick the 3,000 s.f. lots with off street parking requirements. At 20,000 s.f. they start to get a size where they can accommodate some off street parking and have a significant size building. They also want to make sure they don't use some arbitrary suburban ratio and let them provide some of it and then work in a partnership with the City to contract for some of the other parking that they cannot provide on site.

Deputy City Manager Hayden felt that was a key item.

Councilor Spear was happy with the 20,000 s.f.; however, rather than have the developer provide the parking, he still likes the idea of the City providing the parking. He can envision a fairly large parcel where they deed a portion to the City that could be used for parking and the City would be responsible for providing the utility. After 20,000 s.f. they would be forced to enter into negotiations with the City to make sure the parking is realized so that they don't have a sports bar situation.

Mr. Chellman also felt it was evolutionary. If the threshold is used, that would be the near-term but in the long term there would not be any private surface parking lots in the downtown. They destroy the fabric. If all of the banking parking lots could be eliminated, it would make a big difference in the downtown.

Mr. Thoresen mentioned that the report stated that perhaps the developer should be responsible for some parking on site or work with the City to provide their parking demand in structured parking.

Deputy City Manager Hayden felt some of the solution may be market driven. No one is going to buy a downtown condominium without a parking space right below them. Mr. Coker added that a developer may not be able to get financing if they can't provide parking.

Ms. Roberts didn't have a sense of what 20,000 s.f. looked like or what it would feel like downtown but she does agree they could treat it like some other cases in the ordinance where they try to be very flexible. They need to be working with the developer and not prescribing everything a head of time but it is also just as important not to over-provide.

Mr. Taintor asked about the two threshold approach and whether the 20,000 s.f. or the 40,000 s.f. was more important. He would be concerned about whether that would unintentionally encourage lower density development. Do they think there is any difference between 40,000 s.f. single user or 40,000 multi user building.

Mr. Thoresen did not differentiate between multiple users or a single user. The 20,000 s.f. is a sizeable lot where they could possibly provide some off street parking. Much below that they could not provide off street parking. There are only 30 lots, or 10%, in the downtown that are 20,000 s.f. or larger. Mr. Chellman stated they could look at it as a threshold not based on lot size but what is being proposed. That is more of a use specific approach which is not state of the art downtown thinking.

Chairman Ricci asked what additional information would they like to see and where would they like to see this process go?

Mr. Coker felt the report speaks for itself. The Conclusions and Recommendations are on page 19 and it says what they think should be done. That should be presented to the City Council and it would probably spark a very interesting debate at the City Council. The 6 or 7 recommendations stand on their own.

Mr. Thoresen stated they would have liked to have had some other information but it was not essential for this report. They would have liked to have known, for example, the amount of tax raised in the downtown vs. other parts of town.

Deputy City Manager Hayden reminded the Board that this was a referral from the City Council and the Planning Board established the focus group. What they normally would do is report back to the Council. Some of these are typically Planning Board items but others are huge public policy recommendations which the Council will obviously have a lot to say about. She felt the Board would want to endorse the recommendations or recommend that the Council review the plan and some will require more specifics.

Mr. Chellman indicated it was not an all or nothing at Council level. The first charge about the in lieu fee is pretty clear and they address that early on. If they had the data that Mr. Thoresen talked about, it would be easier to make the argument to take some of the parking revenues and invest them in the downtown. He felt that will be the first question. If they make the point that it is enhancing the downtown investment that will come back, it will be an easier discussion.

Deputy City Manager Hayden was sure that the Council will be making requests for more information.

Ms. Geffert felt that the report was very persuasive. She felt that the Planning Board has the obligation to think about parking for development but a lot of the recommendations in the report concern a policy matter of where do they want to see the parking come from. Do they want to see it come from the individual users or from the municipality as part of its infrastructure? The report falls solidly on the municipality doing that and she felt that falls beyond the Board's purview. She did feel it was completely appropriate for them to assure that there is adequate parking for the uses being provided. The City would probably come back and tell us whether the municipality is going to pick that burden up or whether there has to be some other allocation. One thing this says is that we need quite a bit of parking to sustain the uses that are going to add to the development of the downtown. And that is the planning point. She wanted to be careful of what they are saying from a Planning Board perspective.

Deputy City Manager Hayden felt that was a great point. What they are doing is endorsing the recommendations in general. A lot of these recommendations need each other to work together so this process will take quite a while.

Ms. Geffert asked what the current in lieu parking fee was? Mr. Taintor confirmed it was \$2,000.

Chairman Ricci felt this document was invaluable. He thanked Mr. Chellman, Mr. Thoresen and Mr. Coker for coming and everyone else on the Committee who did such a wonderful job.

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the June 17, 2010 Planning Board Meeting – Unanimously approved.

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II. OLD BUSINESS

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. The application of **Lang and Longmeadow Development, LLC, Owner**, for property located at **126 Lang Road**, requesting Amended Site Plan Approval to relocate one of five proposed multi-unit dwelling units on the site, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 1-1 and lies within the Garden Apartment/Mobile Home (GA/MH) District. (This application was postponed from the June 17, 2010 Planning Board meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech appeared on behalf of the applicant, Lang & Longmeadow Development, LLC. He stated that last month there were questions regarding the erosion control plan and they have extensively reviewed those comments and revised the plan. They were subsequently advised that there were items on the plan that did not comply with the current site review regulations and on July 7th they filed revised plans with requests for waivers. Corey Colwell from MSC will deal with the revisions to the erosion control plan and how they now comply with the new Site Plan Regulations. They received a copy of the Planning Department Memorandum which raised three questions. One was regarding the proposed walking trail and another was regarding curbing which Mr. Colwell will deal with.

The third was the Lang & Longmeadow easement. Attorney Pelech indicated that back in 2003, this was one large piece of property which was subdivided but all owned by Howard Siegel. At that time a big box retailer user was proposed for the front half of the parcel and there were negotiations for Lowes and Target. They had numerous meetings with DOT, Planning Staff, the City’s then Traffic Engineer, and City Attorney Bob Sullivan and the primary concern was that there be some sort of connection between Lang and Longmeadow Roads which would allow traffic to take a left from Lang Road, through the new connector road, and exit onto Lafayette Road at the lights at Ocean, Lafayette and Longmeadow. As a result, Mr. Siegel agreed to construct that road when the front parcel was developed. It was also to his benefit as it was to be access for 18 wheelers for the loading berths at the big box store. There is correspondence between Howard Siegel’s attorney and David Holden, former

Planning Director, talking about reserving the 50' strip of land on the front piece for the future connector road. It was to remain a private road and was to be built in the future. It was never part of the Lang & Longmeadow residential proposal and they did not want the connector road going through their property. In fact they are proposing to build a large berm separating their property from the connector road as they did not want to be looking at the back of a Loew's. It was agreed by Bob Sullivan and Jack McGee, who was Howard Siegel's Attorney, that a covenant would be recorded that in perpetuity the back of the front parcel, fronting on Lafayette Road, would have a 50' easement reserved for a future connector road. It was never intended to be part of this residential project and it was never intended that they would have anything to do with its maintenance and it was never the intention that they would construct it. Attorney Pelech felt that Mr. Taintor raised some valid issues and he felt the covenant deals with those issues. When the Credit Union comes before this Board, they will have to show that reserved 50' strip which the covenant preserves in perpetuity for a future roadway. It is obviously up to the Board whether they require some type of roadway there and whether it is built to City standards. That was the background of the driveway easement. He was not involved as he was representing the back property and this was the front property and it is not part of this project. Attorney Pelech turned the presentation over to Corey Colwell, of MSC, to review the plan changes.

Corey Colwell, of MSC Land Surveyors and Civil Engineers, on behalf of Lang & Longmeadow, confirmed that he made several revisions to the plan set. The majority of the revisions were done on the erosion sediment control plan as directed by this Board. The plan was approved in 2003 by TAC and the Planning Board; however, the Board felt improvements had been made in the erosion control field and asked them to provide more details on the plan.

Mr. Colwell indicated that the changes to the erosion control plan were as follows:

- They added a total of 610 linear feet of silt fence. There is one major portion of silt fence that divides the natural part of the project from the disturbed part of the project. There is one silt fence with 2,155 linear feet around the limit of construction. There is a second level of protection at the toe of the slopes behind buildings 2, 3, and 4.
- They added jute matting on the steep slopes to prevent siltation into the detention ponds. The jute matting is specified on the steepest part of the slopes. It allows the grass to come up and helps prevent the bank from sliding into the retention ponds.
- They added sediment control surrounding the detention pond outlets. They specified Filtrexx Soxx at these locations to prevent siltation into the erosion control outlets. Filtrexx Soxx look like black snake and you see them often on the side of the road and it prevents erosion and sediment from travelling.
- They also added some notes and specifications on how to place the fill. There is a lot of fill being brought into the back of the site behind the buildings. There is a note on the erosion control plan that reads "Fill should be placed in maximum 2' lifts and compacted to 90% proctor. Provide temporary slope stabilization measures at the end of each working day." They are trying to direct the contractor to place the fill very carefully so that it is not just brought in the site and dumped out of the trucks.

Mr. Colwell went on to describe the minor changes that were made to the plan set:

- Sheet 1, Existing Features Plan – They added GIS coordinates for the purposes of adding these plan sets to the tax maps. This was done in two locations and Note 9 was added as well.
- Sheet 2 – Site Review regulations call out for a note that reads “All conditions on this plan shall remain in effect in perpetuity pursuant to the requirements of the Site Review Regulation, essentially holding the developer/contractor to the conditions placed on the plan set by TAC and the Planning Board.
- Sheet 2 – Notes specifying the roadway width. A note has been added to the entrances off of Longmeadow and Lang stating the roadways on either side of the center island are 14’ in width.
- Sheet 2 – They changed the previously labeled “24 unit building” to “Apartment structure”.
- Sheet 2 – Revised Note 9, the parking table, as there was a typo on the amount of spaces provided. The calculation did not change and the number provided did not change. Just the text in the note changed.
- Sheet 2 – Note 12 was added. It reads that “Each apartment structure shall be configured as three separate buildings by use of firewalls. Maximum of 8 dwelling units in each building. Dwelling units will have a maximum of two bedrooms per unit. That is a requirement of the Site Review Regulations regarding the number of units in each structure.
- Sheet 2 – Note 14 was added and talks about the gross square area of the building, building dimensions, statement of uses and floor area of each floor which have been submitted together with the Site Plans to this Board.
- Sheet 3, Grading Plan – Inside each building the text has been changed from a “24 unit building” to “Apartment structure”
- Sheet 4, Utility Plan – No revisions.
- Sheet 5, Erosion Control Plan – Mr. Colwell already went through the changes and this was the majority of the changes on this Plan Set.
- Sheet 6 – The only change was a note added regarding site statistics table which talks about the amount of open space, constructed area, natural area, percentages of area and how they will remain free in post construction.
- Sheet 8 – No revisions.
- Sheet 9, Construction Details – A detail for the Filtrex Soxx was added.
- Sheet 10 – No revisions.
- Sheet 11, Construction Details – There was a duplicate sidewalk detail which was deleted and they added a stop sign detail.
- Sheet 12 – No revisions.

Mr. Colwell summarized that the majority of the revisions were done to the Erosion Control Plan. All other items were minor notes to bring the plans into compliance with some of the finer details of the Site Review Regulations.

Mr. Colwell stated they have filed a letter requesting a waiver for a Wetland Function and Value Assessment. They are not going into the wetland, there is no change to the wetland and there is no function or value change to the wetlands. The second waiver was for generator pads which are required. A lot of utility infrastructure is typically designed by PSNH and require the “size, type, location of generator pads, transformer pads” They have no problem with providing this detail; however, typically it is done prior to construction and not part of approval process. The third waiver is pursuant to Article II, section 2.4.4.3, which requires that the site plan show the location of any

landscaping, irrigation systems and water source. They have provided all landscaping details and feel it is premature to design an irrigation system at this time.

Mr. Coker asked Mr. Colwell to talk a little bit about the walking trail. He asked how wide it is and how it gets built. Mr. Colwell stated it was 6' wide, typically built by putting a brushhog on the front of a tractor and mowing down brush in its path. There is very little excavation associated with it. They do not take up the soil and it is on natural ground. It is intended to be flexible where a tractor goes in and mows brush flush with the ground. They then go in with a landscape rake and rake the leaves. It is not a bulldozer operation and is just an on-ground on surface walking trail. Mr. Coker asked how it is maintained. Mr. Colwell confirmed that mowing is necessary and will be up to the owners for regular maintenance. As the units get sold, the association would hire a management company which makes it part of their grounds management. Mr. Coker asked for more detail on a brushhog. Mr. Colwell stated it can go on the front of a loader or back of a tractor. It is simply a machine that can take saplings up to 3" – 4" in diameter and cut them down. They are not targeting the large trees and the path will weave in and out of them. Mr. Coker felt that there were a couple of places where the edge of the walking trail is literally on the edge of the wetlands and he was concerned about their waiver request. He was concerned about a tractor or backhoe tracking through the wetlands. He asked if they still say there will be a minimum impact on the buffer and no impact on the wetlands. Mr. Colwell responded that trees can be cut in wetlands without a permit but you can't remove their stumps. It is the ground alteration that stirs up the wetlands, not the removal of vegetation. Typically this is done on a small machine, like a Skidster, or a Bobcat. Mr. Colwell did not believe there will be any impact to wetlands as they are only mowing vegetation.

Deputy City Manager Hayden asked about snow storage. Mr. Colwell referred her to the Landscape Plan, Sheet 6 of 12. The oval boxes among the plants indicate the snow storage area, just past the first entrance to Building 1. It is the same further down for Buildings 2 and 3.

Deputy City Manager Hayden asked if there was a photometric plan submitted. Mr. Colwell responded that was provided last month along with light specifications. Deputy City Manager Hayden asked if any light leaves the site. Mr. Colwell stated it does not. Deputy City Manager Hayden asked him to include the photometric plan as part of the plan set.

Deputy City Manager Hayden referred to the existing retention pond. She understood that there were two potential options on that and they are waiting for word from the State on whether it will be filled in or a mitigation site. Depending on how that goes, how does that affect their erosion control, drainage or impact on the wetlands. Mr. Colwell indicated that the State has recommended not filling it in and keeping it there as it does serve some purpose to the site. Filling it in would require a dredge and fill permit and the removal of some of the natural environment of the wetlands. What is required is maintenance of it because there are structures in the bottom of it. Deputy City Manager Hayden asked if they show that on the plans. Mr. Colwell confirmed they don't specify it to be filled but just show it as an existing retention pond within the wetlands. Deputy City Manager Hayden asked if they would grade the site any differently with that or make any changes at all. She thought the State required for mitigation some sort of enhancing as a wetland. Mr. Colwell indicated there was talk of that but it was unknown at that point. The State has now decided that they should just leave it and put a fence around it so there is no concern with it. The pond is about 3' deep.

Deputy City Manager Hayden referred to the walking trail and working around the trees that are there. They only see a vegetation edge shown on the plans. She asked if there are any large existing trees on the site that will be retained, any stone walls, or any site features of interest. Mr. Colwell confirmed there are large trees and it is the intent to retain any large trees anywhere within the vicinity of the walking trail. The walking trail will not be constructed exactly as shown on the plan as the purpose is to preserve the large trees. Deputy City Manager Hayden asked how many large trees they were talking about. Mr. Colwell stated it was a forested area with a lot of significant pine trees in the southeast corner. Those are the most mature trees and they are preserving them. There is a note to that effect on Sheet 6. It was the subject of a TAC discussion and a stipulation of the 2003 TAC approval that the building be moved to save that stand of trees. Note 6 reads "Do not disturb trees in setback". There are some mature trees in and around the walking trail. Deputy City Manager Hayden asked if there was a no-cut line on the plans or a note telling them not to mow down the big trees. Mr. Colwell stated there is not.

Deputy City Manager Hayden asked about the green design elements for the Lang Road Big House and it says low impact landscape design. She was curious what those were. Mr. Colwell indicated that was an architecture note and he is not aware of such a term and does not know what it means.

Mr. Blenkinsop asked if Sheet 6 should just be labeled Landscape Plan rather than include lighting. Mr. Colwell noted that lights are specified on Sheet 6. They tried to avoid putting the cones of illumination on Sheet 6 to avoid a messy plan. The light locations are on the Landscaping Plan.

Mr. Blenkinsop asked on Sheet 5, Erosion Control Plan, is there a reason there is a gap between the areas they are putting the jute matting. Mr. Colwell stated the slopes are steeper in the area of the jute matting and the jute matting is in the area in front of the detention ponds. They are trying to prevent erosion from going into the detention ponds. It is such a small gap between the two that maybe they should just connect the two and close the gap.

Mr. Blenkinsop noted on the same plan some arrows depicted above the existing detention pond and he asked what those are for. Mr. Colwell explained that the drainage is going into the detention pond, then into a pipe, and then into an outlet control structure and there is a triangle shape with circles in it which is a rip rap apron. The water then leaves the apron and follows that line, comes out to a level spreader. The arrows are indicating the sheet flow of the water from the level spreader.

Councilor Spear asked how many bikes the bike rack held and how does it work. Mr. Colwell responded that the design holds 5 bikes. He referred to the detail on Sheet 11 and explained how the bikes were placed into the rack. Councilor Spear did not feel one rack would be sufficient for a 24 unit two bedroom apartment structure. Mr. Colwell indicated they could add an additional bike rack per building.

Ms. Roberts referred to their June meeting where they focused a lot of attention on the erosion control plan as the slope was a major source of concern. To address that concern they suggested installing the jute matting. She was concerned it looks like a significant slope that not only brings water down towards the wetland and but also to Berry's Brook. She asked Mr. Colwell to address why he felt the jute matting was sufficient. Mr. Colwell explained that the jute matting is a thin layer of mat made out of natural fibers woven together very tightly. The loam gets hit with rainwater, gets saturated and it

starts to erode. The jute matting stores a lot of the rain water and also provides the environment to get the grass to come up much faster. The rain isn't penetrating the soil as it is only penetrating the jute mat which disburse the rain and it also creates a moist environment so that grass underneath comes up much faster. Ms. Roberts also noticed there are a lot of nice trees at the front of the buildings but she didn't see any trees proposed for the back part which she assumes would help stabilize a steep slope over the long term. Mr. Colwell agreed that trees are a good source of erosion protection. He felt it was a steep slope but perhaps planting a few in the slope might not be a bad thing.

Deputy City Manager Hayden assumed that trucks will be making deliveries to this development and she asked if they have prepared a truck turning template. Mr. Colwell responded the pavement on either side of the islands is 14' wide so trucks can enter and exit at the same time. All size trucks except a tractor trailer will fit.

Deputy City Manager Hayden asked about the stormwater and understood that this is a very challenging site with a lot of fill brought in. They have made efforts to address concerns from the last meeting but she asked about temporary measures during construction. What will keep material from going down slope and into the wetlands? Mr. Colwell indicated that they have tried to address that in the notes on Sheet 5. It gives the contractor notes on planting sequences and construction sequences. It gives them careful textbook directions on how to control the erosion control protection measures, maintain them and periodically check them. There are a lot of instructions on the plans. For example, Note 2 says erosion controls will be checked on a daily basis. Sediment deposits upstream of bales and silt fences shall be removed on regular basis, etc. The Stormwater Management Plan was completed and filed with the Board. Deputy City Manager Hayden asked if it was fair to say that the most important parts of the Stormwater Management Plan are contained in notes that will address temporary concerns during construction. Mr. Colwell felt that was accurate.

Deputy City Manager Hayden stated that the truck turning template is normally shown on the plan. She assumes moving vans and big trucks will be coming in and out. Mr. Colwell confirmed they have performed that with a software program but will show it on the plan.

Mr. Hopley asked if they are aware the Fire Department has a new bucket truck that has an unusually wide base. Mr. Colwell responded that the Fire Department representative at TAC had no comments on that. Mr. Hopley had discussions with the Deputy Fire Chief about revising some hydrant locations. Between Buildings 2 & 3 they have the waterline going cross country and the Deputy Fire Chief wants a hydrant at that driveway entrance to service Buildings 2 and 3 and they will have to bump up the line to an 8" to go to the hydrant and then drop down to a 4" going to the clubhouse. On the circle, he didn't care but the least expensive is to come off a T off the cross country 8" and hit the circle adjacent to the corner of Building 3, but on the road. Also, Mr. Hopley just noticed tonight that the hydrant on the Lang Rd. entrance is on the outbound lane rather than the inbound. There was discussion on which side the hydrant should be on and Mr. Hopley indicated they will iron that out at staff level.

Councilor Spear referred to sidewalks. There is only one sidewalk that runs along the main road. For someone to walk to the clubhouse they would have to walk across the road and that seems insufficient but he will bow to the opinion of the other Planning Board members.

Mr. Coker referred to the existing retention pond on Sheet 3 which is the one they are proposing to put a fence around and leave alone. He asked, per the Stormwater Management Plan, who does the inspections, completes the forms and forwards them to DPW. Mr. Colwell explained that is typically done by the management company. There will be a management company for this complex who will maintain the inside as well as the outside and that will be the responsible party. Mr. Coker pointed out that Berry's Brook is one of the primary watershed areas in the City and he is concerned about it.

Chairman Ricci stated that he was still was not completely comfortable with the plans. He wanted to make some comments. He was uncomfortable with the lack of grading shown around the buildings. Putting himself in a contractor's position, at each building there is a spot grade at the front door but nothing on either side or the ends of the parking areas. Nowhere on the drawings does he know what the roof run off is doing. He is particularly troubled by the conveyance channels and if he was in the field he would not know what he was building as he didn't know how wide they are or what the seed mixture was. Particularly concerning to him was the one at the bottom of the detention pond which is very unclear. The grading runs by and through all the headwalls shown on the drawings but doesn't really tie to the headwalls. There was no grading on the top of the headwall which means your pipes are actually sticking out of the ground. He was troubled by the berm that was on the northwest side of the site. To him, if that is to be loam and seeded they will have similar problems with steep slopes. On some the snow storage on the back of the parking lots, which may contain salt, may go directly into the detention areas. His biggest concerns are the conveyance channels to level spreaders with no details and little to no spot grades around the buildings which he feels is critical. On proposed catch basin 9, where the 3 pipes enter the catch basin, a 4' diameter won't receive two 18" pipes and a 24" pipe. Chairman Ricci brought these items up as concerns he has. He is not going to tell the professional engineer how to do their job but he is still very much troubled by the lack of details on the plans.

Mr. Colwell said he had received some really good feedback from the Board members tonight and he appreciated this feedback. He felt they want him to go back and work with staff and DPW to address all of their concerns and come back next month. He wanted them to be happy with this plan and he asked the Board to allow him time to work on their concerns and come back next month.

Chairman Ricci appreciated Mr. Colwell's comments and as a result he added a couple more concerns. On the Grading and Drainage Plan they have some erroneous water shut offs and sewers shown that shouldn't be there. He also felt that he would not support their waiver requests #2 and #3.

Ms. Geffert felt that with waiver requests #2 & #3 they would have to come back before construction to show where they were going to put the pads. Chairman Ricci indicated that he would rather see it shown and then come back for a minor Site Plan amendment if necessary.

Mr. Taintor had previously thought that the existing retention pond was going to be going away so he wasn't concerned about it. Now that they are keeping the pond and showing the proposed grades not changing, he would expect grade to be more parallel with the shoreline rather than cutting through the pond. He asked them to look at that to make sure what they are showing is their proposed condition.

Mr. Taintor also had a question about the conveyance channel, below the level spreader on the north side crossing the path and asked them to address whether that would cause erosion problems in the

pathway. Also, he would like them to talk about the pathway itself. Looking at the southern section of the pathway, it has radii which indicate it is constructed in some formal way and on the northern side it just hits the parking lot at an angle. He also had questions about drainage and whether the sheet flow in the parking lot is going to go into those catch basins. Mr. Taintor did not remember receiving a Photometric Plan. Mr. Colwell confirmed it had been provided last month and he will provide additional copies.

Deputy City Manager Hayden noted there are monitoring wells there now. She asked if how they function will change at all. Mr. Colwell responded the monitoring wells will have the same function. The monitoring wells have been there for a long time.

Ed Huminick, of Lang and Longmeadow LLC, stated that the monitoring wells do not serve any purpose. Mr. Taintor noted that Sheet 4 shows 6 monitoring wells being removed.

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 send this back to TAC for their review with the Planning Board minutes attached. She makes this motion because there are a lot of technical issues that have come up tonight relative to wetlands, fire, and drainage. As Mr. Colwell stated, he wants to talk with DPW and the Fire Department and that would be the place to do so, in a public forum where all staff is gathered together.

Mr. Hopley seconded the motion.

Mr. Coker wanted to hear from Peter Britz about the walking trail and the impact to the wetlands. Deputy City Manager Hayden thought they might want to take that up at TAC rather than putting Peter on the spot tonight. Chairman Ricci felt they would be better served at TAC. Mr. Britz stated that he was a member of TAC. Mr. Coker asked Mr. Britz to pay particular attention to the impact to the wetlands and the drainage because Berry's Brook is a very important watershed.

Mr. Hopley noted, regarding their Waiver #2 request, he often finds that PSNH has not been included in the loop especially when a major transmission modification or addition is coming in and how their lines will blend with the building service entrances. If the intent of the project is to install generator sets for each building, that coordination should begin at Site Plan so that they know that the locations of both the transformers and building owner's generator sets will work. It is very important to get those spotted. Mr. Colwell agreed.

Mr. Coker noted this property was a junk yard and he asked if they have in the file the reports from the companies who have inspected and tested this site to make sure the environment is safe? Mr. Taintor has not seen them in the files. Mr. Coker asked if it would be a reasonable stipulation to ask the applicant to provide copies of those reports showing that the site is environmentally safe. His concern is the Berry's Brook watershed. Deputy City Manager Hayden felt they could get the summary and findings. Mr. Coker wanted to go a little further than the summary and findings. He would like to

have a copy of the actual reports in the file. Deputy City Manager Hayden stated that was acceptable to her to include in her motion. She also wanted to modify her motion to make it clear that it is a motion to postpone any action by the Planning Board while they send it back to TAC for their findings on this matter.

Ms. Geffert wanted to be mindful of the applicant’s timing. She supports the motion but wants to makes sure they are on track to meet those deadlines. Mr. Taintor felt it would be up to the applicant to meet those deadlines but they should be able to make the September meeting.

The motion to send this matter back to TAC for review, to postpone any further Planning Board action until findings from TAC have been received and to request a copy of all environmental reports on inspections and testing which show that the site is environmentally safe be provided to the Planning Department, passed unanimously.

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III. PUBLIC HEARINGS

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. The application of **Tidewatch Condominium Association, Owner**, and **Bruce Ocko, Applicant**, for property located at **579 Sagamore Avenue, Unit 70**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the construction of a 12’ x 16’ platform deck off the rear of the existing building within the inland wetland buffer. Said property is shown on Assessor Plan 223 as Lot 30 and lies within the Single Residence A District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor advised the Board that the Conservation Commission heard this application yesterday and voted to recommend approval with no stipulations.

Bruce Ocko, condominium owner, appeared before the Board. He was seeking approval of a 12’ x 16’ platform deck which replaces a much smaller platform deck that was there previously. There are no railings or steps and there is just a platform coming off of a slider door entrance. This was the only location on his property that he had the ability to put this type of deck.

Mr. Coker assumed that sono tubes were being used. Mr. Ocko confirmed that was correct and that it would be attached with a header along the side of the home as well.

Ms. Roberts asked how high above ground the deck is proposed. Mr. Ocko responded that closest to the building is it about 2” and at the end it is about 6” off the ground.

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 Conditional Use Permit approval as recommended by the Conservation Commission. Mr. Coker seconded the motion.

The motion to grant Conditional Use Permit approval passed unanimously.

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B. The application of **Lois Erickson, Owner**, for property located at **123 Sparhawk Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the placement of a 6 ½' x 8 ½' pre-built shed within the inland wetland buffer. Said property is shown on Assessor Plan 159 as Lot 4 and lies within the General Residence A District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor advised the Board that the Conservation Commission heard this application yesterday and voted to recommend approval with no stipulations.

Lois Erickson, owner, was present. She advised the Board that she wanted to build a 6 ½' x 8 ½' shed in the rear of her property. It will be placed on blocks and is pre-built so there will be excavation or earth disturbance. Her property is approximately 15' higher than where the water comes in.

Mr. Coker asked how the shed will physically get to the location. Ms. Erickson responded that the contractor will bring it on a landscape truck and they will place it on concrete blocks. A truck will not fit through the side of her lot to get to the back yard so 4 men will move it into place.

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 Conditional Use Permit approval. Deputy City Manager Hayden seconded the motion.

The motion to grant Conditional Use Permit approval passed unanimously.

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C. The application of **Michael & Hallie Goelet, Owners**, for property located at **48 Ball Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the expansion of an existing deck, re-grading between the house and the detached garage, construction of a new bluestone patio and a new front entry portico within the tidal wetland buffer. Said property is shown on Assessor Plan 207 as Lot 53 and lies within the Single Residence B District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor advised the Board that the Conservation Commission voted to recommend approval of this application with one stipulation which read "That there is a 1:1 relationship as a minimum between impervious added and the new native perennial landscaping." In order to try to make this into something they can implement, the Department has rephrased the stipulation and would recommend that the stipulation read "The applicant shall provide a revised plan to the Planning Department showing that the total area of new native perennial landscaping will be at least equal to the total area of new impervious surface (indicated on the Shoreland Worksheet as 842 s.f.)."

Phelps Fullerton, of Fullerton Associates, addressed the Board. He stated he was responsible for the project design. He also filed a Minimum Impact Expedited Application with NHDES. He referred to the Site Plan by James Verra which he created an overlay showing the existing residence and detached garage. They are proposing an extension of the deck off the back of the house. The idea is to connect the back of the house to the detached garage. That would add approximately 450' of additional deck surface. At the Conservation Commission meeting yesterday it was agreed that for every square foot of impervious surface covered they would provide the comparable square footage in replanting of indigenous native plants and shrubs that had been removed from the property by the previous owner when they planted the extensive lawn. Their intent is to reintroduce many of the native shrubs and plants that were there before the lot was developed.

Another item that Mr. Fullerton addressed was regarding an area between the house and the garage. There is a very steep grade that drops away from the house and there is nothing to slow the runoff so they plan to regrade the area as more of a terrace to prevent a lot of the runoff from aggravating the foundation of the detached garage. It will also allow it to percolate and absorb better into the soil. The existing stone retaining wall is 5' in height and wasn't assembled with a lot of care. A lot of stones are precarious and the owners would like to simply repack the stones so it is a tighter structure. There is also a new set of wooden stairs that extends down from the retaining wall to the edge of the property. That creates a walk out from the detached garage and the dock. Another item of modification is underneath the polygon portion of the existing deck there currently is crushed stone. They would prefer to replace that with a blue stone patio. The next deck extension would require new framing as the deck was built as a starburst design and it is a forest of 6 x 6 posts underneath. They will remove most of those posts so that by adding the new deck they will only increase the number of new posts by two.

Mr. Fullerton handed out copies of the tax card. There isn't any protection to the front entrance of the house and as a result the front door and side lights are rotted away. The whole front entrance assembly has been ordered and they would like to put the portico over it for protection. About 2' of the portico extends into the buffer area.

Mr. Fullerton stated that the owner thought about introducing a rain garden concept where the natural surface run off, coming from the detached garage side of the house, will have a chance to be absorbed before running off to the back yard.

Hallie Goelet, owner, advised the Board that she was present to answer questions and receive feedback about what may be most appropriate in this location.

Mr. Coker asked if this was part of the historic district. Mr. Taintor confirmed it was not part of the historic district.

Ms. Goelet asked the Board if they were familiar with the concept of a rain garden. The Board confirmed that they were.

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 the Conditional Use Permit with the one stipulation from Conservation Commission as modified by the Planning Department.

Ms. Geffert seconded the motion.

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

1. The applicant shall provide a revised plan to the Planning Department showing that the total area of new native perennial landscaping will be at least equal to the total area of new impervious surface (indicated on the Shoreland Worksheet as 842 s.f.)

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IV. CITY COUNCIL REFERRALS/REQUESTS

*The Board's action in these matters has been deemed to be legislative in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. Request from Richard and Linda Harding of 1808 Islington Street for a proposed land transfer with the City of Portsmouth.

Mr. Taintor advised the Board that staff has met with the applicant and has started looking at an alternate concept of an exchange of easements rather than an exchange of land. Yesterday they received a draft plan but it still needs more review by staff.

Deputy City Manager Hayden made a motion to postpone this matter to next month.

Ms. Roberts seconded the motion.

The motion to postpone this matter to the August 19, 2010 Planning Board meeting passed unanimously.

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B. Request from Helen Marks, of Spiritual Readings by Duchess, for property located at 74 Congress Street, to install a projecting sign over City property.

Mr. Taintor advised the Board that this sign request complies with all zoning requirements and the Department recommends approval of a municipal license subject to the three standard conditions.

Deputy City Manager Hayden made a motion to approve.

Mr. Blenkinsop seconded the motion.

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

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 from Greg Walsh, of Working Class Music & Minerals, for property located at 90 B Fleet Street, to install a projecting sign over City property.

Mr. Coker stepped down from this item.

Mr. Taintor explained this sign is a non conforming sign but no variance is required. This sign is probably already installed and they just needed to go back and “regularize” it. Therefore, the Department recommends that they recommend approval of the license, subject to the three standard conditions.

Deputy City Manager Hayden made a motion to approve.

Mr. Patenaude seconded the motion.

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

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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D. Downtown Parking Focus Group report and recommendations.

Deputy City Manager Hayden made a motion that the Planning Board endorses the Downtown Parking Focus Group report on parking impacts and downtown vitality, dated June 16, 2010 and that the Planning Board report back to the City Council that they endorse the 7 recommendations contained therein.

Ms. Roberts seconded the motion.

Deputy City Manager Hayden stated that her thinking is that some of these recommendations have very little to do with the Planning Board and are things that require major public policy decisions. The first two are items that the City Council would want to hear specifically back from the Planning Board on and they can get a sense on how the City Council discusses these matters as to how they might want to approach them. They do not want to go through a lot of staff effort and Planning Board effort if the City Council doesn't pursue them. Therefore, Deputy City Manager Hayden felt they should pass it on to the City Council for their review and their process would probably lead back to the Planning Board for the first two items. Councilor Spear indicated that was exactly how he envisioned it as well.

Mr. Blenkinsop asked for clarification on what was meant by endorsing. Does that mean they are in favor of all of them, meaning they support the idea that all would be adopted or just that they endorse that there should be a discussion at the City Council level. Deputy City Manager Hayden felt that "the devil is in the details" of all of these and even though they seem very specific, they really are quite general. She used the word "endorse" in a very general way. There is nothing in this report that she heard the Board saying earlier they did not agree with. If people do have specific concerns, they should say that in their recommendation. She felt when she said "endorse" she meant these concepts and recommendations.

Ms. Roberts added that she was sure that Councilor Spear can work on clarifying this as it moves forward. They are happy to work on whatever comes back to the Board.

The motion that the Planning Board endorses the Report on Parking Impacts and Downtown Vitality, dated June 16, 2010, and prepared by the Downtown Parking Focus Group, and that the Planning

Board report back to the City Council that they endorse the 7 recommendations contained therein passed unanimously.

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V. OTHER BUSINESS

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

This matter was postponed to next month.

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B. Proposed Zoning Ordinance amendments.

Mr. Taintor handed out a revised copy of amendments to the wetlands regulations. The Conservation Commission discussed this yesterday at their meeting. He indicated there were two key changes.

The first change was the issue of terminology. "Use" is used in two different ways. In the zoning ordinance it has to do with the land use but in the wetlands section it refers to things that are not use related but rather it might be clearing, an activity or alteration. This is just a housekeeping change.

The second change is a list of items that do not require a permit. One was boathouses and small sheds on blocks. The Conservation Commission had concerns with both of those. In the case of the larger marine oriented structure they felt it should have a closer review. The case with the smaller sheds is they felt they could help educate the landowners on how to protect the buffer area. Mr. Taintor thought that they might be able to do something that is less than a Conditional Use Permit. It might be able to go through the Conservation Commission administratively. The last item that would not require a Conditional Use Permit would be the emergency generators on a mounting pad not exceeding 10 s.f.

The third item is that the Board can require the findings of an independent wetlands scientist but, following that strictly, it would mean coming before the Board before going to the Conservation Commission. They are proposing that the Planning Director may require that.

Number Four is simply updating references to more updated manuals.

The final set of changes has to do with the vegetation management requirements. The Comprehensive Shoreland Protection Act has been modified and weakened so the Conservation Commission wanted to adopt standard numbers. They are proposing the same numbers as the current inland wetland, other than vernal pools, of 0' – 25' for the vegetative buffer strip and 25' - 50' for the limited cut area.

There is also a housekeeping item where in the existing regulation they have the phrase "greater then 5,000 s.f. in area" but, in fact, they are not regulating areas that are less then 10,000 s.f. in area so they just want to take out that phrase.

Deputy City Manager Hayden made a motion to recommend the proposed zoning changes to the City Council.

Mr. Coker seconded the motion.

The motion to recommend the proposed zoning changes to the City Council passed unanimously.

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VI. ADJOURNMENT

A motion to adjourn at 8:45 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 September 16, 2010.