

**MINUTES**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**NOVEMBER 18, 2010**

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

**MEMBERS EXCUSED:** Eric Spear, City Council Representative; Donald Coker; and John Rice;

**ALSO PRESENT:** Rick Taintor, Planning Director

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**6:00 – 7:00 Joint Work Session with Board of Adjustment – Sign Regulations**

**Board of Adjustment Members present:** Carol Eaton; Alain Jousse; Charles LeMay; Arthur Parrott and Robin Rousseau, Alternate

Chairman Ricci called the work session to order and stated there would be no public comment tonight. The Board members introduced themselves for the record.

Mr. Taintor’s powerpoint presentation:

Sign types: Mr. Taintor began by showing an overview of types of signs, new sign regulations and some issues that have come up. In the downtown area he showed the variety of signs, including projecting signs, window signs, flags, sandwich boards, awning signs, hanging signs, projecting signs, roof signs, marquee signs, building nameplates, free standing signs, and wall signs. In the suburban area he showed various free standing signs, wall signs internally illuminated, canopy signs, and monument signs. The ordinance prohibits internally illuminated signs in the Historic District but allows halo signs.

Sign Districts: They broke the City into six sign districts to try and adjust allowed sign area and types to different types of uses. These are the basic sign districts but it is also possible to move an area from one sign district to another if appropriate. Wall and projecting signs are the only signs allowed in residential districts and as you move into general business/gateway/industrial you are allowed many more types of signs. The same applies with the amount of area for signs. Regarding sign heights, projecting signs always have to have 7’ from the sidewalk to the bottom of the sign and free standing

signs have different setbacks and maximum height. The maximum sign height was dropped from 25' to 20'.

Some key changes. In CB district, they removed the aggregate sign area cap of 75 s.f. per lot to reflect the needs of multi tenant buildings. They are considering eliminating the maximum aggregate sign area cap for other districts. Sign height was reduced from 25' to 20' for shopping centers and large single use buildings, such as Wal-Mart.

Issues that have come up since January 1<sup>st</sup>.

Wall signs and parapet signs are only allowed for first floor businesses or single use buildings and not allowed in some business districts. They are suggesting a change for multi tenant buildings in industrial districts and office parks.

Another issue is whether to allow roof and parapet signs in the CBA, CBB, B, MRO, MB and OR. The Residence Inn at Portwalk was granted a variance which was then overturned in the Courts.

They got rid of overall cap by lot size and tried to use the building frontage but it was still difficult to administer.

Sign area for projecting signs may need to be changed for the DOD and CBA and CBB. Another problem was limiting signs to one-third of the sidewalk width. Some streets have very narrow sidewalks and streets.

A chart was prepared showing all sign applications for 2009/2010, sorted by sign area. The current limitation is 16 s.f. and only two sign applications have come close to that. The new signs are averaging 6-7 s.f. in area. Congress Street averages 6.5 s.f. in area and Market Street averages 6.3 s.f. in area. If someone comes in with a 16 s.f. sign it could overwhelm the other signs so they might be looking to reduce the size limit.

The Islington Street corridor goes through four different zoning districts. They struggled with this area. They could change the zoning, change the sign district or change the sign standards for Sign District 1.

There are two Business Districts in the City and they have very different needs. One is by the Pic N Pay on Islington Street and the other is on the By-Pass.

There are different procedures for signs on City property. Projecting signs go through the City Council for a license. Awning signs go to the HDC. Sandwich board signs get a license from the City Council and mobile signs on wheels are not permitted.

Deputy City Manager Hayden thought they should look at moving the boundaries of one of the Sign Districts on Islington Street. Mr. Jousse agreed and thought they might look at making a special district just for Islington Street. Deputy City Manager Hayden felt that would be consistent with the Islington Streetscape Study.

Ms. Eaton asked how flags are characterized. Mr. Taintor indicated flags are treated similar to projecting signs and go to the City Council for a license. The policy is that a business can have a projecting sign or a flag, but not both.

Ms. Rousseau asked where they are with regard to making a recommendation to the City Council for a change to the signage ordinance. Mr. Taintor stated that is why they were here. They do not have a recommendation at this point and are looking for guidance. Ms. Rousseau wondered if they were talking about changing the districts or some particulars for signage on Islington Street or the projecting signs downtown. Mr. Taintor indicated they were looking at all of those and also talked about wall signs, roof signs and parapet signs. Ms. Rousseau asked if they looked at any statistics for variance requests for signage over the past years as she felt that would indicate an issue with the ordinances themselves. She was concerned about “perfectly tasteful” signs being denied by the BOA and how they will deal with that. She mentioned a sign variance request for Harborplace which bothered her. Mr. Taintor explained wall signs are only allowed for single use buildings or ground floor uses. They expanded the potential for using wall signs but possibly not as much as some people may want. Ms. Rousseau felt Nashua and Manchester have more lenient sign regulations with flexibility. Mr. Taintor stated they try to break the Sign Districts down to adapt sign regulations to different areas of the City. Ms. Rousseau believed the business community did not feel they had a “voice at the table” because they continue to have their variance requests denied. She asked Mr. Taintor if he had heard from any of the business community regarding their concerns. Mr. Taintor stated he had not heard from anyone at all.

Mr. LeMay asked what objective references they have used in developing signs in districts and different types of signs. Mr. Taintor responded that they use two things: standards and preponderance. Sometimes a problem in planning is that people copy other people’s zoning without paying attention. They need to find communities like theirs and have a similar situation, or better yet, find a community with signs that you like and see what their regulations say. Mr. LeMay asked about guidelines for people who develop signs for businesses. Mr. Jousse stated businesses feel the bigger the sign the better. It gets to the point where all you see is signs and you can’t see the business. Mr. Taintor confirmed there are standards. The Federal Highway Standards indicate how tall a letter has to be to be seen at a certain distance. The U.S. Sign Council has a book with good information about the speed you are driving and how it affects your “cone of vision”. They have tried not to get into designing the specifics of the sign but it could imply what the size of the sign should be for a typical 10 letter message on a sign. Mr. Jousse added that a business always wants a sign bigger than their neighbor and it just mushrooms. He believed people should be driving to a destination and not looking for signs while driving. He does not have a problem with the City sign ordinance. Chairman Ricci stated that the one discussion he found most interesting was “What is a sign?” It is so difficult getting an ordinance that will work for the City and also be good for business when you don’t know what a sign is. He felt it was the most daunting task the Planning Board has had.

Ms. Rousseau asked how often they get input from the business community for that process. Chairman Ricci felt that Rick Taintor did an extremely good job and it’s difficult to get public input until you have something written for them to comment on. He felt the signs in town are all very attractive and it’s a good ordinance but they just want to go to the next level and define it even better. Deputy City Manager Hayden felt it was an interesting statistic that the downtown signs are as small as they are and they should think about that. There are some really attractive signs which are pedestrian oriented.

Business owners would be upset if a new business was able to come in and put up a 16 s.f. sign on the storefront next to them. Ms. Eaton felt the Planning Board and Mr. Taintor do a lot of background and research on signs so she puts a lot of faith into the ordinance. She felt it should be difficult to get a variance.

Ms. Roberts would like to see them move down to 10 s.f. downtown and see how that works out. They don't want to overwhelm the signs that are already there. Also, regarding the issue of the aggregate signs for multiple tenants, she doesn't know the answer but do they want to take another stab at that problem or would it open up another can of worms. Mr. Taintor felt they have to take another stab at it because Rick Hopley, Chief Building Inspector, is constantly struggling with how to handle these applications. They want to be fair to the businesses that have a lot of building for the lot area and also don't want to unfairly penalize someone with a very small building and a lot of open land.

Mr. Hopley added that the BOA should keep in mind they are seeing less than 10% of all application being processed. When most people are told their sign don't comply, they will change it to fit the ordinance.

Mr. Blenkinsop indicated that the Planning Board did not create this ordinance in a vacuum. It was a very public process. They sat around this table, being televised, many, many nights discussing these issues and they had numerous public hearings. He wanted to make sure it was understood that there was plenty of opportunity for public input. He felt looking at other cities and town is one thing but he does not want to be Manchester or Nashua. Although there may be some good things, there are definitely some things that are not good. He asked if there has been a huge spike for the BOA since the new ordinance went into effect. Mr. Jousse responded that there had not been a spike. He likes to be convinced as to why an application is different than what the City ordinance says.

Ms. Rousseau could not believe they were talking about smaller signs in the downtown area. She did not believe any business owner wants a smaller sign. She felt they should talk to the downtown business owners and see what their thoughts were. Chairman Ricci did not see people asking for larger signs and he did not feel that the downtown warrants bigger signs. A 4' x 4' sign on Market Street takes you out of Portsmouth and into another City.

Deputy City Manager Hayden asked if it matters whether someone is a condo owner or a renter on the upper floors. Mr. Taintor confirmed it does not make a difference as it is based on the use. But they still need to work on multiple use buildings. Mr. Hopley indicated they have a sign application in process now for a 2<sup>nd</sup> floor downtown business for a wall sign and in their location it is very unique but it probably will not be allowed. But the wall sign would help them with more visibility.

Mr. Taintor stated the flip side was that the City has already been told by the Court that you can't grant a variance for a sign that is specifically not allowed in the ordinance. That was the case with the Residence Inn (Marriott). The roof sign was not allowed by the Court even though a variance was granted.

Chairman Ricci felt signs were an involving process. They need to know what the Board members like, what they don't like and what they want the Planning Board to focus on. Ms. Rousseau would

like to get a group together from the business community to look at the sign regulations and give their input. She also asked what the next step in the process will be.

Mr. Taintor indicated they are not working with a deadline. They are prioritizing the neighborhood zoning which will take a lot of work. They are accumulating a list of issues and they will not do everything at once but they will be trying to work on this and possibly pull together a package in the spring.

Deputy City Manager Hayden mentioned that the Planning Board does not have the power to appoint a committee, per Ms. Rousseau’s suggestion. If the City Council felt it was appropriate they would appoint a committee to look at it. Chairman Ricci added that they could receive input from businesses.

Mr. LeMay felt that part of the general purpose of Land Use Boards in this State is to provide a level playing field for everyone and there is plenty of opportunity for interest groups to get themselves organized and make a presentation or statement. He felt public awareness is important and it is up to the public to motivate themselves to come and speak before a Board at open hearings and if they don’t get much public interest than that is an indication of the interest level.

Ms. Eaton agreed that there is adequate chance for public comment and the process works.

Vice Chairman Roberts asked if staff could prepare some suggestions for the Boards to review and consider. Mr. Taintor agreed that a special look at Islington Street is a very good idea and a good place to start as it is a very unique part of the City.

Chairman Ricci thanked the BOA members for attending and assured them they will keep them involved in the process.

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**I. APPROVAL OF MINUTES**

- 1. Approval of Minutes from the October 21, 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 the **City of Portsmouth, Owner**, for property located at **155 Parrott Avenue**, requesting Site Plan approval for the renovation and expansion of the Portsmouth Middle School, with related paving, lighting, utilities, landscaping, drainage and associated site improvements.

Said property is shown on Assessor Map 128 as Lot 15 & 16 and lies within the Municipal District. (This application was postponed at the October 21, 2010 Planning Board Meeting)

Chairman Ricci indicated that he has a family member who is a direct abutter to the project but he did not believe it would effect his view of this project. He asked if any Board member had an objection to him sitting. There were no objections.

The Chair read the notice into the record.

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

James LaPosta, of JCJ Architecture, was present along with a variety of other individuals. Mr. LaPosta stated this has been a long project, going back to 2003. They will present an overview of the project and have engineering consultants, members of the Joint Building Committee and administration available for questions. JCJ Architecture and DeStefano Architects of Portsmouth, began the process in 2008. There was a wide variety of public input about expanding to the left or to the right of the existing Middle School and the City ultimately voted to build on Alumni Field. They looked at a variety of alternatives but ultimately there were numerous reasons for this choice. The plan has gone through many approvals. They needed several waivers from the NH Department of Education. Part of this project included receiving waivers for resurfacing a ball field at the High School which provides Middle School students with an all weather surface to play on and they have relocated the Alumni ball field to the Wentworth School property. This has been a very complicated puzzle as it is a downtown site. They have taken extra time to work on the details, especially drainage.

What is unique about this project is that it will be a sustainable school, similar to a LEED building. It follows the Northeast CHIPS high performance school guidelines set by the State Department of Education. They will be using an existing school in an urban location. It will include enhanced bicycle and pedestrian access and better traffic and parking. The building itself has features that will impact and reduce stormwater as well act as an education tool for the students. There will be a vegetative roof over a large portion of the building which will be a teaching tool. They will have rain cisterns for roof runoff to be used by the students for small irrigation projects in the courtyard of the buildings. They have daylight and sun control to save energy costs and this building will reduce the baseline energy code by 25%.

He introduced Doug Roberts, Project Manager from JCJ Architecture, Lisa DeStefano from DeStefano Architects and representatives from the civil engineering and traffic engineering firms.

Lisa DeStefano indicated they have been working on this for a number of years and City approvals have been extensive. They had multiple meetings with direct abutters to discuss various issues in July and August. They worked with the Parking Committee and received approval on July 16<sup>th</sup>. They had multiple Pre-TAC and TAC meetings in August. They had two Trees & Greenery Committee meetings. They had a work session and presentation with Traffic & Safety on September 9<sup>th</sup>. They had a number of meetings and conference calls with the design team, City staff and the sewer separation engineer in September to deal with their connections to the sewer project. Lastly, because of those meetings, they had a follow up Pre-TAC meeting.

As a result of these meetings, they have incorporated a number of items in their design to help develop the project in a positive way. Because we are an eco-municipality, they will be using pervious pavers and they relocated the permitted on-street parking on Parrott Avenue to permitted parking in the Parrott Avenue lot. There will be a separation of domestic and fire water services. They resolved abutter issues, including the turning radius while leaving the site behind the school and eliminating the left turn onto Rogers, and they worked a lot on pedestrian and vehicle circulation. They modified an existing ornamental fence in the rear that will protect an abutter on Rogers Avenue. They accommodated more bike racks to allow space for 10% of the school population. There will be underdrains below the sports field which is a very challenging location. Working with the City they added 10 additional parking spaces on site. They addressed a number of issues regarding lighting and redistributed the site lighting to maintain a zero light contribution at the property lines. Because of the relocation of the ball field, lighting has been significantly decreased on the site.

While outside the scope of the project, there are a number of items that benefit the community. The play yard on Alumni Field will move to the Library property and there will be provisions for fencing to allow access from the Middle School. They met with the Library because of the re-grading of the parking lot and there is now a direct access from the driveway to the library, allowing them to eliminate the library stairs. Green space at the library has been maintained. That concluded Ms DeStefano's remarks.

Doug Roberts, JCJ Architecture, felt this location was the right site for the Middle School in Portsmouth but with all opportunities there are inherent challenges, including drainage and parking. The site drainage is at the lowest point in the large catchment area in Portsmouth that all drains into the Mill Pond. Additionally, storm systems are subject to tidal influence. They also know it has a high water table by the nature of where it is and the topography. The existing conditions are not conducive to conventional infiltration systems.

Mr. Roberts indicated that they also have density and elevations of existing underground utilities that they have to work around. The City has an ongoing sewer/water separation project and they had to work closely with Dave Allen and DPW. Part of the sewer separation master plan included a second outfall structure into the South Mill Pond. Underwood Engineers and DPW have had a preliminary meeting with DES to review the overall master plan and to talk about the overall strategy of that outfall structure. That remains an ongoing issue.

Regarding parking, Mr. Roberts indicated that they met early on in the process with the City Manager, representatives from the library, DPW, and the School Department, recognizing that they have a shared site with the public library. A benefit is that the parking demand for the public library won't change in the future and the staffing has not changed at the Middle School. The Department of Education will require 100 spaces for staff. Therefore the existing conditions do not vary from the future conditions. Mr. Roberts wrapped up the introduction and turned the presentation over to Gordan Leedy, of VHB.

Mr. Leedy introduced himself as a Landscape Architect and Certified Planner with VHB, the site civil engineers, traffic engineers and landscape architects for the project. He displayed the Site Plan and identified surrounding features. The front portion of the building is the original school that will remain. This is a very flat site with existing drainage issues. This area was all part of a much larger

marsh area so the school is located on fill. The drainage is not great and there are flooding problems from time to time.

There is a youth recreation facility shown on the back of the building. They have kept the site access exactly where it is today. Vehicular circulation will enter in the front, circulate around the building and exit out Rogers Street. Buses will enter the site and queue up along the access road to pick up their student passengers and they will all exit out Rogers Street and then towards Parrott Avenue. There is a service court in the back with dumpsters and mechanical equipment and 17 parking spaces for staff. A sidewalk exists on Parrott Avenue and they have tried not to change the streetscape of the existing Middle School. The sidewalk goes around the southerly and westerly side of the school building using pervious pavers. The courtyard area, which will also be an academic space and outdoor classroom, is also permeable. On the library side, they coordinated closely with the library staff because the parking area needed to come up 3' in grade in the center because of the drainage system they are installing. The crosswalk will be raised over the access drive through the site. He pointed out the plaza where the bikes racks will be and a gathering space with seat walls and benches. There is a direct connection to the athletic field and the gymnasium.

They went to the Trees and Greenery Committee and because of the grading they will be losing some trees. The fence is in very poor condition so they will remove that and replace it with new landscaping of a fairly significant size, a hedge to replace the fence that will provide some separation from the street and the parking lot. The majority of the landscape plants are natives or improved natives using cultivar of nature trees and shrubs. The idea is to provide greenery as well as flowers and some nice fall color.

Bryant Anderson, of VHB, gave an overview of site utilities. There are a number of utility poles going across the rear property line and they are working to remove those except for one on the street. All utilities will be brought in underground back to the utility room in the building. Water and gas will come from Rogers Avenue.

As part of this project there is the City's ongoing sewer separation project. The bulk of the drainage and runoff from this site goes into the combined sewer system which is a 48" brick sewer system that runs down Parrott Avenue with a combined sewer overflow that goes out to the pond. At peak times there is discharge into the pond. As part of this project they will be removing about 9 acres of overland or drainage flow from the sewer system to get it into the drainage system. Today there is a drainage line from properties from the back, under the field, to the 48" culvert. There is also a 18" pipe that comes across from the Richards Avenue area as well as some sewer that comes down to Rogers Avenue. All of this converges and goes down Parrott Avenue. That includes the roof drains, the parking lot, and some drainage from some of the properties. They propose to take all sewer from this building, run it around the back of the building and out to Rogers Street. There is an existing sewer connection for the building that comes out to Parrott Avenue which they are re-routing over to Rogers Street as part of the overall sewer separation project. The 48" line will be abandoned for sewer although it might be used for drainage in the future. They want to make sure they have all of the sewer coming into Rogers Street so that it could be disconnected from the 48" sewer when DPW has advanced their project far enough to do that.



Mr. Anderson explained that some of the challenges regarding drainage is that this site is part of a 44 acre drainage area that all comes down to an outlet to the Mill Pond that consist of 2 24" pipes and a Vortech type of treatment unit. There is a 24" drain line that comes down Rogers Street and as it flattens out it goes to two 24" drain lines and there is then another 24" drain line that comes down Parrott Avenue to deal with a lot of the drainage. This area is low and the tidal elevation at high tide is elevation 5. The low point in the parking lot today is 6.4 and there are some drainage issues on the property which consistently happen. There is flooding in the parking lot and there is backup from the combined sewer systems. There is another low point in the field with no outlet. They will grade that area so that it drains to catch basins and it will no longer pond. They are in the 100 year flood plain.

Another big challenge is crossing the 48' sewer with the drainage system. They only have 4' to get a treatment system in. They are proposing to take roof drainage to come out Parrott Avenue and six Filterra tree box filters to collect the main part of the parking lot to provide treatment. They will take the lower flows and direct them into a concrete chamber that has a tree planted in it with a root system and a filter media. That will treat the water. The larger storms will by-pass the Filterra units and get into the main drainage line for the site.

They are using pervious pavers along the front and rear parking. The site is poorly drained so they are proposing underdrains so that the water will collect on the edges of the pavers through a coarse gravel type media, go through a filter media layer to be collected by underdrains to the system. They are raising the parking lot to solve the flooding. They have been working very closely with DPW and Underwood Engineers to tie in their outfall and for a 10 year storm they eliminated any ponding in the parking lot. There are a couple of low areas in the field so there will be some minor ponding for about a half hour at the peak of the storm in the field area but as soon as the storm peak passes it will recede back down.

Mr. Anderson wanted to note that they are within the flood plain. They are also in the Shoreland Protection District which has a 250' buffer and they are maintaining 56% impervious area within the Shoreland Protection area and part of that is through the pervious pavers. Overall the site is adding about 1.2 acres of impervious area to the Middle School site.

Lastly, to cross Parrott Avenue, Mr. Anderson stated that they have worked with DPW to come up with a structure to allow the drainage line to be routed through the top of the 48" brick sewer to get low enough to provide treatment. That will come across the street to a new 18" pipe which will ultimately connect to the new outfall, which is currently being designed by Underwood Engineers.

Robin Boussa, Traffic Engineer with VHB, gave an overview of the traffic study. She displayed the study area map and explained there were 8 study area intersections that they conducted detailed traffic analysis for. All eight intersections are unsignalized. They include: The intersections of Parrott Avenue with Junkins, Rogers Street and the two site driveways; the intersections of Middle Street with Court and Richards Street; Court and Rogers, and the site driveway of the school. They collected existing conditions traffic volume data in May and also did turning movements at each intersection during the school peak hours which occur from 6:30 a.m. – 8:30 a.m. and 1:30 p.m. – 3:30 p.m. The next phase was to determine how much additional traffic will come to the site. She displayed their trip generation study. They started with the current traffic generated by the school. There are no anticipated increases of employment on site or increases in bus activity. Student enrollment is

anticipated to increase from 558 to a maximum of 650, or a 16% increase in enrollment. Using IT guidelines, they allow estimating trip generations based on school enrollment so they used the existing conditions and extrapolated that based on a proportionate increase of what they see in enrollment. She reviewed the additional trips and how they were assigned to the roadway network and study intersections and they then conducted a detailed traffic intersection analysis. They found that every intersection within the study area operates at very good levels of service with acceptable levels of reserve capacity left and 7 out of the 8 operate at level A/B. The only intersection that did not was Austin/Middle/Richards which has a longer delay and a level C. Each intersection will continue to operate at the same level of service within 1 second of approach.

Ms. Boussa stated that the conclusion of the Traffic Study is that all intersections will continue to operate at good levels of service with acceptable capacity levels with the development in place.

Ms. Boussa stated that the second study they did was the Parking Study. They again contacted Steve Parkinson and asked him what an appropriate limit of study would be. She displayed a map showing all inventory they collected to study. It includes the major parking facilities available to the public, starting at the Junkins Avenue lot, all on-street parking on Parrott Avenue and parking at the school and library. They also studied the parking lots at the tennis courts off of Junkins Avenue as well as the small lot off of Rockland Street which serves the Leary ballfield. That represented a total of 557 parking spaces. They then collected utilization data by counting every hour on the hour each parking space in each of the facilities. They did this in June, starting at 7:30 a.m. and finished at 3:30 pm. Looking at the appendix of the Parking Study, they included a complete breakdown by lot and by hour of the number of cars parked at each of those facilities. They combined that information and the data suggests there are 60 available parking spaces at peak time. In the appendix of the parking study, it shows a lot of available parking spaces were in the Rockland Street and tennis court lots so they took those lots out of the equation and came up with 38 available parking spaces at peak hour. The overall parking graphic shows 445 parking spaces or a 92% utilization rate for the study area as it exists today.

Ms. Boussa indicated they need to move forward with the future parking supply and demand with the development program. They gained 2 spaces on the school site. She felt it was fair to say the parking demand and parking supply in the future will be about the same as today.

It was felt that there is adequate parking today but it is very, very busy and they worked to help make improvements as they move forward. The City has reserved 45 spaces in the Junkins Avenue lot for school employees to park and it is a critical component to the construction phase of the project where they will displace parking on site. Being able to reserve the parking at the Junkins Avenue lot will be a key component of the Construction Management Plan. For the longer term, those places also provide some additional benefit to the school. It will assure parking for the staff at the school, they wouldn't have to rely on on-street parking and being able to relocate 45 cars down the street helps reduce activity during those peak periods. It helps traffic calming in the area and creates normalcy to daily parking patterns.

Mr. LaPosta concluded by thanking the Board and staff for all of their time. He stated this project has involved a tremendous amount of input from the public community and school staff. This project actually improves the condition of the site in many ways and provides students with a school appropriate for middle school education and meets all state standards.

Deputy City Manager Hayden asked about where the students will get dropped off. Mr. LaPosta stated that in the morning the school buses will drop off on the side of the new addition facing Parrott Avenue. In the afternoon, the buses will queue up along the three sides of the building and exit with a right hand turn onto Rogers Street. Whenever buses are loading or unloading they will be on the site.

Deputy City Manager Hayden referred to the area in front of the library where the parking lot is being raised, and asked about what appeared to be a hard curved line. Currently people who want to just run into the library will pull up on the grass and dirt area however the new plan will discourage people from doing so, which she felt was a good thing. Mr. Leedy stated that was correct and there is another aspect also which he wanted to mention. There are a number of trees along that edge which they are working very hard to save. The majority are black locust and the grades worked out so they can raise the grade on the parking lot, install a curb and not have to disturb those root systems.

Mr. Blenkinsop asked if they have snow storage on site. Mr. Leedy pointed out storage around the edges of the site. They have discussed this with DPW, who will manage snow on the site the same as today. They come in and do the first push for parking but they basically truck snow off site.

Ms. Roberts appreciated the thoroughness of the presentation. She wanted to get a sense of timing of drainage vs. sewer separation. Mr. Roberts stated that Gilbane is their Construction Manager and when they complete their Construction Management Plan they will be identifying the project in three phases. The first phase will be creating the parking lot and using the area proposed for the physical education field as a construction layout area and there will be some improvements at that point. It will remain a staging area through phases 2 & 3 and it will be improved as the stages of construction go on. The majority of the site improvements will occur as part of phase one. The sewer separation process is part of the permitting question that they are working with DPW to resolve. DES has a review period estimated to be 75 days once the final plan is submitted for review however it is anticipated that it will not take 75 days.

Dave Allen, Deputy Director, Public Works, explained they have been coordinating the whole drainage issue with this project, which is identified as Project 3B. They will be able to do this as the tail end of project so they will be constructing their work at the same time the school will be constructed and that should be in the spring time. Deputy City Manager Hayden understood that they are basically moving up the sewer separation project and it is a recommended stipulation that the certificate of occupancy for the school is tied to the outfall completion. Mr. Allen confirmed that was correct.

Ms. Geffert referred to Mr. Anderson mentioning construction of the drainage around a 10 year flood as opposed to a 100 year which the Board usually sees. Mr. Anderson confirmed that the drainage design is for 10 years, which is the City requirement. This will keep flooding to a minimum. The site is in a 100 year flood plain but it will flood over the road and pond on the other side. As part of this process they have to file with NHDES a Drainage Report and an Alteration of Terrain Permit and they will look at the 2 year storm, 25 year storm as well as the 100 year storm. Everything would be at an elevation 9 at that point so it would be a flooding condition in this area. Ms. Geffert asked in terms of abutting properties whether this design will create any flooding, ponding or water flow sheeting onto abutting properties. Mr. Anderson stated it would not and explained that a lot of the abutting properties are higher and drain into the combined sewer system.

Chairman Ricci asked what storm year the drainage system will be able to handle. Mr. Anderson confirmed that without ponding in the parking lot it will handle a 10 year storm. Chairman Ricci asked if the infrastructure will handle a 25 year storm event. Mr. Anderson stated it was not anticipated to handle that. Once they get up to a 25 year storm event there may be some ponding in the road and water building up and coming down to the pond. As it increases from a 10 year storm there will be increased ponding areas and flooding conditions to the area. Mr. Anderson confirmed it adds approximately 1.2 acres. Chairman Ricci asked how many acres are existing impervious on site. Mr. Anderson reviewed the drainage calculations and confirmed that there are 4 – 4.5 acres existing so they are adding 25%.

Chairman Ricci asked about the Filterra treatment units which they stated were used for small storms. He asked what was the definition of a small storm. Mr. Anderson responded it was based on the DES design criteria and based on 1" of water for these units. It is a proprietary system and goes by their sizing criteria. It is intended to take the sediment off the pavement with the first flush. Chairman Ricci asked what the site has for treatment today. Mr. Anderson stated the site does not have anything today for stormwater treatment but because the drainage goes into the combined sewer system where there is some treatment that occurs at the treatment plant; however, there are CSO overflow discharges that go into the pond. This will really enhance what is there now. Chairman Ricci asked about maintenance on the Filterra units. Mr. Anderson stated they need to be inspected twice a year to make sure there isn't any sediment in the chamber, need to make sure the vegetation is healthy and the filter media may need to be replaced after a few years. A maintenance plan will need to be submitted to DES.

Chairman Ricci asked about any reuse of runoff for irrigation. Mr. Bryant stated there was no irrigation proposed. There will be a rain barrel cistern but the majority will go out to the Mill Pond.

Mr. Blenkinsop asked where the vegetated roof was. Mr. LaPosta pointed out the entire triangular area over the student commons. It will be accessible from the 3<sup>rd</sup> floor. Mr. Blenkinsop asked if it was in the plans as he could not find it. Mr. LaPosta indicated it was on the roof plan which was not included in their plans.

The Chair opened up the public hearing and asked if anyone was present from the public wishing to speak to, for or against the petition.

Tom Morgan, of 39 Richards Avenue, was an abutter to the site. He asked about the second gymnasium and if it was under consideration. Mr. Roberts stated that the second gymnasium, or Young Recreation Facility, is an add alternate to the project so they are including that in the original application in the event it is accepted. If it is not accepted, the plan shows that the footprint area would be a landscaped area with drainage on Detail Sheet 1. Mr. Morgan asked for clarification on today's vote and whether it would be for one gym or for two gyms. Chairman Ricci confirmed that two gyms would be approved but if it doesn't go forward, it reverts back to green space.

Mr. Morgan noted that the west wall of the first gym is shown as masonry, or red brick, but he has heard recently that there is some other material under consideration. He asked what the Planning Board was voting to approve this evening. Chairman Ricci indicated that typically this Board reviews

site conditions and not elevations. He does not know the answer to that question but it would not be part of their purview.

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**

Deputy City Manager Hayden made a motion to approve with the stipulations that prior to the issuance of a Certificate of Occupancy the applicant shall successfully complete the design, permitting and construction of a new stormwater outfall to the South Mill Pond, they shall produce a Construction Management Plan, they should show temporary snow storage on the Site Plan even though they are removing it from the site, they shall obtain all required State and Federal permits prior to the issuance of a building permit, and the Layout and Materials Plan (Sheet 3-C) shall be changed by adding a right turn only sign at the driveway exit onto Rogers Street, which came out of Traffic & Safety. She asked the Board if they need one more stipulation relative to submittal of inspection and maintenance plans for all stormwater devices to the City, DPW and DES. Chairman Ricci agreed that should be included.

Mr. Blenkinsop seconded the motion.

Chairman Ricci stated that he felt they did a very nice job with the drainage for what little could be done. The biggest benefit is the City separation project. What little bit of treatment being provided is much more than what is there today. While he is not wild about a 10 year infrastructure, he realizes the elevation cannot be changed so he was supporting the motion. He felt the building was long overdue.

Mr. Gladhill asked if the right turn onto Rogers was for buses only or for passenger vehicles also. Deputy City Manager Hayden believed it was the intent of Traffic & Safety to include all vehicles. Mr. Taintor confirmed that was correct. Ms. Geffert felt it was long overdue as there is no visibility at that driveway.

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

- 1) Prior to the issuance of a Certificate of Occupancy, the applicant shall successfully complete the design, permitting and construction of a new stormwater outfall to South Mill Pond.
- 2) A Construction Management Plan shall be prepared by the Applicant for review and approval by the City.
- 3) Temporary snow storage shall be shown on the Site Plan.
- 4) All required State and Federal permits shall be obtained prior to the issuance of a building permit.
- 5) The Layout and Materials Plan (Sheet 3-C) shall be changed by adding a right turn only sign at the driveway exit onto Rogers Street, which was a condition of the Traffic & Safety Committee.
- 6) Inspection and maintenance logs for all stormwater devices shall be provided to the City, DPW and DES on an annual basis.

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B. The application of **Sarnia Properties, Inc., Owner**, for property located at **933 Route One By-Pass**, requesting Site Plan Approval for parking lot improvements with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 142 as Lot 37 and lies within the Business (B) District. (This application was postponed at the October 21, 2010 Planning Board Meeting)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, was present, representing Sarnia Properties. This application was tabled at the last meeting due to a number of concerns by the Board, which included occupancy and the parking capacity as it related to the proposed use, concerns about what the rest of the building will be used for in the future, parking layout, porous pavement design and the location of the proposed dumpster.

Mr. Chagnon referred to a new Sheet C-1, Existing Conditional Plan, which shows just the existing conditions on the site and no proposed elements are shown.

On Sheet C-2, they show a new dumpster location on the Route One By-Pass side of the building as opposed to the back parking lot. He felt that was an appropriate place and easily accessed. He revised the egress area in the vicinity of the dumpster. The location of the uses, both existing and proposed, were delineated on the Site Plan with dashed lines on the interior of the building. They added a Sheet C-3 as a Parking Plan which includes a calculation of parking requirements based on the Zoning Ordinance requirement. He reviewed the building uses and their parking requirements. A portion of the building is still being used as a warehouse and will continue as warehouse so total required parking spaces is 75 and they have delineated 76 parking spaces.

Sheet D-1 includes an update to the porous pavement detail and a slight change to the rip rap detail. He added Sheet A-1 which shows architectural elements. It shows the new space for recreational use, existing office space with the added warehouse space, the ingress and egress and it shows how the dumpster is accessed by the two spaces easily from the back entrance.

Mr. Chagnon confirmed those were the changes to the plan set. He asked the Board if he would be able to respond to any concerns the Board may have after the public hearing is closed. The concern about controlling the recreation use is a valid question and the tenant was present to explain how the business will be operated. Steve Shackleton of The Endurance Group, LLC, was present to address the Board.

Mr. Shackleton explained he was a prospective leasee. His business is an indoor recreational facility for children ranging from 3-12 years. The use is booked by reservation only so they can control occupancy and it is a rotational type model. Parties are limited to 25 children per party and they rotate two parties at any given time. They typically have between 25-30 attendees at one time. They typically have 4-6 adults overseeing the party and the rest of the children are dropped off. At any point

in time there would be a constant parking space capacity required for 4-6 adults and every hour parents will be dropping off and returning two hours later to pick children up. He believes 25 attendees per party is a comfortable number.

Mr. Hopley asked about food at the parties. Mr. Shackleton responded they will not be serving any food at all. They will build a relationship with a local pizza restaurant. Every hour pizza will be delivered for the parties and parents can bring soft drinks or cakes. They will not be preparing any food.

Chairman Ricci asked if he currently runs a model somewhere else. Mr. Shackleton stated this would be his first franchise and the business is called "Jump On In". A friend of his started a business in 2006 and sells franchises. It is a small company which is picking up momentum. He felt this would be a great location to open a "Jump On In". Chairman Ricci asked what he was basing his parking projections on. Mr. Shackleton explained they are based on discussions with the President of "Jump On In".

Deputy City Manager Hayden asked if everything was shown on Sheet A-1. Mr. Chagnon indicated the plan shows the eastern side of the building. Deputy City Manager asked if what is shown is the CAP offices plus the area being used for this recreational use, but not the future warehouse use. Mr. Chagnon confirmed it does not show the rest of the building which is existing warehouse use. CAP will be taking over the "Rental Space 1 Storage Area" for their own warehousing. This use includes party room 1 and party room 2 and the gym.

Mr. Shackelford stated the most challenging part of opening something like this is finding a space with adequate ceiling height. Their equipment is inflatable and includes slides and obstacle courses going as high as 18'. This location is unique because it offers a combination of high ceilings, warehouse space and the location is right on the Route One By-Pass and is easy for drop offs.

Mr. Taintor noted that the area shown as "Rental Space 1 Storage" is new to this site so the Planning Board is not just looking at recreational space, they are looking at the entire space. Mr. Chagnon explained that the indoor recreational space was created with dead space in the middle and as the CAP offices have a need for dead storage they will be using it for that purpose. But it is new to the plan. Mr. Taintor stated that the Board is voting on the Site Plan as a whole so he wanted to note that the space is restricted as warehouse use and CAP cannot expand into it.

Mr. Chagnon also mentioned, regarding the expansion of the sewer service, there is a design in place which has been approved by the inspection office.

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 grant Site Plan Approval. Mr. Patenaude seconded the motion.

Deputy City Manager Hayden felt that being able to cross the adjacent parcel was important to making this plan function and she asked if the deeds had been reviewed by Legal. Mr. Taintor responded that they had not been reviewed by Legal yet. One deed refers to a 10' access right of way along the property line.

Ms. Geffert noted one parking space was labeled "Rental space 1 storage" on the architectural plan and she asked if that creates an issue. Mr. Taintor explained that is why he wanted to point that out to the Board that it ties into this approval and cannot be changed for any other use without approval by the Planning Board. It is an unusual situation and he can't remember taking a single user and dividing it into two separate uses in the past. Mr. Hopley confirmed the only reason this project is before the Board is because of parking.

Deputy City Manager Hayden had concerns because this was a recreational use. She felt the potential tenant has all good intentions but what if they approve this and this particular tenant doesn't come forward, then what can a future tenant possibly do. And, what if the business is really successful, what control do they have over the inside of the building and potential expansion. This is on a busy By Pass and there will be lots of kids and parents.

Mr. Hopley felt the permitting process that is in place creates the checks and balances. There is no building permit on file yet but they will need one as with any other potential use in the building. The proposed use of the rest of the building is warehouse and the Inspection Department will be watching that. Mr. Taintor asked if a Tenant Fit-Up Application would be required for the Rental Space 1 Warehouse space. Mr. Hopley indicated they should receive one. Mr. Taintor followed up by stating he felt the Board would be approving the use for a certain amount of the interior space for indoor recreational use. Deputy City Manager Hayden agreed that they have a comfort level with this use and how many cars it will have but she was concerned about how they would control a future tenant with a different recreational use. Mr. Hopley felt the coordination of building applications and careful land use review would control that. This space could handle a lot more people so they will put conditions on the CO. Deputy City Manager Hayden feared that in 10 years they will have 200 cars out there trying to attend some sort of recreation. Mr. Taintor thought a stipulation stating it has to be posted not to exceed 50 people would be appropriate. Ms. Geffert accepted that stipulation.

Mr. Hopley knew they were provided with additional information on the sewer pipe infrastructure that is supposedly in place, although he can't verify that as it's all buried. The plumbing inspector went to the site to be shown what has been represented to them on paper but he does not know if that has happened. Therefore, characterizing that this has been "approved" is an over-characterization in his mind. They will have to get sewer off the site somehow but he is not sure it is germane to this hearing.

Deputy City Manager asked if they should do anything with the plans to give them a better comfort level on the demarcation of those spaces on A-1 down the road.

Mr. Taintor asked about A-1, focusing on the right side of building entrance, where there were two rooms outlined as common areas and whether those were included in the floor area for either use. Mr. Chagnon confirmed that the only exclusion is the sprinkler room.



Deputy City Manager Hayden asked for a stipulation that the right to pass over the adjacent property be reviewed and approved by the City Attorney. Ms. Geffert approved of that stipulation.

Mr. Hopley requested that a tenant fit up application be required for this proposed recreational space labeled as rental space 2 and also a tenant fit up to document the expansion of rental space 1 storage area.

Mr. Patenaude accepted all of the stipulations.

The motion to grant Site Plan Approval of the Site Plan set, revised on November 10, 2010, passed unanimously with the following stipulations:

- 1) That the deed conveying the right to pass over the 10' access right-of-way on adjacent property shall be reviewed and approved by the City Legal Department.
- 2) That the maximum occupancy level of 50 people be posted for the proposed recreational area.
- 3) A tenant fit up shall be required for this proposed recreational space, labeled as "Rental space 2", and also a tenant fit up to document the expansion of "Rental Space 1 Storage Area".

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**III. NEW 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 **Dennis Graves and Jeffrey Graves, Owners**, for property located at **191 Wentworth House Road**, and **Clay Cove Realty Trust, Owner**, for property located **off Wentworth Road**, for a Conditional Use Permit Application under Section 10.1017 of the Zoning Ordinance for the in-kind replacement of the timber bulkheads, access dock, decks and awning, all within a wetland buffer. Said properties are shown on Assessor Map 201 as Lots 14 & 15 and lie within the Waterfront Business District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Ken Anderson, of Riverside and Pickering Marine Contractors, appeared before the Board. He explained they were replacing the existing seawall under the existing decks. They will replace the seawall in kind as it has experienced significant failure. In their original application they were looking to exchange the awning with a fixed roof; however, that has been rescinded and they are looking to keep everything in kind.

Mr. Anderson explained how the project will be conducted. They will mobilize the equipment to the site and mitigate any erosion as best they can with a siltation boom. The whole area will be surrounded by 150’ –175’ infiltration boom with an 8’ curtain on it so it will always be touching the bottom, whether at high or low tides. All proposed work will be done on the outgoing tides or at low tide so as to not disturb any more silt than is necessary. They will remove the old decks and the old awning and everything will be disposed of properly through ARC Aggregate Recycling in Maine. That will give them access to the seawall. The seawall will be demolished and disposed of properly as there are old creosote pilings. The new seawall will be constructed in kind with southern yellow pine pressure treated pilings. The wall will be backfilled with clean backfill and gravel. The existing decks will be replaced in kind and the awning will be replaced in the springtime.

Mr. Anderson stressed the urgent nature of getting approval to help prevent any further failure of the structure which is protecting the foundation of the building.

Mr. Hopley indicated that as he will be getting a building permit from the Inspections Department, and because this is a restaurant, they will have a problem with the in kind replacement of the guardrails. They should be thinking in terms of 42” high and the 4” rule. Mr. Anderson confirmed they will be built to IBC code.

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. Hopley made a motion to grant Conditional Use Permit approval. Deputy City Manager Hayden seconded the motion.

Ms. Geffert wanted to make sure that the submission which the Board received this evening was the plan they were approving, without the permanent roof.

The motion to grant Conditional Use Permit approval passed unanimously.

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B. The application of **Jonathan and Megan Parker, Owners**, for property located at **31 Sherburne Avenue**, and **Lillian A. McCann, Owner**, for property located at **84 Rockland Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots having the following: Lot 15 as shown on Assessor Plan 113 increasing in area from 5,750 s.f. to 7,294 s.f. and with 100’ of street frontage on Sherburne Avenue; and Lot 26 as shown on Assessor Plan 113 decreasing from 7,036 s.f. to 5,492 s.f. and with 100’ of street frontage on Elwyn Avenue. Said lots lie within the General Residence A (GRA) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, was present on behalf of the applicants. He indicated that the purpose of the Lot Line Relocation plan was to straighten out a property line issue. They are moving the property line between the two lots. The occupation on the land does not match the deed lines. They propose to move the line to a position that is between the fence and the deed line. Both property owners are in agreement. The statute is clear that a boundary line can be set simply by Boundary Line Agreement if the deeds cannot be placed on the ground, but in this case the deeds can be placed on the ground. The plan is titled "Boundary Line Agreement Plan and Lot Line Relocation" as they are trying to move forward to correct this situation and clean up the title for the two owners who are in agreement that the line should be where it is shown on this plan. It will avoid any issues that would have to be adjudicated. 31 Sherburne Avenue will see an increase in square footage and 84 Rockland Street will see a decrease in square footage.

Mr. Chagnon stated they submitted a waiver request for the requirement of digital format of the plat. The ordinance requires the submittal be on state plane coordinates. That is additional work that would be required just to move the local coordinate system to the global state plane coordinate system. They are asking for a waiver on behalf of the clients to spare them that additional cost.

Mr. Chagnon stated that staff recommended granting their request to waive the requirement that lot dimensions conform to dimensional requirements of the Zoning Ordinance.

Deputy City Manager Hayden asked what the difference was between a deed line and a lot line. Mr. Chagnon did not believe the tax map shows the line exactly as depicted on the survey. Deputy City Manager Hayden asked if the City needs the level of digital data so the assessor maps can be truly adjusted. Mr. Taintor added that the assessor maps looks very similar to Mr. Chagnon's plan. Mr. Chagnon stated that the tax maps are for assessing purposes and should not be compared to a survey. Deputy City Manager Hayden was concerned about the City Assessing Department not having the exact boundaries on the tax map.

Mr. Taintor felt it was about how accurate they want their GIS system to be. By rubber sheeting the plan in it might be off by a few feet. Mr. Chagnon indicated if this came in with a true coordinate, it might place the line a few feet over. These type of plans were originally excluded from digital data requirements and it was only required for subdivisions of new lots. It was then expanded to include lot line relocations. Over time the number of parcels in a true coordinate would eventually reach 100% but with 10,000 parcels in Portsmouth it will take a long time to get there.

Deputy City Manager was worried about setting precedent and not being able to say "no" to the next person that comes in. She asked if there was something compellingly different with this application. Mr. Taintor had encouraged the Board to discuss this as he wondered whether the same level of precision should be required for a simple lot line relocation and maybe they should review their regulations.

Mr. Hopley asked if, to implement these two particular lots into the proper medium, it could then start to domino to other lots. Mr. Chagnon agreed that was correct.

Mr. Hopley asked what was involved for his office to prepare this information. Mr. Chagnon responded they would have to take observations and calculations for the State Plane Coordinates. It is additional work which translates into additional expense.

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**

Vote on Waiver Requests:

Deputy City Manager Hayden made a motion to grant a waiver for compliance with Section VI.2.A of the Subdivision Rules and Regulations, regarding conformance with the dimensional regulations of the Zoning Ordinance and Subdivision Rules and Regulations. Mr. Patenaude seconded the motion.

The motion passed unanimously.

Deputy City Manager Hayden felt the ultimate solution regarding the waiver of the digital format would be to look at a change in the Subdivision Regulations and talk to City GIS people and see how they feel. She did not see a compelling difference with this application vs. the lot line relocations they have done over the past year. This requirement was put into the regulations at the request of the GIS staff so she is assuming it was for good reason.

Chairman Ricci felt sometimes things come back to haunt you in a negative way so he believes they have to vote no on the waiver request for digital data.

Mr. Patenaude made a motion to deny a waiver request for compliance with Section VIII.A of the Subdivision Rules and Regulations, regarding submission of the Subdivision Plan in digital format. Deputy City Manager Hayden seconded the motion.

The motion passed unanimously.

Motion for Preliminary and Final Subdivision approval:

Mr. Hopley made a motion to grant Preliminary and Final Subdivision approval, subject to the three recommended stipulations. Mr. Blenkinsop seconded the motion.

The motion to grant Preliminary and Final Subdivision approval with the following stipulations passed unanimously:

- 1) The final plat, the easement plan, and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;
- 2) Property monuments shall be set as required by DPW prior to the filing of the plat; and
- 3) GIS data shall be provided to DPW in the form as required by the City.

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C. The application of **Richard Bonhomme Realty, LLC, Owner, and Chinburg Builders, Applicant**, for property located on Kearsarge Way, for Preliminary Subdivision Approval to consolidate Lots 118, 119 and 122 as shown on Assessor Plan 212, totaling 227,623 s.f. (5.2255 acres), and subdividing the lot into 21 individual lots varying in size from 5,007 s.f. to 14,002 s.f. Said lots lie within the General Residence B (GRB) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, was present with Eric Chinberg. He passed out revised plans to the Board members.

Mr. Chagnon indicated that their informational packet included pictures of the potential single family homes that the builder is planning to place on the lots within the subdivision. A turning movement diagram was provided, and some truck and tractor trailer turning templates. Also included was a street light cut sheet which are the same light fixtures which were approved and installed at the Albacore Way subdivision which was constructed about 2 years ago.

The application requested waivers from Section VI of the Subdivision Rules and Regulations. One waiver was for the length of the road where they are proposing a 675' road from the intersection with Kearsarge Way to the throat of the cul-de-sac. They are also asking for a waiver of the street standards to have a 28' curb to curb street width.

The third request is for a waiver of the outside radius of the cul-de-sac which is currently shown as 41'.

Also included in the submission was a set of plans which Mr. Chagnon reviewed with the Board.

The first sheet was the Consolidation and Subdivision Plan which shows 20 lots and the street alignment. The proposal is to create a new public street to come off Kearsarge Way between the bridge and the intersection with Bedford Way.

Sheet C-1, Existing Conditions Plan, shows the topography of the lot. The plan slopes from the north down towards the south side of the lot. There is an old paved road on the easterly side which was put there when the bridge over the railroad track was replaced. The road was temporary and abandoned after the bridge was finished.

Mr. Chagnon pointed out that the water line crosses the existing lot.

Sheet C-2, Layout and Landscaping Plan, shows the building envelopes on each lot. When they apply the required setbacks they show sufficient area to construct their proposed structures. The middle of the cul-de-sac is shown as a green area. They are trying to put as much green space in the cul-de-sac to make it as attractive as possible.

They applied truck templates and the cul-de-sac accommodates the City's fire apparatus with some bumper overhang but does not accommodate a tractor trailer truck. In early discussions with the City and TAC they felt that in order to keep as much green space as possible it would be advantageous to design to the fire truck and not to the 55' tractor trailer.

Sheet C-3, Utility Plan, shows the proposed preliminary design sewer, water and electric with roadway property slopes from the west to the east. There is existing sewer on Kearsarge Way where they will pick up service. The water line would be brought out and run along the proposed street and tied back into the City's water main. They will provide a permanent easement for that. There is an overhead line at the entrance and will run underground from that line to service the development.

Sheet P-1, Profile and Grading of the Proposed Street, shows the maximum grade under 6% so it is well within the standards and will be a nice gentle approach.

All lots comply with the dimensional requirements except the lots that are on the corner. He handed out a revised plan to the Board showing a reduction in lots from 21 to 20 lots by reconfiguring some of the lots. The changes between the old and new plans are that Lot 20 became Lot 19 and was made bigger and Lot A was also made bigger and brought out to a different point of access along the proposed road.

Mr. Chagnon pointed out that the Site Plans show the steepness of the lots. They also handed out a two page Site Grading Study. They took two of the lots which were representative of the land being developed. One is on the uphill side and one is on the downhill side of the street. The development would be on the uphill side for the house to be placed between the setbacks with a two car driveway on the side and a patio at grade in the rear. Drainage would go along the sides of the structures and collected in the roadway drainage system. On the south side of the road which has the sidewalk, there would be a gradual approach along the side of the building and in the back there would be a walk out with a flat lawn area and a flat retaining wall, bringing you back down to the original grade. The second page of the plan set shows a different perspective. Mr. Chagnon indicated this shows how they will address the site grading issues.

Mr. Chagnon requested a vote on the waiver they requested regarding the cul-de-sac length of 675' where 500' is the maximum allowed. They have been talking to the City Departments, in particular the Fire Department who has indicated the length of the road is not an issue for them.

They are trying to keep the cul-de-sac radius as narrow as possible for DPW who has an easier time plowing a cul-de-sac when it is as narrow as possible. They want it to have a green middle and also meet the needs of DPW for plowing.

The street waiver of 28' will be enough width to accommodate the back and forth that is needed. There may be occasional parking on one side but every lot will have two off street parking spaces. DPW is comfortable with the width and they would like to keep the impervious surface as low as they can.

Mr. Chagon indicated they were asking for preliminary approval of the lot design.

Eric Chinberg, of Chinberg Builders, wanted to point out that early in the process he approached the Atlantic Heights Homeowners Association, through Phil Cohen, to seek their input. They met with the whole Association and fielded some questions and adapted the design to some of their comments. From his perspective, he believed the Homeowners Association felt comfortable with this concept.

Mr. Blenkinsop asked where access was for Lot 9. Mr. Chagnon stated they did not want to put a driveway in close proximity to the intersection. There is an access easement across Lot #8. Mr. Blenkinsop asked why it was being done as an easement rather than part of Lot #9. Mr. Chagnon explained they would get into lot width issues. He also thought they might have one driveway to service both houses.

Deputy City Manager Hayden asked if Lot #8 would have a driveway also. Mr. Chagnon suggested the driveway may service #8 & #9. Mr. Chagnon stated the easement is 15' and 12.2' is the straight portion of the road before it curves. If it was an access easement, Lot #8 would not be able to park in the easement. There would probably be a garage in the back and they would park in the back.

Mr. Patenaude asked how active the railroad line was and whether it runs at night. Mr. Chagnon responded that it was an open line but he does not know how often the trains go by. Mr. Patenaude wondered about the quality of life for people living there with children. He asked what the distance from the railroad track was to the houses. Mr. Chagnon stated it was between 80 – 100'.

Chairman Ricci asked if they will they have a closed drainage system and will the road be curbed with catch basins? Mr. Chagnon confirmed that was correct. There is currently some City drainage that exits onto the lot along the old road and they will maintain that flow and put a detention pond on Lot A.

Mr. Blenkinsop noted that Lot A is to be deeded to the City of Portsmouth and he asked if the City wants Lot A. Mr. Taintor confirmed the City wants that lot for stormwater management.

Mr. Taintor read a letter from Carl Roediger, of the Fire Department, saying they have no objection to this plan.

Chairman Ricci acknowledged a letter from Elda Fusigni, expressing her concern about the development.

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**

Chairman Ricci indicated they need to vote on the waivers first.

### **Waivers:**

Mr. Blenkinsop made a motion to grant a waiver of compliance with the cul-de-sac maximum length, Section VI.3.I., as requested. Mr. Patenaude seconded the motion.

Ms. Roberts stated that, in general, they were trying to discourage cul-de-sacs but they have struggled with development of this site for many years so she is just excited to see something happening at this site that is also fairly amenable to the neighborhood. Ms. Geffert added that the previous application for this parcel was somewhere between 35 or 52 units.

The motion passed unanimously.

Mr. Blenkinsop made a motion to grant a waiver of compliance with the cul-de-sac minimum radius for outside curbs and turnarounds, Section VI.3.I, as requested. Deputy City Manager Hayden seconded the motion.

Mr. Hopley asked if the 41' radius should include the additional 2', making it 43'. Mr. Chagnon confirmed what was submitted had been revised and it should be 43'.

Mr. Blenkinsop amended his motion to amend 41' to 43'. Mr. Patenaude agreed.

The motion passed unanimously.

Mr. Blenkinsop made a motion to grant a waiver of residential street pavement width, curb to curb, Section VII.1, as requested. Mr. Patenaude seconded the motion.

Chairman Ricci felt 28' was still too big but he applauded the applicant for reducing it to 28'. Ms. Roberts agreed as they have talked about this for several years so she was glad if they can make it any smaller and still be safe from a fire department standpoint. Mr. Taintor stated that the applicant originally came in at 24' but the City brought them back up to 28'.

The motion passed unanimously.

**Motion and Stipulations:**

Mr. Blenkinsop made a motion to approve Preliminary Subdivision Approval as presented with the revised plans, dated November 18, 2010, and as presented tonight. Said plans reflect 20 lots with one of which will be deeded to the City. Mr. Patenaude seconded the motion.

Mr. Chagnon agreed they will put the corrected radius on the final Subdivision Plan.

Deputy City Manager Hayden had an issue with shared driveways. She felt Lot #9 will be problematic to the owner. Chairman Ricci indicated it dimensionally meets the requirements of the subdivision regulations but they can address it with a site plan. Mr. Taintor believed the approval of the subdivision will also approve the access easement. They are not required to have access on the street which they have frontage on and the regulations do not say anything about a shared driveway.

Mr. Hopley asked if there was something preventing the driveway for Lot 9 to be off Kearsarge. Mr. Taintor indicated it was too close to the intersection. Technically it would not violate any standards but it may be dangerous. Mr. Chagnon added that the driveway on Lot 9 would be directly across from



the State access road. Ms. Roberts indicated that she does not have a good handle on the volume of traffic.

Mr. Taintor asked if they want a stipulation to look at it further or do they want an access easement. Mr. Blenkinsop asked if they would further consider access to Lot 9. Ms. Roberts asked if final subdivision would require a traffic study. Chairman Ricci suggested a stipulation that they review it. He felt enough information has been given to the applicant for them to look into it.

Mr. Chagnon thought they could ask DPW, who issues driveway permits, whether they are comfortable with Kearsarge Way access or they could have a finger of property go with Lot 9.

Deputy City Manager Hayden stated she saw this as an 18 lot subdivision and not as a 19 lot subdivision. She felt Lots #9 and #10 should be one lot.

Deputy City Manager Hayden asked if the City will own Lot A or have an easement over it. Mr. Taintor confirmed the City will own it. The flag area that comes up between Lots 18 and 19 has to do with the water line. The back area of Lot 18 which abuts the City lot will not be used. Deputy City Manager Hayden asked by approving preliminary subdivision tonight, are they locked in to have the City accept Lot A.

Mr. Blenkinsop did not like the idea of an easement and felt the finger of land would be better but he needs more information. He wanted a stipulation that makes it clear that this is still an issue for them.

Ms. Geffert agreed with Deputy City Manager Hayden. If they are going to give preliminary they need to be surgical. She is hearing that the Board is not enthusiastic about an access easement and if they can't get a driveway on #9 then it will be an 18 lot subdivision. She did not believe they should grant a subdivision of this nature with a shared access easement.

Chairman Ricci added that it is all permitted and allowable. It is not like someone is going to buy a lot and not know what they are getting into. He feels if Lot 8 buys with a shared driveway then he is comfortable with it.

Ms. Geffert understood what Chairman Ricci was saying but she felt if someone bought Lot 9 then they are going want access on Kearsarge so why not put it on the subdivision plan. From a Planning perspective she would not want it in the subdivision.

Mr. Gladhill asked if a study could be done to see if the driveway can be off of Kearsarge. Chairman Ricci felt they have agreed to have DPW review it and report back prior to the next Planning Board meeting.

Ms. Roberts asked if they should postpone. Chairman Ricci felt they should act on Preliminary approval with stipulations and then go to final. Mr. Taintor thought they could grant Preliminary and refer it to TAC for review by fire and police and DPW and then have it come back. It went to TAC initially so he felt it would be appropriate. Deputy City Manager Hayden wanted to have more discussion on this. She would vote for it but for Lot 9 and possibly that 19<sup>th</sup> lot is key to making it affordable development.

Chairman Ricci indicated that the stipulation was that DPW would review the possible driveway from #9 to be directly on Kearsarge. Deputy City Manager Hayden asked if that meant refer it back to TAC. Mr. Taintor agreed all of those discussions could be part of a TAC review. Deputy City Manager Hayden was comfortable with that.

The motion to grant Preliminary Subdivision Approval with the following stipulations passed unanimously:

1. DPW shall review and report back on the possibility of Lot 9 having a driveway off of Kearsarge Way.
2. This matter shall be referred to TAC for a report back to the Planning Board.

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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 Jane Gee, of janegee, for property located at 10 Ladd Street, to install a projecting sign over City property.

Mr. Taintor advised the Board that this is a standard sign request and meets all zoning requirements. The staff recommends approval with the standard recommendations.

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

The motion to recommend approval of a revocable municipal license passed unanimously with the following recommended 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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**V. OTHER BUSINESS**

A. Winchester Street – Street Name/Address Issue

Mr. Taintor indicated this was a follow up to a hearing they had a few months back. Winchester Street is really in three sections. They had originally suggested that one section be renamed however the residents didn't like it. They met with DPW and by only renaming the first section to Cardinal Lane, it will not change anybody's address and will allow the two new subdivided lots to have a Cardinal Lane address.

Deputy City Manager Hayden made a motion to recommend to the City Council that the segment of Winchester Street between Lafayette Road and the first corner be renamed "Cardinal Lane." Ms. Geffert seconded the motion.

The motion passed unanimously.

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**B. Public Undeveloped Land Assessment (PULA) Presentation**

Peter Britz, City Environmental Planner and Sustainability Coordinator, handed out a report prepared by Mark West to look at 91 City owned properties. This is a starting point for future studies. It is an inventory and is a living document in GIS format. There are a whole set of maps; however, they only provided one sample map to the Board. Mr. Britz also pointed out that Steve Miller, Chairman of the Conservation Commission, was also present.

Mark West, of West Environmental Services, addressed the Board and narrated a powerpoint presentation. He stated this study was an opportunity to collect data on the 91 parcels and their characteristics which cover over 900 acres. In the mapping portion they mapped onto aerial photos wildlife corridors, invasive species, access, parking access, etc. They found quite a few invasive species. They have a number of sites with rare plant communities. There are very few sites with dedicated parking. Only one site has watercraft access.

44 of the parcels were connected to other parcels so they created a cluster list. When looking at management of the parcels, they can look at them as a whole. They mapped trails and wildlife corridors.

Looking at the parcels at the end of Coach Road, you can park and hike in. Portions have conservation easements managed by the Seacoast Land Trust. Trails were identified as well as trees. There are places where people park on a railroad bed off Ocean Road. There was a lot of deer activity. A fair amount of the sites are wetland.

On Arthur Brady Drive, drainage runs off the road to the City owned parcel. This encourages phragmites and other invasive species. The City may want to build a small stormwater structure to control invasion.

Off Little Harbour Road there was an Asian Bittersweet invasion.

The Sagamore Creek Headland site has recreational trails and a fair amount of people use it as it has parking.

They found a lot of debris from homeless encampments on the parcels which they noted on their data forms.

On a very small parcel they found what could be the Rockingham County Champion Ash tree. They submitted it for review.

They mapped the trails and wildlife corridors. If development occurs they might want to look at how that would impact the lots.

They also mapped easements and other restrictions on PULA parcels.

Under management suggestions, they need to review what they want to use the parcels for. Do they want to increase access by land or water, whether passive or active recreation is a use, management of wildlife habitat, stormwater management opportunities, invasive species control (a big issue and funding is available), wetland restoration opportunities, educational activities, forest management, alternative energy such as wind and solar, a community garden or stewardship cleanups.

Mr. Britz indicated that funding for this study and report was from the City Conservation Fund. There will be an online mapping tool to find the facilities.

Chairman Ricci felt this report was very informative and he invited them to come back whenever updates are available. He looks forward to the website.

Mr. Britz added there will be a more in-depth presentation of this study in the Levinson Room at the Library coming up.

Ms. Roberts asked that they let the Board know when the presentation is being scheduled.

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C. Appointment of Capital Improvement Plan Sub-Committee.

Mr. Taintor stated this will be held on December 8<sup>th</sup> from 12:00 – 5:00 pm

John Ricci, William Gladhill, and Donald Coker will serve on the Sub-Committee.

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**VI. PLANNING DIRECTOR’S REPORT**

Mr. Taintor referred to the letter regarding 150 Greenleaf Avenue.

Albacore Way Subdivision: This project has been completed and they are attempting to resolve some minor issues. They are recommending that they vote to recommend to the City Council that they accept the street.

Mr. Patenaude made a motion to recommend to the City Council that they accept Albacore Way as a City Street. Deputy City Manager Hayden seconded the motion.

The motion passed unanimously.

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**VII. ADJOURNMENT**

A motion to adjourn at 10:43 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 December 16, 2010.