

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

FEBRUARY 17, 2011

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

MEMBERS EXCUSED: n/a

ALSO PRESENT: Rick Taintor, Planning Director

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6:00 – 7:00 pm - WORK SESSION on 2995 Lafayette Road, Service Credit Union (Planned Gateway Development – Conditional Use Permit/Site Plan Review)

Chairman Ricci called the work session to order and turned the meeting over to Rick Taintor, Planning Director.

Mr. Taintor stated the purpose of the work session was for the Planning Board and staff to have a back and forth discussion with the applicant as this is the first application that has come before them under the new Gateway Planned Development provision. He mentioned that part of the discussion will have to do with the road connector between Lang and Longmeadow Roads. Staff have been working with the applicant to come up with a mutually acceptable solution and the intent is to make this a public road; however, the details of how that will happen are up in the air.

Bradlee Mezquita, of Appledore Engineering, presented on behalf of Service Credit Union. He stated that the site is located at Lang, Lafayette and Longmeadow Roads and is the old junkyard site. They are proposing a 4-story 25,000 s.f. template, or 100,000 s.f. overall, office building. It will not be a bank branch. As part of the Gateway District they pulled the building forward with the parking in the rear. There is an extensive amount of green space left over, somewhere around 80% of the site. There will be a new roadway system around the site. Longmeadow currently ends in a cul-de-sac and they are proposing to extend the road out and over to Lang Road. They will stripe Lang as right turn only and traffic signage will be added to alert people on how to reach Route One North and South.

Also shown on the plan (faded) is a reserve parking area that will not be built at this time but is planned for future use. They show 167 spaces and another 120 for future use, totaling 287 total required spaces. They have an extensive sidewalk and pathway network on site. There are concrete sidewalks, walking paths, a gazebo and seating areas. They looked at stormwater improvements for the site. Going back to the junkyard, the stormwater was collected with catch basins and piping. They are incorporating LID technologies with three significant sized rain gardens to treat all of the runoff from the parking area and the annex lot (on the opposite side of Longmeadow Road Extension) will have a stormwater wetland built to DES standards. They have received their permit from DES.

Mr. Mezquita stated that the project is before the City Council for a new zoning amendment regarding the LEED certification. As part of that, in addition to the rain gardens and stormwater wetlands, they are putting in a geothermal heating system. They show a significant bank of wells for the piping for the heating and cooling of the building. They are proposing fairly significant landscaping. The landscape architect worked very closely with Service Credit Union on trying to create the image they want to see looking out of their windows. They will have berming around the parking lot to create areas of buffering and screening. They will have higher elevations leading to the gazebo for a pleasant view to the back of the building. Mr. Mezquita turned the presentation over to Eric Svahn to discuss the interior of the building.

Eric Svahn, of Gund Partnership Architecture, stated they have been working with Service Credit Union since 2009. Service Credit Union wanted to take their existing corporate image and raise it to the world class institution that they are. They wanted to create a work environment for employees that created enhanced work productivity. Looking through the new Zoning Ordinance they were excited to see regulations to allow denser development of the site. They were able to move the building closer to the street to create an urban presence and then allow more open space to be enjoyed, creating value on the site. They came up with a building with a central atrium core to get as much light as they could from the exterior into the interior of the building. Light travels into the center of the office space which is a very sustainable feature and they are providing shade control and automatic dimming on light fixtures. They took the current utility bills of Service Credit Union to compare with their cost savings analysis and estimate they could reduce their cost by 10-12%.

Mr. Svahn displayed computer model CAD renderings of the site. The first view is from Route One, looking north and the second view is of the main entrance of the building which faces the rear of the lot and the parking area. The building has a granite exterior and the granite is from Maine. They have a curtain wall system which is glazing with an aluminum structure on the back. The glass is a high performance glazing, and is light grey and has great U-values for reflecting the sun in the summer and accepting the light in the winter. They opened up the atrium windows on the end to create views back into the building. The entrance side was shifted forward so that when you enter you get more of the face of the building. An item that they liked about the curved façade was that when you are driving by you see half of the building rather than one long building.

Mr. Svahn displayed a plan which included additional elevations of the roof items. The roof appurtenances and elevator enclosure will be enclosed in an aluminum composite panel. A section through the building has plates which are designed to be a maximum length to let in light. There are four floors and balconies inside the atrium, separated by glass walls from the working area. There are six skylights across the roof. What was most noticeable when they were on site was the aircraft taking

off from Pease. The way they fly across the site creates an angle which was picked up and referenced back into the plan with skylights and some of the geometry on the site.

Mr. Svahn indicated that some parking is provided underneath the building as this is their executive headquarters. There is a public first floor, a call center on the second floor, the mid-executives are on the third floor and the executives are on the fourth floor. They have an executive entrances from the basement and they also have a below grade loading dock. The grading is brought around and has fencing and plantings.

Mr. Rice thought it was really exciting to have this happening in the Gateway District and it has the potential of being one of the nicest properties on that street. He wondered about the mechanicals on the roof and how visible they will be. Mr. Svahn indicated that in their effort to use geothermal, they put a fair amount of mechanical in the basement to avoid putting the typical units on the roof. The more roof area they had, the more solar the building could accommodate. They currently have four smaller mechanical units that take in air. They have the three exhaust fans on the center sky lights and two exit stairs which have sloped roofs. They are just under the 10' roof appurtenance height limitation.

Mr. Coker asked about the LEED scorecards. Is there a list somewhere showing how many points each item receives and who is the scorecard delivered to? Mr. Taintor pointed out that two scorecards were included in their packet and those are submitted to the City. The ordinance does not require them to be certified, but they have to be certifiable. The reason they have two scorecards is because the second option is to show they could meet the numerical requirements of LEED ND but because of this particular site they can't meet the prerequisites so they are also providing documentation that they could be certified under LEED NC. Mr. Coker asked if that is a clear black and white declaration. Mr. Taintor indicated the scorecards provide for answers as Yes, Maybe or No. For a large majority of the criteria it is black and white. Innovative items are at the end of the scorecard which are for innovative credits. Mr. Taintor believed the scorecard is 80% objective and 20% subjective. Mr. Svahn added that there are two phases. Within the LEED process they come up with designs they want to do and then review the project to meet the credits. Mr. Taintor added that when they wrote the zoning, because this is a Site Plan Review process, and the Planning Board tends to be involved in site issues and not building issues, they chose the LEED-NC because more of the credits are based on site design, transportation, and neighborhood. Mr. Coker felt it was an interesting process which he is looking forward to.

Ms. Geffert assumed they look at it but LEED certifies them. Mr. Taintor clarified that they don't require them to be certified but just certifiable. Certification would not be possible until well after the site review process was done.

Ms. Roberts wanted to talk about their vision of the Gateway District. She recalls discussing wanting to get back to a healthier streetscape and this is their first very exciting project. One piece that is important in the future is the issue of what is the front façade of the building. She was pleased they incorporated a second entrance on the Lafayette side to assist in their vision with that district. Mr. Svahn indicated it was their intent that the front entrance will not be used for a while.

Chairman Ricci was excited about the application. He noted in the narrative letter that the roof is photovoltaic-ready. He was interested to know why they would make that a future use and put the geothermal in now. Mr. Svahn explained it was just the cost and the payback. They have solar thermal planned for the roof for hot water heating to supplement the hot water. That is going in with a token display. They have plans to have a building dashboard that will show an interactive that people can touch and ask questions with. One of the biggest goals of LEED is educating people so they plan to have interactive educational items on the roof. Chairman Ricci asked what the depth of the geothermal wells are. Mr. Svahn responded they are about 500’

Ms. Geffert did not see any clear bicycle routes. Most bike riders use Lang Road to get from Portsmouth. She asked what the bicycle circulation was. Mr. Svahn pointed out the proposed bike racks. The maximum occupancy of the building is 300. There would be more room for bike racks when the future parking lot was built. One of the LEED credits is for bicycle transportation so they are providing showers for the bike riders. Mr. Taintor mentioned that they wanted to have room for bikes on the connector road. They narrowed the lanes and provided a 4’ shoulder on both sides. Ms. Geffert noted there was no bike lane along Lang Road. Also the driveways on site do not seem wide enough for bikes.

Mr. Svahn stated that the existing features of the site show a difference of 8’ in height between the existing grade and what used to be a cemetery. There are also existing pine trees and they plan to plant more trees.

Mr. Blenkinsop asked what the tipping point would be for when the second parking lot will be required. Mr. Svahn stated it is designed to be a surface lot and will accommodate future build-out of the surface lot. He doesn’t have the trigger point number but it would be in the Zoning Ordinance. Whether it is a structure or a lot will be a cost factor at the time they need to build it. Mr. Blenkinsop asked if the 80% open space is with or without the reserved lot. Mr. Svahn indicated it is 60 – 65% with the lot built.

Councilor Spear felt it would be more bike friendly to have a proposed location for the bike rack in the basement because it would be nice to have a dry bike on a rainy day. A lesser option would be closer to the building as he felt the bike rack was too far away. Mr. Svahn indicated they could look into moving it closer.

Councilor Spear asked what some of the other things are about their design, from a stormwater standpoint, that differentiates it from other designs. Mr. Svahn felt it was the shape of the parking lot, they are incorporating more green space for more shading, they have the rain garden features to collect water with the proper plantings to enhance it and they consulted one of the top landscape architects in the country who centers in on sustainable features.

Mr. Hopley also felt the site was unfriendly towards bicycles and the bike storage is not even being proposed to be built now as it is labeled as future. He asked who is building the sidewalk. Mr. Mezquita stated it would be built as part of the site plan.

Mr. Coker thought their parking requirement was a set number and he didn’t understand the minimum and maximum parking spaces that are listed. Mr. Taintor explained that was part of the new Zoning

Ordinance where they did several things with the parking. They have a maximum parking based on how many spaces were required within a certain range. The reserve parking is completely open-ended. If the applicant feels they do not need the parking that is required in the Zoning Ordinance, they don't want to make them built it but it needs to be available in case they do need it.

Mr. Taintor advised the Board that the applicant will be going back to TAC on March 1st but they won't be able to make a decision at TAC until the City Council makes a decision on the zoning amendment on March 7th. Therefore, there will be a special TAC meeting on March 8th and they will be going back to the Traffic & Safety Committee on March 10th so that they will be ready to come back before the Planning Board on March 17th.

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the January 20, 2011 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

A. The application of **Craig and Mollie Sieve, Owners**, for property located at **4 Sagamore Grove**, for a Conditional Use Permit Application under Section 10.1017 of the Zoning Ordinance for the demolition of an existing home and out buildings, construction of a new home and detached garage, and relocation of a septic system, all within a wetland buffer. Said property is shown on Assessor Map 201 as Lot 4 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Craig Sieve, owner, was present along with Erik Saari, from Altus Engineering. Mr. Sieve explained that all proposed changes are to improve nonconforming aspects of the existing lot. There are buildings and sheds in the 50' tidal buffer which are being removed or moved back. Inside the stone retaining wall is a lawn that goes up to the house. The existing driveway, which is next to the garage building, is concrete with some 3" drain pipe that empties right out to Sagamore Creek. Most of the proposed changes within the tidal buffer are to remove the driveway and re-vegetate with native vegetation. They have also moved part of the house back which was inside the tidal buffer.

Mr. Sieve reviewed the five conditions they have to meet for a Conditional Use Permit.

(1) The land is reasonably suited to the use, activity or alteration. Mr. Sieve stated there is a home there now and the ceilings on the 2nd floor are sagging and not to current standards. Therefore they want to replace it with a home that meets current standards.

(2) There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. Mr. Sieve pointed out the 150' NH DES natural woodland

buffer and there is a 100' City tidal buffer so there is no other location to place the house. They are leaving one section of the house in the existing footprint to minimize the change. The other structure that is being removed is roughly the size of the garage and they are moving it towards the house to get it out of the tidal buffer.

(3) There will be no adverse impact on the wetland functional values of the site or surrounding properties. Mr. Sieve stated they worked very hard with Altus Engineering and City staff to understand what they could do to improve the site. It was their goal to be as ecologically conscious as possible with the redevelopment of the lot and they believe they did that with rain gardens and proper drainage. Currently the property is a river running from Sagamore Grove right into the water. It all funnels to the rocky crushed stone driveway and onto the concrete area. A small stream is created during a heavy rain. The new design assures that the water is appropriately dealt with using the rain gardens. This is a significant improvement to the wetland value of the property.

(4) Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. They feel they are taking a big step forward. They are removing some of the lawn by the water and replacing it with natural vegetation. Also the leach field is in buffer now but they will move it back to take it out of the tidal buffer.

(5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section. Mr. Sieve stated it was their goal to take steps to improve and not negatively impact the area. Besides moving the leach field, they also reduced the impervious surface in the lot by 900 s.f. through the elimination of the concrete and replacing the current driveways and parking areas with pervious pavers.

Mr. Taintor stated that he spoke with Eric Weinrieb at Altus Engineering today and, although it is not directly related to the Conditional Use Permit, he had a concern about the driveway. City driveway standards are a maximum width at the streetline of 24' and this shows a driveway that is roughly 42' wide at edge of the street. It also shows what appears to be a parking space partially in the city right of way. He thought the Board may want to consider a stipulation to have the driveway plan be revised to be consistent with the City regulations.

Mr. Coker asked about the note on the plan "Lot line to be abandoned". Mr. Taintor confirmed that the board addressed that at last month's meeting and they granted a lot line revision.

Councilor Spear asked what materials were being used for the pervious driveway, walk and patio. Mr. Sieve explained that they looked at several options but have not picked a specific item yet. There are several that meet the requirements. Pervious pavers is probably what they will go with.

Mr. Hopley noted that their septic design is quite elaborate. He asked if the State has issued a construct permit yet. Mr. Sieve responded that they have State approval for the shoreland and they are waiting for the septic. They needed the shoreland before they could file for the septic.

Deputy City Manager Hayden referred to the driveway and parking spot issue and asked how he thought they could address that. Mr. Sieve agreed it is an odd area and they are going to need a driveway permit from the City and are open to altering the plan to meet the requirements. Deputy City Manager Hayden felt it was also the parking area that will be constructed with pervious pavers. It looks like they will be constructing improvements in the right-of-way. She wondered if the Board

could offer some sort of stipulation with approval or do they need to review the revised plans prior to approval. Mr. Sieve felt the parking and driveway could be moved up to get it out of the right-of-way.

Erik Saari, Altus Engineering, felt there was a possibility of keeping the driveway width at 24' where it meets the right-of-way and pulling in the parking. He thought the condition would be to refine the plan to meet the requirements of the driveway permit.

Deputy City Manager Hayden asked about the note on the plan in front of the driveway that read "Sagamore Grove, a public way, variable width". Mr. Saary explained that most right-of-ways are 50' or 60' wide but the width changes all over the place on this particular right of way and it is not a consistent width.

Chairman Ricci asked why they need separate parking in the driveway which is 24'. They appear to have parking for half a dozen cars. Mr. Sieve confirmed it was already there and they didn't think much about it. A few years ago, the City wanted them to have parking there for people using the dock. Chairman Ricci felt that Conditional Use is the least impact and that additional pavement is not the least impact.

Ms. Geffert asked staff what was better – pervious pavers or what is there now. She wanted as little disturbance as possible but if a solid parking area with pervious pavement is going to be better she doesn't want to rule it out. Mr. Taintor did not know what would be better but was concerned with conforming to the City's regulations. Chairman Ricci felt that something durable that is pervious is better than something that is scruffy that will erode. Mr. Saari thought they could provide vegetation. The existing compacted gravel is impervious and water does not go through it. Ms. Geffert thought it would be best to come up with a condition so that the applicant does not have to come back before the Board.

Deputy City Manager Hayden asked if DES considers compacted gravel as impervious. Mr. Saari confirmed that they do. The water runs right off because it is so compacted. Deputy City Manager Hayden asked if they could put a detail on the plan saying what the pervious material will be. Mr. Saari indicated that the cross section below the surface is not going to change. The surface treatment is up to the Sieves and it would be easy to put a detail on the plan.

Mr. Coker asked if Sagamore Grove is a City street. Mr. Taintor confirmed it is a strange City street. It does not connect to Sagamore Avenue. It connects to a private right of way which connects to Sagamore Avenue.

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.

Bill Pingree, of 6 Sagamore Grove, is an abutter to the Sieve property. He wanted to go on record that he was totally in favor of this application.

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 the Conditional Use Permit with the following stipulations: that they add a subsurface detail for the area under any pervious material; that they meet the City driveway standards; and, that they show no improvements on the plan that would be in the public right-of-way. Then they could do what they wanted for improvements to those parking spaces. Councilor Spear seconded the motion.

After some discussion, Deputy City Manager Hayden amended her third stipulation to read that no parking spaces, or unnecessary improvements, shall be constructed in the public right-of-way.

Mr. Coker asked them to define public right-of-way. Mr. Taintor stated that the right-of-way is at the lot line and is shown on the plan. Mr. Coker was concerned that the street was not a consistent width. Deputy City Manager Hayden confirmed that right in front of this property it was.

Mr. Coker requested a fourth stipulation pending septic system approval.

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

- 1) A subsurface detail shall be added to the plan for the area under any pervious material.
- 2) The driveway shall meet City standards.
- 3) No parking spaces, or unnecessary improvements, shall be constructed in the public right-of-way.
- 4) Septic System approval is required from the State.

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B. The application of **Thirty Maplewood, LLC, Owner**, for property located at **30 Maplewood Avenue**, requesting Site Plan Approval for site redevelopment to retail, bakery, restaurant and residential uses, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Jennifer Ramsey, of Somma Studios, appeared on behalf of the applicant. She reviewed the plan set with the Board. Ms. Ramsey pointed out that this project is on the Hanover Street end of the Bridge and Maplewood block. This was the previous Health & Human Services building.

Sheet C-1 shows the existing conditions of the site. There is a 76 space parking lot on the north side of the site and a 15,000 s.f. building on the south side. Also shown on this sheet is some demolition,

signs, existing sidewalks, transformers, overhead wires. They are also relocating an existing utility pole at the Hanover/Bridge Street intersection. This pole is needed to support wires on Hanover Street.

Sheet C-2 shows proposed changes to the site. They appeared before the HDC on August 18, 2010 and received an approval for exterior renovations, including new windows, store fronts, entry awnings, eaves and trim details. They will be improving the City sidewalks by changing them to brick along Maplewood and Hanover and installing updated street lights at the City's request. They are adding some outdoor spaces, mainly patios, to compliment proposed interior uses. They are also adding access sidewalks to comply with the current code. They are changing the existing chain link fence which encloses the mechanical unit on the Bridge Street side to a decorative wood fence. They added some plantings.

Sheet C-3 is the Utility and Grading Plan. It has details for the grading improvements, grease traps which will be added for future restaurant uses, and a dumpster enclosure similar to the Ceres Street dumpster which will also be able to handle recycling and compost. They are adding entry doors to the enclosure and new electrical services will be provided.

Sheets D-1 and D-2 are both details associated with construction.

On February 1st the Technical Advisory Committee recommended approval with the following stipulations.

- 1) Final grading for the dumpster area shall be provided to DPW for review and approval prior to the Planning Board meeting – they revised their plan and DPW has approved the grading.
- 2) The dumpster area drainage outlet shall be relocated to downstream of the grease trap, with a clean out and new 6" sewer laterals – this has been done and the new configuration is shown on Sheet C-3. They are also aware the DPW has expressed some additional concerns regarding the proposed sewer connection and were asking that the Board approve this with the condition that they will work with DPW on that proposed connection.
- 3) The conduit for the lighting system shall be schedule 80 PVC – this has been noted on Sheet C3.
- 4) The detail for the brick layout shall be revised to City standard – this has been done and is included on Sheet D-2.
- 5) A panel board shall be provided and DPW shall approve the specs prior to the Planning Board meeting - this was approved by DPW and noted on Sheet 3-C, at Note 9.
- 6) A Knox Box shall be added to the Site Plans, along with a note including installation instructions – this was done and noted on Sheet C-3 at Note 6.
- 7) All wiring and the conduit shall be installed under the supervision of a licensed electrician – a note has been added to Sheet C-3.

- 8) HDC approval shall be required for changes to the patio wall materials – they will be going back to the HDC at a later date for this approval.
- 9) The applicant shall prepare a Construction Management & Mitigation Plan for review and approval by the City – this requirement has been noted on Sheet C-2 as Note 7.

Ms. Ramsey also pointed out they have included a waiver request from the regulations regarding the submission of lighting photometric data. They have no issues with any of the proposed stipulations and were requesting approval.

Mr. Coker asked staff to review the parking calculations. The 1st floor lists a bakery, retail and a restaurant and he asked if they have identical parking requirements. Mr. Taintor stated that the bakery and the restaurant area are both being treated as a restaurant uses with 1 space for 100 s.f. required. Retail space in the downtown does not require any parking. Mr. Coker asked about the second floor which will be residential. Mr. Taintor confirmed regardless of use, upper floor non-restaurant spaces require 1 space per 1,000 s.f. Mr. Coker asked if the VFW is using some of their required spaces so there is a dual use. Ms. Ramsey stated the VFW has an agreement with the owner for the use of those parking spaces during certain events and certain times. Mr. Taintor stated that it would not be allowable if the spaces were leased but the way it is set up, it is permissible. Mr. Taintor further stated that he has reviewed the parking calculations and he is satisfied.

Deputy City Manager Hayden noted that the Existing Conditions sheet says there are 85 spaces on site and Sheet C-2 says there are 76 spaces. Ms. Ramsey indicated that there are 76 that are acceptable by City regulations and they will be restriping them. Deputy City Manager Hayden asked that they correct the existing parking space count on Sheet C-2 to 86.

Steve Kelm, owner, indicated that some spaces are only partially on the 30 Maplewood site so they didn't count those. They only counted the spaces that are entirely on their lot. Deputy City Manager Hayden asked if the VFW controls the spaces they use. Mr. Kelm indicated that there has been an agreement in place for the past 30 years to allow the VFW to use the parking lot. The intent is to continue to let them use the parking lot, as needed, which is primarily off hours.

Deputy City Manager Hayden asked how many ADA spaces they have. Mr. Kelm responded that 4 are required and shown. Deputy City Manager Hayden requested a site plan of the entire site, showing all of the parking spaces, with a note that they really are not changing that part of the site.

Mr. Coker assumed a lot of their uses would still be open in the evenings so he wondered how they would still be able to have the VFW use the lot. Mr. Kelm stated they have the required parking to support the use. They would like to let the VFW have the parking as much as they can. To answer Mr. Coker's question, the simplest solution would be to give the VFW a 30 day notice that they cannot use the parking lot any longer. They don't want to do that and would prefer to share parking as much as possible.

Mr. Hopley asked how many residential units they were planning. Ms. Ramsey responded they were unsure but it would probably be between 5-7.

Deputy City Manager Hayden asked if they comply with all other Site Plan Review Regulations other than their lighting waiver requests. Ms. Ramsey confirmed they do and the reason they are requesting a waiver on the lighting is because the manufacturers don't provide the information on that style of lighting. Deputy City Manager Hayden asked her question because the site plan they will approve tonight does not show the parking area and she wanted some way to document that the travel aisles and parking spaces will be to City standards.

Mr. Blenkinsop asked if the licensed electrician would be a NH licensed electrician. Ms. Ramsey confirmed it would be.

Ms. Robert asked if there was any new lighting in the parking lot. Ms. Ramsey confirmed there would not be any new lighting.

Deputy City Manager Hayden asked how the patio spaces will be used and if they would be open to the public. Ms. Ramsey stated that most patio spaces are enclosed with retaining walls and would be private to the use inside. They will have outdoor seating around the building for public use. Deputy City Manager Hayden asked if there was any intent to serve alcohol in any of the unenclosed outdoor seating areas. Ms Ramsey stated at this point there would be no alcohol service in the unenclosed areas.

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor advised the Board that DPW had some concerns following the amendments regarding the grease traps on both sides of the building and details on clean outs and how connections would be made. He also reminded the Board that there is a waiver request which requires a 2/3 vote.

Waiver:

Deputy City Manager Hayden made a motion to approve the waivers. Mr. Rice seconded the motion.

Mr. Coker noted that they are asking for the waiver of the requirement of the submission of initial lumens and the illumination, in foot-candles, at ground level. He did not believe that the developer would do anything contrary to the City regulations but he asked what would prevent a new owner from putting spot lights in. Mr. Taintor explained the waiver request is for the initial lumens which are provided on the plan. On Sheet D-1 there is a schedule for the lumens for all outdoor fixtures. He believes it is only the photometric plan that was missing. Chairman Ricci felt it would still apply to Section 10.3. This gives them the illumination of the device but not necessarily the illumination of foot candles at ground level. Mr. Taintor confirmed they don't need a waiver for (a) but they do need a waiver for (b).

Deputy City Manager Hayden felt they could amend the waiver request and she made a motion to waive the requirement to show the illumination in foot-candles at ground level and for the photometric plan.

Mr. Coker asked what would prevent someone putting spotlights in. Deputy City Manager Hayden felt it was all listed on the plan and the only thing that the applicant is not providing is the foot candles at ground level and the photometric plan that would go with them.

Mr. Taintor also stated that the Site Plan Review Regulations do not require a measurement of the lumens from the light fixtures. They just look at the bulb to see what is listed on it. Over the first three years they lose a lot of the illumination and become less bright. But they cannot use a bulb with higher lumens than what was approved.

The following Site Plan Review Regulation waivers passed unanimously:

- 1) Article 10, Section 10.3 Lighting Plan
 - (b) Submission of initial lumens for all light sources.
 - (d) Submission of an iso-lux plan indicating levels of illumination, in foot candles, at ground level.
- 2) Article 2, Section 2.4.4. Site Plan Specifications and Required Exhibits and Data
 - 3.(j) Submission of a photometric plan.

Site Plan Approval:

Mr. Rice made a motion to grant Site Plan approval with the three recommended stipulations. Deputy City Manager Hayden seconded the motion with the additional stipulation that a Proposed Site Plan of the entire lot showing parking spaces and striping be included in the plan set.

Mr. Taintor requested that the three proposed stipulations from DPW be included as well.

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

- 1. HDC approval shall be required for changes to the patio wall materials.
- 2. The applicant shall prepare a Construction Management & Mitigation Plan for review and approval by the City.
- 3. All wiring and conduit shall be installed under the supervision of a licensed electrician.
- 4. On Sheet C-3, on the Maplewood Avenue side of the building, both 1000-gallon grease traps shall be provided with cleanouts after the two 45-degree angles in the 6-inch pipes.
- 5. On Sheet c-3, on the Bridge Street side of the building, the applicant shall provide an additional manhole structure to receive flows from the drain from the dumpster area catch basin, the effluent from the 1000-gallon grease trap and the existing sewer service, or such other solution as the Department of Public Works may approve.
- 6. The applicant shall provide an overall site plan showing the information on Sheet C-2 – Layout & Landscaping Plan, including parking and striping, and encompassing the entire lot at the same scale as Sheet C-1 – Existing Conditions, Parking & Demolition Plan.

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III. CITY COUNCIL REFERRALS/REQUESTS

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

A. Request from Assiah Russell, of Puttin on the Glitz, for property located at 40 Market Street, to install a projecting sign over City property.

Mr. Taintor advised the Board that this was a standard request with no issues. It is a pre-existing nonconforming sign so a variance is not required. If a license is granted, no other municipal approvals are needed.

Deputy City Manager Hayden motion to recommend approval of a revocable municipal license, subject to the following conditions:

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

Ms. Geffert seconded the motion.

The motion passed unanimously.

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B. Request from Donna Kelly, of Tera Afina, for property located at 23 Ceres Street, to install a projecting sign over City property.

Mr. Taintor confirmed that the Board of Adjustment granted a variance on this sign. If a license is granted by the City Council, no other municipal approvals are needed.

Deputy City Manager Hayden made a motion to recommend approval of a revocable municipal license, subject to the following conditions:

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

Ms. Geffert seconded the motion.

The motion passed unanimously.

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IV. PLANNING DIRECTOR'S REPORT

Mr. Taintor mentioned the enclosures that were in the Board's packet.

Chairman Ricci mentioned to the Board the new LED lighting at the South/Lafayette intersection. It is very progressive and he was very proud to see the City using the new technology. He suggested everyone should take a ride by and check it out.

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V. ADJOURNMENT

A motion to adjourn at 8:02 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 March 17, 2011.