

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

MARCH 17, 2011

MEMBERS PRESENT: John Ricci, Chairman; Eric Spear, City Council Representative; Donald Coker; John Rice; Anthony Blenkinsop; MaryLiz Geffert; Cindy Hayden, Deputy City Manager; and Richard Hopley, Building Inspector.

MEMBERS EXCUSED: Paige Roberts, Vice Chairman; Norman Patenaude, Alternate; and William Gladhill, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

.....
I. APPROVAL OF MINUTES

A. Approval of Minutes from the February 17, 2011 Planning Board Meeting – Unanimously approved.

.....
II. PUBLIC HEARINGS

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

A. The application of the **City of Portsmouth, Owner**, for property located at **Suzanne Drive and Mariette Drive**, for a Conditional Use Permit Application under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer consisting of the replacement of two existing stormwater outfalls. Said properties are shown on Assessor Map 292, as Lot 95, Assessor Map 284, as Lot 4, and Assessor Map 293, as Lot 2, and lie within the Municipal and Natural Resource Protection Districts.

Chairman Ricci stepped down and Mr. Coker chaired the hearing.

The Acting Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

David Desfosses appeared on behalf of the City. He explained this is a capital improvement project and entails cleaning up the drainage of Maple Haven, both north and south. There are three drainage outfalls in Maple Haven. One is underneath the playground and the other two are long pipes that go out to wetland systems. The project will clear up the urban flooding that Maple Haven experiences in the spring.

The two function outfalls are 12” pipes and the proposed plan sizes them up to 30” pipes, which shows how undersized they are. Another part of the project is that they are having issues with the Rye pump station and believe a large percentage of the issues are due to the multiple sump pumps which are tied into the sewer system. There are approximately 150 houses and approximately half of them have sump pumps tied into the sewer system, which is enough to overwhelm the pump station. After all the drainage work is complete, they will be repaving the area.

Also present with Mr. Desfosses was lead engineer Jeffrey Clifford from Altus Engineering and wetland scientist Jamie Long with GZA GeoEnvironmental, Inc.

Mr. Clifford addressed the Board and pointed out the three outfalls on a displayed plan. The pipes are a haphazard arrangement of undersized 4” and 6” pipes creating a problem with flooding. After doing an analysis of the system they determined the existing Suzanne Drive outfall is very long and goes out to wetlands. The pipe is covered over and will go from 12” to 30” so they would have to put more cover over it. To minimize the impact they have pulled back the outfall to a grass swale and it will discharge to the same location. They re-oriented the outfall to go across the gravel parking lot rather than cut trees.

The Mariette Drive outfall goes all the way to the wetlands and the end of the pipe is broken. They will take all of the pipe out and replace a portion of it and then install riprap and grass swales which will provide better treatment.

Mr. Clifford reviewed the conditional use criteria.

- 1) The land is reasonably suited to the use, activity or alteration. This is an existing outfall and they are making a poor situation better.
- 2) There is no alternative location outside of the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. The wetland buffer is extensive so there is no location to re-orient where it could go. They are actually following an existing paper street which the city owns.
- 3) There will be no adverse impact on the wetland functional values of the site or surrounding properties. They are actually taking out fill that was placed when the original pipe was put in and they are not adding any impervious to the site so all function values at the wetlands are the same.
- 4) Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. They have strategically located the outfalls to minimize the amount of cutting. Especially on the Suzanne Drive outfall, they relocated it away from the forested area.

- 5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section. This project has significant public benefit, it is not a development providing any new impervious areas and there is no increased volume in the stormwater from the site. Each outfall flows to large wetlands so there are no downstream impacts to roadways and houses.

Mr. Clifford stated that they appeared before the Conservation Commission on March 9th and they received a favorable recommendation. They have also submitted a Minimum Expedited Permit to the State

Mr. Coker called for questions.

Ms. Geffert asked staff if the City might have any future interest in using the paper street off Mariette Drive. Mr. Taintor did not believe so and noted that it leads into the wetlands. Mr. Desfosses added that the land is very wet and not suitable for 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

Mr. Rice made a motion to grant Conditional Use approval. Mr. Blenkinsop seconded the motion.

The motion to grant Conditional Use approval passed unanimously

.....

Deputy City Manager Hayden made a motion to take Items C & D out of order and read them into the record together. Mr. Blenkinsop seconded the motion.

C. The application of **Bonhomme Richard Realty, Owner**, and **Chinburg Builders, Applicant**, for property located **off Kearsarge Way**, for a Conditional Use Permit Application under Section 10.1017 of the Zoning Ordinance for 8,200 s.f. of work within an inland wetland buffer, including grading, residential structures, retaining walls and drainage culvert pipe. Said property is shown on Assessor Map212, as Lots 118, 119 and 122 and lies within the General Residence B (GRB) District,

D. The application of **Bonhomme Richard Realty, LLC, Owner**, and **Chinburg Builders, Applicant**, for property located **off Kearsarge Way**, for Final Subdivision Approval to consolidate Lots 118, 119 and 122 as shown on Assessor Map 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.

SPEAKING TO THE APPLICATION

Mr. Taintor advised the Board that the applicant appeared before the Conservation Commission on March 9th and they did not vote to recommend approval of the Conditional Use Permit so the applicant

has requested that both applications be postponed to the April Planning Board meeting. The applicant had been advised that he was not required to attend tonight due to his request for postponement.

Conditional Use Permit:

Ms. Geffert made a motion to postpone the Conditional Use Permit application to the April 21st Planning Board meeting. Mr. Coker seconded the motion.

The motion to postpone the Conditional Use Permit application to the April 21st Planning Board meeting passed unanimously.

Subdivision:

Deputy City Manager Hayden made a motion to postpone the Subdivision application to the April 21st Planning Board meeting. Mr. Blenkinsop seconded the motion.

The motion to postpone the Subdivision application to the April 21st Planning Board meeting passed unanimously.

.....
B. The application of **Jay McSharry, Applicant**, for property located at **58 Pleasant Point Drive**, for a Conditional Use Permit Application under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, including construction of new decking (143 s.f.), re-grading of existing disturbed area (150 s.f.) and driveway expansion and construction of a rip-rap wall (29 s.f.). Said property is shown on Assessor Map 207 as Lot 12 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Brendon McNamara, the residential designer for the project, spoke on behalf of Jay McSharry. There are three aspects of the project that extend into the wetland buffer including the deck, the re-grading to accommodate egress windows and the change to the driveway to accommodate an expansion of an existing basement. He stated the project was fairly straightforward. They are applying for a Shoreland Protection Permit application as well. They received a favorable recommendation from the Conservation Commission last week.

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

DISCUSSION AND DECISION OF THE BOARD

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

The motion to grant Conditional Use Permit approval passed unanimously.

.....

Councilor Spear made a motion to read Item E under Public Hearings and Item A under City Council Referrals in together but vote on them separately. Ms. Geffert seconded the motion. The motion passed unanimously.

E. The application of **Jane Donovan and William E. Hess, Owners**, for property located at **54 Rogers Street** and the **City of Portsmouth, Owners**, for property located at **155 Parrott Avenue**, requesting Preliminary and Final Subdivision Approval for a Lot Line Revision between two lots having the following: Lot 44 as shown on Assessor Map 116 increasing in area from 2,350 ± s.f. to 3,000 ± s.f. and increasing from 36 ± feet to 45 ± feet of continuous street frontage on Rogers Street; and Lot 15 as shown on Assessor Map 128 decreasing in area from 264,110 ± s.f. to 263,468 ± s.f. and with 320 ± feet of continuous street frontage on Parrott Avenue. Map 116, Lot 44 lies within the Mixed Residential Office District (MRO) where a minimum lot area of 7,500 s.f. and 100' of continuous street frontage is required and Map 128, Lot 15 is in the Municipal District (M).

A. Letter from William Hess and Jane Donovan regarding the boundary line between 155 Parrott Avenue (Portsmouth Middle School) and 54 Rogers Street.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Appearing on behalf of William Hess and Jane Donovan was Attorney Doug Macdonald. He stated that Mr. and Mrs. Hess purchased their house at 54 Rogers Street in December 2008 conditioned upon receiving approvals from the City for work to be done. Unbeknownst to them, in 2003 there was a survey done for the library by the City that showed a sliver of City property that overlaps on the Hess property. Another survey was done for the Middle School property and the boundary line became a problem because the survey shows the Hess property going from 36' to 29' wide. They had gone in good faith to the City to obtain approvals for work to their lot and they are now unable to obtain financing due to title issues.

As this part of the City is very old, on the 1877 City Map, 54 Rogers Street is marshfront property on Marginal Way which was later reconfigured and called Parrott Avenue. There are no boundary monuments so the surveyor had a challenge when they did their survey. They researched areas around the Middle School to attempt to establish boundary lines. Doucet Survey found a probate petition from 1797 for property coming from Court Street to the Middle School. They measured from Court Street to determine where the property line is for the Middle School and it ended up 7' on the Hess property.

As a result, a dispute resulted and meetings were held with the City. There came up with three ways to resolve the issue. They could litigate the matter, which no one wanted. They could execute a Boundary Line Agreement which made sense from the perspective that the Hess lot doesn't really grow in size by 7'. Their deed says that their lot is 37' wide so it would ultimately run afoul of every

property owner up Rogers Street. However, because of different ways to look at this, it seemed better to do a lot line relocation. Attorney Macdonald stated it is a simple solution but took a lot of time and effort to come up with. They would like to follow through with the recommendations of the Planning Board Memorandum. The School Board will have to review it. They would like this Board to recommend to the City Council that they adopt the lot line relocation. There is a question about consideration and he would like to have that referred to City Staff to recommend to City Council for final action and there are several waiver requests. They would also need to take the property out of the Municipal District and place it in the MRO district.

Mr. Coker stated that the Board usually adheres to the City's Legal Department, but in options 1 and 2, it says that "the City voluntarily waives any claim to the disputed area..." He interprets that to mean the City is abandoning it and giving ownership to the applicant. Mr. Coker asked what was the difference between that and the lot line relocation? Mr. Taintor indicated that one aspect which is different with the Boundary Line Agreement is they would have to look at the survey line and determine where the rest of the surveyed line is which goes along the back of many properties. The Lot Line Relocation plan will take a little rectangle of that and make a small jog in the property line. They had a very recent survey and the City needs to agree with the survey, which is the sensitivity issue. Mr. Coker wondered if the unintended consequences were that there would still be a 7' strip that is questionable after this. Mr. Taintor agreed that if another property owner came forward and challenged the survey line the City would address that on an individual basis. Attorney Macdonald noted that there have been inquiries by different property owners but their situations are significantly different. The next lot over is owned by Boynton, Waldron Law Office and it is the unpaved part of the back of their parking lot so there isn't a lot of urgency for them to resolve that.

Mr. Taintor wanted to point out that in the actual advertisement they had to choose some numbers because of the difference between the City survey and what the tax map shows. They could have just as easily said increasing from 29' to 36' but they actually used the numbers of going from 36' to 45'.

Ms. Geffert asked about how they will handle the two different zones. Mr. Taintor explained they will vote tonight to recommendation to the City Council that the piece they are transferring shall be rezoned from municipal to MRO. In zoning there is an automatic rezoning of property owned by the City but not for the reverse. He also pointed out on the Lot Line Relocation plan that the zoning designations are reversed so he will stipulate that that be changed.

Mr. Blenkinsop asked what the applicant has been paying taxes for. Attorney Macdonald stated they have been paying taxes on the entire lot.

Deputy City Manager Hayden asked about the waivers. Mr. Taintor responded that one waiver is for Section V.5 to show the entirety of both lots involved in the lot line relocation on the survey and Section V.11 is when you have a subdivision involving more than 5 acres in a flood hazard zone and elevations should be shown. That is not appropriate because any flood hazard zones are Middle School property and quite a distance from the applicant's property.

Councilor Spear asked what Board is looking out for the City. Mr. Taintor stated that the School Board is looking out for the interests of the School Department. The City Council would be

responsible for the City. The Planning Board has the responsibility to advise the City Council on the acquisition or disposition of any land.

Deputy City Manager Hayden wondered if they might want the Joint Building Committee to weigh in. Councilor Spear stated that the City Council talked about it and they felt they didn't need to formally involve the JBC and Councilor Dwyer concurred.

Mr. Coker asked, if they take Option 2 which is a formal lot line relocation, can any other property owner bring up the same issue? Mr. Taintor confirmed they could. There has been discussion with one other property owner and the result was that there didn't need to be any change. Mr. Coker didn't see the piece of land showing as a "wedge" of land and narrowing as it moved away from Rogers Street. Mr. Taintor referred him to the inset map and said the lot line would start from the first jog at 0' and extend all the way to the Hess property where it ends up at 7'.

Mr. Blenkinsop asked about Map 116 Lot 62 that looks like a building on the plan. Mr. Taintor stated that was a shed which will be reconstructed and pulled off the property line.

Mr. Coker asked why the City doesn't just turn the property over to all of the property owners. Mr. Taintor explained that would have to happen with separate Boundary Line Agreements for each lot.

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

Referral to School Board:

Deputy City Manager Hayden made a motion to refer the proposed lot line relocation and land transfer to the School Board for a determination as to whether the land is needed for school purposes. Councilor Spear seconded the motion.

The motion passed unanimously.

Recommendation to City Council on land transfer:

Deputy City Manager Hayden made a motion to recommend that the City Council approve the transfer of land to the abutter under such terms as may be deemed appropriate to the City, and based on the appraised value of the land, subject to a positive recommendation from the School Board. Mr. Rice seconded the motion.

Mr. Coker was uncomfortable with the transfer of land to the "abutter" and he felt they should say which abutter. His second concern was "based on the appraised value of the land" because that sets a condition that would prevent the City from transferring the land for \$1.

Deputy City Manager Hayden revised her motion to change "abutter" to "applicant" but she does not agree with Mr. Coker's recommendation about the land value. Mr. Coker withdrew his concern.

The motion passed unanimously.

Rezoning of land being transferred:

Deputy City Manager Hayden made a motion to recommend that the parcel of land so transferred be rezoned from Municipal (M) to Mixed Residence Office (MRO), subject to positive action by the City Council on the lot line relocation and transfer of land to the applicants. Mr. Rice seconded the motion.

The motion passed unanimously.

Waivers:

Deputy City Manager Hayden made a motion to waive compliance with the Subdivision Rules and Regulations, Section V.5 (show dimensions and areas of all lots), V.11 (show flood hazard zones and elevation data for subdivisions involving greater than 5 acres), and VI.2.B (lot dimensions shall conform to the Zoning Ordinance). Ms. Geffert seconded the motion.

The motion passed unanimously.

Lot Line Relocation:

Mr. Taintor requested that the recommended wording in the Memorandum be changed to approve "Preliminary and Final Subdivision Approval" with the four stipulations. He also recommended that they add a stipulation to correct the zoning district designations on the plan.

Mr. Blenkinsop made a motion to grant Preliminary and Final Subdivision approval with stipulations. Deputy City Manager Hayden seconded the motion.

The motion to grant preliminary and final subdivision approval passed unanimously with the following stipulations:

1. The transfer of land shall require prior approval of the City Council.
2. The final plat and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
3. Property monuments shall be set as required by DPW prior to the filing of the plat.
4. GIS data shall be provided to DPW in the form as required by the City, and,
5. The zoning designations on the Subdivision Plan shall be corrected.

.....

Deputy City Manager Hayden made a motion to read Items F and G, as well as City Council Referral item B. in together. Mr. Hopley seconded the motion. The motion passed unanimously.

F. The application of **Service Credit Union, Owner**, for property located at **2995 Lafayette Road**, requesting a Conditional Use Permit under Section 10.730 of the Zoning Ordinance for a Gateway Planned Development consisting of a 23,366 ± s.f. (footprint) 4-story office building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 1 and lies within the Gateway District.

G. The application of **Service Credit Union, Owner**, for property located at **2995 Lafayette Road**, requesting Site Plan Approval to construct a 23,366 ± s.f. (footprint) 4-story office building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 1 and lies within the Gateway District.

B. Letter from Peter J. Loughlin, Esq., regarding an offer by Service Credit Union to give land to the City for a connector roadway between Lang Road and Longmeadow Road.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, of Appledore Engineering was present along with Eric Svahn, of Gund Partnership, Michael Bergeron, of Service Credit Union and Kim Hazarvantian, of TEPP, LLC. Mr. Crimmins stated they are seeking approval for a 4-story 100,000 s.f. office building in the Gateway District. The site has 287 parking spaces, 160 of which will be built with the building and 120 which are reserved for future development. The site includes an internal access drive with primary access from Longmeadow Road and a secondary gated access from Lang Road. The site is pedestrian friendly and is interconnected with concrete sidewalks and walking paths. There will be underground utilities, including sewer, water, natural gas and electricity. They will be adding a hydrant on site which will be fed from Longmeadow Road. The site includes extensive landscaping. They will have nighttime friendly lighting fixtures.

The site will be LEED certified. They will be providing bicycle racks in the front of the building and a reserve bicycle area for future development. The site includes ca pool and low emission fuel efficient vehicle parking spaces in the main parking area and along the front of the building. There will be Low Impact Development stormwater practices including three rain gardens and a created stormwater wetland area in the rear of the site. There will be an interconnector road between Lang Road and Longmeadow Road to direct traffic to the signalized intersection at Longmeadow Road and Lafayette Road. As a result, the intersection at Lang Road and Lafayette Road will be a right turn only so that vehicles heading south will be directed to the Longmeadow intersection. The roadway design has been closely coordinated with the Department of Public Works and staff. The land will be conveyed to the City so that it will be a City right-of-way. They have been working closely with staff since last fall. They attended four work sessions with TAC and 3 TAC meetings, they attended two Traffic & Safety meetings and numerous behind the scene meetings with staff, the Planning Department and the Department of Public Works.

At TAC they received eight stipulations. Four were precedent to final Site Plan approval and the Site Plans were revised to comply with those four conditions.

Mr. Crimmins turned the presentation over to Eric Svahn, of Gund Partnership.

Eric Svahn, of Gund Partnership, an architectural firm from Cambridge, Massachusetts, stated that Service Credit Union (SCU) wanted to create an exciting and high level public image for their members and create a fresh and clean environment to enthruse employees and increase productivity with the design and the sustainable features. SCU has a commitment to sustainability.

Mr. Svahn indicated that the building was 100,000 s.f. with 300 occupants, which includes 25 visitors, with a 10 year build out period. SCU is maintaining their other two facilities so employees will increase.

When they started this project in 2009, the City was just finishing their Gateway District regulations. This is a 17 acre site and they moved the building closer to Route One which created a signature gateway opportunity with more open space. One design challenge was an entry on Lafayette Road, understanding that curb cuts and traffic was a concern, which is why they ultimately are recommending the use of the traffic light and creating an entrance off Longmeadow. Part of the project was to create some executive level parking spaces in the basement and it was a challenge to position the loading dock so that it was screened from the street so they lowered it. As a result they located their transformer, emergency generator and the dumpsters at the lower level with landscape plantings for screening. The exterior of the building is a 40/60 split between 60% glass curtain wall and 40% granite, which is local Maine granite. The doors are silver and aluminum and the roof appurtenances are silver as well. The elevators are on the roof and allow access onto the roof so people can get outside without actually leaving the building. That drove the mechanicals down into the building for more clear space on the roof to incorporate solar or other sustainable systems. There are 16 solar thermal panels on the roof to transfer the heat which is used for domestic hot water in the building. There are locker rooms and showers on first floor to enhance and facilitate bicycle transportation and there is a small workout room. Other sustainable features in the building are lighting controls and daylight harvesting shade controls. Occupancy sensors will be used throughout the work stations and restrooms include reduced flow water fixtures. The main section of the second, third and fourth floor is a raised access floor with an under floor air distribution system which allows for localized control of the air and the system is heated by a geothermal heat exchanger. They have about 100 wells that sit out in the center of their site so the lawn has a function. There is also enhanced CO2 monitoring for enhanced productivity of the employees and typical recycling.

Mr. Taintor thought it might be useful for the Board if Mr. Svahn went through the LEED scorecard which was provided to each Board member.

Mr. Svahn explained that they initially submitted two scorecards in response to the Gateway Planned Development section of the Zoning Ordinance and ultimately ended up submitting a LEED-ND scorecard to target the building for a silver certification under the new construction and they hope to be at the gold level when they finish the building. There were a few minimal changes that were made, mostly where they enhanced the description for the innovative design credits which are given if you are above and beyond your score credits and they view as an over-achievement. In terms of the new development, they are trying to go above and beyond the criteria and focus more on site planning, occupancy and density. They have some residential requirements and transit requirements. Some

proposed credits are dependent on public transportation that could happen up and down the Route One corridor. The building plans will be used as an educational tool. There will be an enclosed room in the lobby showing a graphic presentation of the LEED points they have achieved and, when they are done, their LEED plaque will be placed there. While people are waiting for the elevators there will be an interactive touch screen display where people can see power and water use and savings. People will be able to get a sense of what the building is about. There are also some new components where they can choose to present their project as a study and whether the design really facilitates what the intent of LEED is really about.

Councilor Spear felt that the team did a great job. In the project comments, it mentions bikes as part of transportation. He noticed they moved the bike rack closer to the building which is great but he noted that the owner has basement parking for 7 spots and it seems the exemplary thing to do would be to take one spot away and add 8 bike parking. That would provide interior bike parking. Mr. Svahn indicated that since the last Work Session with the Planning Board SCU indicated they have zero bike riders now although when they have the new building and locker rooms they may have some. They could probably find space in the loading area and executive parking for some bikes if the situation changes. Also, the future parking is a 2 story parking garage which will not be built until they need it. Councilor Spear asked if they would have to come back before the Board for the future build-out. Mr. Taintor confirmed they would.

Mr. Coker gave kudos to the project except in one area. This project is on US Route One and also on the corner of Lang Road and Route One. They never had a deep discussion of traffic impact and he did not see where a traffic study was ever done. Mr. Taintor confirmed a traffic study was presented to TAC and was the basis for the connector road. TAC believes that by creating the connector road they will improve a situation that is a problem now. They can provide the traffic report to him but it does not reflect all of the discussions regarding the connector road.

Mr. Coker asked how many employees they will have. Mr. Svehn stated 175 initially and then up to 300 people, which includes 25 visitors. Mr. Coker's question was based on the existing traffic levels on Route One, which are not good. He was curious why a formal traffic study was not done. Mr. Taintor confirmed that a Traffic Study was done as part of the TAC process but it was not updated for the Planning Board. Mr. Coker stated that TAC was advisory to the Planning Board and he didn't even know about the traffic study. That is one of the components that he believes the Planning Board should look at. Mr. Svahn confirmed that it has been updated. Mr. Coker felt it was an important piece which is missing from this presentation. He didn't believe that signs prohibiting left turns from Lang Road would work and people will still take left turns. Mr. Svahn agreed it is a treacherous left hand turn and people will quickly learn that there is an alternate route that will be much easier.

Mr. Taintor added that the State's long range plan includes a median to prevent left hand turns. The shorter range issue is what they have been trying to address for years with the concerns at the Lang Road intersection.

Kim Erik Hazarvavian, the project traffic engineer from TEPP, LLC stated that they analyzed the traffic with or without the connector road. For now the connector road will have the markings directing right turn only but, additionally, there will be signs directing people. He agreed that people will

occasionally take a left hand turn onto Route One but the State's long range plan for Route One shows more lanes and a median which will put an end to the left hand turns.

Mr. Rice assured them that the opportunity to not take the left from Lang Road onto Route One was a wonderful thing.

Ms. Geffert asked if there was a plan to put any speed bumps or other impediments on the connector road. Mr. Hazarvatian stated that the entrance to the site will be gated and they would not be able to cut through the site.

Chairman Ricci noted that their drainage study was run for a 50 year storm event and asked what happens when they run it for a 100 year storm event. Mr. Crimmins confirmed the stormwater wetland was sized to detain the 100 year event as well.

Chairman Ricci asked if this was a cut or fill site. Mr. Crimmins responded it was a fill site of about 25 truck loads.

Chairman Ricci stated that they have a lot of large pipes going into little 4' catch basins. He felt they might get into trouble with an 18" pipe trying to tie into a 4" catch basin. Mr. Crimmins stated they will add the details on the plans to show the larger catch basins and call those out on the drainage plans as well. Chairman Ricci felt they did a nice job on the plans.

Mr. Hopley noticed at their prior Work Session that the sidewalk that parallels Route One wasn't very clear. On Sheet C-3 they are just missing an arrow line to make it really clear that it is part of the project. Also, the civil plan doesn't really tell the contractor that it is his responsibility.

Attorney Peter Loughlin stated they were present for three items: Site Review approval, City Council referral on the roadway and the first Conditional Use Permit in the Gateway District. He felt this building is one of the most exciting, if not the most exciting, building proposed in Portsmouth in a long time. He also felt it was exciting that they are not cutting down a forest to put up a building but, rather, are taking a junk yard and making it an attractive site. The timing has been fortuitous as SCU has been looking for a site for their national headquarters for sometime. The commitment of SCU ties in with the efforts of the City and their Gateway District. SCU is in the top 1% of Credit Unions in the US relative to assets so this is a wonderful flagship location. There has been some tinkering with the ordinance to make this happen but that is understandable with any bold, new ordinance.

Attorney Loughlin reviewed the criteria for the Conditional Use Permit. The first two criteria are set out by the Planning Department Memo. The proposed project is consistent with the purpose and intent set forth in Section 10.731 and the proposed project with the conditions of approval meet the GPD standards in Section 10.730. Lastly, anticipated impacts of the proposed GPD on traffic, market value, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of a conventional impact on the site. Most people assumed this would be a shopping center or a big box store which would have been 80% pavement with tremendous runoff but this project is a very positive impact to the City. Attorney Loughlin referenced the conveyance of the land to the City and stated they would like this to be done the middle of next summer, as opposed to before

the building permit was issued. That is so that SCU can control the entire site until construction is done.

Deputy City Manager Hayden asked Mr. Taintor if they should use some point of time or a trigger to determine when to transfer the land. Mr. Taintor indicated that the City Attorney recommended against using the Certificate of Occupancy (CO). He recommended using the Building Permit and said there would be no issue granting right of entry on the land. It could go either way. The City Attorney was more comfortable going with the Building Permit.

Attorney Loughlin had discussions with the City Attorney and they had talked about it being before 12/31/12 so that is why he had suggested the middle of next summer. They are obviously committed to making the conveyance, and the city will have their Site Review Bond, but they would prefer to transfer the land next summer rather than this summer.

Attorney Loughlin indicated that they would like to control the site through the winter and the next spring. Mr. Taintor asked why they preferred to control the site rather than have right of entry onto it. Attorney Loughlin thought it would be cleaner if they controlled who could and could not enter during construction. Chairman Ricci felt it made sense from a liability standpoint.

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

Conditional Use Permit:

Deputy City Manager Hayden made a motion to make the following findings:

1. The proposed project is consistent with the purpose and intent set forth in Section 10.731 of the Zoning Ordinance;
2. The proposed project (and any conditions of approval) meets the Gateway Planned Development standards in Section 10.730 of the Zoning Ordinance; and
3. The anticipated impacts of the proposed Gateway Planned Development on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional development of the site.

Mr. Rice seconded the motion.

Mr. Coker stated he would be reluctantly supporting the application but not because of the development. He felt the development was good but he felt he was not afforded the opportunity to understand the traffic because of the lack of a traffic study and the anticipated impacts of traffic on the Gateway project. He felt that TAC is advisory to the Planning Board and he does not feel he is making a totally informed decision.

The motion passed unanimously.

Chairman Ricci felt that Mr. Coker was making valid comments and he agreed with him.

Mr. Taintor felt that because this was their first Conditional Use Permit in the Gateway District, staff was learning too.

Deputy City Manager Hayden made a motion to grant the Gateway Planned Development Conditional Use Permit, with the stipulation that the applicant provide land to the City for construction of a continuous public road connection from Lang Road to Longmeadow Road as shown on the site plans.

Mr. Blenkinsop seconded the motion.

The motion to grant Gateway Planned Development Conditional Use Permit approval passed unanimously with the following stipulation:

1. The applicant shall provide land to the City for construction of a continuous public road connection from Lang Road to Longmeadow Road as shown on the site plans.

Site Review:

Deputy City Manager Hayden made a motion to grant Site Plan approval subject to the three recommended precedent conditions and revised recommended condition 4, to read “The applicant shall convey the land for the new roadways to the City, subject to review and approval by the City’s Legal Department.” And condition 5 “Prior to the issuance of a building permit for construction above the foundation level, the proposed drainage easements shall be reviewed and approved by the City’s Legal Department and recorded at the Registry of Deeds. She stated that the intent for #4 was that rather than have them deed the road to the City before the building permit, they would actually need to do that subject to the Legal Department.

Mr. Blenkinsop seconded the motion for discussion.

Mr. Taintor felt that Conditions 4 & 5 need to go together as the City cannot record the easements until they own the land. He would like to see it tied into the summer of 2012. Ms. Geffert suggested they use the C.O. but Mr. Taintor indicated that the City Attorney did not like that idea. If the building was all built, they weren’t going to stop them from opening.

Ms. Geffert suggested saying as agreed but in no case later than.

Deputy City Attorney Hayden stated she would amend both conditions to end with “and in no case later than July 1, 2012.”

Deputy City Manager Hayden also added condition #6, that Appledore review the Site Plans and modify all drainage structures as indicated in discussion with the Board.

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

Conditions Precedent – to be completed prior to issuance of a building permit:

1. The applicant shall revise the site plans as follows:
 - (a) On Sheet C5, in the callout for “Proposed Lang/Longmeadow Connector Road,” change “(see Note #16)” to “(see Note #30)”.
 - (b) In Note #30, insert the words “(except for the proposed water line from Longmeadow Road into the project site)” after the words “Longmeadow Road.”
 - (c) On Sheet C16, remove the words “Private Road” on the Site Plan View and the Grading, Drainage, & Erosion Control View.
 - (d) On Sheet C17, remove the words “Private Road” on the Site Plan View and both Inset plans; and adjust the annotation on the right-hand Inset plan (shift approximately 1.75 inches to the right).
2. The applicant shall submit capacity use surcharge paperwork to the Department of Public Works.
3. The applicant shall prepare a Construction Management and Mitigation Plan for review and approval by the City.

Conditions Subsequent – to be completed prior to the issuance of a building permit for construction above the foundation level:

4. The applicant shall convey the land for the new roadways to the City, subject to review and approval by the City’s Legal Department and approval by the City Council, and in no case later than July 1, 2012.
5. The proposed drainage easements shall be reviewed and approved by the City’s Legal Department and recorded at the Registry of Deeds, and in no case later than July 1, 2012.
6. The project engineer shall review the Site Plans and modify all drainage structures as indicated in discussion with the Planning Board.

Offer of Land for Public Roadways:

Mr. Blenkinsop made a motion to recommend that the City Council accept the land as shown on the Site Plans, on such terms and conditions as the Council may deem appropriate.

Mr. Rice seconded the motion.

The motion passed unanimously.

.....

H. The application of **Portsmouth Housing Authority, Owner**, for property located at **175 Greenleaf Avenue**, requesting Site Review approval for renovations at Wamesit Place apartments, including resurfacing pavement, drainage improvements and exterior alterations to 5 units, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 243 as Lot 3 and lies within the Garden Apartment/Mobile Home district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Joanne Fryer, of CLD Consulting Engineers, presented for the applicant. She stated that the project involves renovations of an existing 40 year old 100-unit housing facility which is adjacent to Holiday Drive. This project was originally presented to the Planning Board and received approval in 2008 however, they never proceeded forward with construction. Their plans have been updated to include conditions from that approval as well as recent TAC conditions. The project includes a complete renovation of the buildings. They are creating 5 handicapped accessible units and 3 will require exterior changes. Site improvements include pavement removal and replacement to the same grade and footprint as existing. There are no additional units. The 136 parking spaces will stay the same and 11 will be striped as handicapped. Walkways will be removed and replaced with bituminous pavement and additional walkways will be added to access the new ADA units in the rear. Some concrete landings will be replaced depending on conditions. Proposed drainage will maintain the existing system which is a closed system, they will replace structures and paved areas, adding hoods for oil/water separation and they will replace any pipes as required.

Ms. Fryer reviewed the Drainage Area Plan, 4-A. She pointed out that the site drains to several closed drainage systems with a series of catch basins which eventually outlets and transports the water off site. The other closed drainage system is along Holiday Drive with catch basins and pipes along the edge of the road. The drainage outlet connects to the swale and continues in that fashion. A TAC comment was to complete a drainage system review once the snow clears to assess the condition of the pipes and determine if pipes need to be replaced. That will happen in the near future.

Ms. Fryer stated there are no planned tenant relocations as the work will be completed with tenants in residence. Tenants will have a 72 hour notice prior to work being done in their unit.

They have a Temporary Parking Plan, Sheet 3-A. The parking lots will be phased, working on one parking lot at a time. Tenants may use other available parking lots so there should not be any parking problems.

There were four conditions from TAC. They already talked about the drainage. The other 3 include a lighting fixture and they provided a lighting catalog cut sheet this evening. Screening for the dumpster has been shown on the updated plans on Sheet 6-A. A Construction Management and Mitigation Plan has been submitted to the City, pending approval, and they are ready to move forward to finalize that.

Councilor Spear asked if they have considered using concrete rather than the bituminous concrete. Ms. Fryer stated that concrete was considered but bituminous was chosen for cost consideration. There is quite a difference in cost.

Councilor Spear was looking for bike racks. Ms. Fryer pointed out that bike racks are proposed on the Landscaping Plan.

Mr. Hopley asked if they would replace the plan notes with the lighting cut sheet on the Site Plans. They have 8 lighting notes and he asked them to add a note that all site lighting components shall be installed by NH licensed electricians and that a City Electrical Permit shall be required for all work.

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 noted that when he wrote the Memorandum he did not have the lighting catalog cut sheets and dumpster screening details so that condition can be removed and replaced with a condition to replace the new cut sheet for the P-3 light shown on the existing cut sheet.

Deputy City Manager Hayden made a motion to grant Site Plan approval with the stipulation that they prepare a CMMP prior to a building permit and provide to DPW a review of the drainage system no later than May 15, 2011. Also that they substitute the cut sheet for the Profiler PA2 light fixture to plan set and that notes regarding a NH licensed electrician installing the site lighting and that an electrical permit is also required.

Mr. Blenkinsop seconded the motion.

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

Conditions Precedent (to be completed prior to issuance of a building permit)

1. The applicant shall substitute the Profiler (PA2) lighting catalog cut sheets for the P3 light on the site plans.
2. The applicant shall prepare a Construction Management and Mitigation plan for review and approval by the City.
3. A note shall be added to the site plans that a NH licensed electrician shall install all site lighting.
4. An electrical permit is required from the City to install all site lighting.

Condition Subsequent

5. The applicant shall provide to the Department of Public Works, no later than May 15, 2011, a review of the drainage system, including both the subsurface pipes and the swales, to determine if they are in good working order and whether they need to be upgraded.

.....

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.*

C. Request from Comcast for two easements over municipal property on Hanover Street and Vaughan Mall.

Deputy City Manager Hayden made a motion to recommend to the City Council approval for the two requested easements, subject to review and approval by the City Legal Department.

Mr. Coker seconded the motion.

The motion passed unanimously.

.....

D. Request from Helen Brosseau, of Cheap Chique, for property located at 195 State Street, to install a projecting sign over City property.

Mr. Rice 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, subject to the following conditions, passed unanimously.

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

.....

E. Request from Edward T. Connolly, Jr., of Portsmouth Baking Company, for property located at 121 Congress Street, to install a projecting sign over City property.

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

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

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

.....

F. Letter from The Retail Committee of the Greater Portsmouth Chamber of Commerce requesting that the City Council and Planning Board review the Projecting Sign application process for streamlining.

Mr. Taintor stated this was a City Council referral. His recommendation is that they vote to recommend that the City Council amend its projecting sign policy to require review by the Planning Director rather than the Planning Board. This could cut out a tremendous amount of time for the applicant. Depending on deadlines, it can take up to 8 weeks to get a sign approved. This amendment could cut it down to a maximum of 3 weeks.

Mr. Rice has a problem with signs in the Historic District that might not meet with the approval of the HDC. He wondered if there was a component that the HDC would review them. Mr. Taintor confirmed that the only time the HDC reviews signs is when the sign is a separate structure or if it goes before the BOA. Awnings are treated different than signs.

Deputy City Manager Hayden stated that the only thing being proposed to change under this is a recommendation from the Planning Board regarding the Council’s projecting sign policy. It is currently the Planning Board that gives a recommendation on the projecting sign but now it would be the Planning Director that would make the recommendation.

Mr. Coker felt that Mr. Taintor may not be here forever and putting that decision process into the hands of a planner negates the role that this Board should play. Mr. Taintor responded that there is no decision making power and it is only a recommendation to the City Council. The Planning Department basically does a zoning check. He doesn’t believe a lot of detailed review is done by the Board and it is mostly done by staff.

Deputy City Manager Hayden added that they have received feedback from business people who cannot believe the bureaucracy. Mr. Taintor pointed out that a wall sign can be approved in a day or two but a projecting sign can take up to 8 weeks.

Mr. Blenkinsop felt it made sense and was more streamlined.

Councilor Spear understood that if someone puts a flush mounted sign up downtown, no HDC approval is needed but he asked what defines a flush sign vs. a projecting sign. Mr. Taintor stated that a wall sign is not more than 18” from the building.

Deputy City Manager Hayden made a motion to recommend that the City Council amend its existing Projecting Sign Policy to require review and recommendation by the Planning Director rather than the Planning Board.

Mr. Coker seconded the motion.

The motion passed unanimously.

.....

IV. PLANNING DIRECTOR’S REPORT

Mr. Taintor had nothing to report.

.....

V. ADJOURNMENT

A motion to adjourn at 9:15 pm was made and seconded and passed unanimously.

.....

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on April 21, 2011.