

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

AUGUST 16, 2012

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; John Rice; Anthony Blenkinsop; MaryLiz Geffert; Cindy Hayden, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill;

MEMBERS EXCUSED: Brian Groth, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

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Chairmen Ricci acknowledged Deputy City Manger Hayden, as this was her last Planning Board meeting, and he thanked her for her service to the Board and the City and wished her well on her future endeavors. Dave Allen will be replacing her next month.
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Mr. Rice made a motion to take Old Business Items G & H out of order for the purpose of postponement. Mr. Hopley seconded the motion. The motion passed unanimously.

G. The application of **Richard P. Fecteau, Owner**, for property located at **120 Spaulding Turnpike, Two Way Realty, LLC, Owner**, for property located at **100 Spaulding Turnpike**, and **Five Way Realty, LLC, Owner**, for property located at **80 Spaulding Turnpike**, (to be consolidated into one lot), requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, involving demolition and construction, driveways, septic systems and construction of a stormwater management system, with 42,331 s.f. of impact to the wetland buffer. Said properties are shown on Assessor Map 236 as Lots 33, 37, and 38 and lie within the General Business (GB) and Single Residence B (SRB) District. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

Councilor Novelline Clayburgh made a motion to postpone this matter to the September Planning Board Meeting. Mr. Hopley seconded the motion.

The motion to postpone to the September 20, 2012 Planning Board Meeting passed unanimously.
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H. The application of **Olde Parish Townhouses Condominium Association, Owner**, for property located at **66 Madison Street**, requesting Amended Site Plan approval to revise a condition of previous Site Plan approval granted on January 22, 2004 by the Planning Board which requires cross-easements for all utilities for recording at the Registry of Deeds. Said property is shown on Assessor Map 147 as Lots 1-1, 1-2 and 1-3 and lie within the General Residence C (GRC) District. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

Mr. Hopley made a motion to postpone this matter to September. Mr. Blenkinsop seconded the motion.

The motion to postpone to the September 20, 2012 Planning Board Meeting passed unanimously.

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I. PUBLIC HEARINGS – OLD BUSINESS

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

Mr. Blenkinsop made a motion to read Old Business Items A, B, C & D in together but to vote on separately. Councilor Novelline Clayburgh seconded the motion. The motion passed unanimously.

A. The application of **Lynn J. & Frances T. Sanderson Revocable Trusts, Paul J. Sanderson, Trustee, Owners**, and various other property owners, for property located **off Spinney, Middle, Thaxter, Sewell and Kensington Roads**, wherein Final Subdivision Approval (Lot Line Revision) is requested between lots as shown on Assessor Map 167 as Lot 5 and Assessor Map 168 as Lot 17, and abutting lots as listed below. Said properties are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and minimum street frontage requirement is 100’. (This application was postponed from the July 19, 2012 Planning Board Meeting. The application has been revised and the description has been amended accordingly)

1. Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson Trustee, Owner
Property located off Spinney, Middle, Thaxter, Sewell and Kensington Roads (Assessor Map 167 as Lot 5 decreasing from 7.258 acres to 6.06 acres
Map 170 as Lot 24 decreasing from 5.478 acres to 4.15 acres
2. Craig S. and Christine Almond Hodgson, Owners
Property located at 165 Middle Road (Assessor Map 168 as Lot 17)
Lot area increasing from .18 acres to .30 acres
Street frontage increasing from 75’ to 125’ off Middle Road
3. Neal L. and Darlene L. Ouellett Revocable Trust, Neal L and Darlene L. Ouellett, Trustees, Owners
Property located at 124 Kensington Road (Assessor Map 152 as Lot 20)
4. Jeremy D. Martin, Owner
Property located at 199 Middle Road (Assessor Map 168 as Lot 14)
Lot area increasing from .28 acres to .51 acres
Street frontage remaining at 100’
5. Patrick B. and Karen A. Lyons, Owners

- Property located at 185 Middle Street (Assessor Map 168 as Lot 15)
Lot area increasing from .13 acres to .80 acres
Street frontage remaining at 50'
- 6. David and Patricia Gress, Owners
Property located at 14 Sewall Road (Assessor Map 170 as Lot 20)
Lot area remaining at .31 acres to .31 acres
Street frontage decreasing from 135' to 125'
- 7. Michael Jacques, Patricia Newman and Caroline A. Newman Revocable Trust, Caroline A. Newman, Trustee, Owner
Property located at 342 Spinney Road (Assessor Map 169 as Lot 5)
Lot area increasing from .51 acres to .54 acres
Street frontage decreasing on Spinney Road from 171.3' to 162.59'
- 8. Joseph G. and Carol S. McGinty, Owners
Property located at 300 Spinney Road (Assessor Map 169 as Lot 6)
Lot area increasing from .69 acres to .70 acres
Street frontage decreasing from 150' to 141.26'
- 9. Patricia O. Sanderson Revocable Trust, David Sanderson, Trustee, Owner
Property located at 248 Spinney Road (Assessor Map 169 as Lot 4)
Lot area increasing in size from 1.31 acres to 1.46 acres
- 10. City of Portsmouth, Owner
City Right of Way off Spinney Road, 15' wide x 349' long
Lot area increasing by .12 acres

B. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located on **Spinney Road and Middle Road**, requesting Final Subdivision Approval to subdivide one lot into four lots with the following:

- a. Proposed Lot 1 consisting of 15,080 s.f. and 100' of street frontage.
- b. Proposed Lot 2 consisting of 15, 010 s.f. and 100' of street frontage.
- c. Proposed Lot 3 consisting of 15,090 s.f. and 136' of street frontage.
- d. The balance of Lot 170, Map 24 consisting of 180,823 s.f. and 219' of street frontage.

Said lot lies within the Single Residence B (SRB) District where a minimum of 15,000 s.f. and 100' of street frontage is required. (This application was postponed from the July 19, 2012 Planning Board meeting. The application has been revised and the description has been amended accordingly.)

C. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located at 1046 Islington Street and property on Spinney Road, requesting Final Subdivision approval for a Lot Line Revision between two existing lots having the following: Lot 12 as shown on Assessor Map 171 increasing in area from 4,246 ± s.f. to 15,001 ± s.f. and Lot 13 as shown on Assessor Map 171 decreasing in area from 2.88 ± acres to 114,723 ± s.f. Said lots lie within the Single Residence B (SRB) district where a minimum lot area of 15,000 s.f. is required. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

D. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located on **Spinney Road**, requesting Final Subdivision approval to subdivide one lot into four lots as follows:

- a. Proposed Lot 1 consisting of 28,315 ± s.f. and 109.03' of street frontage.
- b. Proposed Lot 2 consisting of 33,107 ± s.f. and 110.72' of street frontage.
- c. Proposed Lot 3 consisting of 36,028 ± s.f. and 100.66' of street frontage.

d. Proposed Lot 4 consisting of 17,404 ± sf. and 100.00' of street frontage.

Said lot lies within the Single Residence B (SRB) district where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. (This application was postponed from the July 19, 2012 Planning Board Meeting.)

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, appeared on behalf of the applicant. Also present was Paul Sanderson, Trustee. Mr. Weinrieb stated that they have absolutely no objection to any stipulations in the Staff Memorandum and they have addressed all concerns of TAC.

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

DISCUSSION AND DECISION OF THE BOARD

Motion on Item A.

Mr. Blenkinsop made a motion to grant final subdivision approval subject to the four recommended stipulations. Councilor Novelline Clayburgh seconded the motion.

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

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
2. The final plat and all resulting deeds and easements 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.

Motion on Item B.

Mr. Hopley made a motion to grant final subdivision approval subject to the four recommended stipulations. Mr. Blenkinsop seconded the motion.

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

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
2. The final plat and all easements 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.

Motion on Item C.

Mr. Rice made a motion to grant final subdivision approval subject to the three recommended stipulations. Mr. Blenkinsop seconded the motion.

The motion to grant final subdivision approval with the following stipulations passed unanimously.

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

Motion on Item D.

Mr. Blenkinsop made a motion to grant final subdivision approval with the four recommended stipulations. Mr. Hopley seconded the motion.

The motion to grant final subdivision approval with the following stipulations passed unanimously.

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
2. The final plat and all easements 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.

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Deputy City Manager Hayden made a motion to read in Old Business Items E & F together and to vote on separately. Mr. Hopley seconded the motion. The motion passed unanimously.

E. The application of **Michaels Realty Trust, Owner**, for property located at **1390 Lafayette Road**, **ESUM Realty Trust, Owner**, for property located at **1400 Lafayette Road**, and **MacLeod Enterprises, Inc., Owner**, for property located at **1190 Lafayette Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision & Lot Consolidation) is requested between three lots as follows:

1. Lot 7 on Assessor Map 252 consisting of 14,358 s.f. being consolidated with Lot 9 on Assessor Map 252 for a total lot area of 237,001 s.f.;
2. Lot 8 as shown on Assessor Map 252 increasing in area from 111,924 s.f. to 125,509 s.f. with 240.72' of continuous street frontage on Lafayette Road and consolidated Lots 9 and 7 as shown on Assessor Map 252 decreasing in area from 237,001 s.f. to 223,416 s.f. with 537.51' of continuous street frontage on Lafayette Road.

Said properties are located in the Gateway District where the minimum lot size is 43,560 s.f. and the minimum continuous street frontage is 200'. (The application was postponed from the July 19, 2012 Planning Board meeting. The application has been revised and the description has been amended accordingly.)

F. The application of **Michaels Realty Trust and ESUM Realty Trust, Owners, and 4 Amigos, LLC, Applicant**, for property located at **1390 and 1400 Lafayette Road** requesting Site Plan Approval to construct 1) a 6,000 s.f. building consisting of a 3,500 s.f. bank with three drive through lanes and a 2,500 s.f. restaurant; and 2) a 11,944 s.f. Rite Aid Pharmacy store with two drive through lanes; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 252 as Lots 7 and 9 and lie within the Gateway (GW) District. (The application was postponed from the June 21, 2012 Planning Board meeting. The application has been revised and the description has been amended accordingly.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Richard Uchida, addressed the Board on behalf of the owners, The 4 Amigos. He was present along with Jeffrey Dirk of Vanesse & Associates and Frank Monteiro, the Project Engineer, will be arriving soon. Attorney Uchida stated they were back with a significantly altered proposal to redevelop the former Yoken's and Samuels gas site. They also have a consolidation application for the two lots and some lot line revisions with the Comfort Inn site in the rear of the site and a small sliver of land next to the Rite Aid pharmacy building

Attorney Uchida indicated that the major change to their plan is that they pulled one building out of the plan and now have only two buildings. One is a Rite Aid Pharmacy and the second is a combination bank and restaurant. The revisions of this plan are to accomplish several things they heard from the Board. It simplifies the traffic circulation on site and that has also enabled them to simplify pedestrian movements on site. It has provided room for landscaping improvements on site and adjacent to the parcel but they continue to preserve the redevelopment of two parcels which are badly in need of redevelopment but, more importantly, the construction along Lafayette Road and Peverly Hill Road. The main improvements the State is looking for, and which TAC liked to see, have been retained and Mr. Dirk will bring the Board through those again. They tried to incorporate the significant comments from staff and the Board including the extended raised median on Peverly Hill Road to prevent U-turns and the closing off of the left turn on Lafayette Road new the Comfort Inn and they extended the raised median down Lafayette Road to enhance the right-in/right-out area.

Jeffery Dirk, of Vanesse & Associates, the project traffic engineers, also felt the Site Plan was much simplified. Regarding traffic improvements, nothing is really changed although they brought in some enhancements. Mr. Dirk explained that they have restricted left turns exiting the property on Lafayette Road to channelize the traffic flow exiting the site. They also extended the raised median along Route 1 to restrict left turn movements both entering and exiting the center driveway on Route 1. At the last meeting a concern was raised about the crossing distance for pedestrians which is why they provided the raised median. The other element they provided is a right turn lane by widening Route 1 westerly into the property to allow them to turn onto Peverly Hill Road. There was a comment about the transition distance and the taper allows them to transition into the right turn lane. They have put the length back to what it was previously. The Pavement Marking Plan shows a sign that warns drivers to yield to bicyclists. The improvements at the intersection include improving the corner radius and reconstruction the traffic equipment. They are relocating the crosswalk and providing a crosswalk along Peverly Hill Road so they can have an exclusive green left turn arrow. Also at the intersection, when they reconstruct the traffic signal, they will include bicycle detection. If there are no cars but a bicyclist pulls up, the lights will change to green. There are two access points to the property along Peverly Hill Road. The first is a right-in/right-out driveway with deceleration and acceleration lanes

and a raised island for pedestrians. The driveway to the rear across from West Road is a full access driveway and they are reconstructing and adding sidewalks along the perimeter of the property to link the sidewalk that exists in-front of the Comfort Inn property and there will now be a continuous sidewalk all along the property. Those are all of the off-site improvements. They provided an updated traffic study and they included the impacts relating to restricting left turns at the driveway and it increases the queuing on the driveway of 2-3 vehicles but it is all internal to the site.

On site enhancements include the introduction of raised crosswalks at two locations along the center driveway and it links up with the sidewalk that goes from the bank building to the sidewalk along the west side of the driveway. Those are traffic calming features. At western the driveway they have added a speed table but no crosswalks. Another comment was how trucks access the loading area at the pharmacy. They have maintained the raised curve along the driveway so there is a linear curb along the driveway and the truck route will go around the building but they will actually enter the property in a simplified manner. They have introduced a raised landscape island which has provided a crossing over to the Comfort Inn.

This plan has been provide to NHDOT along with an updated traffic study. NHDOT has indicated that their original preliminary approval would still apply to this plan.

Deputy City Manager Hayden thought the site plan was greatly approved. She had a question about the pedestrian refuse at the 3-way stop. Most of the islands she has seen have an at-grade passage in the center and she asked if there was someway to treat the pedestrian refuse differently. She also asked about a similar raised intersection at the 3-way crosswalk.

Mr. Dirk indicated they can treat those differently. They have done the crossings both ways to have them be linear. A concern was raised by DOT as they view those as trash collection area. Rather than have the pass through, DOT asked to bring them back up with ramps. They could do something with the on-site ramps thought so it is not as pronounced. At the 3-way crossing, given the length of that travelway, it might be a beneficial feature to create a raised median.

Deputy City Manager Hayden asked if they could have concrete sidewalks along Route 1 to keep it consistent. Mr. Dirk stated those are going to be City sidewalks so it will be whatever the City, or this Board, requires. From an aesthetics and maintenance standpoint, it is whatever the City wants.

Councilor Novelline Clayburgh asked Mr. Dirk to comment about the traffic flow between the two buildings. Mr. Dirk felt, by introduction of the landscaped traffic islands, they have one center driveway and it simplifies circulation and the number of times pedestrians have to interact with the vehicles. It makes it flow more efficiently. The raised landscape island is to discourage people from cutting through the parking lot. They had a driveway very close to the bank drive through and this now allows vehicles to slow down and enter the drive through lane. It encourages travel around the site.

Ms. Geffert asked them to talk about impact on traffic flow of the parking spaces on the Comfort Inn property. Mr. Dirk stated they have parking spaces that come out into the travel way. A lot of potential conflicts will be addressed in the Comfort Inn plan. They do not want anything happening within the first 50' of the site. The first set of parking spaces will go away as they are the spaces which are the furthest away from the Inn so they will not get used. Ms. Geffert asked Mr. Dirk, as a traffic engineer, he would say that having parking spaces that back up into a driveway such as this should be addressed in the next site plan. Mr. Dirk felt they should be addressed as best they can, and

they should make sure that any interaction should happen as deep into the site as possible. Yes, he felt they would want to look at that on the next site. Ms. Geffert, realizing the back section is less likely to have lots of traffic, should they have the space be perpendicular to the right of way or should they be angled. Mr. Dirk stated they should be angled spaces as they are easier to get out of because they would only cross one direction of travel. Ms. Geffert felt if they are backing into a right of way, it is usually wider and has concerns that the intersection is insufficiently wide in light of the parking spaces on the adjacent lot. She understands the parking spaces are not on their lot and not their concern but they have a right of way on their plan that doesn't really accommodate what is on the adjacent site. Mr. Dirk responded if they were doing a site plan review for a shopping center with a parking lot, the width of the drive aisle is the same width that they would want when you have traffic flowing through a parking lot and the ability of vehicles to enter and exit the parking spaces. It is a 24' wide aisle and when they have parking bays on either one or both sides of the 24' wide aisle there is plenty of room for a vehicle to exit with 2-day traffic. Ms. Geffert asked if there are ways to control driver speeds and awareness. Mr. Dirk felt the most significant is to make intersection apparent. They will not have high traffic speeds and will introduce a traffic calming effect. The parking lot is not like a typical roadway.

Mr. Hopley thanked the applicant for improving the plan and getting all of the signage on one plan. In the north corner at the stop sign, when leaving the site, he felt the directional sign that should reflect a left turn motion rather than a straight ahead motion. Mr. Dirk agrees as the more positive guidance they can provide the better. Adding an SP3 at the stop bar and changing the SP1 to a SP3 would work.

Ms. Roberts noticed in their Traffic Study, which was very thorough, Table 3 indicates a change in level of service at the west Peverly Hill Road exit from level C to F. They said it would accommodate the stacking of 4-5 vehicles but thinking about future development of the back lot for a 20,000 s.f. building, she was concerned about what will happen. Mr. Dirk explained that the level of service C is today's conditions with nothing on the site other than the Comfort Inn. Level F includes the 20,000 s.f. building however he still doubts that location will ever warrant a traffic signal. A separate left and right hand turn lane would help and shorten the queuing distance. Once a plan comes forward for the rear section, a light will be a consideration.

Mr. Taintor was looking at the shared driveway and compared to the other two driveways that come from Peverly Hill Road, they have a continuous solid double line but the lines are interrupted. Mr. Dirk explained that getting back to vehicles that may be entering and exiting the parking spaces and that introduces a potential conflict so it may be better to extend those, especially if they are going to do the raised intersection. Mr. Taintor also asked about the triangular island at Lafayette Road where the double solid line is off set to the north a little bit and doesn't align with the other line leading north. Mr. Dirk stated that has to do with the maneuvering ability of vehicles. He believes the center lines should connect to make sure the vehicles, as they are transitioning, have some positive guidance.

Chairman Ricci asked about the straight approach speed table. Mr. Dirk indicated that the pavement raises up 3". If you are driving and you are driving south to north over the speed table, as you enter the site there is a parabolic ramp that raises 3" over 10' and then it is level for 10' and then it drops down against 3" over another 10'. If you are driving 15-20 mph you gradually drive over it but at a higher speed it will be a sudden movement and you may bottom out your vehicle.

Mr. Monteiro indicated that a lot of his presentation has been covered. The last time they were present the Board had concerns with the intensity of the development. They converted 3 buildings into 2 with a net reduction of 1,000 s.f. of retail space. They also slid the building away from the intersection by

45' and added green space. They added a third drive-through lane to the bank component. They reduced intensity of use required less parking. They need 87 spaces under the zoning ordinance and they are allowed a maximum of 96 spaces. This plan shows 92 spaces. They created the centralized parking lot and created a boulevard of trees and landscaped islands to create more symmetry and better flow patterns. They changed the left driveway back to include the pedestrian refuge. The trash enclosure for the restaurant was relocated in the rear by the connector road. Pharmacy deliveries were a concern and by opening up the aisle width trucks are able to come in a different direction and not turn at the 3-way intersection.

The zoning issue regarding the maximum length of a travelway was resolved by adding two raised speed tables and a pedestrian cross walk. The sidewalk feature was added to one side with a link onto Peverly Hill Road. On the rear connector driveway they added one speed table and there is no sidewalk or pedestrian link in that area.

Some other minor items which they addressed were adding a layout materials plan to simply the site plan. They clarified some of the graphics. There was a lot of discussion regarding the street trees and the Bradford Calary Pear were not wanted by the Board so they proposed several different types of trees along the road. They added several internal trees in the back of the site, especially by the pharmacy trash enclosure and the rear connector driveway.

There was a discussion of the ramp location on the side of the pharmacy. They moved it back to line up with the edge of the accessible aisle. Lastly, on the new building, the bank component on the front is two-story and the restaurant component in the rear is a single story, and they have building elevations that reflect that change.

Mr. Monteiro advised the Board that they revisited with TAC on July 31st where there were some additional minor comments which they have incorporated into the plan set. Also, there was an outstanding question about the status of the burial ground and they have received a letter from the NH Division of Historical Resources dated July 15th acknowledging there is no burial ground on the property.

Chairman Ricci asked if they have any concern about the pipes only having a couple feet of cover on them over a paved area and he was wondering if they were worried about that. Mr. Monteiro felt that it was not the ideal situation but he was not too concerned as the site is very flat and they have adequate flow through the pipes so he is not worried about the freeze thaw.

Chairman Ricci asked if they ran the 100 year storm event through their drainage analysis. Mr. Monteiro stated that they did the 50 year. Chairman Ricci confirmed that it wasn't required but they ask other applicants about the 100 year storm event. Mr. Monteiro confirmed that they have received an AoT permit from the DES for the project. Chairman Ricci just felt it would be naïve to think they will not see the 100 year storm and typically that 100 year storm happens every 8 years.

Chairman Ricci asked them to add the wording "72 hours prior to" on Sheet C-2, Note 7 regarding Dig Safe.

Chairman Ricci – echoed some of the other Board members comments. This application is far better than what they have seen previously however it frustrates them that they didn't see this right out of the gate.

Ms. Roberts noted that the more she looks at the 3-way intersection she is confused to the right of the plan where traffic is coming up Lafayette Road and keeps going to a stop to the right of an island. But to the left of the island there is also a 2-way going to and from the drive through. She is not sure how that will work. Mr. Dirk pointed out the one way entrance to the rear of the drive through at the pharmacy. Because of the crossing and crosswalk and the 3-way stop, it is important that they introduce a raised intersection. That will benefit that intersection. Ms. Roberts was confused over the arrows. Mr. Dirk noted that is a site plan issue and he doesn't like the arrows. Mr. Monteiro explained they were trying to keep the two way for access to the dumpster as the trash truck comes from the front. They would make it one way if the truck was allowed to enter. They could remove the arrow so it isn't confusing to the vehicular traffic.

Attorney Uchida wanted to discuss one condition, which is how this site interacts with the Comfort Inn site with vehicles backing out onto the shared driveway. The current condition reads that no work can be done on the right of way until the Comfort Inn is approved by the Planning Board. He is not sure that condition provides the City with the protection they need as the fact that there is an approval for the Comfort Inn doesn't prevent backing in. They are proposing in lieu of that condition something that would provide CO's for buildings on their site would not be issued until there are curbing or barriers to prevent the backing out of traffic onto the shared driveway and it would not make the Comfort Inn be out of compliance with zoning. If they put the shared driveway in, the Comfort Inn will need to reconfigure 29 parking spaces. They are planning to go to BOA to have their parking revised to the front of the property. This would allow the Board to approve a plan tonight which allows them to build the islands that are required and before they get their CO's, the Comfort Inn would have to come in and provide a barrier to prevent that backing out. They would have plenty of time to do that. The other piece that is needed is some sort of approval of the Comfort Inn site plan allowing them to construct improvements on this site. By probably late Sept they will know how the BOA relief works out and they will be able to complete their site plan. And, if he is wrong and the BOA doesn't grant relief, there are other ways to accommodate the parking shortage. Attorney Uchida wrote out his proposed condition for the Board to review and hopefully approve.

Deputy City Manager Hayden noted they had previously come forward with their driveway waiver and she assumes they are still seeking a waiver. Attorney Uchida confirmed that was correct.

Mr. Blenkinsop noted Attorney Uchida's condition refers to backing into the driveway but he means entering as well. Attorney Uchida agreed.

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

Item E – Lot line revision

Deputy City Manager Hayden made a motion to grant preliminary and final Subdivision approval with the four recommended stipulations. Ms. Geffert seconded the motion.

The motion passed unanimously with the following stipulations:

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments prior to recording.
2. The final plat and all resulting deeds and easements 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.

Conditional Use Permit under Section 10.440, use 19.40, to allow a three-lane drive-through facility as an accessory use to a bank.

Deputy City Manager Hayden made a motion to grant the Conditional Use Permit. Mr. Hopley seconded the motion. Mr. Taintor explained an oversight by the Planning Department as this was not included in the legal notice. The City Attorney agreed that the detailed description of what is actually being proposed provides exactly as much information as would be provided in the Conditional Use notice. Therefore, the public is adequately noticed.

The motion to grant the Conditional Use Permit passed unanimously.

Waiver under Site Plan Review Regulations, Section 3.3.2.3, regarding the number of driveways per lot. This required six positive votes to pass.

Mr. Blenkinsop made a motion to grant the waiver. Mr. Rice seconded the motion.

Ms. Roberts commented that since she was opposed earlier she wanted to state that she is in favor of this plan as it has improved significantly and can now accommodate the additional driveways with the traffic flow. Deputy City Manager Hayden concurred for same reasons.

The motion to grant the waiver passed unanimously.

Item F– Site Plan approval

Ms. Geffert made a motion to grant Site Plan approval with the 5 stipulations in the Department Memo, plus that the three-way stop intersection in the middle of the site shall be a raised intersection; That the west facing arrow near the three-way stop pointing towards the dumpster area be removed; That the east to west driveway include a yellow center line; That Note 7 on Sheet 102 be revised so that the Dig Safe notice is 72 hours prior to construction; and, for the purposes of discussion but she is not necessarily in favor, the additional stipulation provided by Attorney Uchida. Councilor Novelline Clayburgh seconded the motion.

Deputy City Manager requested a stipulation regarding the concrete sidewalk along Route 1, rather than asphalt. Also, in addition to the stipulation regarding the raised intersection, they should also make sure they are taking a look at how pedestrians pass through whatever raised islands may be in that vicinity. And, that the design of the raised intersection is acceptable to the Planning Director and DPW. A note that Stipulation #5 may end up not applying as that is essentially some version of what Attorney Uchida proposed.

Mr. Hopley noted that the directional signs leaving the site for northbound Route 1 traffic, there is a lefthand turn motion at the stop sign and then change the sign that says go straight to go left. Also, as

this is a very intensive site in terms of infrastructure, where Note 4 says "... the services of an over-site engineer to be selected by the City to monitor the construction of improvements within the public rights of way" he would like to add "and on site". Mr. Hopley indicated that they got burned on another project this year because that particular condition wasn't there.

Mr. Blenkinsop noted they had two competing stipulations. He was interested on staff perspective on the difference between "no work shall be carried out" and "Certificate of Occupancy not issued". He did not feel the last sentence of the proposed condition from Attorney Uchida was entirely clear because presumably they will install the barriers but the condition is worded to say that the installation of such curbing or barriers shall not cause the adjacent parcel to be out of compliance with the ordinance. Attorney Blenkinsop feels that it will make the parcel be out of compliance. The concept is intriguing but he has concerns with the last sentence. Mr. Taintor felt that Attorney Uchida's stipulation was really good and much better than his but he would like to take the last sentence off. He understands that the two properties will work together this winter to resolve the issue and he suggests substituting the first sentence of Attorney Uchida's condition for Mr. Taintor's condition but excluding the second sentence.

Ms. Geffert stated that she would feel very uncomfortable putting in something that would make the BOA feel that the Planning Board was requiring them to do something. She would like to include something about working with the applicants to achieve this and she also added that they have testimony at this meeting that indicates that they will have protection in doing nothing, if that is the choice.

Mr. Hopley was in agreement that this needs to be addressed but he was not sure linking CO to what they want to achieve is the best course of action. If they wait until the CO is to be issued, it means the project is done. He thought the issues should be worked out prior to a building permit being issued.

Chairman Ricci suggested changing the wording to say before a building permit is issued.

Mr. Taintor asked about separately the building permit from the site work. Mr. Hopley was fine with that. Mr. Taintor understood the balancing act Mr. Hopley referred to. They would limit it to the building permits for the buildings but allowing site work to begin before the issue is worked out.

Mr. Blenkinsop heard what the applicant said and Attorney Uchida was concerned that the original stipulation was too restrictive but Mr. Hopley is saying work will not be allowed to start on either parcel. Chairman Ricci felt it was more restrictive in time but not in language and it brings a sense of urgency.

Ms. Geffert felt that they were struggling because they have a site plan with a circulation design which is dependent upon what is happening to the adjacent site. They do not have a site plan for the adjacent site yet. Otherwise, they are good to go. She felt they need a way to pull back their approval if the adjacent parcel cannot accommodate the safety concerns they have raised. Chairman Ricci felt they have heard an willingness to get this done and the applicant wants to do it. Ms. Geffert also noted that there is certainly enough room on the adjacent site to accommodate parking.

Chairman Ricci asked if they had a general consensus. Mr. Blenkinsop asked if site work could not generally commence without a building permit. Chairman Ricci confirmed that was correct. Ms. Geffert added that they would have site plan approval which would enable them to begin the financing

process and move forward.

Ms. Geffert revised her motion to eliminate Stipulation #5 in the Staff Memo and to add “Building permits for this site shall not be issued until curbing/barriers to prevent entry into the driveway shared with the adjacent parcel from parking on the adjacent parcel have been installed. Ms. Geffert also asked to retain the map and lot numbers in the actual stipulation.

All revisions were acceptable to the second, Councilor Clayburgh.

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

1. All proposed easements shall be reviewed and approved by the Legal and Planning Departments, and shall be recorded prior to the issuance of any building permit.
2. All improvements in Peverly Hill Road and Lafayette Road as shown on the site plans, including the Conceptual Improvement Plan, shall be completed prior to the issuance of the first Certificate of Occupancy for any building on the site.
3. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City prior to the issuance of a building permit.
4. The applicant shall pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.
5. No work shall be carried out on the adjacent parcel (Assessors Map 252 Lot 8) until a revised site plan for that parcel conforming to the City’s Zoning Ordinance and Site Plan Review Regulations has been approved by the Planning Board.
6. The three-way stop intersection in the middle of the site shall include a raised intersection, and the applicant shall review how pedestrians pass through all raised islands in the same vicinity. Any revisions shall be reviewed and approved by the Planning Director and DPW.
7. The east to west driveway shall include a solid yellow center line.
8. Note 7 on Sheet 102 shall be revised to read that the DigSafe notice is 72 hours prior to construction.
9. The sidewalk along Route 1 shall be concrete rather than asphalt.
10. The directional signs for traffic exiting the site onto Peverly Hill Road shall better direct vehicles to northbound Route 1.
11. Building permits for this site shall not be issued until curbing/barriers to prevent entry into the driveway shared with the adjacent parcel and from parking on the adjacent parcel have been installed.

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I. Proposed amendments to the Site Plan Review Regulations, Section 1.2.3 – Developments of Regional Impact. (This matter was postponed from the July 19, 2012 Planning Board Meeting.)

Mr. Taintor recommended that the Board take no action on this. After reviewing the concerns of the Board last month as well as the statutes and practices of other communities, he felt it is difficult to perfect the wording. Technically the Planning Board has a responsibility to determine on each case whether there is a development of regional impact. This has not come up in the time he has been here and he is comfortable leaving it to be reviewed on a case by case basis. He felt they could leave to a case by case basis. If it comes up as an issue, it could be raised by a member of the Board or by staff.

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II. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Service Credit Union, Owner**, for property located at **2995 Lafayette Road**, requesting Amended Site Plan Approval to extend the proposed sidewalk, relocate the project sign and provide additional landscaping as a result of the merger of the corner parcel at the intersection of Lafayette Road and Longmeadow Road, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 2 and lies within the Gateway (GW) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Svahn, representing Service Credit Union, was present requesting amended Site Plan approval. He indicated this project is due to be completed at the end of the month. They have merged their property with 3005 Lafayette Road which is the corner lot at Lafayette and Longmeadow. 3005 Lafayette Road has not gone before the Planning Board.

At the TAC hearing there were three issues, the first of which is not mentioned in the Memorandum and was the review of the intersection of Lafayette Road and Langmeadow Road for future widening and they were asked to check existing lane widths. The second issue was adding sidewalks on both Longmeadow and Lafayette which has been done. The sidewalk is shown as 6’ on the interior sidewalk but they ran into a problem along Lafayette Road. The sidewalk was built at 4’ as a result of numerous issues with DOT and drainage issues, and once the sidewalk agreement was completed with the City and the State, the contractor proceeded to build the sidewalk at 4’ wide. They also propose to add a monument sign on the new corner lot.

Mr. Svahn stated the City indicated that the sidewalk needed to be 5’ at a minimum width and they have agreed to add a sidewalk extension. This plan was reviewed with DPW last Friday. Also, the owners agreed to obtain a license for sprinklers which are in the City right of way between the curb line and the sidewalk.

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 amended site plan approval with one stipulation in the staff memorandum. Mr. Blenkinsop seconded the motion.

The motion passed unanimously.

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Mr. Blenkinsop made a motion to read Items B &C together. Ms. Geffert seconded the motion. The motion passed unanimously.

B. The application of **HCA Health Services of New Hampshire, Owner**, for property located at **333 Borthwick Avenue**, requesting Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, for the construction of an at grade 50' x 50' concrete helipad, with 8,648 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 240 as Lot 2-1 and lies within the Office Research (OR) District.

C. The application of **HCA Health Services of NH, Inc., Owner**, for property located at **333 Borthwick Avenue**, requesting Site Plan Approval to construct an at grade 50' x 50' concrete helipad in the existing hospital emergency room parking lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 240 as Lot 2-1 and lies within the Office Research (OR) District.

The Chair read the notices into the record.

Mary Ann Blanchard was present on behalf of the Conservation Commission.

SPEAKING TO THE APPLICATION:

Jorge Panteli, of McFarland Johnson, appeared on behalf of HCA Health Services. Mr. Panteli stated they are planning to locate a 50' x 50' concrete helipad in the Emergency Room parking lot and eliminate 20 parking spaces. The facility meets FAA design standards for the helipad and the location is perfect as it is next to the Emergency Room entrance.

Mr. Panteli stated they have a 109' x 109' cube area for safety standards to keep people and vehicles away from the helipad. The pad will be elevated 6" so cars won't park on the area and they will have 3 gates for safety purposes to stop all traffic. When a helicopter flies in the security staff will lock all of the gates. When the helicopter is shut down vehicles will still be allowed to operate outside and there will be access around the facility should emergency vehicles need to get through. Environmentally, they are within the 100' buffer. When they raised the helipad up 6", they were able to utilize a hollow paver material to allow grass to grow. That allowed them to reduce the impervious area of the parking lot so they are gaining stormwater capacity. At the Conservation Commission they talked about the fragmities that have grown along the site and unanimously voted to recommend approval with a stipulation to use Best Management Practices to address the issue of cleaning the fragmities once or twice a year. The drainage patterns do not change. They added a catch basin to connect to an existing basin to capture all water. They met with the FAA and the NHDOT and they received approvals from both. They are adding lights on the building for night operations. There is also a set of power lines that will be lit and will have orange balls on the lines for the helicopter pilots. There is a set of power poles on the site which they are moving and burying to take away obstructions for the pilots.

Ms. Roberts inquired about the approach plan. The TAC minutes mention the flight path and the plan but she didn't see that in their packet. Mr. Panteli confirmed this was presented to the BOA. They are working with the Pease tower and airport and they know where the sensitive noise areas are, such as residential areas. If there is a major roadway you usually put the helicopter flight track over that roadway as it masks the sound. They will come down Route 16, bisect the two residential areas and come around the building and land. There will be times when they come from the south and they will come up I-95.

Ms. Roberts noted they are proposing approximately 50 trips per year with 30% occurring at night. Mr. Panteli confirmed that was their estimate.

Mr. Blenkinsop asked if there was any fuel storage. Mr. Panteli confirmed there was not.

Deputy City Manager Hayden asked if the only lights directed up towards the sky are the ones on the helipad. Her real question was if the lights that are directing the helicopter are only on when they know a chopper is coming. Mr. Panteli confirmed that was correct.

Mr. Gladhill noted that the parking next to the helipad was still for patient parking and asked about the gates being closed for 20 minutes so that cars could not leave the parking lot. Mr. Panteli clarified that when the helicopter is close to the facility, those gates will be brought down so that the helicopter can land with nothing moving. When the helicopter shuts down traffic will be allowed to move again. There will be security staff at all gates who will be watching and monitoring the parking lot. People will be advised of what is happening and that there will be a delay before they are able to leave. They will also have a window of opportunity to get out of the parking lot.

Mr. Blenkinsop asked about signage advising people that if they choose to park there they may be subject to not being able to leave if a helicopter arrives. Mr. Panteli stated it will simply stated that is a helicopter landing area.

Chairman Ricci noted this was the first helipad he has seen come before them. He asked if it warrants a 4' fence with privacy cloth to prevent dirt and dust spitting up. Mr. Panteli explained that it does pick up a lot of dirt and what will typically happen is they will do a foreign object debris check prior to landing and again when the copter is ready to leave. Chairman Ricci asked about putting up fences with fabric screening. Also, in New England they might get chunks of ice and snow and he asked if they have any concerns about those kicking up too. Mr. Panteli stated the hospital will have a program with a snow removal company to brush the pad down so that there is not accumulated snow on the pad. Chairman Ricci asked if that was a FAA requirement or a hospital requirement. Mr. Panteli stated it was the responsibility of the facility. There are three operators and the hospital has talked to all of them. The operators work with the hospitals all the time so there will be a lot of coordination dialog before becoming operational. The FAA requested that the hospital work with the operators as much as possible. All three operators work together and cover for each other. Therefore, any operator will be familiar with this particular approach plan.

Chairman Ricci asked them to put a note on the site plan about Dig Safe. They also need a legend on the site plan.

Mr. Blenkinsop asked about any barriers between the doors into the ER and landing pad. If by chance they had ambulances pulling up into the driveway at same time as a helicopter landing. Mr. Panteli indicated that may happen but security will be able to direct a patient arriving at the ER. Mr. Blenkinsop felt it was important to be able to give the proper attention to someone arriving at the ER.

Scott Madeiros, of McFrland Johnson, advised the Board that the actual safety zone is designed by the FAA and there is at least 100' from the helicopter to the ER door. Patients arriving can drive right up to the ER door and unload without being effected. An ambulance delivery is even further away from ER entrance.

Ms. Geffert asked why they chose to put the helipad where it is rather than the other end of the parking lot. Mr. Panteli explained they wanted it to be as close to the ER as possible so there is minimal time to get the patient into the hospital.

Councilor Novelline Clayburgh asked about any concern by the hospital about have fewer parking spaces. Mr. Panteli indicated they have 752 spaces and the requirement is 562 so they exceed the required spaces. This should not be a problem.

Councilor Novelline Clayburgh asked if there was any consideration of putting the helipad on the roof. Mr. Panteli explained there are two large towers to the building on the roof and there are power lines, both of which created issues.

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

Motion on Conditional Use Permit :

Councilor Novelline Clayburgh made a motion to approve with the Conservation Commission stipulation. Mr. Hopley seconded the motion.

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

1. The applicant shall follow best management practices for phragmites control as recommended by the Department of Environmental Services.

Motion on Site Plan Approval:

Mr. Hopley made a motion to approve but questioned the need for a CMMP. This site is away from the public way and they are only talking about 1' of material and he questions whether they need to go through that. His motion would include the recommended stipulations except for the CMMP requirement. Deputy City Manager Hayden seconded the motion. Chairman Ricci requested a note about the Dig Safe note.

Mr. Rice commented that he has never seen a wetland buffer plan that was covered with so much asphalt, pavement and large buildings, and he understands there is a history with this and he was not around at that time, but wanted to mention that they should be sensitive to future development along the wetland, or what is left of it.

Deputy City Manager Hayden confirmed that the hospital pre-dates the buffer zone and probably most of the wetland regulations. Chairman Ricci added that the hospital completed a 30 acre wetland mitigation study when they went into this site.

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

1. The laydown area and all construction personnel and equipment shall be outside the Borthwick Avenue right-of-way.
2. A note shall be added to the plan that Digsafe shall be contacted at least 72 hours prior to construction.

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D. The application of **Paul Kamakas, Owner**, for property located at **990 Lafayette Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland and wetland buffer, involving the stabilization of a previously disturbed area with vegetation and the placement of boulders to make the area less accessible, with 27,000 s.f. of impact to the wetland and 28,500 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 253 as Lot 13 and lies within the Gateway District

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, appeared on behalf of the property owner, Paul Kamakas. Mr. Weinrieb first wanted to clarify that the area of impact are incorrect. It is 90 s.f. impact of fresh water wetland, 260 s.f. of tidal wetland, and 2,600 s.f. of tidal wetland buffer.

Mr. Weinrieb stated that in January of this past year, Mr. Kamakas was having landscapers clean up the rear of the property and they inadvertently entered the buffer zone and impacted the area. They came up with a restoration plan and are putting boulders in so that is it less accessible. They will remove all of the existing topsoil so that they can some in and replant and stop any invasive species from creeping into the area.

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

DISCUSSION AND DECISION OF THE BOARD

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

The motion to grant Conditional Use Permit approval passed unanimously.

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E. The application of the **City of Portsmouth, Owner and Public Service of New Hampshire, Applicant**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland, for the replacement of 48 utility poles and associated overhead wires and guy wires along a 1.2 mile corridor starting at the Greenland town line and running along Interstate 95 to the Exit 3 off-ramp and then along the railroad tracks, with 100,517 s.f. of impact to the inland wetland. Said property is shown on Assessor Map 278 as Lot 1 and Assessor Map 280 as Lot 3 and lies in the Natural Resource Protection (NRP) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Nick Golan, P. E., of TF Moran Civil Engineers, appeared on behalf of PSNH. The Project Manager of PSNH is also present. Mr. Golan indicated they met with the Conservation Commission and they reviewed the Conditional Use Permit application as well as the State Wetland application for DES. Prior to that meeting, they sat down with Peter Britz, the City's Environmental Planner, and Dori Wiggins, of NHDES, to determine the best way to proceed with this application and streamline this project.

Mr. Golan explained that the 3111 and 3171 line are existing power lines in an existing PSNH corridor. These lines are old and will be replaced with new lines with additional capacity. The problem they run into is that these lines are located within an expansive wetland. It is important to note that only 126 s.f. of their impact is permanent and accounts for the actual utility poles that are being replaced. They don't get to do a trade for the poles that are coming out for the poles that are coming in so they have to account for the permanent impacts for the poles that will be driven as part of this project.

Speaking to the temporary impacts, Mr. Golan explained how they are accessing the corridor. The corridors are essentially a linear line so they can access the lines with the least amount of environmental impact. The width of the corridor is 16' which is the width of the prefabricated mats that PSNH will utilize for the purposes of going through the corridor. This is a standardized methodology and what PSNH uses for the majority of their corridors. There is a detail that provides the geometry of those mats and some general guidelines of how they will be utilized. One point that came up at the Conservation Commission meeting was that mats used in any area of an invasive species must be washed before their use to prevent the spread of those invasive species.

Mr. Golan summarized that they have two existing lines that need to be replaced and they believe they have designed the least impactful route to access those poles to be replaced and have provided the necessary details and guidelines of how the contractor will accomplish this work.

Mr. Blenkinsop asked how they will clean the mats. Mr. Golan stated they will be using the Ocean Road substation as a set up area and they will clean the mats there.

Deputy City Manager Hayden pictures the vehicles driving over the mats to get down the line and asked if at the end of every work day so the mats get picked up and brought back to the substation. Mr. Golan explained the mats will remain in place for the duration of the project.

Deputy City Manager asked if all of the vehicles go back to the substation to park at night. Mr. Golan explained that the vehicles should be parked overnight in the wetland so they will be parked elsewhere at night. Deputy City Manager Hayden asked how many workers will be on site at any given time and how many individual vehicles will be there on any given day. The Project Manager stated there would be less than 10 vehicles and there is plenty of room to park at the substation.

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Hopley made a motion to grant Conditional Use Permit approval with the two recommended stipulations. Mr. Rice seconded the motion.

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

1. All vehicles shall be parked at an off-site location and not in the wetland area at night.
2. The mats shall be cleaned when moved from one location to another so as to not spread invasive species.

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Chairman Ricci stepped down from Items F and G and turned the meeting over to Vice Chairman Roberts.

Deputy City Manager Hayden made a motion to read in Items F and G together. Ms. Geffert seconded the motion. The motion passed unanimously.

F. The application of **Ricci Supply Company, Inc., Owner**, for property located at **105 Bartlett Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer, for the demolition and reconstruction of 7,980 s.f. two-story building, with 8,700 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 164, Lot 1 and lies within the Office Research (OR) District.

G. The application of **Ricci Supply Company, Inc., Owner**, for property located at **105 Bartlett Street**, requesting Site Plan Approval for the demolition and reconstruction of a 7,980 s.f. two-story building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 164 as Lot 1 and lies within the Office Research (OR) District

The Vice Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Edward Hayes, President of Ricci Supply Company addressed the Board. Also present was Zeke Morrell, of Ricci Supply, and Alex Ross, of Ross Engineering. Mr. Hayes stated that Ricci Supply is a third generation business and they have only had one location on Bartlett Street since 1957. In 1984 they purchased the front building which sells kitchens and flooring. It is a poorly constructed building and the roof leaks. If they get more than 6” of snow they have to have a team shovel the flat roof. The electrical system is to code but has been pieced together over the years. The building has outlived its useful life and probably was never designed to be used so long. It was a beer distributorship, a laundromat and a coal distributor. They plan to rebuild a significant part of the building on the same footprint. The building will be safer, sprinklered, and highly energy efficient. As a third generation family owned business, they are delighted to stay in Portsmouth.

Zeke Morrell, of Ricci Supply Company, felt that the proposed project will use sustainable design concepts, they have the wind generator on the existing roof and intend to install provisions for energy gains on the new structure. They will use high efficiency natural gas fired systems. All windows and doors will be energy star rated, they will be using foam insulation or a combination of foam and other installations to minimize energy loss, they plan to capture run off from the new roof to support a rain garden at the end of the building and believe the redirection of the water will help restore the North Mill Pond from shore erosion. The building will include all necessary ADA egress requirements, they will comply with all State and local codes, the construction site will be fenced off at all times with 8' fencing and signage to direct vehicles. The new upgraded facility is intended to look new and function for many years. They hope to attract more people to the local businesses and increase property values.

Alex Ross, of Ross Engineering, distributed a color handout to the Board. Orange represented the existing conditions and the red represents the portion of the building that will be removed. The warehouse in the rear will be left in place and renovated. Mr. Ross stated this was a really simple low impact site plan. The existing lot has been developed for decades and the new building will remain on the same footprint. Some site improvements include a reconfigured landscape area on Bartlett to allow for City snow removal. He met with DPW who had concerns that the current sidewalk was not wide enough so they have provided a 5' area to work with. They installed downspouts and raingardens. Currently all roof run off goes directly onto the paved areas. Another site improvement is to relocate the utility poles at the rear of the building which are ancient and are in need of replacement. They will move them and install a new pole on the corner of the lot. They met with PSNH and they approved this move. Another improvement is to install a new drain line for future water/sewer separation and that is shown on the plan as a dashed line. In the lumber yard there is a system of catch basins that collects stormwater that discharges directly into the City sewer line. This area has had some recent work done with the stormwater system and this will allow them to have the separation. This parcel is surrounded by different ownership so they don't have the authority to do the separation yet. They met with TAC for a Work Session and again for a public hearing where they voted to recommend approval with a list of stipulations.

Mr. Ross ran through the stipulations.

The first stipulation was that they wanted the sidewalk altered to be at least 5' wide. This is in the front of the building and the drawings have been revised to show that.

Another item was to extend the sidewalk in front of parking spaces #1 and #3 and the plans have been revised.

Another sidewalk item was to extend to at least across the front and parking space #13, and that has been revised.

The second stipulation required that a detail be added for the proposed drainline in the building to extend the pipe 1 ½' – 2'. They have done that and added a detail on the plan set.

The third stipulation was regarding the raingarden cross section detail, they wanted the top surface to be specified as shredded mulch. This again shows up on Sheet 3 and has been revised.

The fourth stipulation requested a plan showing travel lane striping. They did that and is shown on Sheet 5 with more details. That was reviewed with DPW to make sure that was laid out the way they wanted it.

The fifth item was that final water connections be reviewed and approved by the City Water Department. They altered Note 5 on Sheet 2 to alter that language.

The last item was for a CMMP. They will follow through with this item.

Mr. Ross indicated that they appeared before the Conservation Commission last week as the site is in the wetland buffer. They require a Conditional Use Permit as well as a State Wetland Permit. The Conservation Commission recommended approval on both.

Mr. Ross felt this was a very simple site improvement. They are using the same footprint and they are minimizing impact and improving the overall site.

Mr. Hopley was trying to find the 5' dimension for the sidewalk. Mr. Ross referred him to Sheet 2 in front of the building by parking space #4 where there is a note regarding the 5' sidewalk. Mr. Hopley apologized as he thought they were talking about the Bartlett Street sidewalk. Mr. Ross indicated they are making the Bartlett Street sidewalk a little wider by bringing in the rain garden landscaped area. The actual sidewalk on Bartlett will not be rebuilt but they will give it more room. Mr. Hopley asked if a detail would be helpful. Mr. Ross confirmed that they did show some sidewalk details. One sidewalk alteration is overflow from the raingarden. To get a drainline into that catch basin they cut a small section of sidewalk and rebuild it.

Mr. Taintor referred Mr. Hopley to Sheet 3, where the proposed rain garden detail shows where they are expanding the sidewalk in two locations. Mr. Hopley assumes this is similar to the widening of Route 1 at the Service Credit Union so they want to make sure their sidewalks are regulation.

Mr. Hopley was looking for water lines. He never found where they make the connection for the sprinklers. Mr. Ross anticipates that connection will be back at the corner of the building. They have not talked to DPW and Underwood Engineers about it yet. At the rear there is a 1" line, a 2" line and a 6" line. That location and type of tie-in will be approved by the Water Department. Mr. Hopley felt it should be shown where the fire line will be coming in with a note. Mr. Ross confirmed that they discussed that with TAC and David Desfosses just wanted the note on the plan about the City Water Department approval.

Mr. Blenkinsop asked where the rainwater goes when it hits the paved area. Mr. Ross explained that right now the grade is such that when the rainwater hits closest to the pond it runs towards the building and then to a catch basin which discharges into the pond. Mr. Blenkinsop asked if that is the condition that will remain after the project and is that the appropriate way to do it. Mr. Ross indicated there are lots of different ways to handle the run off and they looked at numerous forms of protection but they are very limited here. Most of the parking lot is somebody else's land.

Deputy City Manger Hayden asked about a photometric plan. Mr. Ross handed that plan out to the Board.

Mr. Hopley noticed on the plan there are two accessible parking spaces but he doesn't find any details on pavement markings and signage. Usually the site plan will show the painting scheme and the requirement of an upright sign. Mr. Ross confirmed they will add a detail for the handicapped sign for both spaces.

Deputy City Manager Hayden understood they had an unusual situation with islands of buildings in the middle of the property owned by the railroad and at TAC the issue came up about adding a note to the plan referencing the easement. She asked what is covered in that easement because they may be striping some parking spaces and roadway that is not on their land. She knows they can't do the stormwater separation because they are subsurface. What exactly does the easement allow them to do on the surface.

Mr. Hayes indicated they have a recorded general easement from about 40 years ago which allows them to use that area of PanAm property. They split the maintenance with another party who owns the Seatrade building behind them. It is a common custom that they take care of all maintenance, plowing, line striping etc. Deputy City Manager Hayden asked about striping the spaces at the end of the building they are renovating. Mr. Hayes confirmed the spaces are there and they have always used them and they are covered by the lease that they have with PanAm. Deputy City Manager Hayden understood Mr. Hayes to say that their improvements are within their rights under the easement or lease agreement which they have with PanAm. Mr. Hayes confirmed that was correct.

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

Motion for Conditional Use Permit Approval:

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

The motion to grant Conditional Use Permit approval passed unanimously.

Motion for Site Plan approval:

Mr. Hopley made a motion to grant Site Plan approval with the two recommended stipulations and the accessible parking space detail for both surface painting and upright signage and he would like to see the sprinkled pipe connection to the building should be shown on the plans.

Deputy City Manager Hayden asked if they can do a waiver of the Site Plan Regulations when light spills over a property boundary. Mr. Taintor indicated it was not a waiver. It is a zoning requirement rather than a Site Plan requirement. Deputy City Manager Hayden asked them to just demonstrate that the lighting does not spill over the property line. Mr. Blenkinsop pointed out property line in green on the plan. Deputy City Manager Hayden stated they would need to comply with the spill-over.

Deputy City Manager Hayden also wanted to represent that all surface improvements are covered under the existing easement. Mr. Taintor felt that normally they require the property owner to sign off on improvements. It would be helpful to get the railroad to sign off on the application. Deputy City Manager Hayden felt an alternative would be to have the City Attorney review the existing deed and Pan Am lease to make sure it meets his satisfaction. She would like this in the public record for a variety of reasons.

Ms. Geffert felt that the site plans should refer to the recorded easement. They should be a combination of having the site plan refer to the easement and have the City Attorney confirm he is comfortable with the situation.

The final stipulation on lighting was that they comply with the zoning requirements.

Mr. Blenkinsop seconded the motion.

Mr. Ross stated they were happy to add a note to the plan about the easement and any note the Board would like relieving the City of any liability. Ms. Robert added that they will be requesting a copy for review by the City Attorney.

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

1. Amend the site plans as follows:
 - (a) Add an accessible parking space detail, including surface painting and upright signage.
 - (b) Show the sprinkler pipe connection to the building.
 - (c) Demonstrate that the plan complies with the Zoning Ordinance relative to light spillage.
 - (d) Include a reference to the recorded easement allowing the applicant to use the adjacent land owned by the railroad.
2. The easement deed shall be reviewed by the City Attorney to confirm that it allows the applicant to use the railroad land as shown on the site plan.
3. Final water connections shall be reviewed and approved by the City Water Department.
4. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City prior to the issuance of a building permit.

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H. The application of the **M. H. Wentworth Home, Owner, and 127 Parrott Avenue, LLC, Applicant**, for property located at **127 Parrott Avenue**, requesting Site Plan Approval for the removal of exterior ramps, fire escape, fencing, concrete aprons and sidewalks; the expansion of parking; and the construction of a new closed drainage system; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 115 as Lots 3 and 3-1 and lies within the Mixed Residential Office (MRO) District and the Historic District.

The Chair read the notice into the record.

Mr. Blenkinsop recused himself from this hearing.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, appeared on behalf of the applicant. Also present were Bob Iafolla, Project Manager, Tim Phoenix, owner, and Joe Shanley.

Mr. Weinrieb stated they are planning to convert this facility to a professional office building. The project has received HDC approval and a variance from the BOA to reduce parking on site. They could either have parking in front of building or have a reduction in parking and keep it in the rear. There are three existing driveways and they are removing one. They are asking for a waiver to have multiple driveways on the site. There is a third driveway on the garage property next door. There is

two way access into the site with a dead end in back and a turn around area for the employees parking. There is a loop driveway in the front which is one way and additional parking on the other side of the property. The nice thing about this project is they are fixing some drainage issues. Parrott Avenue currently has lots of drainage issues and they will be adding new catch basins in the street and tying those into the new sewer project. The roof drainage and existing drainage all ties into the sewer and they are taking that out and tying it into the drainage system so they are providing a public benefit with this project. They are adding a lot of landscaping and putting in some new trees and revitalizing the area.

Mr. Hopley asked about the fire escape as the demo plan indicates they are taking it down and the site plan indicates they are reconfiguring it. Mr. Weinrieb confirmed that the existing one comes down and a new one goes up in a different configuration.

Deputy City Manager Hayden mentioned that people flow down this site from the Housing Authority property and the fire station parking lot and she asked if that will still be the case and is the gate going back up. Mr. Weinrieb stated this is currently a fence that encloses an area in the back and they are taking down the chain link fence between their property and the courthouse and there is a nice solid wood fence between the residential properties. They plan to take down the fence that was going to be part of the parking lot and construct a new solid wood fence to separate out the Feaster Apartments and the municipal parking lot from this site, providing a pedestrian accessway in between so that employees can access the municipal lot and continue into town. They are trying to separate the sea of parking on the municipal lot and their lot. The fence will go all the way across the back with one opening. If somebody wanted to walk through there they could but they are not trying to promote the large masses to go through the opening. Deputy City Manager Hayden wondered what will happen when that opening changes and people can access the middle of their site. Mr. Weinrieb explained that the rationale was so that employees could exit through the back. It makes an easier access.

Mr. Gladhill noted an extra parking spot on the street. Mr. Weinrieb indicated there was a hydrant there. Also, for some reason there was a handicapped parking space which DPW didn't feel there was a need for so it will become a regular parking space.

Ms. Roberts appreciated their efforts to improve drainage. To try to get a better sense of what they are proposing to do, she asked where the water will go that is being collected in the catch basins.

Mr. Weinrieb explained that there is an existing catch basin that goes straight into the pre-treatment system going into the South Mill Pond and another on the corner of Rogers and Parrott. They are proposing a new drain line up to the driveway with several new catch basins to collect all ponded areas on the flat part of Parrott Avenue. Another catch basin will collect the side of the parking lot and they are cleaning out the swale which is already there. A lot of water from the municipal lot sheets down onto their lot and ponds in the corner and goes straight into the basement of the courthouse where they pump it out. By putting this drainage system in and collecting it into the municipal system they will correct the abutter problem. They will have an easement with the City in the rear to install a catch basin to collect drainage off the municipal lot and they will put a curb line in so it won't all run down the hill.

Chairman Ricci asked that catch basin #5 be labeled on the plan. He thought the plan was simple and well designed.

Ms. Geffert asked about the sign in the front that says “sign with lights”. Mr. Weinrieb indicated that the front sign has not been worked out yet but they will be changing out the panel for the business sign. The law practice will not be taking the entire building so that sign will be worked out later. They will use the same location and sign style. be worked out later on. Ms. Geffert was concerned about having it on the plan but it’s not approved.

Bob Iafolla, Project Manger, stated it was the existing sign with the existing lights. They do not contemplate changing the sign at all. The only thing that will change is the lettering. If that changes they will have to come back and get approval. Right now it is exactly what is there.

Mr. Hopley assumes the existing sign talks about the existing facility. The change in content requires a whole permitting process. They would need to do that and the City would look at it at that time. They should probably change the site plan to say “existing sign”.

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

Motion on Waivers:

Deputy City Manager Hayden made a motion to waive Section 3.3.23 of Site Plan Review Regulations regarding the number of driveways per lot. Ms. Geffert seconded the motion.

The motion to grant a waiver from Section 3.3.23 passed unanimously.

Deputy City Manager Hayden made a motion to waive Section 5.11 of Site Plan Regulations regarding the sidewalk connection as shown as Note 9 on the site plan. Ms. Geffert seconded the motion.

The motion to grant a waiver from Section 5.11 passed unanimously.

Motion on Site Plan Approval:

Mr. Hopley made a motion to grant Site Plan Approval with stipulations for a CMMP plan, a note to lable Catch Basin #4 and the sign in front of the building. Councilor Novelline Clayburgh seconded the motion.

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

1. Catch basin #5 shall be labeled on the plan.
2. The sign in front of the building shall be re-labeled as “existing sign”.
3. A Construction Management and Mitigation Plan shall be prepared by the Applicant for review and approval by the City prior to the issuance of a building permit.

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I. The application of **MacLeod Enterprises, Inc., Owner**, for property located at **1190 Lafayette Road**, requesting Amended Site Plan Approval for the reconfiguration of parking spaces, the addition of parking lot islands, the relocation of a driveway entrance off Lafayette Road, and installation of new curbing and sidewalk, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 252 as Lot 8 and lies within the Gateway (GW) District

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Lorden, from MSC Engineers, was present along with Kevin MacLeod, owner of the Comfort Inn. There is nothing proposed that they haven't seen in the past. They have worked very closely with MHF Civil Engineers and The 4 Amigos to coordinate the two abutting sites. The intent of these plans is to show the work that will be done on the site. They attempted to keep it simple and referring to details on the MHF plans. The 4 Amigos have a special plan for the driveway work so they referred to that plan. They are proposing four raised traffic islands with curb and an extension of the crosswalk. The driveway is being reconfigured. They are also doing a sewer and drainage upgrade. The rest of the site is remaining the same. They currently have 125 full parking spaces and they will be losing 18 due to islands but they are gaining 33 spaces in rear as a result of the land transfer. That will make them conforming where they have been non-conforming in the past.

They are ready to submit for a variance to the BOA for parking between the building and the street. They have been waiting for The 4 Amigos to get their final approval. They will then move on to Site Plan review in the next month or two. Comfort Inn has wanted to improve their site for quite some time now. Mr. MacLeod is very interested in working with The 4 Amigos to coordinate the sites. The main thing they want to show on this plan is a full curb along the whole width of the main driveway so there will be no backing in or out.

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

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Hayden made a motion to grant Site Plan Approval with the 2 recommended stipulations. Mr. Hopley seconded the motion.

Deputy City Manager Hayden brought up that when they approved the previous plan they said no work would be carried out on this site until they received a revised site plan. She asked if they are still happy with no longer having no work done on this site and they are completely covered.

Mr. Blenkinsop believed that what they said was that unless they have curbing or some sort of barrier along the travelway they cannot get a building permit. But that is not what is before them now. The site plan before them shows parking spaces that can back into the travel way. It may not matter because the other project cannot get a building permit until something changes.

Ms. Geffert thinks this plan is okay because it has adequate parking. They needed something that showed no driveway where they used to have a driveway, adequate parking and the drainage easement

reconfiguration and they have all of that. As long as this site still has enough parking then it is fine. But the moment the other one wants to put up the barrier, this parking goes away so they will have to come back with a revised parking plan to comply with the barriers.

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

1. All construction details shall be identical to the details being used on the site plan for 1390 Lafayette Road.
2. The applicant shall participate in the Construction Management and Mitigation Plan (CMMP) for the development of 1390 Lafayette Road.

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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. Letter from Stephen Kelm requesting an easement from the City to access his property at 80 Wright Avenue. (This matter was postponed at the July 19, 2012 Planning Board Meeting).

Mr. Blenkinsop recused himself from this hearing.

Mr. Taintor stated that the City Council is in the process of disposing of the Connie Bean property so this is premature.

Ms. Geffert made a motion to postpone to next month. Ms. Roberts seconded the motion.

The motion to postpone this request to the September Planning Board meeting passed unanimously.

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IV. OTHER BUSINESS

A. Request from **233 Vaughan Street LLC, Owner**, for property located at **233 Vaughan Street**, for a one year extension of Site Plan Approval which received approval on May 20, 2010 and Amended Site Plan Approval August 18, 2012.

Mr. Taintor indicated that this is normally an administrative decision for the Board to make a first extension. The issue is that the development has not happened and a Site Review Agreement that has not been complied with. This is unusual and he recommended some stipulations to make sure they were brought up to speed. He recommended that the site be stabilized and that they secure the site plan security through the future completion of work. Also, he felt that the third stipulation was vague so he recommended that if either #1 or #2 are not met then the Site Plan Extension be null and void.

Deputy City Manager Hayden asked if the intent is that it would immediately be null and void. Mr. Taintor will add a date.

Carla Goodnight, Project Architect, wanted to know what the stipulations were for the extension. Mr. Taintor read the stipulations to her.

1. If construction under the approved site plan is not substantially under way by October 1, 2012, the property owner shall fully stabilize, loam and seed the entire site by October 15, 2012.
2. By October 1, 2012, the property owner shall extend the site plan security through February 18, 2013, or six months after the completion of all site work, whichever is later. Such extension shall be in a form approved by the City Attorney.
3. If either of the above stipulations is not met in a timely fashion, this extension of Site Plan Approval shall be null and void.

Ms. Goodnight believes the security is already renewed through 2013 and she can provide documentation on that. She stated they have an appraisal underway which will take 6 weeks to complete and they will then need 2 weeks to close and an additional 4 weeks to mobilize for construction. She asked the Board to consider their timeline because they would be starting construction a week or two after they are required to loam and seed.

Chairman Ricci thought the loam and seed stipulation should stay. It's not a big deal and it does not appear that their schedule is definitive.

Deputy City Manager Hayden made a motion to grant a one year extension to August 18, 2013 with the recommended stipulations. Mr. Blenkinsop seconded the motion.

The motion to grant a one year extension of Site Plan approval passed unanimously with the following stipulations;

1. If construction under the approved site plan is not substantially under way by October 1, 2012, the property owner shall fully stabilize, loam and seed the entire site by October 15, 2012.
2. By October 1, 2012, the property owner shall extend the site plan security through February 18, 2013, or six months after the completion of all site work, whichever is later. Such extension shall be in a form approved by the City Attorney.
3. If either of the above stipulations is not met in a timely fashion, this extension of Site Plan Approval shall be null and void.

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V. PLANNING DIRECTOR'S REPORT

Mr. Taintor reminded the Board that they have scheduled a work session on the City Council referral regarding Assisted Living Facilities for September 13, 2012.

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VI. ADJOURNMENT

A motion to adjourn at 10:45 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on November 15, 2012.