

MINUTES

PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JUNE 20, 2013

MEMBERS PRESENT: Anthony Blenkinsop, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; David Allen, Deputy City Manager Allen; Richard Hopley, Building Inspector; John Rice; William Gladhill; Karina Quintans; Colby Gamester; Elizabeth Moreau, Alternate and Jay Leduc, Alternate

MEMBERS EXCUSED: John Ricci, Chairman;

ALSO PRESENT: Nicholas Cracknell, Principal Planner and Peter Britz, Environmental Planner/Sustainability Coordinator

I. APPROVAL OF MINUTES

1. Approval of Minutes from the February 21, 2013 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the February 28, 2013 Planning Board Work Session – Unanimously approved.

II. 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.

A. The application of **Jean R. Johnson, Owner, and Thomas Johnson, Applicant**, for property located at **50 Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland and a wetland buffer, to construct a 850' ± pervious and 247 s.f. of impact to the inland wetland and 7,900 s.f. of impact to the wetland buffer. (This application was postponed at the May 16, 2013 Planning Board meeting.)

Vice Chairman Blenkinsop read the application into the record.

Deputy City Manager Allen made a motion to postpone to the July 18, 2013 Planning Board meeting. Mr. Rice seconded the motion, and it passed unanimously.

B. The application of **Hillcrest of Portsmouth, LLC, Owner and Applicant**, and **The RLD Revocable Trust and The AMD Revocable Trust, Co-Applicants**, for property located at **3201 and 3203 Lafayette Road and abutting vacant lot located on Lang Road**, requesting Preliminary and Final Subdivision approval to subdivide one lot into four lots as follows:

- a. Proposed Lot 1 consisting of 6.02 acres and 561’ of continuous street frontage.
- b. Proposed Lot 2 consisting of 67.11 acres and 200’ of continuous street frontage.
- c. Proposed Lot 3 consisting of 11.38 acres and 1084’ of continuous street frontage.
- d. Proposed Lot 4 consisting of 126.99 acres and 156.87’ of continuous street frontage on Lang Road.

Said properties are shown on Assessor Map 291 as Lot 7 and Map 289 as Lot 1 and lie within the Gateway District where a minimum lot area of 43,560 s.f. and 200’ of continuous street frontage is required, the Rural (R) District where a minimum lot area of 5 acres and no continuous street frontage is required and the Garden Apartment/Mobile Home (GA/MH) district where a minimum lot area of 15,000 s.f. and no continuous street frontage is required. (This application was postponed at the May 16, 2013 Planning Board meeting and referred to TAC.)

Vice Chairman Blenkinsop read the application into the record.

Vice Chairman Blenkinsop stated that the department received a request from the applicant to postpone the application.

Mr. Rice made a motion to postpone to the July 18, 2013 Planning Board meeting. Deputy City Manager Allen seconded the motion, and it passed unanimously.

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III. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Lyle & Tanja Gravelle, Owners**, for property located at **20 Woodworth Avenue**, and **Cora Taylor, Owner**, for property located at **55 Leavitt Avenue**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 78 on Assessor Map 232 increasing in area from 9,557 s.f. to 12,752 s.f. and increasing in continuous street frontage from 80.06’ to 100.06’ on Woodborth Avenue.
- b. Lot 83 on Assessor Map 232 decreasing in area from 19,193 s.f. to 15,998 s.f. and decreasing in continuous street frontage from 119.94’ to 100.00’ on Leavitt Avenue.

Said properties are shown on Assessor Map 232 as Lots 78 and 83 and are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and the minimum continuous street frontage is 100’.

Vice Chairman Blenkinsop read the application into the record.

SPEAKING TO THE MATTER:

Karen Lovejoy, Licensed Land Surveyor of Ambit Engineering, represented the Gravelles and Ms. Taylor. She addressed the Board, requesting both Preliminary and Final Subdivision Approval for a lot line revision between the two properties. The Gravelles are looking to expand their property so that their garage and driveway are not on Ms. Taylor’s property. This would transfer a 20’ x 160’ strip of

land from the Leavitt Avenue property to the Woodworth Avenue property, making the Woodworth Avenue property more conforming to the legal dimensional, frontage and sideline requirements. The square footage requirements would also be improved, along with street frontage. Meanwhile, Leavitt Avenue would continue to be in conformance with the dimensional requirements.

Ms. Lovejoy, the Gravelles, and Ms. Taylor reviewed the staff memo and are agreeable to the proposed stipulations. They are also requesting a waiver from Section 6.23B of the Subdivision Rule and Regulations.

Vice Chairman Blenkinsop opened the public hearing. There were no speakers, and the public hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Rice made a motion to grant a waiver from Section VI.2.B of the Subdivision Rules and Regulations requiring lot dimensions to conform to the requirements of the Zoning Ordinance. Deputy City Manager Allen seconded the motion, and it passed unanimously.

Mr. Rice made a motion to grant Preliminary and Final Subdivision approval for the Lot Line Revision with stipulations. Mr. Hopley seconded the motion. The motion passed unanimously with the following stipulations:

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

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B. The application of Bethel Assembly of God, Owner, for property located at **200 Chase Drive**, and **Kristen Bouchie, Owner**, for property located at **373 Cutts Avenue**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 5 on Assessor Map 210 increasing in area from 9,238 s.f. to 11,962 s.f. and continuous street frontage remaining at 100.55' on Cutts Avenue.
- b. Lot 2 on Assessor Map 210 decreasing in area from 119,351 s.f. to 116,627 s.f. and continuous street frontage remaining at 709.41' on Chase Drive.

Said properties are shown on Assessor Map 210 as Lots 2 and 5 and are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and the minimum continuous street frontage is 100'.

Vice Chairman Blenkinsop read the notice into the record.

SPEAKING TO THE APPLICATION:

Spike Trueworthy, fiancée of Kristen Bouchie, presented on behalf of both land owners. He requested Preliminary and Final Subdivision Approval for a lot line revision between the two lots. The revision would increase the size of 373 Cutts Avenue from 9,238 s.f. to 11,962 s.f. and decrease Chase Drive from 119,351 s.f. to 116,627 s.f. This lot line revision would not change the street frontage on either

lot. The Bethel Assembly of God applied for and received a variance in October 2012 to allow for this transfer of land.

Vice Chairman Blenkinsop called for speakers. There were none, and the public hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Vice Chairman Blenkinsop also referred a document to the Board that pertained to abutters, who stated that they were not opposed to the lot line adjustment.

Mr. Hopley made a motion to grant a waiver from Section VI.2.B of the Subdivision Rules and Regulation requiring lot dimensions conform to the requirements of the Zoning Ordinance. Mr. Rice seconded the motion, and it passed unanimously.

Mr. Rice made a motion to grant Preliminary and Final Subdivision approval for the Lot Line Revision with stipulations. Deputy City Manager Allen seconded the motion.

The motion passed unanimously with the following stipulations:

1. Property monuments shall be set as required by DPW prior to the filing of the plat.
2. GIS data shall be provided to DPW in the form as required by the City.
3. The final plat and all deeds shall be recorded concurrently at the Registry of Deed by the City or as deemed appropriate by the Planning Department.

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C. The application of **Olde Port Development Group, LLC, Owner, and Tod O’Dowd, Applicant**, for property located at **141 Mill Pond Way**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, to construct a 794 s.f. patio behind the existing 4-unit residential building, with 1,450 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 140 as Lot 24 and lies within the General Residence A (GRA) District.

Vice Chairman Blenkinsop read the notice into the record and requested that this application be postponed to the July 18, 2013 Planning Board meeting.

Mr. Rice made a motion to postpone the application to the July 18, 2013 Planning Board meeting. Ms. Moreau seconded the motion, and it passed unanimously.

Mr. Hopley pointed out that a memo was received from Peter Britz about a probable violation on the property and that he would investigate it.

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D. The application of **David & Margaret Witham, Owners**, for property located at **238 Walker Bungalow Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, to construct a cinder block frostwall below the existing building (replacing wood posts), with 350 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 13-04 and lies within the Single Residence B (SRB) District.

Vice Chairman Blenkinsop read the notice into the record.

SPEAKING TO THE APPLICATION:

David Witham, property owner, wants improvements to his house because he's had problems over the past winters. The first part of the project would be a small mudroom addition to the front of the house that does not need the Conditional Use Permit. The second part of the project, which does need the Permit, is located in the rear of the house and would replace the foundation and the wooded skirting around the house (the house was originally built as a 'camp'). Chipmunks and mice have lived there for the past two winters, which hadn't been a problem, but skunks have burrowed in and the Withams need to get rid of them. Without moving the house, they would dig under it and work around the perimeter, taking out the wood posts and plywood skirting and putting cinderblocks up against the house to keep the skunks out. They would disrupt around 350 s.f. in the shoreland zone. Once the work on the house is completed, everything would be put back into place, including the planting beds. Mr. Witham provided plans showing the location of the wood posts and plywood skirting that they want to replace. They would also put up a silt fence and use best management processes to get the job done.

Vice Chairman Blenkinsop called for public speakers. There were none, and the public hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Rice made a motion to grant Conditional Use Permit Approval as requested. Mr. Hopley seconded the motion, and it passed unanimously.

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E. The application of **Maplewood & Vaughan Holding Company, LLC, Owner**, for property located at **111 Maplewood Avenue**, requesting Design Review to construct a 4-story 27,000 ± s.f. (footprint) mixed use building with commercial use on the 1st floor, 71 residential units on the 2nd – 4th floors and parking spaces on the ground floor level, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 8 and lies within the Central Business A (CBA) District, the Historic District and the Downtown Overlay District (DOD).

Vice Chairman Blenkinsop read the notice into the record.

SPEAKING TO THE APPLICATION:

Vice Chairman Blenkinsop stated that they would first have Nick Cracknell give a brief review of the Design Review Process, as this was their first application requesting design review.

Mr. Cracknell stated that the Planning Board in March amended their Site Plan Review regulations to adopt the RSA for both the conceptual review and the design review process. The process is not exactly what it sounds like; rather, it is more of a preliminary review of a formal Site Plan submission. The preliminary is a conceptual drawing, whereas the design review would be more of a refined concept where one seeks informal, non-binding guidance from the Board members. Uniquely, this project has already filed for the formal review with the Planning Board and is already before TAC in the Site Review process. Projects would typically come in for design review seeking early guidance for the preliminary stage by having a public hearing to lock in the current zoning for the project once the

notice has been published for the public hearing. It's really about informal discussions, receiving non-binding feedback in good faith, and it should be meaningful, catering to Site Plan Review standards rather than the Historic District Commission (HDC) building design standards such as height, mass and design.

Mr. Cracknell questioned whether the hearing had opened up parking issues. He was told there have been five Work Sessions at HDC and a public hearing has been opened, which is the end of that process. The Board of Adjustment (BOA) has seen this project and TAC has had one Work Session.

Jamie Pennington, the Project Developer from the RJ Finlay Company, addressed the Board. Vice Chairman Blenkinsop immediately mentioned that a recommendation was made to postpone the application, so he asked Mr. Pennington to discuss their site plan and give a brief explanation, and just gauge the temperature of the Board to see what they wanted to do. Vice Chairman Blenkinsop didn't want Mr. Pennington to spend too much time if it was just going to be postponed to the next meeting. Mr. Pennington stated that his design team was present and he turned it over to Lisa DeStefano of DeStefano Architects, the Project Team Leader. Attorney Peter Loughlin was also present, along with Patrick Crimmins, who prepared most of the drawings.

Ms. DeStefano started with the architecture aspect. An aerial photo of the site was displayed showing Maplewood Avenue and the old Portsmouth Herald building, and she described the site from that context. The project is located in the northern tier, which was studied for redevelopment the late 1990s when the area was ripe for development and for new energy and vitality. The Master Plan has noted the desire for this area as well as the rest of the downtown area to have energy and activity on the first floor and also the ability for day and night uses. Some of the specific areas that they focused on when they were looking for redevelopment were an extension of mixed uses, pedestrian-friendly streets, human-scale architecture, walk-friendly areas to downtown, improving the city quarters, maintaining an adequate supply of city parking, and introducing landscaped areas with pocket parks. These were the key areas they were looking at when they were doing the design. They are planning a U-shaped building with covered parking in the central area. They received an approval from the BOA to access the parking from the rear.

The first floor will have commercial space and adjacent covered parking. The commercial space faces Maplewood Avenue.

They have a building that was originally designed to meet all the current height and zoning requirements. They meet the new zoning ordinance for the height of the building, which is a maximum of 50'. Calculating the average grade of the building was a major challenge. They proved all their calculations and also proved that everything was allowed. The building is stepped back 10', 20' and at one point, 80' from the property line. They see it as a transition building. The building is reminiscent of a warehouse building with 'pieces' attached to it that relate to the scale of the building. It's in an eclectic district with lots of room for pedestrian parks and activity. They are constantly working on ways to add pedestrian gathering areas. There is also a screened wall to hide the parking area along Vaughan Street. Color day and evening renderings were displayed from all sides of the building, and building and context were reviewed, i.e., what people see as they're approaching the building. They're working on developing an arcade area and are also working on sloped roofs for the penthouse units to lend it unique character and help bring down the scale of the building.

Ms. DeStefano talked overall about the relationship of their building with the rest of the neighborhood and the street widths. Her committee spent a lot of time talking about what the pedestrian experience will be.

Patrick Crimmins, of Tighe and Bond, addressed the Site Plan briefly. He touched on promoting and accommodating pedestrians, vehicles and bicycles. He said that they are providing the required number of parking spaces and aisles that meet all the zoning requirements. With respect to vehicular and traffic movements, there are currently three curb cuts and they're improving all three. For example, one curb cut is on Vaughan Street and is getting shifted 60' further down that street. Another curb cut is getting shifted 10' to the north to give it more sight line from the Maplewood intersection. Through coordination efforts with Planning and DPW, they are removing a curb cut on Vaughan Street to improve access management. They'll be constructing brick sidewalks all around with connections to the building resident entrances and the parking area. There will be four racks of bicycle storage in the front for eight bicycles as well as interior resident bicycle storage for residents.

With respect to stormwater management, Mr. Crimmins gave a broad overview of the technical issues. They are increasing the pervious lawn area and are working through the details with TAC. They will require an Alternation of Terrain permit approval as well as underground attenuation below the parking area that will be treated through the underground stormwater unit. There are five uncovered parking spaces that will be asphalt for stormwater purposes. With respect to public and private services, they have been working closely with all the utility companies (Unitel, PSNH and Fairpoint) and have been told there is sufficient capacity to support the site. They're also coordinating with DPW and the Fire Department on sewer and water issues. They're working on a sewer improvement design for Vaughan Street and Green Street to replace the existing sewer lines.

As a wrap-up, Mr. Pennington said he was very happy with the design team, who are all locals or residents of the City. When the project started a year ago, they listened to the Ordinance as it evolved. They're hopeful that creating a mixed-use development in the northern tier will be a new frontier for Portsmouth. Regarding parking issues, Mr. Pennington said that they are meeting the 1.5 ratio for residential units. There were concerns about the shared parking relationship with the commercial space, and they're going beyond what the ordinance requires them to do, and the 40-50 parking spaces can be shared with reciprocal development.

Vice Chairman Blenkinsop said that there will be an opportunity for them to present in greater detail, but in light of the postponement recommendation, he didn't want to have them do it twice.

Mr. Leduc asked about the night rendering of street lamps and wanted to know if they were existing lamps or proposed ones. Ms. DeStefano said they are the existing streetlamps, and they're thinking about getting the typical street lamps brought down, which would help reinforce the area's connection to the City, and are deciding how far around the building they'll use the lamps. When they go back to the HDC in July, they'll have a better idea about where they'll place the streetlamps.

Mr. Gamester asked about the two grease traps for potential restaurants and how many retail places could be configured on the first floor. He was told it would be kept rather fluid for now, as it isn't a great retail area but might be in twenty years, so they want to build in a more flexible space.

Deputy City Manager Allen stated that he appreciated the work on the stormwater system and treatment as well as the sewer improvements, but there were two pieces that stuck out to him. After sitting through five days of the City's design Charette, he learned that the worst thing happening in

Portsmouth is surface parking lots, yet he saw one in their plan. The plan shows an expansion of a surface parking lot to accommodate residential parking. Deputy City Manager Allen's next issue was the intersection of Raynes and Maplewood. He felt that they have an opportunity to narrow the expansive, horrible intersection and make it more in conformance with a standard intersection.

Ms. DeStefano said someday there will be a building there. Reducing the curb cuts will make the traffic flow better. The majority of work is north of the 111 building. Her team discussed this property for years and they also talked about the intersection at Raynes and Maplewood and made sure their building was set back from that corner. They will have the ability to work with other City Boards on that intersection to make it safer.

Mr. Gamester asked whether the view line on top of the garage was accessible to the public. Ms. DeStefano said it was just accessible to the residents and not designed as a gathering space.

Ms. Moreau asked about the size of the 71 residential units and whether they were all rentals or if some would be sold. Ms. DeStefano said that the majority of the units are 1-bedroom and 2-bedroom units, and there are two studios. The units measure up to 1,200 s.f. (for a two-bedroom unit) and will all be rental units.

Mr. Rice asked if they were supposed to defer from discussing the design review stipulations. Vice Chairman Blenkinsop reminded him that they were trying to recognize the potential of this being postponed for full presentation, but questions and comments were fine. Mr. Rice stated that he would look forward to working with them and the HDC in arriving at a final design. He referred to Lot 8, saying a sense of place came to mind about how "it preserves and enhances the City's character". He was interested in hearing how this application did that.

Ms. DeStefano said that her team previously discussed in detail the sense of place, e.g., the historical aspects and the old cemetery, and they want to create a destination that will bring people from the heart of the City to their area. They met with the Planning Department early on and focused on Maplewood Avenue and on understanding the activity and vibrancy of that area. They had a conversation with the Planning Department about activating Raynes Street and getting people more involved in the site and the potential site activity. She said they would go into more detail at the next meeting. Mr. Rice agreed that he would like them to elaborate on that later on.

Councilor Novelline Clayburgh asked about their description of the change in the roof. Ms. DeStefano said the current design, which will be further developed, has portions of the roof sloped back from the face of the building so that the towers stand proud. There's a 3-story eave line, and the penthouse slopes away from the street, with dark color and shadow lines pushing it back. The windows are not operative windows that open or have awnings. It is a classic 'warehouse' with a penthouse on top vs. taking buildings from other areas with mansard roofs, which she felt was not appropriate for their building. Their goal is to keep the scale down and stepped back from the street while still meeting their 50' height requirement.

Vice Chairman Blenkinsop called for public speakers. There were none, so the public hearing was closed.

Vice Chairman Blenkinsop acknowledged one email from Mr. Tony Hatchett stating some concerns about the project application.

Vice Chairman Blenkinsop's recommendation was to postpone to the August 15, 2013 meeting and schedule a Work Session with the HDC. Mr. Gladhill asked if the Work Session would be between the two Boards or if they would they have a presentation by the developer. Vice Chairman Blenkinsop assumed it would be the two Boards. Deputy City Manager Allen said that he would be comfortable postponing it but didn't understand how getting the Planning Board and HDC together would be beneficial because of their different goals and jurisdiction roles. He questioned whether that would be a benefit or if it would muddy the waters. He wanted a motion to postpone the application meeting to the July 28, 2013 meeting without requesting the joint Work Session with HDC.

Deputy City Manager Allen made a motion to postpone the meeting to July 18, 2013. Mr. Hopley seconded, but there were additional comments. Mr. Hopley agreed with the premise that the HDC does their job well, but that it was different from the Board's job. He thought the purpose of the design review was simply to lock them into the current zoning ordinance, but he saw that had already been accomplished. He thought they could move forward with Site Review and with the true design of the building and didn't quite understand why they were postponing.

Ms. Moreau mentioned that a lot of small buildings were across the street from the new development, and that the new building would seem out of character. She had a problem seeing the new building fit into the current location, seeing that there were historic buildings directly across the street that would be 'dwarfed' by the new building.

Mr. Rice asked if the HDC had approved the design and was told that it was still having Work Sessions. Mr. Rice felt it would be helpful to have a Work Session with the HDC so they could understand under the new ordinance that the Board has a part in trying to appreciate the historical aspect of a project this size and also to hear what they have to say. Without hearing what they have to say, he feels that they are 'jumping the gun'.

Mr. Leduc and Councilor Novelline Clayburgh agreed that a Work Session would be very useful. Mr. Gladhill also recommended it, especially in light of it being a larger development project.

Deputy City Manager Allen, as maker of the motion, got a sense of the Board's feelings and said he wanted to amend his motion to postpone that evening's design review to the Planning Board meeting on August 15, 2013 instead of the July 18, 2013 meeting, which would allow them to have a joint Work Session in the interim with the HDC.

Mr. Gladhill added that in Lot 8, 'protecting and preserving and enhancing the City's historical and cultural character', he thought that was where the HDC and the Planning Board could slightly overlap. One is design and one is site, but they work together. He asked if it were better to have one large building or multiple smaller buildings. He thought they should get on board with both Boards and see what direction the issue was taking.

Deputy City Manager Allen voted to **postpone** the Design Review to the August 15, 2013 Planning Board meeting and to schedule a joint Work Session with the Historic District Commission sometime during the month of July. Mr. Gladhill seconded. The motion passed, with Mr. Hopley and Mr. Gamester **opposed**.

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F. The application of **Seacoast Trust, LLP, Owner**, for property located at **150 Route One Bypass**, requesting Site Plan Approval to place a 10' x 60' mobile diagnostic coach on a concrete pad in front of the existing medical building with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 231 Lot 58 and lies within the Single Residence B (SRB) District.

Vice Chairman Blenkinsop read the notice into the record.

SPEAKING TO THE APPLICATION:

John Lorden, of MSC Civil Engineers representing Seacoast Trust, addressed the Board. He displayed an existing aerial of the 10,800 square-foot medical office building currently located in the single residence zone on the Route One Bypass. They are proposing that a MRI trailer be brought in by tractor truck that will be left indefinitely, maybe a year or two, and will only come and go if maintenance is required or if new technology comes out. There is an existing canopy connecting the office building and trailer, with a waiting room inside the existing office space. They are proposing to take out the existing lawn and put down a one inch-thick hard plastic grass-pave that looks and acts like lawn and will allow a truck to drive over it while withholding the truck's weight. Mr. Lorden said that very little work is required. They're going to relocate a light pole and a stockade fence between the trailer and Route One to act as a screening buffer. They intend to remove two trees and replace them with two other trees on the other side of the stockade fence between the Route One Bypass. The rest of the site, the parking and the building, will remain unchanged.

They received three or four required variances on April 16 for an expansion of a non-conforming use.

They are requesting three waivers. The first waiver is to not provide the entire lot on their site plan but rather a condensed plan because they're working with such a small area. The second waiver is to not provide a stormwater management and erosion control plan because the lawn surrounding the concrete pad will prevent erosion and runoff. The third waiver is a photometric plan with lighting levels. They're not changing much of the lighting, which is shown on Sheet C-2 of the Site Plan.

Mr. Gladhill asked how long the trailer would be there during the day. Mr. Lorden said it would be there at all times, like part of the building, and would stay there for a few years. Mr. Gladhill asked why they put it in the front of the building and not in the back of the building. Mr. Lorden said it was because the main entrance is on the back of the building. They looked at another side of the building, but that had a 9' buffer of various objects that would throw the MRI off. Another side had parking spaces.

Councilor Novelline Clayburgh asked if the truck could be seen from Route One. Mr. Lorden said that a 6' stockade fence would prevent that, but maybe the top of the trailer would be seen from Route One.

Vice Chairman Blenkinsop opened the hearing to public speakers. There were none, so the public hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley asked about the 6' fence and how tall the trailer was. Mr. Lorden said it was 13 ½' high. The 6' fence's purpose was to tie in to what they already have and they are just extending the fence along the front.

Deputy City Manager Allen made a motion to grant the three waivers but was told that the Board wanted to review each waiver separately first, as follows:

- First Waiver: waive the requirement to show the full site plan. Deputy City Manager Allen noted there is a site plan showing the entire area (C-1) but the trailer itself is on a plan that does not show the entire site, which the Applicant feels is adequate.
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- Deputy City Manager Allen made a motion to grant the first waiver. Mr. Hopley seconded the motion, and it passed unanimously.
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- Second Waiver: Pertaining to the stormwater management and erosion control plan. Mr. Lorden said it was a limited project but there is a submittal requirement, so they are asking for a waiver because the area is very small and is surrounded by lawn and won't affect erosion. The Board said the Planning Director and TAC had previously reviewed the plan and were okay with it.
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- Deputy City Manager Allen made a motion to grant the second waiver. Mr. Hopley seconded the motion, and it passed unanimously.
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- Third Waiver: Photometric plan indicating levels of illumination. Vice Chairman Bleckinsop said it's a reasonable request because it's a limited project. It shows the different levels of illumination and what the spill-off will be, and there are no lighting changes proposed.
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- Deputy City Manager Allen made a motion to grant the third waiver. Ms. Quintans seconded the motion and it passed unanimously.
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Deputy City Manager Allen made a motion that the application had been reviewed and is complete. Councilor Novelline Clayburgh seconded the motion, and it passed unanimously.

Deputy City Manager Allen made a motion to grant the Site Plan approval. Ms. Quintans seconded the motion.

Mr. Rice said he had 'some heartburn' with this. It reminded him of the mega-like Rotary Christmas Tree thing with a trailer right on the Route One Bypass. He said that it's a gateway area that is improving, and this is a temporary structure behind a stockade fence that won't totally cover it and won't move for two years. As part of their design review, he wondered if abutters as well as passing citizens would be protected against unsightliness. He didn't know of any building along Route One with a permanent trailer in front of it. He asked if this was the type of planning they want to get into, particularly when there's a large parking area in the back where the trailer could go.

Vice Chairman Blenkinsop said for the record, this was not under design review, that it was simply a site plan approval.

Councilor Novelline Clayburgh agreed with Mr. Rice. She thought that if it was only going to be there for a few months, it might be okay, but if it were there for two years and would be seen from the Bypass, it was not going to be the very attractive.

Deputy City Manager Allen said he believed that there was conservation land across the street and also on the Bypass, so there wouldn't be any neighborhood homes that would see it. He felt that it wouldn't win any AIA awards, but it was utilitarian as well as a benefit to people who would be treated there.

Mr. Gladhill mentioned that he had an MRI at the hospital and they brought the trailer in at the beginning of the day and out at the end of the day, but this particular trailer would be there for two years, so he was hesitant to vote for it. He said it's a trailer, it's not that pleasing. He thought maybe it would help if it had better screening, and he didn't think he wanted to start the precedent of having a trailer by the building.

Councilor Novelline Clayburgh asked if it was possible to put it in the back and open the side of the main entrance. Mr. Lorden said that the trailer was not something you just pop into. There is a whole process and a system for it. There would be a waiting room and an area in the building that will be used to prepare people for their MRI. Also, a library would be converted into a waiting room where the patients could change and wait comfortably. Mr. Lorden said they looked at all sides of the building, but the two sides and the front were the main consideration. He said that they couldn't just put the trailer in the back parking lot because people would be shuffling through the parking lot in their 'johnnies' to get to the trailer.

Mr. Hopley said that the Board members were concerned with the 6' fence and suggested that maybe they could get creative with their fencing, shrubs, and trees as screening because the trailer is 13 ½' high. Mr. Gladhill said he would also feel much better if there were better screening like more trees, something more eye-pleasing than just a trailer. Mr. Lorden replied that there would be a big beautiful tree directly in front of the trailer that would provide most of the screening, but they could certainly place additional landscaping in and around it. Part of the variance stipulation was that no signage be put on the trailer. The trailer won't be a big advertisement or a billboard – it'll just be a simple trailer.

Mr. Gamester asked how tall the current one-story building was. Mr. Lorden said it was unknown exactly, but it was at least 13 ½ feet.

Vice Chairman Blenkinsop said that one of his and the Board's concerns, quoting John Ricci quoting Don Coker, was that, in spite of the fact that the trailer is probably a great piece of equipment, something that is needed and will do a lot of good, and that they're using a trailer because they will need to keep up with changing technology, this trailer was going to be between the road and the building. Agreeing with a lot of the comments, he wondered if things could be done to enhance the screening, things like better fencing and more landscaping. He asked about the extent of renderings Mr. Lorden could bring back to the Board for further consideration. Given all the other available areas, he didn't understand why this area makes the most sense. He asked if it was possible to postpone the application so that they could consider all the comments and return in July with new information and renderings on screening and landscaping, as well as information on front elevation showing the relationship between the building, the trailer, the fencing, the vegetation and the screening.

Mr. Lorden was agreeable to that and said he would show what it will look like from the road. He'll consider an 8-foot fence with double trees in front to address the Board's concerns for a higher fence and more landscaping.

Mr. Rice also suggested that leaving the trailer there for two or three years would almost seem permanent, so the screening would need to be permanent and substantial, not just some blockade fence that could blow down in a storm. He felt that some thought would need to go into that screening.

Mr. Hopley made a motion to **postpone** to the July 18, 2013 Planning Board meeting. Mr. Gladhill seconded the motion, and it was passed unanimously.

- A. Voted to grant a waiver from Section 2.4.4 of the Site Plan Review Regulations, regarding Site Plan specifications.
- B. Voted to grant a waiver from Section 7.4.4. of the Site Plan Review Regulations, to waive the requirement to file a Stormwater Management and Erosion Control Plan.
- C. Voted to grant a waiver from Section 10.3.1(d) of the Site Plan Review Regulations, to waive the requirement to file a Photometric plan.
- D. Voted to determine that the application was complete according to the Site Plan Review Regulations and accepted the application for consideration.
- E. Voted to **postpone** Site Plan Approval to the July Planning Board Meeting.

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G. The application of **Michael De La Cruz, Owner**, for property located at **75 Congress Street**, requesting Site Plan Approval to convert 3rd floor interstitial space and attic storage space to 4th floor office and storage space, with associated site improvements. Said property is shown on Assessor Map 117 as Lot 5 and lies within the Central Business B (CBB) District, the Historic District and the Downtown Overlay District (DOD).

Vice Chairman Bleckinsop read the notice into the record.

SPEAKING TO THE APPLICATION:

Michael De La Cruz, owner of 75 Congress Street, presented. Eric Weinrieb of Altus Engineering was also present. Mr. De La Cruz explained that the Franklin Block has had many different purposes over its 200-year history. In 1878, it had a gymnasium and dance hall on the third floor with 17’ ceilings. It was converted to an office building in the mid-1980s. He has had many problems renting offices due to the 17’ ceilings. They are redesigning it to office space on the third floor and residential apartment units on the fourth floor. Permits were granted in 2009, but due to the economy and an illness, one of the approvals lapsed. In order to put the third floor back together again so he can rent it as office, Mr. De La Cruz needs to obtain Site Plan Approval for the re-installation of the third floor ceiling, which was demolished. They are currently waiting for the windows to go in. The renovation will have a lot of benefits when the project is done. Offices on the third floor will have 9’ ceilings, which is appropriate for office use. The fourth floor has wooden beams and beautiful arched windows, which will be a good contribution to the historic Franklin Block and keep it going for another 100 years. No site improvements are proposed *per se* for the building because they’re not changing anything on the site. The last time M. De La Cruz went through the Site Plan Approval process, he made a contribution to the Fleet Street sidewalk renovation project, but the project was delayed, so he paid for the rest of the sidewalk and installed it himself in 2011. There are no other site improvement issues.

Councilor Novelline Clayburgh asked if the apartments on the fourth floor would have parking accommodations. Mr. De La Cruz said that the site review did not pertain to the apartments. His prior

approval was under the prior parking process that had grandfathered spaces. He may use a portion of the basement for parking in the future.

Ms. Moreau asked if he was expanding the structure at all or just doing everything within the actual existing structure. Mr. De la Cruz said they were not expanding at all, just working with the existing structure.

Mr. Weinrieb wanted to make it clear that it was a unique project because there were no site improvements, so it was an ‘odd little animal’. He mentioned one thing they are doing, which came up with TAC, was adding a crash bar, or a push bar release system, to the locked gate in the rear alley behind the building. The gate is locked to reduce vandalism or people just passing through, but the crash bar will allow the people at 29 Vaughan Mall to exit. A Construction Management and Mitigation Plan (CMMP) will be prepared because there will be construction and window installation, and access on the street may be affected. As far as water use capacity, Mr. Peterson would provide the pertinent information.

Mr. Weinrieb submitted a waiver request from all site plan data requirements.

Vice Chairman Blenkinsop opened the public hearing. There were no public speakers, so he closed the public hearing.

DICUSSION AND DECISION OF THE BOARD:

Vice Chairman Blenkinsop felt they should consider the waiver request separately. Mr. Rice made the motion to grant a waiver from Section 2.4.4 of the Site Plan Review Regulations, to waive all site plan data requirements. Deputy City Manager Allen seconded the motion, and it passed unanimously. .

Mr. Rice made a motion to determine that the application was complete according to the Site Plan Review Regulations and to accept the application for consideration. Mr. Hopley seconded the motion, and it passed unanimously.

Deputy City Manager Allen made a motion to grant Site Plan approval with the recommended stipulations. Mr. Rice seconded the motion.

The motion passed unanimously with the following stipulations:

1. The Site Plan shall be revised to include a manual push bar release system for the Vaughan Mall gate.
2. A letter from Mr. Petersen shall be provided with the estimated change in water use and the corresponding capacity use surcharge, if appropriate.
3. The applicant shall prepare a Construction Management & Mitigation Plan for review and approval by the City’s Legal and Planning Departments.

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H. The application of **143 Daniel Street, LLC, Owner**, and **Steven P. Wilson, Applicant**, for property located at **143 Daniel Street**, requesting Site Plan Approval to add a 2 ½ story addition over the existing “gym” and construct a new 60’ x 40’ 3-story addition on the existing parking lot for the development of a mixed use building including commercial use, 14 residential units and 18 lower level parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site

improvements. Said property is shown on Assessor Map 105 as Lot 19 and lies within the Central Business B (CBB) District, the Historic District and the Downtown Overlay District (DOD).

Vice Chairman Blenkinsop read the notice into the record.

SPEAKING TO THE APPLICATION:

Jonathan Ring of Jones and Beach Engineers, Steve Wilson of 143 Daniel Street, LLC, Attorney Peter Loughlin and Ed Worcek presented. Application is for the renovation of the Army and Navy Association Building on Daniel Street. They seek to convert the existing building into six residential condo units, to create 10,000 square feet of commercial space on two levels where the gym is located, with four condo units above, and to also build an addition on the parking lot with four residential units, for a total of 14 condominiums.

Mr. Ring presented an aerial view of the building and pointed out its various sections. He is proposing to build six residential condominium units in the 1916 portion and commercial space in the gymnasium with condominiums above as well as condominiums in the new building addition, for a total of 14 condominiums plus parking spaces in the lower level. There is also garage space below the gymnasium and below the addition.

There are a total of 18 parking spaces and one handicapped space. Zoning requires 17 spaces. The parcel is in the CBB District, Downtown Overlay District and Historic District. They have made revisions since the June 4th TAC meeting. Sheet C-2 showed the improvements of a brick sidewalk and streetscape features. They are constructing new sidewalks and ramps on the back and entries to the building on the street sides. The ramp off Chapel Street will be used to get to the garage level parking. There will be visual indicators at the garage door to notify residents when guests arrive. A new brick wall will be installed on the Chapel Street side. Trash will be transported via tote bags. There will be a heated ramp for snow, with wall pack lights along the edge of the ramp. The BOA previously approved variances for the parking lane to be 20' wide.

Two waivers are required for the Site Plan Review regulations relating to off-site improvements in the traffic study and stormwater management study. There will be less of an impervious surface on site after development due to landscape additions. Pertaining to the drainage plan, there is stone drip edge on the back side to deal with roof run off. They have reviewed all of this with TAC, who made a favorable recommendation to the Planning Board. Current water and sewer connections would be maintained. The new addition would have a sprinkler system and gas service coming from the existing building. Vegetation would be planted. The City has discussed additional lighting on Chapel Street and are still considering it.

The parking plan consists of six parking spaces in the basement of the addition and 12 spaces in the basement of the Connie Bean building, and an elevator would be installed. Trash totes would be in the basement of the 1916 building.

Mr. Ring displayed black and white elevation sketches from all sides as well as 3D color renderings.

Mr. Gladhill stated that this was the first application that he knew of where the Applicant has come forward for Site Plan Approval without even meeting with HDC once, and he wanted to know the reason.

Mr. Ring said that they were scheduled to meet with the HDC on June 5 and he filed their applications concurrently. They applied to have a Work Session with the HDC on June 5. The agenda was split into three nights and, as they hadn't fully developed their scenarios over the gymnasium addition, they decided to postpone and go to the next month so they would have a more thorough illustration of their options. There was the architectural design over the gymnasium, and the Daniel Street improvement project going on. They also had the neighborhood issue at 77 State Street and had still not presented their final plan. He said it's been difficult to represent their final design over the gymnasium, but Chapel Street was completed. It was also hard for them to visualize because of all the things in the neighborhood in flux. Things have now improved and it was now easy for them to look at the end of the block from the bridge side and Daniel Street side to see a visual of the elevation of the building going next door. Mr. Ring realized that his application was in a different order, but the footprints of the old buildings are under strict conditions. They had a menu of what had to be done to restore the 1916 building and it couldn't significantly change. The addition was being designed to enhance Chapel Street because it was a residential street. This was a by-the-book technique to make the addition as an attachment to the building look entirely different. He said that it represented the maximum elevation of the building. For those reasons, they did not feel it was inappropriate for them to come for Site Plan Review.

Mr. Rice wondered if they proceeded with the application, whether they would prejudice the HDC. Vice Chairman Blenkinsop said that, depending on how they word a decision if they get to that point, it might favor the footprint for what's being proposed. He thought that it probably made sense if he was concerned about undue influence on the volume, design or the configuration of these three buildings. If they imbedded or included some language that supported it, it could make it very clear that they were not endorsing any design.

Mr. Rice felt that it was appropriate to table the plan until the HDC had approved it. Vice Chairman Blenkinsop recommended holding that discussion for later. He then called for questions for the Applicant.

Ms. Quintans said she was not a technical person and would like Mr. Ring to talk more about their request for a waiver of the stormwater management plan. She understood that Mr. Ring is decreasing the impervious area but thought that, with a redesign of the site by adding another building, it seemed like an opportunity for improvements to the stormwater management plan and she would like to hear more about what the Applicant was doing to address that.

Mr. Ring showed drawings of the 1916 building, the gymnasium, and the big surface parking lot which presently drains to Chapel Street. They are proposing that the roof drains tie into the City stormwater system. He said that the roof drain for the addition will also tie into a City system trench drain, resulting in clean water feeding into the storm system. The ramp is heated, so there would be no need for sand or salt. He added that there is landscaping being added around the building that has been increased by at least 5%, reducing the square footage.

Deputy City Manager Allen asked where Mr. Ring was tying into the drain line at the new proposed sidewalk and whether it headed towards State Street or the outlet on the north side of Memorial Bridge. Mr. Ring replied that he didn't know where the City system went. Deputy City Allen said it was where the trench drain discharges. Mr. Ring said that the area is tying into a new pipe that the City has installed, that heads from Daniel Street to State Street. Deputy City Manager Allen acknowledged that he was more comfortable knowing that. He asked where the drainage from the new building with the hip roof went. Mr. Ring said half of it drains to the stone drip edge, which was all asphalt, and the

other half drains to the ramp that heads down to the trench drain. He said there's a very small water shed that contributes to the trench drain.

Mr. Gamester asked if the water that came into the garage also tied into the City system. Mr. Ring said that it came down to the ramp into the trench drain and then went into the garage.

Ms. Quintans questioned the requirement of the Site Plan regulations and whether Mr. Ring could address any elements of the project that were green building related. Mr. Ring said that it was the first situation where existing structures would be substantially renovated and improved. The façade of the Army Navy Building would be maintained. Brick would be replaced on the Daniel Street side with landscaped areas, allowing recharging for the ground water. The green feature on the back side of crushed stone would allow a pervious surface, and water would drain into the ground. Mr. Ring didn't know what was going to happen inside the building.

Deputy City Manager Allen said, in light of things they had discussed that evening relating to the historical and cultural character, they normally look to some level of HDC review, which they don't have yet. Additionally, in this case regarding the old Army Navy Building, the façade was part of the Court approval that allowed the building to be sold, and the City placed an importance on the look of this building. He was interested in the Applicant's perspective on the addition above the gymnasium and how it would preserve and enhance the City's historic character.

Mr. Wilson, owner, said that the building is a single-purpose building that was built in the early 1940's to provide a gymnasium. They have turned the basement into parking spaces so that parking can be hidden and a secure element can be provided. The flat roof and low configuration of the gymnasium and the tall arched windows provide light to the building and are very attractive, but to his thinking, there will be a number of opinions of how the 2nd & 3rd floors get built on top of the gymnasium. He thinks that raising the elevation and providing a more uniform façade to Wright Avenue and Daniel Street will enhance and tie it into the neighborhood and the City in general. He understood that it was his responsibility to work with the HDC to do that in the best interests of the City and the neighborhood. Currently, the gymnasium portion of the building has an attractive façade and is a single-purpose building but still looks like a gymnasium and has outlived its purpose. In their analysis of that building, they found that there is opportunity to enhance it. One of Mr. Wilson's goals is to preserve the original wall of the 1916 Army Navy Building and not bury it against another larger building. The renderings make the building look taller than the 1916 building actually is, but they're separated by 12-14' so that the end of that building is exposed. There will be a careful process of what it takes to complete the gymnasium to bring it back to a modern use. He felt that, to make an addition to a historic 1940 structure, it was necessary not to take away from the structure but to give it a modernistic view. This represents their space planning needs and preserves the gymnasium or ground level of the building as commercial and provides continuity as a pedestrian way around Wright Avenue. He planned to have a productive and ultimately successful dialog with the HDC to see if the building should take the form of a modern structure and emulate the neighborhood architecture, which he preferred, or if it would dramatically affect the gymnasium's façade in order to get a building that would appear to tie directly into neighboring buildings.

Vice Chairman Blenkinsop concluded that Mr. Wilson's HDC discussion would result in significant changes. Mr. Wilson agreed and said that he didn't want to throw misleading information into the packet. Vice Chairman Blenkinsop asked if Mr. Wilson would fundamentally have any concerns if the Board postponed the application, given the fact that it wasn't what he wanted to build and that the design would probably change.

Mr. Wilson said that the appearance of the building, the two levels, the parking, etc, would not change, but that the exterior look of the building could change, and that the appearance of the building was subject to the HDC ruling. He said he would like to make some progress with the Planning Board and thought that he was giving them a fair representation geometrically of the addition of the gymnasium and what it was going to look like.

Deputy City Manager Allen said that one of his biggest disappointments was that the City has created a 16' wide brick sidewalk out front of his building, and the Applicant seemed to be taking advantage of using this space. The wide sidewalk had the potential of being another Market Square space where there would be active usage. He understood their problem with the floor elevation of the gymnasium and activating that side but felt that they were killing a huge opportunity if they didn't have an active front between that end of the building and the sidewalk area.

Mr. Wilson said that was the problem. If he were to take down at least two sides of the gymnasium (the Wright Avenue and Daniel Street sides) and lower the retail level close to street level for the sake of continuity, his building elevation would dramatically interrupt the 77 State Street project's facade. When a person would get to the 77 State Street project northeast corner of his building, there would be a five-foot jump. They have been working to find solutions to that. He would rather have one level of commercial space and two-and-a-half residential spaces above it, which would take the elevation of the gymnasium portion of the structure and lower it 10' relative to the 1916 building. One of this goals is to explore one of the facades of the 1916 building, which is historically significant. He didn't want to change it but was beginning to think differently about the gymnasium because of the way the ground level jumps up. He thought that he'd have to build stairs to get up to that level and how it would intrude on the continuity of the commercial level, e.g., nice stores, nice commercial block. Those things are in conflict and he wanted to start working with the HDC to address those challenges and see what the solutions would be.

Mr. Wilson said all of this worked within the parameters being presented that day. The roof drains were recently tied in, so that wasn't new, and it was done with the Daniel Street improvements. The elevation for the discharge from the trench drain could be tied into the new drain on Wright Avenue. Currently, they're tied into the sewer, so the City was working with them to tie the existing drains into that system. He felt that the Planning Board had touched on some of the challenges and didn't feel that a conditional approval of this plan would pollute his communication with the HDC. He understood that their mandate was the preservation of the historical aspect of that neighborhood, and that was what the HDC really cared about.

Attorney Loughlin said that Mr. Rice was concerned about the Planning Board granting approval and influencing the HDC. He said they could put a stipulation on their approval, saying they don't approve the design and think it stinks, and that would be fine. The Applicant didn't expect any benefit to the HDC and thought that would be a separate process. Mr. Cracknell, who worked on the Maplewood Avenue Project previously, had said that the Planning Board didn't look at what comes out of the ground and would not be affected by the HDC. The landscaping, the sewer and water, and everything the Planning Board normally looks at would stay the same. He felt that it was unusual for the Applicant to go to the Planning Board first because it would be a long process with the HDC. The site part was very easy (it was all pavement and there would be less pavement, there was no landscaping but it would be landscaped), but the design would be a challenge. He felt they were months away from HDC approval.

Vice Chairman Blenkinsop said that certain things may change going through the HDC process and asked what the concern would be if the Planning Board postponed the application, especially a project in that particular location, given the significance of the structure and the Court decree that even allowed the sale. They often had input from the HDC to help them understand the cultural issues, so he wondered what the concern was with postponing it.

Attorney Loughlin stated that they would just like to move on, that everything needed for site review had been done. He said that whatever the HDC did, they were bound by. They were not going to add any impervious, nor change the landscaping, nor add more water. He didn't see a benefit to the City in postponing and preferred to have the approval right away.

Mr. Gladhill said that he was looking at this with his HDC hat because he sat on both the Planning and HDC Boards. He could see the Planning Board approving it and then HDC changing many aspects of the building, such as design, and that would require the Applicant returning to the Planning Board. He said that it was all about the layout, and he was hesitant about approving it at this time. He felt that the Applicant was adding a large structure on the pavement and it may not be appropriate.

Attorney Loughlin said that regardless of the size of the addition, the impervious surface and the drainage applications would remain the same. He said that the Board might vote yes that evening and decide that the checklist for the HDC is covered, but the HDC may say differently. He couldn't see the application going back to the Planning Board but felt instead that the plan would be at the HDC for a while, but at the ground level, with nothing significantly changing in terms of impervious material and landscaping.

Vice Chairman Blenkinsop said that one thing that might change was the pedestrian issue, access and egress around the gymnasium, and that issue would impact Site Plan Approval. Attorney Loughlin stated that, if the HDC said they wanted a door on the east side, it would not impact the amount of impervious material or parking. He felt that he would have been better off if they had come in and said they were going to put structures on additional units and were still working on them. He was afraid that the drawing caught everyone's attention, causing them to say they didn't like it. He did not believe that the Planning Board approval would affect the site at ground level.

Councilor Novelline Clayburgh asked if the massiveness of the building would get smaller but would not get larger. Attorney Loughlin said that was the case.

Mr. Gladhill said that a new doorway would indeed be a topic with the HDC, and if the HDC wanted to change some of the building's openings, he asked if that would impact the site plan. Attorney Loughlin said, it may add some steps but wouldn't affect how the property fits into the site.

Councilor Novelline Clayburgh asked if the Planning Board normally approved something before the HDC did. She was told that the Planning Board usually has some level of feedback from the HDC. Mr. Gladhill mentioned that a year ago, they had had an approval on a project from the HDC first, but that it had been after several Work Sessions.

Vice Chairman Blenkinsop opened the public hearing and called for speakers.

Attorney Loughlin said if there were changes that effected the site, they would come back.

Mr. Wilson added that there was no expectation that the footprint of the building would change. Entrances from Chapel Street would not change. Perhaps if they were asked to put in a new entrance on Wright Avenue, then they would have to come back to the Board and identify the minor changes. He said that the broader project gave him the certainty that it was going to the HDC and that he would like conditional approval before then. He didn't expect the Planning Board to sign off on it until the HDC had seen it and signed off. He just wanted the Planning Board's approval as they go into the HDC process.

Mr. Gladhill thought it was streamlining the process. He said that he hated to see the Applicant spend all the time he did that evening and then have to return later on. Mr. Wilson said whatever happened at the HDC may need the overview, but the changes wouldn't re-open the discussion of all the drains, etc. Most of it is involved existing issues.

Vice Chairman Blenkinsop asked if there were second and third speakers. There were none, so he closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Rice made a motion to postpone until the Applicant has obtained HDC approvals. He stated that, in his experience on both the Planning Board and HDC, partial approvals have never been granted. He felt that the Planning Board could not approve the application because it didn't seem to preserve and enhance the history of the community, which was what Part H of the Site Review Regulations addressed. He strongly felt that it was a huge glaring issue that had to be addressed, along with the sidewalk, the egress, and other issues, and said there would be a ton of work at the HDC level before the Planning Board could vote on it. Deputy City Manager Allen seconded the motion.

Discussion on the Motion:

Ms. Quintans said that, in past meetings, there had been a question about the process for the Applicant going before the different Boards, and said she had understood it was the Applicant's decision. She said that everyone was used to having the HDC go first and that perhaps they should address their process in the future and streamline it to make it clear to everyone. Part of the application approval for that evening involved deciding whether this application was complete and was in the best interest of the stormwater management plan and the green design. If the Applicant hadn't completed their entire design review, she felt that the Planning Board could not review the drainage and green building waivers, that it seemed like a conflict.

Mr. Cracknell agreed and said past process was that the HDC would complete or be well through it before granting Site Review. He said that it's better to get feedback from the HDC, especially when there are a number of options that would have an effect, even if they were minor. There are standards that are enumerated in the Ordinance that may be affected and would force the application to come back. At the same time, he felt that it would be helpful to the Applicant to perceive what is incomplete, whether it's green, the LEED components, or the stormwater management system from the architectural design that the HDC might like. He felt Mr. Rice was right, there are 19 criteria in the Site Plan Review evaluation criteria, and the last one really spoke to the cultural and preservation aspect and required compliance with City applicable design standards. The Applicant didn't have those and therefore, the City did not have them, and their comments are welcome on the record. He said it would be worthwhile to pursue and consider design standards that do not conflict with the HDC but

augment the HDC standards. Seeing that the issue had come up three times that evening, he felt it was worth having a conversation about Criteria #19 when Rick Taintor, the Planning Director, returned.

Deputy City Manager Allen acknowledged that the application was working with DPW on drainage work out front, but he also understood that during the recent storm, there were indications that additional roof drains would be tied into the system. The Applicant would have to pay attention to the design as the application went forward. He was confident that Mr. Wilson would do a good job with the design, but he also agreed with Mr. Rice that the design is in such flux and the orientation is right up against a property line on one corner, so there could be impacts with modification to the gymnasium section as the Applicant goes forward. He was comfortable with postponement and was confident there would be site changes as a result of any modifications required by the HDC.

Attorney Loughlin agreed to postpone for 60 days and then see how they stood with the HDC. He said it was important to them that the application is completed and the plan be accepted. He added that if it needs another 30 days after that, it would be fine with them.

Vice Chairman Blenkinsop wanted to affirm that the Applicant was amenable to postponing to the August 15, 2013 Planning Board meeting. Attorney Loughlin said yes.

Mr. Rice felt that the Board is still going to be unable to grant a site plan that does not meet all of the site plan stipulations in the Purpose Section of the Site Review regulations.

Vice Chairman Blenkinsop agreed, but said that they're at least giving the applicant a certain date to come back before the Board. He said the Applicant is very motivated, and the best decision would be to postpone it.

Mr. Gladhill stated that the HDC could have two Work Sessions before the August Planning Board meeting to have some indication of the horizontal mass issue.

Mr. Rice made the motion to postpone to the August 15, 2013 Planning Board meeting. Deputy City Manager Allen seconded the motion.

Discussion on the Motion:

Attorney Loughlin asked if the Planning Board could grant the waiver. He said that he was not trying to tie anyone into the design but felt if it was continued without action in terms of conditions compliance, it was sort of conflating the Planning Board and HDC approvals. Nonetheless, he felt the application could be accepted as complete, although the Planning Board wanted more time to see if it was something they could approve.

Vice Chairman Blenkinsop said that they were not conflating it but felt that there were things that may change the plan. It sounded like the Applicant was amenable to postponing it to the August 15 meeting. The motion was to postpone until August and the status stayed the same, including all waivers.

The motion to postpone Site Plan Approval to the August 15, 2013 Planning Board passed unanimously.

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I. The application of **North Mill Realty Trust, Dave Parent, Trustee, Owner, and 3S Artspace, Applicant**, for property located at 319 Vaughan Street, requesting Amended Site Plan Approval to revise the layout of the entrances, patio and utility locations, and to add bike racks and screening for the transformer, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 1245 as Lot 9 and lies within the Central Business A (CBA) District, the Historic District and the Downtown Overlay District (DOD).

John Chagnon, Engineer, of Ambit Engineering, was present on behalf of the applicant. Also present was Dave Parent, Trustee and Owner; Chris Grenier, Principle of 3S Artspace; and Brandon Holben from McHenry Architecture. Mr. Chagnon said that the project is 319 Vaughan Street and involves the re-use of an existing building. Since the original approval was received a year ago, the project had a minor redesign. Site Plan Sheet C-2 of the original approval shows a long walkway coming up along the side of the building with an overhang. An entrance was going to be in the southwest corner, and a patio on the south side of the property. Those elements have been shifted around, so now the revised design has the walkway along the south side of the building with a green grass space and a seating wall next to it. The patio was moved to the front side that will be directly adjacent to a new restaurant and they are adding a new area that originally was a part of the approval for bicycle racks. That area is now a separate entrance and will be the main entrance off the front to the building and the restaurant. All of the proposed improvements beyond the 100' buffer and the area in the back adjacent to the Mill Pond would not change. They also moved the transformer in light of the fact that the building to the south was torn down and no longer existed. They were asking for Amended Site Plan Approval.

Councilor Novelline Clayburgh asked if the outdoor seating faced the front on Vaughan Street. Mr. Chagnon replied that the outdoor seating used to be on the front, but further back. It would be more prominent now.

Deputy City Manager Allen asked if the transformer was PSNH, and Mr. Chagnon said yes.

Vice Chairman Blenkinsop opened the public hearing and called for speakers. There were none, so he closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley made the motion to find the application complete according to the Site Plan Review Regulations and accepted the application for consideration. Councilor Novelline Clayburgh seconded the motion, and it was passed unanimously.

Mr. Hopley made the motion to grant Amended Site Plan Approval with two stipulations. Deputy City Manager Allen seconded the motion.

The motion passed unanimously with the following two stipulations:

1. An Access Easement, License or Agreement shall be prepared with the abutters, for review and approval by the City Legal Department.
2. The applicant shall comply with the parking regulations that are in effect at the time of the issuance of a building permit.

Comments:

Councilor Novelline Clayburgh asked why they were voting on the second part and wanted to know if it was because the parking regulations were not complied with. Mr. Chagnon said original approval was at a time that the City was changing its regulations. Right before this approval, the restaurants needed to have parking and now they don't, so that was the change, which helped the project tremendously. He said that if the Planning Board wanted to omit that stipulation, it wouldn't hurt.

Councilor Novelline Clayburgh asked for confirmation that there would be no parking on the site for the restaurant. Mr. Chagnon said yes, but noted that there was a nice surface parking lot next door that the City had provided and would be there for at least a few years.

The motion passed unanimously.

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J. Proposed amendment to the Site Plan Review Regulations, Section 2.4.3 – Design Review Phase, to require that a request for design review be submitted at least 14 days prior to the Planning Board meeting.

Mr. Cracknell said there wasn't much to add. The issue was raised in the Planning Director's memo, saying that the 10-day period was not enough time in advance of the meeting to circulate the documents and have adequate pre-review prior to the meeting, so he recommended that they go to fourteen days.

Mr. Rice made the motion to amend the Site Plan Review Regulations as recommended. Mr. Gladhill seconded the motion, and the motion passed unanimously.

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K. Proposed amendment to the Subdivision Rules and Regulations to require that all application materials be provided in digital Portable Document Format as well as printed copies.

Mr. Cracknell indicated that the Department has a new website, PlanPortsmouth.com, and they are making an effort to have all submissions posted on the webpage come in PDF formats so that they don't have to go to the copier and make the PDF versions themselves. This will help them and save a lot of staff time.

Mr. Rice made a motion to amend the Subdivision Rules and Regulations as recommended. Councilor Novelline Clayburgh seconded the motion, and the motion passed unanimously.

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L. Proposed regulation to require that all application materials for Conditional Use Permits be provided in digital Portable Document Format as well as printed copies.

The same comments as above were reflected. Councilor Novelline Clayburgh made a motion to amend the regulation for Conditional Use Permits as recommended. Mr. Gamester seconded the motion, and it passed unanimously.

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III. CITY COUNCIL REFERRALS/REQUESTS

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

A. Request of Tom and Zelita Morgan to expand the Historic District.

Mr. Cracknell said that the previous night, the HDC took this item up on their Agenda and they had a site walk last Saturday for the expansion of Richards Avenue down to Parrot Avenue and on the other side of Middle Street, up Austin Street and down Summer Street. They had done a previous 'windshield' survey and then the Saturday walk. There was interest in how the proponent came about to define the edges and he believed it had to do with DPW improvements to sidewalks and roads that are currently underway on Richards Avenue, and perhaps Austin Street and Summer Street are being worked on now or are on the list. The HDC has asked the Morgans to go to the next meeting in August to make a presentation and work with their neighbors to hopefully generate support to have these 23-26 properties included in the Historic District. Mr. Cracknell said that everyone wants to see if there are additional structures to be included.

The Morgans would like to postpone the public hearing to the August Planning Board Meeting.

Vice Chairman Blenkinsop asked Mr. Cracknell if they should have a public hearing in August and he indicated they should.

Mr. Gladhill made the motion to postpone to August. Councilor Novelline Clayburgh seconded the motion.

Mr. Hopley thought the most they should be doing on August 15th is to invite the Morgans in to present their idea and asked why they would need a public hearing. Mr. Gladhill thought a public hearing would allow the neighbors to have a say in it too. Mr. Hopley let the matter go.

Mr. Rice said that, in conjunction with that, the Planning Board might want to go on a site walk of their own.

The motion to schedule a public hearing at the August 15, 2013 Planning Board meeting passed unanimously.

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IV. OTHER BUSINESS

A. Request of 30 Maplewood Avenue, LLC, for property located at 30 Maplewood Avenue, for a one year extension of Site Plan Approval which was granted on July 19, 2012.

Deputy City Manager Allen made the motion to grant a one-year extension of the Site Plan Approval. Mr. Gamester seconded the motion, and it passed unanimously.

Vice Chairman Blenkinsop realized that he forgot to read the minutes before the approval.

Mr. Rice made the motion to approve both sets of minutes. Councilor Novelline Clayburgh seconded the motion. Vice Chairman Blenkinsop abstained. The motion was passed.

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IV. PLANNING DIRECTOR’S REPORT

Vice Chairman Blenkinsop said that they will be adding an HDC Work Session for design review on 111 Maplewood Avenue that will be scheduled sometime in July as the Applicant is coming back in August.

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V. ADJOURNMENT

A motion to adjourn at 10:00 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Joanne Breault
Temporary Secretary for the Planning Board January 16, 2014.