

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JULY 17, 2014

MEMBERS PRESENT: John Ricci, Chairman; John Rice, Vice-Chairman; Jack Thorsen, City Council Representative; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill; Colby Gamester; Elizabeth Moreau, Michael Barker, and Justin Finn, Alternate

MEMBERS EXCUSED: Jay Leduc, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

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6:00 pm WORK SESSION – Bicycle and Pedestrian Plan

Chairman Ricci turned the work session over to Planning Director Rick Taintor. The Planning Department has been working on the Bicycle and Pedestrian Plan since September and they have hired a consultant who is present tonight. A complete plan will be done by August 7th for the Planning Board to review and they will ask the Planning Board to adopt the plan. This process has included quite a bit of public participation.

Laurie Pessah, of Toole Design Group, did a brief presentation to the Board. The genesis for this is the 2005 Master Plan which called for city wide transportation for bicycles and pedestrians and they are thinking of flexible, affordable and available transportation for all ages and ability. Things have changed over the years and vehicle miles travelled has gone down considerably, particularly by the younger generation. They rely on transit, walking and biking. The fastest growing group of bike trips is actually within the 40-55 age range. Studies show that a lot of people are interested but concerned so, when designing a network, this ridership is who they are most interested in. The last piece of research is the importance of speed for both pedestrians and bicyclists as the incidents of fatality and serious injury goes up radically as speed goes above 30.

Ms. Pessah said they were “jumping in mid-stream” to a lot of effort that had been started in Portsmouth with the Blue Ribbon Committee, the Complete Streets Policy and the Walkability Policy. Recently there was Complete Streets training, the Wayfinding Plan is just coming out and a number of projects that have included bicycle infrastructure from the Memorial Bridge to the charros downtown.

The Planning Board received the recommendations for their review and feedback. They did a lot of public outreach including two well attended open houses and a community map, or Wiki Map, on line for public comments. They had a bicycle and pedestrian resident group, they attended a senior luncheon, they went to the Portsmouth Housing Authority and Ms. Walker attended some neighborhood groups. They went out and looked at the entire City and they looked at the distances from transits, areas where there have been crashes and what people submitted as normal destinations.

They have constructed a vision that for everyone in the City walking and biking will become a normal part of life and everyone will be better off, more neighborly and the City will be more vibrant.

After they did their field work they produced maps showing what they would recommend for safety improvements and then they prioritized the implementation levels of high, medium and low. The criteria used were safety, connectivity and equity, and they also looked at how easy it will be to put these into place.

She introduced the Bicycle and Pedestrian Facility Tool Kit which shows the recommendations that are used nationally and they felt would be appropriate for Portsmouth. All of their recommendations are Planning level and were divided into different groups.

- 1) Corridor improvements which include side paths, bike lanes and shared streets.
- 2) Spot improvements which include ADA compliant crosswalks, pedestrian and bicycle signals and pedestrian refuges to narrow the crossing distance.
- 3) Other improvements include painted intersections, technical maneuvering pieces such as a bike box and leading pedestrian interval.

They are still working on the unit cost for every recommendation. They are using local bids for their basis. There are a lot of opportunities available for how to get the infrastructure out there, depending on the complexity of each project.

She encouraged everyone to go on line to look at the Wiki map that they prepared. It is fairly self explanatory and allows you to make comments. There is a pedestrian map and a bicycle map.

They will be leaving the Wikimap open through July 30th; they will draft a plan to the Planning Department in early August so that it can be adopted by the Planning Board on August 21st and a presentation will be made to the City Council in September or October.

Questions, Comments, Discussion:

Councilor Thorsen has received feedback about the inability for children to walk to school and he hoped that would take a higher priority. Ms. Pessah confirmed that Safe Routes to School is a priority for them and they did prioritize all elementary schools and the high school. She said they can go back and look at that in more detail.

Councilor Thorsen said another item that came up was in the winter with snow the roads get narrower and more difficult for bicycles and pedestrians. He asked if they have looked into what City policy would have to be put in place to keep walkways clear. Ms. Pessah said they have had the benefit of doing a lot of their field work in the winter with snow on the ground and they got a lot of feedback about that. On the infrastructure side, the pathways they propose are wider than normal and allow extra room for snow piling up. On the policy side, they suggested re-prioritizing the tier system for plowing. They also looked into volunteer crews such as a sports team or a sign up system. They also looked at shared streets and in the winter it would be great to make some seasonable streets that are pedestrian priority streets.

Mr. Rice thought Elwyn Road would be a nightmare for pedestrians and bicycles and asked about their enhancements. Ms. Pessah displayed the map for the Elwyn neighborhood and explained that there are considerations for that neighborhood because it is a school neighborhood and they focused on the

primary routes being taken to and from the school and prioritizing some of those roads for safety improvements to include sidewalks and striping the roads. Along Elwyn Road there was a suggestion for a side path along the Urban Forestry Center. Also identified is the opportunity for safe crossings across Route 1 and as well as across Elwyn Road. Mr. Rice indicated that he sees bicyclists turning onto Elwyn Road every day and they are put in dangerous and compromising situations.

Deputy City Manager Allen also felt some of the other schools had the same situations where they should identify the route all the way to the school. Ms. Passah felt that was a good point.

Mr. Barker notes that Islington Street is a very busy street and does not have good crosswalks and he doesn't see much on their maps. Ms. Walker said they have suggested that they reconstruct sidewalks and curb extensions. Having the Wikimap ability will be very helpful for points such as this. The consultants concentrated on pedestrian safety and they are looking for bicycle alternatives in that area. Ms. Passah added that they looked at the conceptual study that had been done for Islington and it definitely is more of a pedestrian way. State Street would be a bicycle alternative.

Mr. Finn asked if there are specific routes for bicycles to keep track of how many miles they would have to go. Ms. Passah said one recommendation they have is to add more way finding in terms of distances and also, if it is an alternative bike route, they will need more redefining. Ms. Walker stated that the Wayfinding Plan focuses on parking for the first phase and they have heard comments to map routes for all uses, such as to safe routes to school for students and parents but also for recreational bicyclists. Mr. Finn asked if signage is uniform throughout the City. Ms. Passah confirmed it will be for parking, walking, and biking.

Mr. Taintor said that the Wiki the maps can be very intimidating so he would suggest they think about a route they would like to bike or walk and follow that on the map and see what recommended changes the map suggests. The desired networks include parts that already exist and parts that do not yet exist. In some cases there may be marked routes but in other cases they may be looking for a route from their house to somewhere that they would need to map out.

Chairman Ricci felt that the bike lane that has been added by the Yoken's site is awesome and that intersection is now much better. That was something that the Planning Board voted on.

Mr. Taintor said they have some big projects coming before them so they should go back to this plan and think about how they can improve the developments. They should keep the concepts in mind and keep the tool kit handy.

Ms. Passah pointed out in the policy programming recommendations to use the Bicycle and Pedestrian Master Plan for project and development review and they also have a suggestion for a site parking ordinance for new developments and looking to inform new tenants of a commuter choice program.

Ms. Moreau felt that putting maps together are great, but what about an app that allows someone to put in their destination and create their own map. Ms. Passah responded that since all of this is in GIS and it is impossible to keep up with apps. They would be constantly outdated and behind. The trick is to harness other people and make it easier to go on line.

Chairman Ricci thanked Ms. Passah and Ms. Walker for a great presentation.

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Chairman Ricci recognized Rick Hopley’s last Planning Board meeting after 30 years on the Planning Board and as an employee of the City. A gift was presented to him from the Board.

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I. PUBLIC HEARING – BICYCLE AND PEDESTRIAN PLAN

A. Proposed City of Portsmouth Bicycle and Pedestrian Master Plan.

Mr. Taintor stated that this process has been on-going for 8 months, working with Toole Design Group, and Laurie Passah from Toole was present tonight. They don’t have another presentation tonight as they just had a Work Session but will take public comment. The public has been involved in two open houses where parties were able to make comments and they had the draft recommendations on line this past week. He would suggest keeping the public hearing open until the August Planning Board meeting when they will have a full draft plan and they would look for a Board vote.

Chairman Ricci stated the hope is to adopt the plan in August and tonight’s public comment will help them move forward.

The Chair called for public speakers.

Doug Roberts, 247 Richards Avenue, had questions about some of the features of the plan, such as Market Street being made bicycle and pedestrian only between Bow Street and Congress Street. He felt that would be a big change, although it may be a good idea. There is a contra-flow bike lane on State Street and there is a climbing lane going up Junkins Avenue to the hill, which would be a 3rd lane. He was surprised there was no change to the last part of Congress Street, before Maplewood as there is a change to the feeling of the street and the safety due to no buffer. This may be outside the scope, but the City has a conceptual plan of changing Maplewood Avenue to three lanes from four lanes but that was not reflected on this plan. Also, the intersection at the old library is a very slow and complicated intersection for pedestrians and bicylists and it wasn’t clear to him what was being done.

Ms. Passah responded and started with the old Library intersection. They did observations of that intersection and he is absolutely correct that there is a lot of delay. One suggestion was to add concurrent phasing so that pedestrians could cross at the same time when there weren’t conflicting turns. They are also adding what is called a leading pedestrian interval so that when there are high volume vehicular turns, they would give pedestrians on that concurrent crossing at the same signal a 4 or 6 second head start at light changes.

Ms. Walker stated that the City has done a feasibility study regarding a road diet on Maplewood and the reason for that was to improve bicyclist flow. Those things have been considered but their recommendations concentrate on the primary treatments of the road and how they would do the implementation would come into the next phase when they do the design and construction. At a minimum they will include a bike lane and related pedestrian improvements.

Ms. Passah displayed the Wiki map. There is a pedestrian one and a bicyclist one and each have their own recommendations. They talked about widening the sidewalks up to Fleet Street and converting some of the angled parking into straight- in parking. Going back to Mr. Roberts first comments, they heard a lot of feedback from people about closing streets. They thought they would like to make the streets approaching Market Square more pedestrian friendly. They could do this at certain times of the

day or week. It is just something to consider as a pilot or to be extended for more permanent infrastructure treatment.

Regarding the contra-flow on Junkins Avenue, it is not wide enough for bike lanes on both sides. She spoke earlier about the importance of separating higher speeds and lower speeds. A bicyclist climbing a hill is much slower than a bicyclist going down a hill. This would be a standard bike lane going uphill from either direction and a shared lane marking for vehicles and bikes moving at more similar speeds for the downhill. The section on State Street is a heavily used section for bikes and they could use what would be called a contra-full lane where bikes would go against vehicular traffic.

There were no further public speakers.

Deputy City Manager Allen made a motion to postpone this hearing to the August Planning Board meeting. Ms. Moreau seconded the motion. The motion to postpone to the August Planning Board meeting passed unanimously.

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II. DETERMINATIONS OF COMPLETENESS

A. Site Plan Review

- 1. 402 State Street

Ms. Moreau made a motion that this application is complete according to the Site Plan Review Regulations and to accept it for consideration. Mr. Hopley seconded the motion. The motion passed unanimously.

- 2. 175 International Drive

The application does not apply (follows PDA Zoning Ordinance)

B. Subdivision Review

- 1. 200 Spaulding Turnpike

Ms. Moreau made a motion to postpone to the November Planning Board meeting. Mr. Rice seconded the motion. The motion passed unanimously.

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III. 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 amended application of **2422 Lafayette Road Associates, LLC**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to demolish 21,022 ± s.f. of existing retail space, add 11,000 ± s.f. footprint of new retail space to the existing retail/restaurant strip building, add a rain garden at the rear of the site, to replace the previously approved porous pavement in the rear of the site with a gravel pad for a garden center, and make related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273, Lot 3 and lies within the Gateway District. (This application was postponed at the June 19, 2014 Planning Board meeting.)

Ms. Moreau made a motion to postpone to next month’s meeting. Mr. Hopley seconded the motion.

The motion to postpone consideration of Amended Site Plan Approval to the August 21, 2014 Planning Board meeting passed unanimously.

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B The application of **New England Marine & Industrial, Inc., Owner, and Subaru of New England, Inc., Applicant**, for property located at **200 Spaulding Turnpike**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a car dealership which includes a 19,150 ± s.f. building and various vehicle display areas totaling 32,000 ± s.f., with 119,451 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 237 as Lot 56 and lies within the General Business (GB) and Single Residence B (SRB) Districts. (This application was postponed at the May 15, 2014 Planning Board Meeting.)

Ms. Moreau made a motion to postpone to the November meeting. Deputy City Manager Allen seconded the motion.

The motion to postpone consideration of Conditional Use Permit Approval to the November 20, 2014 Planning Board meeting passed unanimously.

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IV. PUBLIC HEARINGS – NEW BUSINESS

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

A. The application of **New England Marine & Industrial, Inc., Owner, and Subaru of New England, Inc., Applicant**, for property located at **200 Spaulding Turnpike**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed Lot 1 having an area of 517,987 sq. ft. (11.8913 acres), 1264.38 feet of continuous frontage on Spaulding Turnpike and 183.40 feet of continuous frontage on Echo Avenue; and
2. Proposed Lot 2 having an area of 410,236 sq. ft. (9.4177 acres), 381.97 feet of continuous frontage on Spaulding Turnpike and 307.95 feet of continuous frontage on Farm Lane.

Said property is shown on Assessors Map 237 as Lot 56 and is located in the General Business (GB) district which requires a minimum lot size of 43,560 sq. ft. and 200 ft. of continuous street frontage, and the Single Residence B (SRB) district which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage.

Ms. Moreau made a motion to postpone to the November meeting. Mr. Barker seconded the motion.

The motion to postpone consideration of Preliminary and Final Subdivision Approval to the November 20, 2014 Planning Board meeting passed unanimously.

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B. The application of **402 State St. LLC, Owner, and Blue Water Construction, Applicant**, for property located at **402 State Street**, requesting Site Plan Approval to convert a 3-story mixed-use (office-residential) building into 3 dwelling units, demolish existing building components with a total footprint of 689 s.f., and construct additions with a total footprint of 196 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 116 as Lot 12 and lies within Character District 4-L (CD4-L), the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney John Weaver appeared on behalf of the applicant. The revised plans reflect the HDC condition that the existing chimney in the rear shall remain. (Sheet A-6 shows that change).

The applicant is converting office space to three residential condos in the CD4-L district. They will be restoring the building to its original historic appearance. There will be two deeded parking spaces for the two larger units and one deeded parking space for the smaller unit. On July 1st TAC recommended approval, they have received HDC approval and last night they received variances for the units and dimensional requirements for the parking spaces and travel aisle.

Richard Lundborn, civil engineer from Norway Planes & Associates reviewed the plan, pointing out the area to be demolished in the rear. A TAC issue was whether they would be able to navigate the site and they provided turning movements to confirm all turning movements could be accomplished on the lot.

There is a minimal amount of landscaping however where they are removing the addition they are installing a patio with a stockade fence with plantings. There will also be the additional perennials around the perimeter of the building and the stairs. That will dress up the foundation of the building in the summer months.

DPW was concerned that the City had recently refurbished the sidewalk along State Street and it was difficult to repair. Therefore they propose to bring their sprinkler and expanded domestic water service down the driveway and then they will not disturb any brick.

The last section shows the turning movements for all 5 parking spaces. There is more than adequate space.

Mr. Hopley referred to the size of water services and asked if they did any flow tests to determine working pressures. Mr. Lundborn stated they did not and are waiting to determine what their need is. Mr. Hopley cautioned them about going up three floors with a 1” line.

Chairman Ricci asked about provisions for snow storage. Mr. Lundbond stated the provisions are the same as they are now with the adjacent lots. They basically remove it all.

Mr. Rice spoke as someone who has been helping people find office condominium space for sale, as opposed to leasing, and felt there is a real lack of office condo space for sale, although there is plenty for lease. He is concerned about the BOA approval for a residential use and stated he doesn't think that was a wise move.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to waive Section 2.5.4(1)(c) of the Site Plan Review Regulations, requiring GIS to be referenced to the coordinate system New Hampshire State Plan NAD 83 (1996). Mr. Hopley seconded the motion.

The motion passed unanimously.

Ms. Moreau made a motion to grant Site Plan Approval. Mr. Gamester seconded the motion.

The motion to grant Site Plan approval passed unanimously.

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C. The application of **The City of Portsmouth, Applicant**, for property located at **175 International Drive** (Hobbs Hill), to construct a 600,000 gallon, 140 ± foot tall, composite elevated water storage tank, with a 60 ± foot diameter steel tank and 30 ± foot diameter concrete pedestal to replace an existing multi-leg water tank, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 313 as Lot 15 and lies within the Airport Business and Commercial District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, of Tighe & Bond, was present with Brian Goetz, Deputy Public Works Director. Mr. Crimmins stated that in 2012 Tighe & Bond completed the City's Water Master Plan and they determined that the existing tank is a 400,000 elevated tank, built in 1957. Their inspection identified a number of issues with the tank so in addition to the inspections they also recommended that the City should provide additional storage. They recommended replacement.

The new tank will be constructed 100' north of the existing tank. It is a composite tank and renderings were displayed of the tank. The design and color is the same as the tank on Spinney Road. As part of the project, they are proposing site improvements. They located the tank so that it is screened from abutters with existing vegetation. There is 150' area designed as lay-down on the plan. There will be a new 12" water main coming in, new electrical service under the drive, and they will reconstruct the drive after completion. The existing tank will remain in service during construction and then will be demolished. There is an overflow provision should it be needed.

Once the tank is removed they will install additional landscaping. The abutters are going to construct their own screens. The schedule for the project is to go out to bid this summer with construction starting this fall.

On July 1st they received a recommendation for approval from TAC with 3 stipulations. Note 7 was revised to address the unprotected row of pine trees. The electrical line going through the woods has been labeled and added to Sheet 3. The water line from the existing tank will be cut and capped. Note 18 was added to Sheets C-2 and C-3.

Ms. Moreau asked about the trees that are being removed and Mr. Crimmins pointed them out on the plan.

Mr. Gladhill understood that the old tank would be demolished but the site plan shows some remaining square blocks. Mr. Crimmins stated that everything will be removed. There will be a separate bid package for the removal of that property.

Chairman Ricci requested that they use silt sock.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to recommend Site Plan approval with the stipulation to use silt sock. Mr. Gamester seconded the motion.

The motion to recommend Site Plan approval to the PDA passed unanimously with the following stipulation:

1. The applicant shall revise the plan to show silt sock instead of silt fence.

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D. The application of **HCA Health Services of NH, Owner**, for property located at **333 Borthwick Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct an at-grade 50' x 50' concrete helipad to be located within the Emergency Room parking lot, with 9,070 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 240 as Lot 2-1 and lies within the Office Research (OR) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Bill Duffy, VP of Engineering at the Portsmouth Regional Hospital was present along with Jorge Pantelli, of McFarland & Johnson. Mr. Duffy stated they were present two years ago and obtained approval for this exact plan but funding was never provided. They currently have difficulty getting patients in and out quickly and use Pease at the moment. They looked at several locations and the ER parking lot was their final choice for ease in getting patients in and out. The helipad path shows that the path goes up the middle of Route 16.

Chairman Ricci remembers discussing landing and dust, dirt the last time this was presented. Mr. Duffy stated they have segregated the helo pad at the end of the parking lot. Security will drop the gate and secure the area when they get the call that a helicopter is landing. The bulk of the area around the pad is wetland area so very little will be affected.

Chairman Ricci asked about the average time from touchdown to take off. Mr. Duffy felt that would vary and could be as little as 10 minutes. They shut the helicopter down while they are waiting.

Councilor Thorsen was curious if they have had the chance to talk with the abutting property and determine what their concerns might be. They have noticed all properties surrounding them and comments are what made them create the flight path up Route 16 as that avoids the neighborhoods. He asked about Site Plan approval.

Mr. Taintor confirmed they will also be seeking BOA variances and Site Plan approval.

Jorge Pantelli indicated they put the pad in the back corner of the parking lot for the best access and minimizing the wetland impact. As part of this process they will take the existing power lines along the entrance road and put them underground and bring them back up in the back where the transformer is located. From an environmental standpoint, the design is a 50 x 50 pad and the safe area around it will be grass pavers. It helps reduce run off coming off the pad itself. They were able to reduce the amount of impervious pavement. There are phragmite around the area and the hospital has a program where they take care of them twice a year. In addition, the original recommendation was to use Best Management Practices for phragmite mitigation, which the hospital does now, and that was included in the plan.

The helicopter operators will come along Route 16 or 95 South. The hospital will be in contact with the helicopter operators at all time. They will land and shut down completely. They will start back up, receive their flight plan and leave again. They fly over roadways and the noise is typically masked as the roadways are louder than the helicopters.

Mr. Finn asked where they will fly in from. Mr. Pantelli responded it could be from anywhere. There are operators from Maine, NH and Mass. They all operate with the same standard operating procedures but it depends where the patient is coming from.

Councilor Thorsen asked if there was a reason they can't build a pad on the roof of the hospital. Mr. Pantelli said they looked at that but there is a set of power lines that go over the length of the parking lot and a roof top landing would require moving all of those power lines. There also is not quite enough room on the roof and the structure is not designed for a helipad. It was the decision of the hospital was to put the pad on the ground.

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. Gamester made a motion to grant Conditional Use Permit approval with the recommended stipulation. Deputy City Manager Allen seconded the motion.

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

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

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E. The application of **Kristina Logan, Owner**, for property located at **220 South Street**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to remove an existing storage shed and construct a 15' x 30' artist studio, with 225 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 111 as Lot 1 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Christina Logan purchased this property in 1996 and she has lived there for 18 years and worked in the basement as an artist. She always imagined moving her studio to the garage. The proposed plans show the existing garage which she is extending towards the southwest portion of the property. The City Council recommended that she increase the planting area and decrease the lawn area. She provided a planting plan showing a large bed of ferns.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to grant Conditional Use Permit approval with the plantings that were shown to them. Mr. Rice seconded the motion.

Mr. Gladhill noticed this was in the Historic District and the HDC hasn't seen it yet. He asked, if the HDC does not like the plan, could it be an administratively approval if it has to be revised. Mr. Taintor felt if it was a minor change he could grant an administrative approval.

Mr. Hopley asked about the zoning relief for the setbacks. Mr. Pantelli confirmed that hearing is next week. Mr. Hopley also point out that there might be some fire ratings on that new wall so he should check with the new Building Inspector.

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

- 1. An area of plantings shall be added to the southwest corner of the property to offset the impact of the new impervious surface in the buffer.
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F. The application of **James and Leah Berry, Owners**, for property located at **162 Mill Pond Way, Unit #4**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a 310 s.f. patio, plant perennials in an area of 195 s.f. and trim 7 limbs from 2 existing trees, with 505 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 140 as Lot 21-4 and lies within the General Residence A (GRA) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Leah Berry was present with her husband, Jim Berry. They live in a 4 unit condo building. They are looking to put in a small patio with pavers. They are very conscious of the wetland buffer area and the water run off so they are also putting in some larger planting beds to off-set the patio surface.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to grant Conditional Use Permit approval. Mr. Hopley seconded the motion.

The motion to grant Conditional Use Permit Approval passed unanimously.

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G. The application of **Matthew and Katherine Manchen, Owners**, for property located at **416 Ocean Road**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct an 8' x 12' woodshed supported by deck blocks, with 96 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 293 as Lot 12 and lies within the Single Residence A (SRA) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Britz stated this was a simple wood shed that was being constructed on some wood beds. He will store wood in it so it will not have four walls. The design is on crushed stone. He was originally going to put posts on the crushed stone but the Conservation Commission said he should have crushed stone under the shed.

Ms. Moreau asked if they looked at alternatives outside the buffer. Mr. Britz stated that a lot of the area is wooded and this spot was not.

Councilor Thorsen noted that they usually see some indication of how they will mitigate the construction. Mr. Britz felt this is a very small area, most of the area will end up underneath the shed and it is raised off of the ground.

Mr. Barker asked if there is another shed located near the house. Mr. Britz believed that shed holds garden items such as the lawnmower.

Mr. Gladhill asked if the current shed is in a wooded area. Mr. Britz stated that one of the reasons this area seemed suitable to him was because it was a raised bed. There is very little new impact as everything will go underneath it. When Mr. Britz asked about relocating the shed he was told that the other areas were wooded.

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. Mr. Rice seconded the motion.

Ms. Moreau asked if they have ever granted approval without the applicant being present. Chairman Ricci stated it is the Board's decision.

Mr. Barker requested that crushed stone be added under the shed.

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

1. Crushed stone shall be placed on the ground, underneath the structure.

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H. The application of **Edgewood Manor, Inc., Owners, and Edgewood Centre, Applicant**, for property located at **928 South Street**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer for remediation of work done on the shoulder of an existing parking lot, including the construction of a treatment swale for stormwater management of run-off, with 1,595 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 221 as Lot 872 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mark West, Certified Wetland Scientist, stated that he got involved with this project after the City realized they had done work on the gravel edge of the parking lot. There is a relatively steep slope and the work was all done without a permit. Patricia Ramsey, Director of Edgewood Centre, and Alex Ross of Ross Engineering, were also present. As the parking lot is sloped towards the wetlands, they felt the best thing to do was to add a treatment swale to the parking lot that has absolutely no stormwater management whatsoever. They put in the treatment swale to catch the water before it is discharged. It will improve stormwater management significantly on site. There is a small area on top of the swale that they are going to loam and seed that is within the 25' area. He went back out to show how it is being invaded by knotweed. With the swale they will be able to maintain it.

Chairman Ricci asked if they had a problem using silt sock rather than silt fence. Mr. West stated they did not and there was already some silt sock being used in 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. Gamester made a motion to approve Conditional Use Permit approval with the proposed stipulation regarding the use of silt socks. Mr. Barker seconded the motion.

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

1. The applicant shall revise the plan to show silt sock instead of silt fence.

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V. 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. Proposed amendment to the Zoning Ordinance to require conference centers, convention centers and event centers to provide one off-street parking space per 2 persons of rated capacity. (This item was referred to the Planning Board by the City Council at its January 13, 2014 meeting, and postponed indefinitely at the April 3, 2014 Planning Board Meeting.)

Mr. Taintor included the original analysis from the April 3rd meeting regarding the Toronto study and additional research was done regarding various conference centers showing a wide range of requirements. Portsmouth is at the high end of these requirements. Burlington, VT, has done something similar to Toronto, by breaking the City into different sections for shared transit. The Table of Parking Requirements for Burlington is still much lower than our requirement. Many communities don't have these regulations so there is no rhyme or reason to the cities he looked at. He found an odd provision in Ohio that they compute the amount of area for off street parking based on the floor area of the building. His conclusion is that he thinks the City if okay and, if anything, they could be more lenient.

The second part of Councilor Morgan's question is whether they should be doing something different in the downtown. This is probably coming from the Harborcorp proposal and they currently do not require conference centers provide downtown parking. One point he makes is that how is a conference center different than a theater or performance space. Both bring large groups of people in and let them out at the same time. His second point is a conference center typically is associated with a hotel and those hotels have parking requirements along with them and many conference attendees are staying at the hotel.

Mr. Taintor recommends that they keep the overall parking standards for conference centers and that any change in the parking standards be done consistent with other theaters and venues (see Staff Memorandum).

Ms. Moreau stated her concern is that there are no requirements downtown and it is not the same as assembly theaters as they would have more people per car. She thinks there should be a different number for downtown conference centers, especially with the downtown parking crunch. The type of events are possibly going to bring in more cars.

Councilor Thorsen agrees with that. He does not think the number should be zero. It needs to be something and that is the tricky part. He likes the idea of following the rated capacity model and it does need to be in the DOD as well. He doesn't have a good intuitive sense of conference center vs. other events. He would like to see something put back in. He is okay with the 2 to 1.

Deputy City Manager Allen asked if they would want to have a stand alone conference center downtown as opposed to Harborcorp with a hotel and would they have some sort of requirement that recognizes that it is attached to a hotel complex. It would provide them with a discount. Ms. Moreau could be on board with that. Mr. Taintor confirmed that the hotel requirement is $\frac{3}{4}$ space per room.

Mr. Hopley brought up capacity. When the design professionals design for occupancy loads they are going to take a high number. Conference facilities pose significant challenges as they can be laid out in different scenarios inside. The thrust is exiting and has nothing to do with parking. They have to be careful as they could end up with a big parking lot. Mr. Taintor added it's comparable to designing a Wal-Mart parking lot for the day after Thanksgiving.

Councilor Thorsen agreed that was another aspect they should consider. When they put it in an ordinance it almost tells the designers they have to have enough space for a certain number of people. The Planning Board may in fact determine that the use will be a little bit different. He asked how much can the Planning Board adjust around the use that is stated and can the Planning Board require a higher requirement for parking.

Mr. Taintor responded that the Board has the authority under Site Plan Review to determine situations for higher capacity. It is always easier for the Board to add a requirement for additional spaces rather than be too stringent. They don't have to add it to the Zoning Ordinance as they already have the ability to address that as part of Site Plan Review.

Councilor Thorsen asked how that worked when the ordinance says something else. Mr. Taintor explained it would be comparable to a setback requirement and the Board determines that the building can be built on the property line. The Board has the ability to require that it be set back 5' for light and air circulation. It might be hard to write that up and include it. Councilor Thorsen would like to include a minimum and the Board would have the authority to change that minimum. Mr. Taintor added that they had a maximum also. For very large developments, they would want the Planning Board to grant the exemption from that maximum rather than send them to the BOA. They may want to do that for conference centers.

Chairman Ricci asked why not just do a blanket as they have that provision. They are only talking about 5% of the area in downtown Portsmouth for any of this. They will need flexibility on a case by case basis.

Mr. Gamesber asked what the Zoning Ordinance said when 111 Maplewood Avenue proposed the car stackers. Mr. Taintor responded that those did not count as parking spaces. Those were voluntarily added. Ms. Moreau stated that they didn't feel the parking was sufficient for that particular project.

Mr. Taintor noted that the Board had been presented with a particular footprint and the Board felt it was easier to push back on the parking than the size of the development.

Mr. Taintor acknowledged tonight's suggestions and, although he was hoping to go back to the City Council with a firm recommendation, he could come up with something for the Board to review next month. Harborcorp is vested anyway so this is for the next conference center after that. He will come back with a number that is not zero and consider an appropriate discount for a conference center attached to a hotel. He will also look at flexibility where the Board would have the ability to go beyond the regulations in any particular case.

Councilor Thorsen noted that at some point down the line, a hotel/conference center could be sold separately. He asked if they could do an easement to protect that. Mr. Taintor stated they would need variances to separate the hotel because the parking for the hotel has to be on the same parcel as the hotel and the conference center is between the hotel and the parking lot. Chairman Ricci suggested that they could do a deed restriction. Mr. Taintor stated he will give that some thought also.

Mr. Barker made a motion to postpone to the August meeting. Ms. Moreau seconded the motion.

The motion to postpone to the August Planning Board meeting passed unanimously.

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B. Request to consider a process for architectural design review outside the Historic District.
(This matter was postponed at the April 3, 2014 Planning Board meeting.)

Mr. Taintor said this was a request made by the Mayor in January. They have conflicting legal opinions on this. Attorney Loughlin's book says they do not have the ability to restrict the design of a building except through the HDC and then there is an unpublished court decision from Manchester that says a Planning Board can restrict design through Site Review. The City Attorney has some concerns about that opinion. They already do regulate design through the HDC, through the Gateway District and the Character Based Zoning. They are already doing that type of design review during CBZ although they are currently all in the historic district but that may not always be the case.

He outlined the issues and posed various questions. Would this be done through Design Review or Site Plan Review, how would they define what would be reviewed, i.e., only single family homes, and how specific or general should they be. He asked for Board input.

Chairman Ricci asked if they are legally covered if they do this. Mr. Taintor said there are a couple of suggestions that they are covered. If the Board wants to move forward he can go back to the City Attorney and see how they can move forward.

Deputy City Manager Allen asked if they are trying to fix a problem. What is the issue that brought this forward. Mr. Taintor was not aware of specific issues and he has heard general concerns only about the type of development that sometimes does up and they should be looking at design review. One development that they used Gateway standards was Federal Credit Union and that didn't control the type of design.

Deputy City Manager Allen said if they are going to focus on something he would suggest commercial development and leave residential alone.

Mr. Gladhill stated that he can guess what development started this, the multi unit development on the corner of Dennett Street and Woodbury Avenue.

Ms. Moreau stated that the CBZ, even if spread across the City, would always have architectural standards. She believed it was their intention to have CBZ across the whole city. Mr. Taintor felt it would be a long time before they get to that point. A lot will depend on the experience. Ms. Moreau understands there is a concern but there are property rights and she always has the balancing test of how much they can restrict the property owners.

Chairman Ricci does not support this and believes this Board should focus on landscaping and lighting. They already have purview over some areas and that is enough.

Mr. Gamester agrees this is over kill. There are obvious districts, like the historic, where there should be a stronger grasp on what the property owner can do. Or a zone where an owner can opt into a program, like the Gateway. Some people love a building while others may hate it.

Mr. Gladhill gave this a lot of thought and it made him think about the Dennett Street development. This was something that totally didn't fit into the neighborhood but that should be a completely different design review board.

Mr. Rice agrees that the Planning Board does not need to be in the design review business. He wishes they had had something in their toolkit to prevent Dennett Street from happening. It is not appropriate to the character of that neighborhood. That project was just blatant. He would like to see something in the ordinance to help them not get into the design review business but to offer protection to neighborhoods especially when property values are threatened because of the non conformity.

Mr. Taintor said that brings back something they talked about 4-5 years ago: Neighborhood character districts. They were being promoted by the Division of Historic Resources. They talked about it with respect to Atlantic Heights. He almost hears a contradictory statement about not wanting design review but being able to restrict buildings in residential neighborhoods.

Mr. Gladhill said Burlington VT also does something very similar where an established neighborhood must have an appropriate character design.

Mr. Marsilio said he is from Lowell and they have neighborhood restrictions that are less restrictive than the HDC. There is a set of criteria from each district and it would probably prohibit something such as Dennett Street. He could reach out and get some material on that. He believes it works fairly well.

Chairman Ricci almost thought they should not do commercial but do residential. He has an issue with flowerboxes and bricks. Charleston has buildings completely different sitting right next to it. He doesn't support either one but he feels it makes more sense that residential is more susceptible to reduced value if you put something inappropriate next to it.

Mr. Gamester asked if the problem with Dennett Street was the amount of units or the design. Mr. Rice confirmed the discussion was both. Mr. Gamester felt this could be a minefield. The neighbors in the Dennett and Woodbury Avenue are strong but they survived the Holiday Inn.

Mr. Barker was more opposed to putting further restrictions on homeowners outside of the downtown area. The Dennett Street project was shocking to him but he is interested in what other communities have done. He would either like to do nothing or have more information on what other communities are doing.

Chairman Ricci felt that you lose something in conformity and being different is good sometimes.

Councilor Thorsen agrees that sometimes chaos looks beautiful. He does not feel this Board is in a position to make decisions on design character. The other difficulty he has is to ask the HDC to pick up more territory is impossible. Where is the solution? He thinks the residential districts are a clever idea. There is a lot more history in this City outside of the downtown and the HDC has no purview over that. They have a gap between the HDC and it is outside the questions that the Planning Department would want to deal with. He agrees that he does not want to create another board to deal with this. He believes that is why the City Council brought it to the Planning Board. Some comments indicated that it was felt we needed another board. They need to figure out how far the Planning Board can go on design character. He is at a dilemma over the whole subject.

Chairman Ricci questioned who do they ask whether they like it or not and is this before them because of just 1 or 2 applications.

Mr. Hopley doesn't see what the problem is or why they are discussing this. Another review board is not necessarily the answer because everyone is never going to all agree on a building.

Councilor Thorsen stated that the Planning Board does not have the ability to make sure they don't have ugly buildings so who does?

Mr. Finn felt that the "haunted house" that was at the corner of Dennett Street and Woodbury Avenue for so many years was much uglier than what was built. The whole issue is subjective.

Mr. Rice indicated he would like to hear about the Lowell character districts and perhaps they would offer a mild yet restrictive tool they could use to prevent things from happening that the majority of them do not want to see.

Chairman Ricci doesn't believe they should be judging what is pretty and what isn't.

Mr. Gladhill agrees that it would have to be somebody else and they don't have anyone or need another board.

Chairman Ricci felt that the majority of the Board does not feel the Board should be doing this. Mr. Barker stated he does not think it is for this Board. Maybe the City as a whole should consider it but not this Board.

Mr. Taintor suggested they should make a vote on a recommendation back to the Council. Should the Planning Board be doing this or should someone else be doing it. He heard mixed opinion on whether there should be an architectural design review outside the HDC.

Councilor Thorsen suggested they just need to make a simple statement that the Planning Board feels it should not be responsible for this.

Mr. Taintor does not feel that was the question that was asked of them.

Councilor Thorsen responded that the Planning Board should also make a statement that should there be a process, it should be decided outside the Planning Board.

Ms. Moreau feels they have enough boards in the City and it would be a detriment to the City to have another Board.

Mr. Barker stated that the amount of development in this area is huge and, other than Dennett Street, he didn't see a problem.

Mr. Gladhill agrees and felt there is only one problem development.

Mr. Gamester thought that the best judge of character is probably the real estate market.

Mr. Finn asked if the Dennett Street project effected property values. Mr. Rice could not say for sure but he certainly wishes the Board had protected the character of that neighborhood and he wishes they had some sort of tool.

Deputy City Manager Allen senses that for one bad development this Board does not believe a new form of design review is warranted. He would move a vote that they recommend against architectural review outside of the HDC at this time. And they could add some of the discussion of tonight. Mr. Taintor added that they will be looking at architectural standards as they move forward with the character districts. Mr. Hopley seconded the motion.

Councilor Thorsen indicated he will vote no even tough he agrees with most of the Board and they don't need another commission but he feels there is something they should address.

Mr. Gladhill said they are moving forward with the character districts but just not overnight.

Mr. Gamester said, as he sees the vision, they will never see the whole City under character based districts and the areas that they will move forward with are touching the HDC. It would be a very slow process.

The motion to recommend to the City Council against a process for architectural design review outside the Historic District passed with Councilor Thorsen voting in the negative.

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C. Proposal to rezone land on the Route 1 Bypass, Cate Street and Bartlett Street to Character District 4 (CD4).

Mr. Taintor advised the Board that this is advance notice that the City Council has made requests for the Planning Board to look at the zoning for the entire north side of the by-pass from Islington Street to the traffic circle and also the land where the Frank Jones Center, behind U-Haul on Cate Street, is currently up for sale. There has been some discussion about what the City might want to encourage or do on that land. It is mostly Industrial with some Office Research and the Industrial doesn't fit in with what the City would like to see there. As a first step they have proposed that the City rezone this area as a CD4 zone. This would increase the range of uses, allow residential and retail uses, higher density

and some design control. The City Council on Monday night voted to pass 1st reading to rezone and refer it to the Planning Board. He would like them to vote for a public hearing in August.

Mr. Rice made a motion to schedule a public hearing at the August 21, 2014 Planning Board meeting. Mr. Gladhill seconded the motion.

The motion passed unanimously.

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VI. OTHER BUSINESS

A. Request for a one year extension of Site Plan Approval for property located at 173-175 Market Street, granted on August 15, 2013.

Mr. Taintor advised the Board that this is a site plan approval that was granted by the Board and the property also received HDC approval which was overturned by the BOA so they are going back through the HDC process. The applicant is present if the Board had any questions. This does not require a public hearing as it is a first request.

Ms. Moreau asked if the site plan changes, would they would have to come back and Mr. Taintor confirmed that they would have to.

Mr. Gamester made a motion to grant a one-year extension of Site Plan approval. Ms. Moreau seconded the motion.

The motion passed unanimously.

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VII. PLANNING DIRECTOR'S REPORT

A. Status of Conditionally Approved Applications for Site Plan Approval

Nothing has changed since their last meeting.

B. Status of Conditionally Approved Applications for Subdivision Approval

Two have satisfied their conditions. Cutts Ave & the Moretti subdivision

C. Expansion of Character Based Zoning: North End and Islington Street corridor

The City Council has moved forward and supported the expansion of CBZ to the north end and down Islington Street. They will begin the process in September with a public design charrette the end of September or October.

Mr. Taintor provided an article on pedestrian design.

Mr. Taintor stated they have had a couple of Atlantic Height lot separations.

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VII. ADJOURNMENT

A motion to adjourn at 9:30 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 at the March 19, 2015 Planning Board Meeting.