

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

NOVEMBER 20, 2014

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

MEMBERS EXCUSED: John Ricci, Chairman;

ALSO PRESENT: Rick Taintor, Planning Director; Jessa Berna, Associate Planner

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the October 16, 2014 Planning Board Meeting – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision).

Deputy City Manager Allen made a motion to determine that the application is complete according to Subdivision Rules and Regulations. Ms. Moreau seconded the motion.

The motion passed unanimously.

2. The application of **Chinburg Development, LLC, Owner**, for property located at **200 Woodlawn Circle, Paul N. and Linda S. Bogan, Owner**, for property located at **134 Echo Avenue**, and **Ronald A. Katz, Owner**, for property located at **125 Hillcrest Drive**, requesting Preliminary and Final Subdivision Approval.

Deputy City Manager Allen made a motion to determine that the application is complete according to the Site Plan Review Regulations and to accept it for consideration. Ms. Moreau seconded the motion.

The motion passed unanimously.

- 3. The application of **Neal I. Katz, Owner**, for property located at **520 South Street and on Sherburne Avenue**, requesting Preliminary and Final Subdivision Approval.

Deputy City Manager Allen made a motion to determine that the application is complete according to Subdivision Rules and Regulations, and Site Plan Review Regulations and to accept it for consideration. Ms. Moreau seconded the motion.

The motion passed unanimously.

B. Site Plan Review:

- 1. The application of **Public Service Company of New Hampshire, Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue**; and **the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting Site Plan Approval.
- 2. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, requesting Site Plan Approval.

Ms. Moreau made a motion to determine that the applications are complete according to Site Plan Review Regulations and to accept them for consideration. Deputy City Manager Allen 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.*

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Ms. Moreau made a motion to consider items A and B together for the purposes of postponing them. Mr. Rice seconded the motion. The motion passed unanimously.

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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 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 July 17, 2014 Planning Board Meeting.)

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 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. (This application was postponed at the July 17, 2014 Planning Board Meeting.)

Deputy City Manager Allen made a motion to postpone consideration of the Conditional Use Permit approval to the December 18th, 2014 Planning Board meeting. Ms. Moreau seconded the motion.

The motion to postpone consideration of the Conditional Use Permit approval to the December 18th, 2014 Planning Board meeting passed unanimously.

Deputy City Manager Dave Allen made a motion to postpone the subdivision approval to the December 18th, 2014 Planning Board meeting. Ms. Moreau seconded the motion.

The motion to postpone Preliminary and Final Subdivision approval to the December 18th, 2014 Planning Board meeting passed unanimously.



C. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between three lots which are currently shown on Assessor Map 148 as Lot 1, and which were restored to their premerger status by vote of the City Council on April 21, 2014, and have been designated by the applicant as Lots 1, 2 and 3. The applicant proposes to merge Lots 2 and 3 into a new Lot 2, and to revise the lot lines between Lots 1 and 2 as follows:

- a. Lot 1 increasing in area from 5,943 s.f. to 8,990 s.f. with 59.60' of continuous street frontage on Wibird Street.
- b. Lot 2 decreasing in area from 11,335 ± s.f. to 8,287 ± with 57.52' of continuous street frontage on Wibird Street.

Said properties are located in the General Residence B (GRB) District which requires a minimum lot size of 7,500 s.f. and 100 ft. of continuous street frontage. (This application was postponed at the October 16, 2014 Planning Board Meeting.)

Mr. Barker made a motion to consider item C under Public Hearings Old Business and item A under Public Hearings New Business together but voted on separately. Ms. Moreau seconded.

The motion passed unanimously.

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Attorney John Bosen was present on behalf of the Jane Shannon revocable trust. Also present was Alex Ross. George Shannon was present representing the Shannon family. Attorney Bosen thanked the Planning Board for hearing the two applications together. The first request this evening is for subdivision approval for the lot line revision. The second request is for site plan approval. Attorney Bosen provided background on the matter. The Shannon family bought the land in 1966. In the 1980s, the city merged the properties involuntarily. The Shannon family then came before the City Council on April 21st, 2014 at which time the Planning Board voted to unmerge the properties. On April 19th, they went before the Zoning Board. Approval was granted to construct a house on the second lot (lot 2). On September 23rd and 30th there were two successive TAC meetings. The project was postponed until November 14th due to the fact that DPW had insufficient time to consider the drainage study that Alex Ross had submitted. They went back to TAC on November 4th, at which time the plan was approved with conditions. With respect to Lot Line 1, they are seeking to eliminate the back line and extend the lots to make it more conforming (making it longer and straighter). With respect to Lot 2, the plan is to eliminate Lot 3 and add it to Lot 2 thereby making Lot 2 bigger. By revising the lot line, it will conform with area regulations. Normally, a site review is not required for this action. However, it was a condition of the Zoning Board. Mr. Ross did a drainage study. There will be 4 catch basins on the property. This lot will have some of the most significant storm water drainage in the city. There is some urgency to get this project approved this evening.

Alex Ross with Ross engineering prepared the survey plans and the site study. Mr. Ross took a moment to go through the plans. The existing conditions are on the first sheet. Lot 1 is an existing house lot. Lot 2 is a large L shaped lot. Lot 3 is a small 9-foot wide strip of land. In the current configuration, Lots 1 and 3 do not meet lot area requirements. No wetlands exist on site and it is not in a flood zone. However, water does collect in the low lying area of Lot 2 during storm events. There are two old concrete basins. The one in the rear has no outlet. There is no pipe leaving that basin. The other has a small 4" line that travels into the city line on Wibird Street. Existing drainage has no storage capacity and cannot handle large storm events. The proposed lot line adjustment combines lot 1 and 2 so that they would conform to area regulations. Four catch basins have been designed. They connect a stone-filled infiltration trench around the perimeter of the property. There will be 300 feet of

infiltration trenches. There will be a 12" line to a new city catch basin in the street, which will be 9 times larger in cross section than the existing 4" line. There will be a one-way valve to avoid backup issues (this does not exist in the current drainage system). A detailed drainage study that demonstrates the need for this improvement was prepared. The current landowner did not create the drainage problem but is trying to correct a neighborhood drainage problem. The city is already conducting major improvements in the area so this is an excellent time to work with the city to make improvements in the drainage. The site improvements will cost over \$15,000. TAC recommended approval with four stipulations:

- 1) Applying for a storm water permit
- 2) Ensuring the utility pole relocation is responsibility of the owner
- 3) Obtaining driveway permits (applications were submitted in September, but wait for Planning Board approval)
- 4) Adding a note about the 19-foot setback (a note has been added to sheet 2, note 3b)

Paving is scheduled for next week.

Mr. Marsilia would like to see a reference point for where the last trench is, and ends, in relation to the front line, as well as a copy of sheet number 3 sent to the registry. Mr. Ross will do so.

All conditions remain in effect in perpetuity. The trenches have to remain intact so that the systems continue to work. The work cannot damage these trenches in any way. The concern is that this is in the buildable area so they could possibly be damaged during the work. Peter Rice wanted laterals outside the building envelope.

Mr. Marsilia suggested to the chairman that a new analysis be done.

Deputy City Manager Allen expressed concerned about protecting the trenches rather than allowing them to be in the buildable area.

Mr. Taintor expressed concern regarding drafting a note asking for subdivision approval when it has not been reviewed by DPW. He was relying on DPW for this and cannot make a recommendation about changing that.

It was suggested that the way to clarify the issue is to add a note in regard to anything in the buildable envelope as everything else remains in perpetuity. Send this on to the registry.

Mr. Marsilia stated that there is a note on sheet 5 that does what Mr. Marsilia is asking but the applicant states that this note may change. That area must be identified as unbuildable. Clarification is needed from DPW.

Mr. Taintor stated that the recommendation is to approve the plan as presented. The recommendation is to record the plan. He feels there is no need to do another note because the Planning Board can ask for a modification of the site plan.

Mr. Marsilia stated that the only other note that should be shown (on sheet 3) contains actual setbacks for the set of trenches (30 feet from rail line).

Janet Grot, 168 Wibirg Street, owns the property next door. She appreciates the careful attention that the City has given this and urges the Planning Board to take the stipulations from the Technical Advisory Committee seriously. Prior to this discussion, the Grots were comfortable with moving forward with this project, but Ms. Grot is now confused concerning the last point discussed and will ask a few questions. While the Grots feel that it is reasonable for a house to be built if the drainage can be properly addressed, there is a large tree that will need to come down in order for a new home to be built. When that tree is taken down, it will adversely affect drainage. What will be done about this tree? She also asked if the drainage basins will be always open to catch water in case the homeowners are not there to lift off the lids (the existing system lids require manual removal). Ms. Grot asked about the laterals. It is clear from her understanding that the laterals are important considerations in the overall functioning of the system so it is important that they remain.

Mr. Taintor stated that the laterals are there at the recommendation of DPW and that the document they are viewing this evening would preserve those laterals. A different analysis would need to occur if these were removed.

Mr. Ross stated that the drainage study accounted for the lot being fully developed and that the surface is 70% impervious so this would more than make up for any vegetation removal. Currently there is a concrete basin and cover and water permeates whether the cover is on or off and that four new basins would be installed. Any time it rains, water will automatically go into the basins.

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. Marsilia made a motion for a waiver for compliance requiring all lot dimensions to comply with zoning ordinances. Mr. Barker seconded the motion.

The motion passed unanimously.

Mr. Barker made a motion on preliminary subdivision approval. In the staff report there are recommendations with two stipulations. The first stipulation has 5 parts to it; 1a (regarding 19 foot setback) has already been taken care of. He suggests the vote be on 1 b-e, and 2, and a stipulation regarding the setback of the lateral line on sheet 3 (that would be a 5th sub-stipulation) and that sheet 3 be recorded. Stipulation 2 shall be recorded with the Registry of Deeds. Deputy City Manager Allen seconded.

The motion passed unanimously.

Mr. Barker made a motion to grant Site Plan approval (with the 4 stipulations as outlined in the Planning Dept. memo). Ms. Moreau seconded the motion.

The motion passed unanimously.

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D. The application of **Public Service Company of New Hampshire, Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue**; and **the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to (1) construct a 10,000 ± s.f., 10' x 10', gravel switch yard with associated equipment and structures, 8' chain-link fence, gravel access way, retaining wall and paved driveway apron and (2) install a 2,250 ± linear foot 115 kV transmission line with a 90' wide path, with 17,140± s.f. of temporary disturbance and 88± s.f. of permanent disturbance to the inland wetland and 37,397 ± s.f. of temporary disturbance and 10,361 ± s.f. of permanent disturbance to the wetland buffer. Said properties are shown on Assessor Plan 234 as Lots 1, 2, 3, 7-4A, 7-7, and 7-3 and lie within the Office Research (OR) District and Municipal (M) District. (This application was postponed at the October 16, 2014 Planning Board Meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, Site Civil Engineer representing PSNH was present. Also present, Devleena Ghosh-Brower, Wetland Scientist for the project and representatives, Adam, Matt and Jonathan from the transmission group at PSNH. Also present, Kathleen Lewis, Community Relations, and Patty Quinn with PSNH Real Estate were at this evening's meeting.

The purpose of the project: given the growth occurring in Portsmouth, the load demand is growing at approximately 3%. PSNH predicts the demand will outpace supply by 2016. Given this, PSNH is proposing to replace the obsolete substation with the one approved by the Planning Board in April. They are present this evening for approval of the second component of that project, conveying power down to the substation. There are two parts to this project. The first part is to construct a 10,000 s.f. buffer gravel switchyard with associated equipment and structures, an 8 foot chain link fence, gravel access way, retaining wall and paved driveway apron and a kV transmission line. In the packets, there are pictures of a similar project in Kingston, NH. The project has an access drive off Borthwick Ave. The location is within the PSNH 300 foot right of way. The switchyard is set down approximately 10 feet from the elevation of the road so it is well shielded from view. Vegetation already exists, but additional vegetation (evergreen trees) has been added. The kV transmission lines will head towards the new substation will cross Borthwick Ave. and run down an existing 100 easement. Power will still be fed to existing lines during construction. The plan is to clear a new ROW as there are utilities in the existing line that must remain in operation during construction. The new ROW will be set back 90 feet due to a number of abutter concerns about views. The purpose is to meet growth demand and to provide reliability for Portsmouth. The project is within the wetland buffer zone so this is a conditional use approval. There is a total of 17,140 s.f. of temporary wetland impacts; 705 of that is a result of gaining access into the wetland area to construct the switchyard. All work will occur during the winter to minimize impacts. Permanent wetland impact due to the retaining wall is a total of 10s.f. The purpose of the retaining wall is to minimize wetland impact; 78 square feet of impact is due to the presence of poles (temporary). Vegetation will be restored there. Total permanent wetland impact is

10,000 s.f. (gravel drive, switchyard). It is less impactful than if the site were to be paved because the surface will be pervious. In order to construct the new ROW, 77,412 square foot will be impacted. The Environmental Planner requested a wildlife habitat study. They then met with the Conservation Commission and reviewed the wildlife habitat study. In addition, an invasive species control plan has been submitted. The Conservation Commission recommended approval with 3 stipulations (which relate to the monitoring of invasive species subsequent to construction).

Deb Ghosh-Brower, PSNH Wetland Scientist provided an overview of the wildlife habitat study and invasive species findings. The US Army Corps of Engineers Highway guidelines is the methodology used for the Wildlife Habitat Evaluation. There are several wetland areas within the project: wetland 1 and Wetland 2 (intermittent stream discharges into 1). Wetland 3 and 4 (connected); Wetland 5, (small wetland system that is part of bigger system); wetland system 6 (large and dominated by Phragmites). Currently, there is disturbance from the Route 1 Bypass, Borthwick Ave, a RR ROW, as well as a residential area. They documented presence of species including butterflies and dragonflies. There will be an initial shock to the system clearing a forested system, but overall they feel that there will be no net impact/minimal impact from clearing the environment and it will bring back a highly valued scrub/shrub environment and a different group of species,

Mr. Barker inquired about reports of the New England Cottontail living in that area. It is an endangered species in NH.

Ms. Gosh-Brower stated that they did not find New England Cottontail on site; however they were not conducting the study looking at any one species. She also stated that this project could be of benefit to the Cottontail as it prefers scrub/shrub habitat which PSNH would be creating.

The second component of this part of the project is invasive species. The Conservation Commission is very concerned about invasive species in this newly cleared area. These species are disturbance dependent. Ms. Gosh-Brower stated that the scope of the survey was a bit limited in that it only focused on the area to be cleared. For the purposes of this survey, they focused only on the existing PSNH ROW management invasive species list and the NH invasive species list for upland and wetland communities. The polygons were broken into "Sparse", "Common", "Abundant" or "Dominant" (more than 50% invasive). They found areas of dominant (monoculture) Phragmites. However, they found areas where there was not a prevalence of invasive species. They also found invasive species already present adjacent to where the clearing will be. The next step is to develop a monitoring plan. They propose hosting a training session regarding what invasive species are and where they are to those that will be onsite. This is the first step to mitigating effects. This is a preconstruction measure. What may occur during construction: 1) Vegetation clearing –the threat of invasive transport 2) Installing swamp/timber mats – a source of bringing invasive species onsite 3) Equipment movement from one area to another –transport of invasive species. Post construction measures to be taken: 1) Ensuring swamp mats are clean, and are cleaned in between use 2) Any movement from another site to this one or from another site to this one to be monitored. Post construction measures are to include a monitoring plan one year after project completion to document if invasive species have spread

Ms. Moreau asked what would PSNH do if invasives infiltrated.

Ms. Gosh-Brower responded that PSNH has a plan in place to handle invasives. If follow-up studies show an increased infiltration of invasives, PSNH will conduct species specific monitoring.

PSNH met with the Technical Advisory Committee on November 4th. The Committee voted to recommend approval with stipulations as follows:

- 1) Driveway and sidewalk details shall be approved by DPW and are to be inspected upon completion (note 8)
- 2) Vegetation along Borthwick Ave shall be moved out of the ROW to provide ample clearance for sidewalk or pedestrian trail use (Sheet 2A)
- 3) The applicant shall id the sewer line location for protection during construction (note 9)
- 4) Any damage to the sewer line shall be replaced by applicant (note 9)
- 5) Turning templates shall be added to the Site Plan to ensure ample space for cars to back out near the gate.

PSNH has no objection to working with the city on use of this corridor as a bicycle/ped path in the future. Prior to the issuance of the building permit, the applicant shall confirm that whether a new easement must be prepared.

Mr. Gladhill spoke of concerns about EMF transmissions and landscaping expressed to him by an abutter.

Mr. Crimmins stated that PSNH performed EMF testing on this abutter's property line and said that there are household appliances that give off more EMF's. In addition, PSNH is constructing the new lines 120 feet further away from the house than the existing lines. The residents will not hear any humming from the lines. Regarding the landscape; there will be a combination of metal and wooden poles that will not be higher than existing tree line. It is a heavily vegetated area and the vegetation. Is well-established. PSNH located this line such that it will be well screened. Mr. Crimmins feels that what will be planted will be sufficient screening.

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 approval of the Conditional Use permit with the enclosed 3 stipulations. Mr. Gladhill seconded the motion.

The motion passed unanimously.

Mr. Barker made a motion to grant Site Plan approval with the stipulations outlined in the planning memo. Ms. Moreau seconded the motion.

The motion 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 **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, requesting Site Plan approval for the construction of a single family dwelling on a vacant lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 148 as Lot 1 and lies within the General Residential A(GRA) District.

The Chair read this application and application C – Old Business into the record. The applications were discussed together and voted on separately as noted above.

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C. The application of **Chinburg Development, LLC, Owner**, for property located at **200 Woodlawn Circle**, **Paul N. and Linda S. Bogan, Owner**, for property located at **134 Echo Avenue**, and **Ronald A. Katz, Owner**, for property located at **125 Hillcrest Drive**, for Preliminary and Final Subdivision Approval as follows: Lot 42 on Assessor Map 237 having 86,319 ± s.f. (1.9816 acres) to transfer 2,459 ± s.f. to adjoining lots and the remaining land to be subdivided into four separate lots, as follows:

- a. Lot 36 on Assessor Map 237 increasing in size by 2,147 s.f. with no change to continuous street frontage.
- b. Lot 38 on Assessor Map 237 increasing in size by 312 s.f. with no change to continuous street frontage.
- c. Proposed Lot #1 consisting of 19,443 ± s.f. (0.4464 acres) and 100’ of frontage on Woodlawn Circle.
- d. Proposed Lot #2 consisting of 22,767 ± s.f. (0.5227 acres) and 100’ of frontage on Woodlawn Circle.
- e. Proposed Lot #3 consisting of 18,597 ± s.f. (0.4269 acres) and 100’ of frontage on Woodlawn Circle.
- f. Proposed Lot #4 consisting of 23,053 ± s.f. (0.5292 acres) and 181.54’ of frontage on Woodlawn Circle.

Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon from Ambit Engineering representing Chinburg Development was present. Also present, Paul Garrigan from Chinburg Development. The parcel is just less than 2 acres. The proposal

is to create 4 lots on the frontage on Woodlawn circle. All lots will contain the existing house. Additionally, they propose two conveyances to abutters (clean up issues) relative to the boundary found in the course of doing survey work. Area A, 2147 square feet, will be conveyed to abutter Ronald Katz who has frontage on Hillcrest Drive. The applicant has agreed to create a no-cut buffer area immediately adjacent to the area to be conveyed. Area B, 312 square feet to the northwest of the first area. This will be conveyed to Paul and Linda Hogan who have frontage on Echo Ave. Those two conveyances will clear up occupational title issues avoiding issues going forward for buyers or abutters. All lots meet zoning ordinance. The property was reviewed by James Gove, Wetland Scientist. He found that the entire lot is upland and there are no hydric soils (no wetlands) present. The applicant has met with many neighbors and will do a few additional things. For the Cosgroves, who live on Echo Ave. and the Corner of Woodlawn, the developer will plant 5-6 spruce trees for screening. On the Bogan's property, they will plant trees and will take down trees that the Bogan's would like removed.

Ms. Moreau inquired about how large the no-cut buffer behind the Katz property would be.

Mr. Chagnon stated that it would approximately be a 50ft X 85ft block.

David Cosgrove, 174 Echo Ave, is located at the corner Echo and Woodlawn. The property abuts Lot 1. Mr. Cosgrove met with a representative of Chinburg Development. There is a group of existing trees at the corner of his lot that provide a great deal of shading. He inquired about what will happen to those trees.

Mr.Chagnon stated that the large group of trees, of which the developer is aware, will be saved.

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 Preliminary and Final Subdivision approval with the addition of the 4 stipulations in the planning memo. Mr. Barker seconded the motion.

The motion passed unanimously.

Planning Director, Rick Taintor, provided clarification: Mr. Chagnon offered to include the buffer in the plan (50 X 85 feet). This should be included in the stipulations.

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D. The application of **Neal I. Katz, Owner**, for property located at **520 South Street and on Sherburne Avenue**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:

- a. Assessor Map 112 Lot 24 decreasing in area from 21,629± s.f. to 15,045± s.f., with no change in street frontage;

- b. Assessor Map 112, Lot 29 increasing in area from 5,090± s.f. to 11,674± s.f. with no change in street frontage;

Said properties lie in the General Residence A (GRA) District which requires a minimum lot size of 7,500 s.f. and 100’ of continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

James Verra with James Verra and Associates was present. Neil Katz, landowner, was also present. Approval for this lot line revision was received on June 19th. Since then the owner has decided to revise the line as shown on the map. The line is now straight. This is the only change since June 19th.

Mr. Allen asked if the prior plan was not approved or signed.

Mr. Verra stated that the previous lot line was not signed. There was no plan recorded.

Ms. Moreau inquired if the garage will remain on the property.

Mr. Verra stated that the garage will come down.

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. Barker made a motion to waive compliance with 62B regarding conformance of the zoning ordinance. Mr. Marsilia seconded the motion.

The motion passed unanimously.

Mr. Taintor requested that “easement plan” and “all resulting deeds” be stricken from the stipulations. These phrases were erroneously carried forward.

Ms. Moreau mad a motion to grant Preliminary and Final Subdivision approval with the 3 stipulations and corrections as amended. Mr. Barker seconded the motion.

The motion passed unanimously.

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E. The application of **Jay and Karen J. Longtin, Owners**, for property located at **258 Buckminster Way**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to install a 10’ x 12’ shed on concrete blocks in the rear of the property, with 100± s.f. of permanent disturbance to the inland wetland buffer.

Said property is shown on Assessor Plan 282 as Lot 20 and lies within the Single Residence A (SRA) District.

SPEAKING TO THE APPLICATION:

Speaking to the issue:

Jay Longtin, 258 Buckminster Way, property owner was present. He would like to install a shed in the backyard. There is an existing house on this property ob Buckminster way. Mr. Longtin showed slides of where the shed will go (edge of the existing tree line).

Mr. Gladhill inquired about where the line for the 100 ft. is located.

Mr. Longtin stated that the line is not shown on the slide or the drawing due to the scale of the drawing.

Mr. Gladhill feels that he cannot make a proper determination without the line (100 foot buffer) would be located.

Mr. Taintor stated that summary from Peter Britz in the report to the Conservation Commission noted that any location in the rear yard of the property would be within the 100 foot wetland buffer.

Mr. Rice inquired if the Planning Dept. could possibly draw the line.

Mr. Barker stated that if everything behind the house is in the wetland buffer zone the shed must then be placed in front of the house on blocks, which seems ridiculous.

Mr. Longtin provided the original plan for the Planning Board to look at. This shows the line.

Ms. Moreau shares the concerns of Mr. Barker about the buffer line; that it is not visible on the current plan.

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. Barker made a motion to grant the Conditional Use permit as requested. Mr. Gladhill seconded.

The motion passed unanimously.

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E. Proposed amendment to Site Plan Review Regulations to require recording of approved site plan, or recording of notice of approved site plan.

The Chair read the notice into the record.

Mr. Taintor put this on the agenda because the ability to enforce conditions on site plans recently has become an issue. It has been discussed with the city attorney and with Peter Loughlin. He requested postponement until the December 18th, 2014 Planning Board meeting.

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

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Allen made a motion to postpone this item to the December 18th, 2014 Planning Board meeting. Ms. Moreau seconded.

The motion passed unanimously.

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V. OTHER BUSINESS

A. The request of **Dale W. and Sharyn W. Smith, Owners, and Green and Company, Applicant**, for property located at **275 Islington Street**, for Design Review under the Site Plan Review Regulations, for a proposed residential development consisting of 14 dwelling units in 5 buildings, with a footprint of 10,874 ± s.f., including 27 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 144 as Lot 8 and lies within the Central Business B (CBB) and the Historic Districts.

Mr. Taintor pointed out that this is not a public hearing. This is a request to hold a public hearing. This project is currently under design review. Planning Board Responsibility tonight is to look at the plan and then make a determination if there is enough information to understand the project. If so, a vote of acceptance for design review can be made. If there is not enough information to hold a public hearing, then deficiencies should be specified so the applicant may address them.

Ms. Moreau stated that she was present at a neighborhood meeting for the project and that many helpful changes have been made.

Mr. Barker made a motion to vote to determine that the design review contains sufficient information, and to move forward to accept the request for design review and schedule a public hearing. Ms. Moreau seconded the motion.

The motion passed unanimously.

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B. Appointment of Capital Improvement Plan Sub-Committee.

The chair and Mr. Gladhill have volunteered to be on the Sub-Committee. Ms. Moreau also volunteered tonight to be on the Sub-Committee.

Mr. Barker made a motion for these Planning Board members to serve on the Capital Improvement Plan Sub-Committee. Deputy City Manager Allen seconded.

The motion passed unanimously.

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VI. PLANNING DIRECTOR’S REPORT

A. Bicycle and Pedestrian Plan

A report was given. It will be incorporated into the Master Plan. Looking at prioritizing projects for improving bike-ability and walk-ability in the city.

B. North End Charrette and Character-Based Zoning

A report was given. The Charrette was held last week. They are accepting comments on the draft vision plan at the new email: Planning@CityofPortsmouth.com. The images from the plan are on the new Facebook page. It will also be posted on the Portsmouth website. The next set of Charrettes start Feb 20-23 (Friday – Monday). This will be on the Islington St. corridor. On the previous evening they will present the public draft of the North end zoning proposal at the regular February Planning Board meeting.

Ms. Moreau attended some of the Charrette and was impressed with the positive atmosphere.

Mr. Thorsen reported that he received a lot of positive feedback from the community on the Charrette. Has not received a single complaint on this cycle of Charrettes. He expressed congratulations to all.

C. Master Plan.

A report was given. They will be selecting a consultant by the end of the year. The consultant will compile an update of the existing conditions report. March will bring more visioning and goals in consultation with consultation. During the summer, they will be composing the draft plan. In the fall, direction will be given to the consultant for the final plan. After the beginning of 2016, there will be an opportunity for comments and in March of 2016, The Board can take final action. There may be up to 8 additional meetings for this in 2015.

D. Status of Conditionally Approved Applications for Site Plan Approval

A report was given. A list of ongoing site plans was given. Much work on the Spinney Road subdivision has been done. Mr. Marsilia inquired if the Board ever heard back from Weinstein about Brewery Lane? Mr. Taintor stated that there is correspondence going back and forth and 111 Maplewood was held up in court. They may file for extension.

E. Status of Conditionally Approved Applications for Subdivision Approval

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VIII. ADJOURNMENT

A motion to adjourn at 8:59 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Toni McLellan
Acting Secretary for the Planning Board

These minutes were approved at the Planning Board meeting on December 18, 2014.