

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

6:30 P.M.

FEBRUARY 18, 2016

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; David Allen, Deputy City Manager; Robert Marsilia, Building Inspector; William Gladhill; Colby Gamester; Jay Leduc, Dexter Legg and Jody Record, Alternate

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

MEMBERS ABSENT: Rebecca Perkins, City Council Representative

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I. APPROVAL OF MINUTES

- 1. Approval of Minutes from the January 21, 2016 Planning Board Meeting.

Mr. Gladstone moved to approve the minutes from the January 21, 2016 meeting with minor edits. Mr. Gamester seconded. The motion passed unanimously.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivisions:

- a. The application of **Michael and Janet McCann, Owners**, for property located at **921 Middle Road and 80 Pearson Street**, wherein Preliminary and Final Subdivision Approval is requested.

Vice-Chairman Moreau made a motion to grant the application, and Mr. Allen seconded. The motion passed unanimously.

- b. The application of **John Green and Alison Zaeder, Owners**, for property located at **43 Whidden Street**, and **Mahanna Properties, LLC, Owner**, for property located at **37 Whidden Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested.

Vice-Chairman Moreau made a motion to grant the application, and Mr. Allen seconded. The motion passed unanimously.
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III. 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 proposal to amend the Zoning Ordinance to implement Character-Based Zoning in the West End and Islington Street corridor, and to make various related amendments to the Zoning Ordinance and Zoning Map, as follows:
- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 1/11/2016.
 - (2) Amend Articles 4, 5 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” dated 1/11/2016.
 - (3) Amend the Zoning Map as set forth in the following maps dated 1/11/2016:
 - (a) Map 10.5A21A – Character Districts and Civic Districts;
 - (b) Map 10.5A21B – Building Height Standards;
 - (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses.
 - (4) Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated 1/11/2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”.

Mr. Taintor said that the topic was previously discussed. He said the City Council scheduled a public hearing and second reading for March 21, and the Planning Board could hold the public hearing that evening and continue it to the March 17 meeting, at which point the Board could make its recommendation to the City Council. He said Portsmouth Listens was going through its study process and would present its report to the Planning Board at the March 17 meeting, which would be a major piece of input for the Board prior to making their report.

Mr. Taintor said that Portsmouth Listens was scheduling a mid-project discussion with members from the City Council and the Planning Board on February 23. It would be posted as both a City Council work session and as a Planning Board work session in case a quorum of either board attended.

Mr. Taintor introduced Mr. Cracknell and said he would present an overview of the zoning revisions and amendments. Mr. Cracknell said he appreciated the opportunity to present on behalf of the Planning Department the byproduct of what had been a one-year process of working through the Design Charrette from the previous year. He said the completed Vision Plan was translated into a set of zoning code revisions and amendments.

Mr. Cracknell described the existing zoning for the West End and its parameters. He said he would discuss Character-Based Zoning, Article 5A substantive amendments, the regulating plan (the zoning map and adjacent parcels), and the timeline. He pointed out areas on the aerial photo of the West End and Islington Street corridor. He discussed the six districts of the West End. He said the five key factors shaping new development in the West End were building height coverage, minimum lot area requirements, off-street requirements, land use, and lot area. He reviewed dimensions, heights, square footage, and so on. He noted that lot coverage in the West End was low at 35% because there was no public, shared or municipal parking. He said the West End was one of the most impervious areas in the city and that the five factors created many of the new spaces in the suburban West End.

Mr. Cracknell discussed Character-Based Zoning, saying that it was a regulating plan designating the zoning districts and was administered in a refined manner. He said they had dimensional controls over height, width, setbacks, and space. He discussed the Architectural Design Guidelines, noting that a large section of the West End was in the Historic District. He said the Character District (CD) standards were CD4-L1 and L2 in an urban center district with medium-to-high density, and the difference was the level of density and the height of the buildings and volume of material.

Mr. Cracknell discussed the summary sheet of components, which included: the front setback (0-15'), the frontage build-out (60-80%); the minimum open space (25%); the façade glazing (25-40%); the building height (2-3 stories); and roof types. He said the CD4-W district was not like the downtown area and that it encouraged private properties and investors to increase the density and pedestrian amenities and untap some of its equity with a series of incentives. He said the district was similar to lower State Street, except the coverage was lower, and that there was a dearth of open space, which was a real difference between the north, east and south ends. He said the public was clear that there was a need inside the West End to leverage, both with zoning and capital improvements, a number of civic spaces or amenities to make it a more livable and interesting place.

Mr. Cracknell outlined three changes in zoning for the West End:

- 1) The new CD4-W was based on CD4 but was adjusted for off-street parking and included incentives for community space and workforce housing.
- 2) There were incentives for reducing housing requirements (height, coverage, footprint and parking).
- 3) It would increase allowed building footprints in CD4 and would reflect the existing Downtown development to allow further increase in ground-level footprints in accommodating off-street parking on a ground floor or underground level.

Mr. Cracknell discussed using firewalls to string buildings together. He said he created building masses based on ones that were attached to get a sense of what the number should be per existing standards and proposed amendments. He said that a lot of the buildings shown in CD4-W, CD4 and CD5 had firewalls and were connected and that, with the zero foot setbacks, the zoning did not discourage it. He showed a range of building heights in the West End. Mr. Cracknell stated that conforming amendments would delete CBA and CBB Districts and add CD4-W and the Civic District, which he further discussed.

Chairman Ricci asked the Board if they had questions.

Mr. Allen asked why the CD4-L1 would not have a mansard roof style as an allowed style. Mr. Cracknell said the L1 was created when the MRO was, and three years ago mansards were not allowed in the CD because there was a proliferation of them in the downtown area. He said he didn't know why the Planning Board would want to discourage it in the L1 if it met the requirements.

Mr. Gladhill said that the CD4-L1 was in the Historic District and asked why the HDC would trump it. Mr. Cracknell said the HDC could require someone to do something within the District that was allowed but could not override a restriction of a mansard roof. He said it wasn't an option, yet he didn't know why the Planning Board would prohibit it. He said he would look into it.

Mr. Allen referenced the additional footprint and asked whether the 80 feet changed the façade modulation at all, noting that a flat, boring façade should be of concern. Mr. Cracknell said it was still the same, which he thought was adequate.

Public Comment

Paul Mannle of 1490 Islington Street thanked Mr. Taintor for asking the Planning Board to continue the public hearing. He said he understood the firewall issue but thought it was a glitch because the downtown buildings were separate buildings that happened to be stuck together. He said that changing the footprint in addition to everything else seemed more than necessary and felt that the Planning Board should just take care of the glitch. He said it did not have to be part of the West End Zoning. He referenced the Article 5A Development Standards and pointed out discrepancies. He noted that all the uses permitted Downtown were also permitted in DC4, and he asked why all the uses were the same if people didn't want it to look like the downtown area.

Lawrence Cataldo of 133 Islington Street commended the Planning Department and Mr. Cracknell for their continued effort to bring Character-Based Zoning to the City and said he hoped they would continue it for the South End and other parts because it would eliminate a lot of litigation. He said the West End had its own issues and should be separate from the rest.

Esther Kennedy of 41 Pickering Avenue said she was also representing Portsmouth Listens. She said she was confused about the building types, especially the row house, and said it should be clarified whether they were going for the Newbury Street look or wanted to have actual row houses. She also suggested a glossary of terms to clarify terms, like a porch versus a stoop. She asked how the Planning Board could guarantee workforce housing if they gave someone 30,000 feet for a mega-building and possibly set a precedent for others.

Jerry Zelin of 70 Kensington Road handed out a letter to the Planning Board that summarized his issues and said his focus that evening was on the changes relating to the North End and downtown, especially the footprint limits. He said he had asked the Planning Department for a redlined version of the Zoning Amendment that identified the changes to the existing ordinance to ensure that the public could consider the changes in their context. He said he also asked for an inventory of the existing downtown buildings by footprint instead of the aggregations of building blocks.

Chairman Ricci asked if there were any more First Time speakers, and there were none. He asked for Second Time speakers.

Michael Labrie stated that he owned the 361 Islington Street property, the former Getty Gas Station, and that he supported the efforts in the West End, including Character-Based Zoning. He said the proposed changes for his property and the rezoning from MRB to CDL-1 would be imprudent, and he reviewed the history of his building and the deed restrictions. He said he was aware of the deed restrictions when he bought the property, but he bought it under the existing zoning. He said the changes reduced his options in attracting a suitable tenant for his property and diminished his property's value. He wanted to identify the parcel as CDL-2, which would allow a non-residential use on the second floor and allow commercial uses under the MRB Zone without eliminating the new dimensional and architectural requirements.

Mr. Gladhill asked for clarification of whether the uses would be allowed in 30 years and was told yes. He asked whether it would be allowed later if the dirt underneath were removed, and Mr. Labrie said it was a deed restriction placed by the Getty Corporation. He said they pursued the removal of the deed restrictions but were told no.

Jerry Zelin said they also had to look at the size of the canvas and individual buildings in addition to looking at the size of the block of buildings. He said the proposed footprint limits were inappropriate for downtown and the North End. He said if a building with a footprint of 20,000-40,000 square feet was allowed, it would still have a floor plate of one big building, even though it looked like separate buildings, and doing so would invite a big block of chain stores. He said that keeping the higher height limits and doubling the allowable footprints offended the previous compromise of limiting the footprint. He cited cases like the Rockingham Building and Popovers. He said there seemed to be a loophole for footprint limits that allowed up to 40,000 square feet in CD4 and CD5 if the building had below-ground or first-floor parking because the amendments assumed that the first floor or basement would be completely occupied by parking.

Mr. Cracknell said that Mr. Zelin's comments about the size of the canvas were what the Planning Department meant in respect to the building footprint, and that many downtown sites did not have lots with single attached buildings. The buildings in Mr. Zelin's letter appeared to be accurate, but the Downtown area also included many small lots with small buildings and some with aggregated buildings that looked like large lots. He said all the data had to be looked at.

Chairman Ricci asked for Third and Final time speakers.

Jerry Zelin said there was a middle ground between what he emphasized and what Mr. Cracknell did. He recommended allowing separate buildings to be attached, as long as they were really separate buildings. He said the current zoning regulations on footprint didn't allow structured parking, and the proposed amendments allowed a doubling of the allowable footprint regardless of interior parking.

No one else rose to speak, and Chairman Ricci asked for a motion.

Vice-Chairman Moreau moved to continue the public hearing to the March 17, 2016 meeting, and Mr. Legg seconded. The motion passed unanimously.

Vice-Chairman Moreau said that people talked about definitions but didn't look at the zoning regulations. She suggested that people look at the zoning that was already in place and not just in the package for the West End.

Chairman Ricci said Mr. Labrie had a good point that he thought should be addressed. Mr. Taintor said he would review it over the next few weeks and present his findings at the next meeting.

Mr. Gladhill referred to Mr. Zelin's mention of a development having an aggregate land area (p. 2, Item #4). Mr. Taintor said he would ask the Legal department to look into it.

Mr. Legg asked for a clarification on identifying any changes that would affect decisions already made in the North End or the downtown area that might change what was done 2-3 years before. Mr. Taintor agreed that he would.

Vice-Chairman Moreau moved to continue the consideration of the proposed zoning amendment to the March 17, 2016 meeting, and Mr. Legg seconded. The motion passed unanimously.

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B. The application of **Michael and Janet McCann, Owners**, for property located at **921 Middle Road and 80 Pearson Street**, wherein Preliminary and Final Subdivision Approval is requested between two lots which are currently shown on Assessor Map 232 as Lots 106 and 117. The applicant proposes to merge a portion of Lot 117 with Lot 106 and to subdivide the new Lot 117 into two lots, as follows:

- a. Map 232, Lot 106 merged with a portion of Lot 117, increasing in area from 5,536 s.f. to 16,810 s.f., with 68' of continuous street frontage on Pearson Street;
- b. Map 232, Lot 117 decreasing in area from 48,823 s.f. to 32,013 s.f. with street frontage on Middle Road; and,
- c. Map 232, Lot 117 subdivided into two lots as follows: Lot A totaling 15,000 s.f. with 129' of continuous street frontage on Middle Road and Lot B totaling 17,013 s.f. with 149' of continuous street frontage on Middle Road.

Said lots lie within a 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

The owner Mike McCann said he and his wife bought 921 Middle Road that abutted his existing property at 80 Pearson Street and were restoring an 1832 vintage house on it and dividing the existing lot into three streets. One street would have the existing house, one street would have the new buildable lot, and the third street would have the back lot added to his property on 80 Pearson Street. He said they met all the frontage and lot size requirements.

Chairman Ricci asked whether the Board had questions.

Vice-Chairman Moreau said that, based on the new structure, Mr. McCann was creating a t-shaped lot for 80 Pearson Street, and she asked if he had considered taking the west side property and making it straight down to be more conforming in shape. Mr. McCann said he considered it and that there was a pool that he would cut square. He said he had no control over the trees, but the land was overgrown and he wanted to control it by keeping it as open green space.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice-Chairman Moreau moved to grant Preliminary and Final Subdivision Approval with the following stipulations:

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

Mr. Gladhill seconded the motion. The motion passed unanimously.

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C. The application of **John Green and Alison Zaeder, Owners**, for property located at **43 Whidden Street**, and **Mahanna Properties, LLC, Owner**, for property located at **37 Whidden Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Map 109, Lot 2 decreasing in area from 2,688 ± s.f. to 2,566 ± s.f. with 48.79’ of continuous street frontage along Whidden Street.
- b. Map 222, Lot 3 increasing in area from 1,774 ± s.f. to 1,897 ± s.f. with 34.54’ of continuous street frontage along Whidden Street.

Said lots lie within a General Residence B (GRB) District which requires a minimum lot size of 5,500 s.f. and 80’ of continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon of Ambit Engineering on behalf of the applicant stated that the project was a simple lot line relocation, the reason for which was a parking spot that didn’t have full width to park. He said the purpose for the property to the north was to have full ownership of that parking space. He said the lot line was relocated to a point that was 6 inches off the building face and that it would be moved 1.7 feet in the rear and 2.9 feet along the frontage. He read the Legal Notice to the Board and said that, as mentioned in the Staff Memo, there were variances needed and they had applied for them and would be heard at the March BOA meeting.

Chairman Ricci asked whether the Board had questions.

Mr. Marsilia asked whether there were any openings in the wall closest to the relocated lot line. Mr. Chagnon said there were and that he would get the information.

Mr. Marsilia said there was a restriction in the code for unprotected openings in proximity to lot lines, and if there was three feet or less, no openings could be added. He said Mr. Chagnon had more than three feet, and if the setback was five feet or more, there were no restrictions. He said by granting approval, the Board would create a non-conformance to the building code.

Mr. Chagnon said he added up the numbers and got less than three feet, and he offered to add it to the variance request. Mr. Marsilia said there was no way to make it compliant if there was less than three feet, and he suggested that a designer look at it because the State could only grant relief for the building code. Mr. Taintor said that an easement might be the solution. Mr. Chagnon agreed but said the applicant was more interested in ownership and asked whether there was a Building Code Review Committee. Mr. Marsilia said it wasn't done locally. They further discussed it.

Mr. Gladhill said that, in all his years as a member, he didn't remember moving a lot line so close to a building, and he thought it was detrimental. He said it was fine as long as the neighbors got along, but someone could want to build a fence on their lot line in the future. Mr. Chagnon replied that part of the paperwork between the two abutters would specify that the owner could maintain the house and that it could be formalized in the long-term maintenance provision.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice-Chairman Moreau moved to deny the application, noting that the Board could not move forward. She said she disagreed with the plan and agreed with Mr. Gladhill. She said an easement plan would be a better solution. Mr. Gladhill seconded the motion.

The motion to deny the application passed with an 8-1 vote, with the Chair voting against the motion.

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D The application of **Hillcrest at Portsmouth, LLC, Owner**, for property located at **3201 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017.80 of the Zoning Ordinance for a Wetland Protection Plan showing 90,229 s.f. of wetland protective measures and a maximum of 30,943 s.f. of additional impervious surface area within the inland wetland buffer. Approval of the Conditional Use Permit will constitute pre-approval of multiple individual projects on the property over a multi-year time frame, subject to the submission of individual site plans in connection with building permit applications. Said property is shown on Assessor Map 291 as Lot 7 and lies within the Gateway (G), Garden Apartment/Mobile Home Park (GA/MH), and Rural (R) Districts.

Chairman Ricci recused himself, and Vice-Chairman Moreau assumed his place. She read the notice into the record.

SPEAKING TO THE APPLICATION

Corey Colwell of MSC Civil Engineers was present on behalf of the applicant and introduced Glenn Gidley, the owner of Hillcrest at Portsmouth, and the environmental consultant Tom Sokoloski.

Mr. Colwell gave a brief history of the park. He said the City did not have an ordinance for manufactured mobile home parks. The owner intended to replace up to 70 units over the next 10 years, which could result in an increase in impervious area and site coverage. He said the Board had already approved the site plan. He discussed the first part of the ordinance change relating to features within housing parks, like dimensions. He said the second amendment was Article 10, the Environmental Protection Standards, which he read. He said it was similar to the Conditional Use Permit in place but also gave another layer of enforcement for a wetland protection plan, which he said was required for any parcel greater than five acres that contains more than five residential structures. He said they therefore met the qualifications of the Wetlands Protection Plan.

Mr. Colwell said there was a net increase in impervious surface within the buffer and that 70% of the park was within the wetlands. He said it was a new ordinance and the first Wetlands Protection Plan the Board had seen, so he thought the background was essential for the Board to hear before it made its decision. He briefly reviewed their proposed impervious surface increase within the wetland buffer, noting that 31,000 square feet was allowed and offset by protective measures. They would offset the increased impervious surface coverage with trees, shrub plantings and rain gardens, and the trees would shade the invasive species so that they would die off. They also proposed a yard waste compost area and a culvert protection area. He said that storm water and maintenance plans were presented to the Conservation Committee and approved, with the stipulation that the applicant provide educational material to the park residents.

Mr. Marsilia asked whether the restrictions on pesticides and fertilizers were added to the Wetlands Protection Plan. Mr. Colwell said it had been submitted to the Board. Mr. Marsilia asked what the educational materials said. Mr. Colwell said they worked with Peter Britz of the Planning Department. Mr. Marsilia asked that it be stipulated that Mr. Britz approve the educational materials.

Mr. Legg asked what process the city would follow to ensure that the ongoing maintenance plan was implemented as designed. Mr. Allen said the city would receive the plan electronically and it would become a calculable layer, like the wetlands and buffers. The plans would be updated as they were submitted, and Mr. Britz would be the focal point for ensuring that it was addressed.

Ms. Berna said that the Wetland Protection Ordinance stated that each site would have to be submitted for an individual permit plan when they were updated, added or replaced. She said the Planning Department had to issue that permit.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Allen moved to grant the Conditional Use Permit for the Wetland Protection Plan as presented, with the following stipulation:

The applicant shall provide education materials to the homeowners about the importance of wetlands as well as information about pesticide restrictions and the use of fertilizers in the wetland buffer. This information shall also be added to the stormwater management system inspection and maintenance plan.

Mr. Gamester seconded the motion. The motion passed unanimously.

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E. The application of **John L. Ahlgren and Bessie Palmisciano, Owners**, for property located on **Langdon Street**, requesting Final Subdivision Approval to subdivide one lot into four lots with the following:

- a. Proposed Lot 1 consisting of 5,022 s.f. and 63.35' of street frontage.
- b. Proposed Lot 2 consisting of 5,301 s.f. and 68.50' of street frontage.
- c. Proposed Lot 3 consisting of 4,965 s.f. and 43.23' of street frontage.
- d. Proposed Lot 4 consisting of 7,920 s.f. and 40.94' of street frontage.

Said lot is shown on Assessor Map 138 as Lot 48 and lies within the Mixed Residential Business (MRB) where a minimum of 7,500' of lot area and 100' of street frontage is required and also within the Office Research (OR) District where a minimum of 3 acres of lot area and 300' of street frontage is required.

Chairman Ricci resumed his seat, and Vice-Chairman Moreau recused herself.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon of Ambit Engineering was present on behalf of the applicant. He noted that a few members of the Planning Board were not present on November 19 when the Board voted for preliminary approval subject to the applicant going to the BOA for variances. He said the project had received those variances and the Staff Memo indicating that recommended conditions were acceptable to the applicant. He noted that Condition 1 stated that notes would be added to the subdivision plan stating that there would be no basement floor, and Lot 2 shall be lower than 4.5 feet below the current existing grade. He said that existed on the plan as Lot 10.

Mr. Marsilia asked what the position of the patio was. Mr. Chagnon said that the past owner had told the abutters that they could use the patio and fence until they were removed, and he was sure the new owners would remove them.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor suggested deleting Conditions 1 and 2 for simplicity.

Mr. Gamester moved to grant Final Subdivision Approval with the following stipulation (excluding Conditions 1 and 2).

The approval of the site plan is dependent upon re-approval of the variances by the Zoning Board of Adjustment.

Mr. Marsilia seconded the motion. The motion passed unanimously.

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F. Proposed amendment to the Subdivision Rules and Regulations, Section III.A., to require Technical Advisory Committee review of any application that contains the creation of a new lot.

Vice-Chair Moreau resumed her seat.

Mr. Taintor stated that the amendment was a simple change to the regulations but had implications for smaller subdivisions. He said that Portsmouth was fairly well built-out in terms of subdivisions, and the Board changed the subdivision rules and regulations a few years ago to require Technical Advisory Committee (TAC) review of certain types because all the infilled subdivisions tended to have some impact beyond what they would in open country. They had required a TAC review for any utility construction but found that the small number of subdivisions without TAC review caused problems. The Department of Public Works felt that the Board needed to look closer at those subdivisions, so the Planning Board proposed that any subdivision that created a lot go to TAC for review.

Vice-Chairman Moreau said she agreed with Mr. Taintor and thought the petition the Board had heard that evening might have had some of those issues. She said she was in favor, as did Chairman Ricci.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed amendment. Seeing no one rise, the Chair closed the public hearing.

Vice-Chairman Moreau moved to amend the Subdivision Rules and Regulations Section 3A as presented. Mr. Gamester seconded. The motion passed unanimously.

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G. Proposed amendment to the Site Plan Review Regulations, Section 2.2.1, relating to the composition of the Site Plan Review Technical Advisory Committee.

Mr. Taintor stated that the Chief Building Inspector Mr. Marsilia would transfer from the Planning Board to the Technical Advisory Committee because his expertise made it better to be involved in the technical review with the Department of Public Works, Police Department and Planning Department. Therefore, the Site Plan Review Regulations would be amended to add the Chief Building Inspector or his designee as a member of TAC.

Chairman Ricci and Vice-Chairman Moreau agreed that it was a smart move. Vice-Chairman Moreau asked whether they would get a replacement for Mr. Marsilia. Mr. Taintor said they would discuss it.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the proposed amendment. Seeing no one rise, the Chair closed the public hearing.

Vice-Chair Moreau moved to approve the amendment as presented, and Mr. Gladhill seconded.

Mr. Allen noted that there were two positions on the Planning Board that were designated by the City Manager, one of which was his position. He said the other position had the ability to appoint one administrative person from the City Staff. He said the City Manager wanted to name another member of the City Staff to fill Mr. Marsilia’s seat.

The motion was passed unanimously.

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IV. OTHER BUSINESS

A. The request of Merton Alan Investments, LLC, Owner, for property located at 30 Cate Street, for a one year extension of Site Plan approval which was granted by the Planning Board on February 19, 2015.

Chairman Ricci read the request.

Mr. Taintor stated that the request was for the first one-year extension and that the Board did it almost pro forma and that there was no requirement for a public hearing if there were no significant changes. He said they were considering a possible rezoning from the Gateway but that it wouldn’t affect the extension because it was grandfathered in.

Vice-Chairman Moreau moved to grant the one-year extension, and Mr. Gladhill seconded. The motion passed unanimously.

Mr. Legg noted that Item 2 indicated that the Planning Board may want to revise the term “for good cause extend such period” and remove the wording ‘good cause’ in the future, and Mr. Taintor agreed.

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The Planning Board members wished Mr. Marsilia well. Mr. Taintor told the Board about the Spring Planning and Zoning Conference.

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V. ADJOURNMENT

A motion to adjourn at 9:25 was made and seconded and passed unanimously.

Respectfully Submitted,

Joann Breault
Acting Secretary for the Planning Board

These minutes were approved at the March 17, 2016 Planning Board meeting.