

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDARO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

6:30 PM

FEBRUARY 15, 2018

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Colby Gamester; Jeffrey Kisiel; Corey Clark, Alternate

ALSO PRESENT: Juliet T. H. Walker, Planning Director

MEMBERS ABSENT: Jay Leduc; Jody Record; Jane Begala, Alternate; Rebecca Perkins, City Council Representative

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the January 18, 2018 Planning Board Meeting;

Assistant City Manager Moore requested that a correction be made to the motion on page 21 to clarify that the postponement was for a technical review not to go back to TAC.

Chairman Legg noted that City Council Representative Perkins was listed as present and absent. She was absent.

Mr. Gamester moved to approve the minutes from January 18, 2018 Planning Board Meeting as amended, seconded by Mr. Kisiel. The motion passed unanimously.

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II. DETERMINATIONS OF COMPLETENESS

A. SITE REVIEW:

1. The application of **Ethel V. Ross Trust, Owner, and Joseph Caldarola, Applicant**, for property located at **142 Mill Pond Way**.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

2. The application of **Thirty Maplewood, LLC, Owner**, for property located at **46-64 Maplewood Avenue** (previously 30 Maplewood Avenue).

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

3. The application of **Islington Commons, LLC, Owner**, for property located at **410, 420, and 430 Islington Street**.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

4. The application of **Foundry Place, LLC and Deer Street Associates, Owners**, for property located at **165 Deer Street**, (“Lots 2, 3, 4 & 5).

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

5. The application of **Wentworth-Douglass Hospital, Applicant**, for property located at **56, 73 and 121 Corporate Drive**.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

6. The application of **DG Bourassa, LLC, Owner**, for property located at **85 Heritage Avenue**.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

7. The application of **Bursaw’s Pantry, LLC, Owner, and Robert and Kathy Dockham, Applicants**, for property located at **3020 Lafayette Road**.

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. 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 application of **Goodman Family Real Estate Trust, Owner, and Aroma Joe’s Coffee, Applicant**, for property located at **1850 Woodbury Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk –up window, with 6,870 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 239 as Lot 9 and lies within the General Business (BD) District. (This application was postponed at the January 18, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Mr. Gamester moved to **postpone** to the March 15, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert-Puff. The motion passed unanimously.

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B. The application of **Borthwick Forest, LLC, and KS Borthwick, LLC, Owners, and Borthwick Forest, LLC, Applicant**, for property located **on proposed subdivision road to be created off Borthwick Avenue**, requesting Amended Site Plan Approval to make changes to the parking lot, the basement level parking entrance, a reduced easement width and elimination of a 20’ wide emergency access drive to provide a 10’ wide multi-use path with related paving, lighting, utilities, landscaping, drainage, multi-use path and associated site improvements. (Original Site Review approval was granted by the Planning Board on May 18, 2017). Said properties are shown on Assessor Map 241 as Lots 25 & 26 and Assessor Map 233 as Lots 112, 113, & 114 and lie within the Office Research (OR) and the Single Residence B (SRB) Districts. (This application was postponed at the January 18, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Patrick Crimmins from Tighe and Bond and Robert Ciandella from DTC Lawyers were there to speak to the application. Mr. Ciandella noted that the hospital is driving this development. The garage entrance has shifted the parking. Mr. Crimmins included a side by side of what was approved and what the current proposal was. There are four major items that have changed. The basement parking entrance has been shifted to the rear of the building. Previously there was parking along the face of the building, but now it is a patient drop off area. There is an additional aisle of parking. Lastly, the 20-foot fire access is now a 10 foot wide path.

Vice Chairman Moreau clarified that the original plan included a median in the center, but now it is further to the right. Mr. Crimmins responded that moving the median makes it a better design.

Mr. Clark questioned if an AOT permit was needed? Mr. Crimmins confirmed that it was and they have an approved permit.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** Site Plan approval, seconded by Mr. Gamester with the following stipulations:

- 1. The Amended Site Plan (Sheet C102) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2. All conditions of original Planning Board approval as amended to remain in effect, with the exception of required recording of the Landscape Plans.
- 3. Off-site traffic mitigation for Borthwick Avenue/Greenland Road intersection shall include consideration of improvements to bicycle and/or pedestrian connections.

The motion passed unanimously.

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C. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,936 ± s.f. single family home and a 1,200 ± s.f. detached barn, with a 22' x 52' paved parking area and a 25' x 5' rain garden, with 23,125 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District (This application was postponed at the January 18, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Bernie Pelech, Attorney, John Chagnon and Steve Riker from Ambit Engineering spoke to the application. Attorney Pelech spoke on behalf of the property owners. It should be noted at the outset that the project has changed substantially than what was advertised for the square footage and the buffer impact. There is no detached barn. The team has made changes to the application, some at the suggestion of the Conservation Commission. The Commission voted not to recommend the project. Attorney Pelech thought that was the wrong call. The impacts on the buffer were minimal and mitigated by a number of factors. The concern is that this is a five-acre lot and it has been taxed as a buildable lot for many years. The Conservation Commission told them it's not a buildable lot. One of the reasons the Conservation Commission decided to deny the application was because this lot is raw land with no buildings on it currently. The Chair and Vice Chair could not recommend a CUP because all of the construction is in the buffer. There is very little land on the five acres that is outside the buffer. The applicants have maximized the structures in the area as best they could. Suggestions from

the Conservation Commission were incorporated. The applicants expected the Commission to recommend either more changes or have an independent wetland scientist to review the plan and mitigation proposed. They did not do that. The Commission acted only upon their feelings and impressions and ignored the report done by the wetlands expert. The Commission did not choose to seek a third party opinion. Attorney Pelech was concerned if the CUP was denied then the conversation would have to continue. The applicants went to great lengths to satisfy the concern of the Commission. Attorney Pelech had a letter of support from an abutter, Mr. Simpson. Attorney Pelech hoped that the Planning Board would either approve the CUP or table the application and have an independent scientist assess the mitigation. The owners have owned this property for many years and are shocked to be told that this is an unbuildable lot. Innovations to the house construction have been included. The house will be floating. The main concern was that a 1600 square foot footprint was too big. That's not a big house. The floating house would allow amphibious migration. The septic has been approved by the state and is state of the art. There will be no blasting or excavation.

John Chagnon spoke to the plans. Mr. Chagnon brought a copy of the original submission. It had a barn and a house that were connected by a breezeway. In this version they looked at the neighborhood and tried to put the house in context of the adjacent lots. All of the houses have large out buildings like a garage or barn. The house was similar to others in the neighborhood. The development was put as far forward as it could be to bring the impact numbers down. That caused a large impact because of the grading that would be needed to make that work. There is a slope at this point that would cause a lot of grading and filling. The Conservation Commission questioned if they looked at the entirety of the lot. There is a larger area in the corner outside of the buffer. The team scheduled a site walk with the Conservation Commission to look at the various areas outside the buffer. The area outside the buffer is much wetter and it does not make sense to put a house there. The lot is wooded, so there is no clearing. There are two vernal pools on the property and those have required setbacks. The topography has a flat area with sloping. The next plan shows the revised layout that was made to minimize the impact. There will be a house further back connected to a garage by a small breezeway. The driveway is longer in this plan. The team reached out to Ben Auger of Auger Builders to ask about construction techniques to avoid disrupting the site. He came up a technique to support the house with a series of linear foundation walls. They would be the only things that touch the ground. Between the walls there would be a planked cement sub floor and the structure would be built up from there. Below the building will be dirt. This would allow for water to pass through and it would minimize the grading. There would be a crawlspace under the breezeway to bring in the water service and septic pipe. The crawlspace would ensure the utilities were properly protected. The garage will be on a slab because of the way the grading is. There will be drip aprons around the garage. The caveat the builder had for this design was that it had to be in a flat spot. The well has been placed in a location closer to the septic than usual. The location is approvable with more drilling for the well. The packet included the approval of the septic. They identified the areas on the land that are no cut buffers. There is a 55-foot buffer from the vernal pools and a 40-foot buffer from the wetland. There will be no cutting in those areas. The rest of the lot is a limited cut area. A small area will be cut for the well and the driveway. That clearing is well below the allowable cut. The tree plan outlines the significant trees, which helped to align the driveway and place it where there are less significant trees. The house is placed in an area that would be least destructive to the trees. The septic is an advanced treatment system with a septic tank and an advanced component. It's an AOS system.

Steve Riker, a Certified Wetlands Scientist with Ambit Engineering, spoke to the wetlands and characteristics. There is a wetland system on the property with two vernal pools. It is an isolated wetland with no inlet or outlet. There is a wetland "A," which is supported by a seasonal high water

table. The entire system is forested with a shrub layer in the vernal pool area. As outlined in the functions and values it is effective for producing food and habitat for wildlife. Wetland "B" on the property is mostly on the abutting parcel. It runs in a flat area from southwest to the northeast to a point known as Creek Farm Road Access. Mr. Riker could not find a culvert. There is a PVC pipe on the Martine Cottage Road and it is hung one foot off the bottom. Water would have to raise about one foot to flow through the pipe and out on to the road. Wetland "B" is capable of providing a wildlife habitat. There are a couple of things to note, test pits were dug with no estimated seasonal high water table found. The take home message from that is the soil is suitable for construction and septic. Mr. Chagnon pointed out the storm water structures. There will be three on the site drip aprons, vegetated swales and a vegetated buffer. The AOS septic is the best system available and requires a smaller leech field. It also reduces the grading that is needed. The house was placed equal distance between the two wetland areas. There will be no deck, patio, walkways, sheds or other impervious structures. This is just the bare bones of a single family residence. This plan is the least impacting alternative. This proposal is reasonable and takes into consideration the unique features of the lot.

Attorney Pelech read letters from the abutters Mr. and Mrs. Simpson. The Simpsons encouraged the Board to approve the construction of the house. The property has not been maintained for years. The parcel has a limited building envelope and they would like to see a building on it. This parcel is an aging forest that would benefit from a house taking care of it.

Attorney Pelech added that the paved driveway was changed to a gravel driveway.

Vice Chair Moreau clarified that the footprint is still 1600 square feet. Mr. Riker responded that was a question the Conservation Commission had yesterday. The garage is 576 square feet and the breezeway is 278 square feet. The rest leaves 1675 square feet for the living space footprint. Double that to 3350 square feet of total living space with the second floor. Vice Chair Moreau questioned if the applicant was willing to build a smaller home. Mr. Riker responded that this house is smaller than all of the abutting parcels, which also occur in the buffer.

Mr. Clark questioned if they considered a swale on the downstream side of the driveway? That could tie into the culvert on the road. Mr. Chagnon responded that the ground slopes away, so they would be pushing the impact down slope. The driveway would be pitched toward the swale on the plan to direct water to it. Mr. Clark questioned how the runoff from the roof of the house would be treated. Mr. Chagnon responded that the runoff would flow through the buffer, so it would be a vegetated buffer treatment. The initial project design had drip aprons, but that would require the soil to be built up around the house. The least impacting alternative is to keep the buffer intact as much as possible. Making the footprint smaller does not change the impact by a layer of magnitude. The idea is that the footprint on the grade designed as is, is the least impacting.

Chairman Legg asked Peter Britz, the Environmental Planner for the City of Portsmouth, to comment on the project. It was Chairman Legg's understanding that the Conservation Commission voted unanimously to deny the application, so he asked Mr. Britz to comment on the factors that led to that decision.

Mr. Britz noted that the Commission thought that the impact was too great for the lot. One member said it might be unbuildable, but that was not the feeling of the entire Board. There were concerns about the size of the house and the gravel driveway. The concern overall is that this is an undeveloped area and the impact cuts between two wetland areas. The upper wetland has the two vernal pools. The

Commission thought the impact was too great. They asked if the applicants would consider a smaller house or moving it closer to the road to reduce the driveway. The Commission did give the applicants praise for the innovative design and reducing impact factors included in their plan. However, the long and short of it was that it was still too big of an impact.

PUBLIC HEARING

Robert Najar of 10 Martine Cottage Road, is a direct abutter. Mr. Najar has lived there since 1990. The lot was subdivided from a larger lot in 1980. Mr. Najar attended both Conservation Commission meetings. The lower wetland is not isolated, there are two pipes going under Martine Cottage Road. One is collapsed, but it's still flowing water under the road. The new pipe is higher, so in high water situations that pipe could clear the water. The wetland is not isolated. It goes under the road, across the Osgood property, and into Sagamore Creek. Mr. Najar was not necessarily in opposition to the project, but rather noted it was a sad situation. The family that owns the property basically ignored the property. Their expectations of what could be done are too much. Over the years the wetland buffers were established. They are paying taxes and the assessed value on the property is too high. Mr. Najar praised the engineers and builders on excellent suggestions to reduce the impact. However, there is more that could be done to reduce the impact.

Attorney Pelech agreed with Mr. Najar. He had hoped the Conservation Commission would have told them what more could be done. He was shocked that the Chairman and Vice Chairman said it was an unbuildable lot. The motion was made to approve the application, but the members' intentions were to vote no. Attorney Pelech was hoping that an independent scientist could give their opinion.

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau talked about some things that had been done in the past. They saw a property that tried to build on a lot that hadn't been built on in the buffer. They struggled and looked at that a long time and decided they did not want people to build if they were entirely in the buffer. This could open a can of worms. The Board should be careful because it could impact other applications.

Deputy City Manager Colbert-Puff noted that the Conservation Commission had suggested that they have the opportunity to move the project closer to the roadway and shorten the driveway.

Assistant City Manager Moore noted an option in the memo was to move to approve the application then vote against it. He believed there was more work to be done on the application. Ms. Walker noted that the Planning Board could consider an alternate plan. They could refer the application back to the Conservation Commission with guidance or suggest setting up a peer review. If the Board did vote to deny the applicant, then they have the ability to come back with revised proposal. In the spirit of working with the applicant, they do have the opportunity to send it back to the Conservation Commission.

Assistant City Manager Moore moved to grant the CUP as presented, seconded by Mr. Gamester.

Assistant City Manager Moore believed that the motion was not appropriate, so he would be voting against it. There was additional work that could be done.

Vice Chairman Moreau agreed. There could be a significant decrease of impact by moving the driveway and reducing house footprint etc. There might be a possibility to rework this plan to reduce the impact.

Mr. Kisiel questioned what the harm was in making the motion to approve and voting against vs. referring the application back to the Conservation Commission. Ms. Walker responded that it would be sending a signal to the applicant. If the Board was interested in seeing an alternate plan they could send it to the Conservation Commission to keep the dialogue open, and encourage the applicant to come back with more information. Mr. Kisiel noted that he would be interested in seeing more information.

Chairman Legg commented that his interpretation was the Board would end up in the same spot, since they are not in the position of designing this. It would be cleaner to approve or deny. It doesn't prevent the applicants from coming back to present a different plan. Ms. Walker noted that one key difference is that they would have to reapply with permit fees.

Mr. Gamester agreed that the applicants should work on this more and have the Conservation Commission work on this more. This should be kept open to have them continue to modify.

Deputy City Manager Colbert-Puff supported the earlier comments and felt that there is a potential project here. However, such a substantial change is needed that it's appropriate for a new submittal.

Mr. Clark agreed with that statement. The driveway is too long. Cutting the wetlands in half will impact things moving between them. The applicant did a lot to get creative stuff to make it work. A clean slate would be good. Ms. Walker noted that it would not be hard to resubmit. It would be a decision of the Board to accept it.

Chairman Legg was not going to support the motion. The staff memo outlined in good detail why this application doesn't satisfy the conditions for approval. The applicant also made a significant point that taxes have been paid on this lot. Unfortunately this Board does not have a say in that. The presentation was confusing because the number of the buildings have changed. It was hard to follow. Chairman Legg wanted a clean break and resubmittal with a new alternative.

Mr. Gamester spoke to Vice Chairman Moreau's comment and believed he remembered the application that she was talking about. Ultimately there is going to be a project that he will vote for on this land. The buffer is not a straight bar it's a mitigation tool. The Board should keep this in mind this project may not satisfy everyone.

The motion to approve failed with a 1-6 vote. The application was **denied**.

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D. The application of **Robert J. Fabbriatore Irrevocable Trust, Owner**, for property located at **177 State Street**, requesting Site Plan Approval for the construction of a 2-story addition to a mixed use building, with a footprint of 748 ± s.f., and gross floor area of 1,216 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 107 as Lot 44 and lies within the Character District 4 (CD4) and the Historic District. (This application was postponed at the January 18, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Mr. Gamester moved to **postpone** to the March 15, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert-Puff.

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E. The application of **Ethel V. Ross Trust, Owner, and Joseph Caldarola, Applicant**, for property located at **142 Mill Pond Way**, requesting Site Plan Approval for the construction of a 2-story, three unit townhouse with a footprint of 5,560 ± s.f. and a gross floor area of 18,514 ± s.f. , with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 140 as Lot 20 and lies within the General Residence A (GRA) District. (This application was postponed at the January 18, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Lordon, of MSC Engineers, represented the applicant Joe Caldarola. The proposal is to construct three attached two-story town houses on Mill Pond Way. There will be parking in front of the units as well as a garage for each of them. Access to the site is from Mill Pond Way. There will be two rain gardens. There is a proposed underground propane tank. The site is well landscaped. There are two easements for the project. One is a waterline easement for the DPW and the other one is an easement for snow storage on the property. This project does require a shore land permit, which is currently under review.

Mr. Clark noted that it looked like the proposed grading would have water coming out on to the driveway. Mr. Lordon responded that it would pitch into the swale. Mr. Clark confirmed that was fine.

PUBLIC HEARING

Albert Lincoln from 141 Mill Pond Way represented the president of the condo association. Mr. Lincoln appeared before TAC and made some requests. One was taken care of. The propane tank was reduced and put underground. The other two were not addressed. The first is drainage. This lot currently drains into the small strip of wetlands, which overflows onto his driveway. This creates ice in the winter. This project could take the responsibility to help make it a little better. The whole project involved making 44% of the lot impervious, so they are concerned about the drainage.

Second Time Speakers:

Albert Lincoln of 141 Mill Pond Way spoke to the second issue. They asked for some screening between the two properties. The landscape plan calls for a line of trees that overlaps with a retaining wall. That ends before they would like it to. A thick evergreen hedge would be ideal. They were concerned about vehicles pulling in and out of the garage and headlights shining into their property.

Mr. Lordon responded to the comments. The plan was revised based on their comments. A note was added saying that no additional storm water could be added to the wetland pocket. A berm and rain garden was added to the plan. The legend was not updated for the screening, but there is an evergreen buffer to provide screening. The legend will be updated.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker commented that TAC did take the comments from the abutter very seriously and one of the reasons the applicant did not come to the Planning Board right after TAC was because they had to make changes to those conditions.

Chairman Legg noted that before a motion was made he asked that the motion maker include stipulation that the legend was updated.

Mr. Clark commented that he would be inclined to vote against the application because it looked like the drainage study had a higher post development flow than the pre development flow into that wetland. Chairman Legg noted that they could have a stipulation to have the study be updated to the most current design. The last revision probably did not include that. The study would have to show no increase. Mr. Clark confirmed that was fine as long as what's going into the wetlands is the same or less than the predevelopment flow.

Assistant City Manager Moore moved to **grant** Site Plan approval, seconded by Vice Chairman Moreau with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. The water access easement and snow storage easement shall be reviewed by the Legal Department and accepted by the City Council.
2. The site plan (Sheet C-2) and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
3. Documentation that a State Shoreland Permit has been received by the applicant by the State of New Hampshire.
4. The legend on the Landscape Plan shall be updated to accurately reflect the species identified on the plan.
5. An updated drainage study shall be submitted for review and approval by DPW confirming that there will be no net increase in the off-site drainage from this site as a result of the development.

Conditions Subsequent (to be completed prior to the issuance of a Certificate of Occupancy):

6. A post-construction drainage analysis shall be undertaken by the applicant and results shall be provided to the Planning Department to confirm if any changes are required.)

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 **Thirty Maplewood, LLC, Owner**, for property located at **46–64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke on behalf of the applicant. The Planning Board has seen this project a number of other times. The project came through for a conceptual review. A variance was granted to add 10 parking spaces in the basement. The easement and license plan is the first page of the plan set. The area along Deer Street running behind the building parallel to Bridge Street will be dedicated to public access. The City asked for the sidewalks to be widened and move the building back. That was included to create a more pedestrian friendly area. This plan also shows the proposed drain. This will need a license to put in a drainpipe, which will deliver roof water to the trees on the streets. The existing conditions plan shows the site as it exists today. The landscape plan shows the street trees that will be planted to buffer the building from the street and provide shade. There is an area of the building that is an additional public space. It is under the second story open at the street level. A retaining wall will be put in because of the grade change on Deer Street. This will provide ADA accessibility. Sheet L2 shows the street furniture for the landscaping. The landscape detail shows the silva-cells, which will be constructed below the sidewalk to allow the tree roots to take over that space. This will ensure that the trees will last a long time. The first floor plan shows the access points and layout for the patio area. There is a covered parking area off Bridge Street, which will have handicap parking. There is a basement entrance on Deer Street to a lower level parking area with handicap parking. The grading and drainage plan shows a feature of the lot has a parking area connected to a treatment system. The other roof runoff will be directed into pipes that will feed the silva-cells under the sidewalks. This project received TAC approval on January 31, 2018 with some stipulations. The stipulations have been addressed in the plans. There was one stipulation that the applicants had an issue with and that is the fair share contribution. The fair share contribution proposal

was made to the applicant, and the applicant responded with what they felt was a fair share contribution. The letter indicates the applicant is willing to pay \$65,398. Taking into account the fair share, the street improvements associated with the site and the amount of frontage the project occupies, the applicant arrived at that number. The City wants to replace the water line and construct a new sewer line on Deer Street between Maplewood Avenue and Bridge Street. That was taken into account for the fair share of those two items. The developer would contribute to the turn-around at Russell Street. Later on in the presentation there is an application for another project across the street that they will contribute to. Finally they will contribute to a fair share study. All of that added up is consistent with their proposed fair share for the improvements.

Mr. Clark questioned where they chose to get the rainfall data for the drainage on the site. Joe Moletti from Ambit Engineering responded that they used the NOAA Atlas 14. Mr. Clark commented that he did not think the rainfall data was correct. There current is 7.5 inches, but this proposal has 5.5 inches. Mr. Moletti responded that he would have to go look back in his notes. The number of silva-cells in the plan are far in excess of what is needed. The manufacturer asked for bigger silva-cells to make sure the roots have enough room. Mr. Clark responded that in the drainage study for 50-year event the inflow is less than the outflow. Is there a glitch in the model? The peak elevation is higher than the sidewalk. Mr. Moletti responded that he would take a closer look at that and revise anything that needs to be addressed.

Vice Chairman Moreau was curious on the parking and asked if any are dedicated parking to 30 Maplewood Avenue that is being taken away? Mr. Chagnon responded it was not. Currently there are spaces that are designated to 30 Maplewood Avenue. That will not change.

PUBLIC HEARING

Rick Beckstead, 1395 Islington Street, spoke in favor of the application. The people involved in this project were respectful to the process. They have done everything that was needed, and it meets everyone's expectation. Mr. Beckstead strongly supported the application.

Mr. Chagnon clarified that the building height for the stories was given to them at the TAC meeting. There was a difference of opinions if it should be advertised as 4 or 5 stories. The determination at TAC was that it should be listed as 5 stories.

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

DISCUSSION AND DECISION OF THE BOARD

Chairman Legg asked the Planning Director to take the board through the Planning Department's determination of the fair share.

Ms. Walker commented that TAC is the source of the fair share, primarily the DPW and the Planning Department. They have considered the request from the applicant and still feel that the original proposal is still fair. Russell Street was reduced to \$5000. Ms. Walker provided a basis for the cost in the memo. The traffic mitigation was based on the traffic consultant for Deer Street Associates. Furthermore the staff provided an estimate of the water main replacement and divided it between this and the Deer Street Associates. The study for the Deer Street outfall comes to about \$15,000. They

are asking for a contribution to that study. A lot of consideration goes into the fair share recommendation. The City does not do impact fees. As an alternative they ask for contributions to offset improvements. This is usually done for projects that impact on the infrastructure that will need to be improved by the impact from development. They recognize that other projects will need to contribute as well.

Vice Chair Moreau moved to grant site plan approval with the included stipulations, seconded by Mr. Gamester.

Vice Chair Moreau thought that some of the things Mr. Clark brought up should be added as an additional condition to clear up the drainage study.

Mr. Clark commented that he would lean toward voting against the motion or delaying the approval because that's a lot of rain that could drastically change the dynamics of the drainage of the site. He did think that the applicant was correct that not all of the silva-cells were modeled. It could be made to work. Vice Chair Moreau asked if Mr. Clark would rather see the revised drainage study. Mr. Clark confirmed that he would.

Chairman Legg shared Mr. Clark's concerns. There were a couple ways to handle this. This could be approved tonight with a condition that the study is done. Then the Planning Department makes the decision. The other option is to postpone the application and have this come back to the Planning Board.

Ms. Walker would ask the DPW regarding the rainfall. The City does not have a clear standard, but it would be fine to postpone for a technical review by staff. The DPW did revise the drainage study as a condition of the approval.

Vice Chair Moreau revised the motion to **postpone** Site Plan approval, seconded by Mr. Gamester for the following reasons:

1. The applicant shall submit a revised and updated drainage study to the Planning Department for technical review and approval by City staff.
2. Rainfall data should be based on the latest extreme precipitation tables from the Northeast Regional Climate Center (Cornell Study).

Ms. Walker noted that the applicant needed to get the revised and updated application to the Planning Department in a timely fashion to review before the next Planning Board Meeting.

The motion passed unanimously.

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B. The application of **Islington Commons, LLC, Owner, for** property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-L2 (CD4-L2) and the Historic District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Doug LaRosa from Ambit Engineering spoke to the application. This application is to merge three lots and make it a condo complex. They have worked with City Staff for a while on this, and the design has changed significantly. The plans include a large landscaped island between the three duplex buildings. The project has been approved by the HDC. This property meets the current revised Article XI parking requirements. There would be three visitor parking spaces. Each unit has a garage and exterior parking space except for unit 412. That unit has two exterior parking spaces. The applicants have worked with City Staff to make the project acceptable. There will be a filtration basin in the middle island and each unit will have porous paver-stones that allow water to infiltrate. There is a main pedestrian access way through the site to provide a maximum amount of green space. The project started out with a minimum requirement of 35% green space.

Mr. Clark noted that it appeared that the same rainfall data as the last application was used in this study. Mr. LaRosa responded that this was reviewed with DPW and it's acceptable for areas that don't have a standard. The 7.2 inches of rainfall is extreme rainfall and is required for larger projects. It is not required for this property. Whether the rainfall is 7.2 inches or 5.4 inches this system will minimize the runoff on this property. This is complete.

Mr. Clark noted that it was his understanding that this project was using 5.7 inches and the NH Storm Water Manual uses 5.8 inches. The majority of the other projects use the Atlas 14 or NRRC data. The alteration of terrain permits an additional 15% to that data in coastal communities, so for Portsmouth that would be three inches higher. The community may not have a standard, but it should be standard engineering practice to use standard data. It would be prudent to use the most current data out there. Mr. LaRosa responded that the 50-year storm event was designed for highways. This project is a small residential development that would be a benefit to the community. They are filtering water and placing it in the City storm water system. There has never been a 50-year storm reported in Portsmouth ever. Even with putting in the higher rainfall Mr. LaRosa believed the system would still work. Mr. Clark responded that Mr. LaRosa might be correct that in that the system could handle it. Why not use the higher numbers to show it works? Mr. LaRosa responded that he used the numbers used by the project development next door.

Vice Chari Moreau noted that they have proposed an easement for a sewer line through State Street. Has this been approved? Mr. LaRosa responded that the easement has been obtained.

PUBLIC HEARING

Anthony Sarni was concerned about the storm water runoff. Mr. Sarni reviewed the plan and noted there are requirements for maintenance for this plan. Is there a mechanism for these erosion and storm water maintenance requirements? Will this be in the documents for the condo association? It is important for the maintenance of this to be kept up.

Mr. LaRosa responded to Mr. Sarni's concerns. They have provided the attorney's with all of the storm water documents, so that they could be put in the condo documents.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker noted that it was typical to ask for proof of the condo document stipulation. Often the applicant provides an initial draft, and then later the final document is given to the Planning Department to record it. The DPW did revise the drainage study.

Chairman Legg commented that he was not sure where the Board stood on whether to approve this application or not, but they should be consistent with their ruling about the storm water management.

Vice Chair Moreau clarified that Mr. Clark was looking for different numbers in model to be reviewed. Mr. Clark responded that was correct. He would like to see the same stipulation that was on the previous project just because it's very similar with same numbers being used at both sites. Mr. Clark advocated for postponement.

Mr. Gamester respected the consistency of the comment because Mr. Clark had the technical knowledge. There is a difference between the two projects in that this is smaller. Is it just that the site numbers are off? This project may not have changes from this. The last project could have more changes. Mr. Clark responded that even on this site there could be changes. The basin in the middle of the site is designed based on the drainage numbers. If it was a standard parking lot with a catch basin, then it may not have been a big deal. This project has taken steps to design systems that could capture and hold the water. The whole drainage study needs to be updated.

Chairman Legg noted that the Board's comments in the prior application. They could get the same result by incorporating stipulation or postponing the application. Chairman Legg's inclination was that it may be material, and he preferred that the application came back to the Planning Board. He was not going to support the motion.

Assistant City Manager Moore noted there were a number of issues related to this rainfall. The technical resources of the City should weigh in on this. It should be postponed.

Deputy City Manager Colbert-Puff agreed with Assistant City Manager Moore. The City Staff should consider Mr. Clark’s comments and come up with a standard that the Board should be operating under.

Ms. Walker thought that was a valid point. The City is very conscious of this.

Vice Chair Moreau moved to **postpone** Site Plan approval, seconded by Mr. Gamester for the following reasons:

1. The applicant shall submit a revised and updated drainage study to the Planning Department for technical review and approval by City staff.
2. Rainfall data should be based on the latest extreme precipitation tables from the Northeast Regional Climate Center (Cornell Study).

Ms. Walker clarified that would go to staff for a technical review before it came back to the Planning Board.

The motion passed unanimously.

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C. The application of **Foundry Place, LLC and Deer Street Associates, Owners**, for property located at **165 Deer Street**, (“Lots 2, 3, 4 & 5), requesting Site Plan Approval for the construction of a 5-story mixed use building (including a hotel, restaurant, and 1st floor parking garage) with a footprint of 22,073 ± s.f. and gross floor area of 104,020 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements to Lots 2, 3, 4 and 5. Said property is shown on Assessor Map 125 as Lot 17 and lies within the CD5 District and the Downtown Overlay District (DOD).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Kisiel recused himself from this application.

Gregg Mikolaities from August Consulting, Bob White from GPI, Tracy Kozack from JSA Architects, and Joseph Keefner from Geoinsight were present to speak to the application. Mr. Mikolaities noted that the discussions about Lot 3 have been going on since 2016. This application has had three peer reviews, one for drainage, traffic, and a traffic study for the entire area. This started at a TAC work session in February 2017. This application has been to TAC three more times. They have also had eight more meetings with City Staff over the past year and a half. They did receive TAC approval with some stipulations on February 2, 2018. Most of those stipulations have already been included in the plans or they are in agreement with them. The hope for tonight is to get Planning Board approval.

Tracy Kozack, from JSA Architects, indicated that the building has a railroad to the north and Deer Street to the south. It abuts Lots 2, 4 and 5. The uses of the building would primarily be a hotel. The ground floor on Deer Street will be restaurant use. There will be a bistro café attached to the hotel lobby. There is an open terrace deck connected to the sidewalk area. The main entrance to the hotel has a valet parking drop off area. There are some parking spaces for staff and the rest is for the valet. This application does have a variance for that parking. The basic vehicular approach is to go around

the back of Lot 4 with multiple traffic lanes. In general the traffic goes between Lots 4 and 5. They have received approval from the HDC on the design. The cars have a choice to go through the drive through of the bank or drive through the lane to the hotel and drop off area. The upper floors are hotel rooms. There will be 28 guest rooms with a roof top bar and small restaurant. There are 111 parking spaces. 78 spaces would be in the building and 33 spaces would be in the municipal garage.

Joseph Keefner, from Geoinsight, spoke to the storm water and drainage in more detail. The elevation of the building is 12, which is above the storm surge. The grades on Lot 4 will be adjusted to match the building and the roadway. A third party reviewed the storm water design. They received the comments and revised the plans accordingly. One comment was to include more pervious parking, so they put in six pervious parking spaces in the bank area. The roof runoff will be directed to an infiltration system. The amount of impervious surface was reduced. 90% or more of the storm water will be treated. The runoff toward the railroad will be directed to a trench drain portion of the roof. This will be directed to railroad and cause a slight reduction in volume. The subsurface infiltration system and pervious pavers will reduce the volume to 65%. The utilities for this project required poles to be removed and electric and communication upgrades to Lot 4. They have received variances for two transformers close to the railroad. They have been working on electrical coordination with Eversource and the City of Portsmouth for long term routing in this area. Eversource will put in power along Foundry Place.

Ms. Kozack commented on the basic lighting strategy. There would be wall-mounted lighting around the building and it would be dark sky compliant. The lights that are on the brick façade are shielded dark sky compliant based on the canopy. There are small wall mounted sconces along the railroad side for security. The fence along the back is required by the railroad. There would be decorative lighting along the railing of the terrace.

Bob White, of GPI, spoke regarding the landscaping. The landscape plan shows the details of construction of materials including the sidewalk. The basic challenge for the project is to build a 21st century streetscape for a downtown environment. The sidewalk that is part of the project starts at the exit driveway from the bank and extends all the way along the frontage of the building. This is a major public walkway. This public sidewalk had to have a function and value for storm water. The brick sidewalk goes the entire length and has several entrances to the building. There is an elevated deck that the sidewalk passes by at a lower elevation. Courtyard plantings are included in the plan. There is a linear garden of plantings for the whole area. It includes shade trees and streetlights the whole length. The plan has worked around utility conflicts. The plantings in the linear garden are native plantings. They are robust plants that will live in a storm water environment. The storm water will run through a pipe to water the garden. The applicants worked out the maintenance for the proposal. On the railroad side there is a series of plantings with narrow native species to fit the narrow space. There will be a black vinyl chain-link fence there.

Mr. Clark questioned if the maintenance plan was revised to include the trench in the garage and the pervious pavers. Mr. Mikolaities responded that still needed to be included. Mr. Clark commended the applicants and the third party reviewer for storm water treatment. Mr. Clark questioned if the term development was being used differently for the storm water piece vs. the parking. Tim Phoenix, Attorney, responded that they are different issues. The issue of the project as far as an overall development was raised and taken up with DES. Mr. Phoenix was not sure if there was overlap, but the project was vetted with City Staff, DES and AOT requirements.

Vice Chair Moreau commented that she saw a parking garage entrance but no exit. Is the entrance also the exit? Mr. Mikolaities confirmed that was correct. Vice Chair Moreau requested they update the plan to reflect that. Are the transformers supposed to be that close to the loading area? Mr. Mikolaities confirmed they were. Vice Chair Moreau questioned if that would accommodate a big truck. Mr. Mikolaities responded that they worked with TAC on this. The hotel operator knows what the largest truck that could be accommodated is. They will have to schedule deliveries for larger trucks in the six parking spaces. Vice Chair Moreau questioned if the volume of all three buildings was considered for traffic once they are fully developed. Randy Dunton responded that two studies were done. One looked at the overall area which was used to determine the offsite mitigation and another was done on Lot 3 specifically at the request of TAC. That was the one that was peer reviewed. When Lot 4 and 5 are developed they will also be peer reviewed. The Lot 3 peer review considered the bank traffic.

Ms. Walker commented that they have to consider this application with the assumption that other lots aren't moving forward. That's why this application came in with elements on the other lots. Unfortunately that's their risk. They did the area wide traffic study, but it will be refined as each lot is developed.

Mr. Gamester questioned if the maples and elms could be bumped up to be slightly more mature. Mr. White was not opposed to that suggestion, but it's a narrow area. Mr. White was not sure if the root ball would fit for planting. They would check with nurseries to check root ball size.

PUBLIC HEARING

Rick Beckstead 1395 Islington Street commented that he agreed with Mr. Clark about the development terms. It has been confusing. Mr. Beckstead had concerns about the incentive factors that have been taken advantage of, specifically the community green space. He did not understand the rule change and why incentives were allowed for this. This won't go across the railroad tracks. There will be no community space behind this.

Second Time Speakers:

Rick Beckstead 1395 Islington Street noted that it's a complex project. He did not see anyone coming to hang out in a community space between two 60-foot buildings. The applicant did a summary of the variances that were sought and approved. One variance for Lot 2 allowed a surface parking lot for a principle use. That's the community space. The variance section allowed a parking lot that does not comply with the requirements of the ordinance. Again this is the community space. This project is allowing two buildings to be 10 feet higher than normally allowed. This project should go back to the drawing board. There are five buildings going into this around a garage we are all supposed to use. How will this help with congestion? How are we allowing two buildings that could turn community space into a parking area?

Tim Phoenix commented that what Mr. Beckstead said was a little confusing. The zoning ordinance allows community space on an adjacent lot or across the street. This project has met that. For lot 3 the remainder of the space for lot 2 is the community space. The parking on the community space was in addition to a variance. Because the site will be vacant for many years, this will be a temporary parking area. That will go away when the buildings go up. The application meets the requirements for community space and the incentives that go along with it.

Rick Beckstead 1395 Islington Street noted that in the purchase and sales agreement there is an option for that to be a parking lot. This won't be community space. Everything is there in black and white. Sometimes this project is viewed as a whole and sometimes it is viewed separately. Mr. Beckstead hoped this application would be denied.

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chair Moreau noted that certain things were out of their control. Ms. Walker responded that she could not speak to the agreement, but knew that what they are doing from her perspective was compliant.

Assistant City Manager Moore moved to **grant** Site Plan approval, seconded by Vice Chairman Moreau with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. A sidewalk maintenance agreement between DSA and the City, the sidewalk easement, and any other easements required for public access to community spaces shall be reviewed by the Legal Department and accepted by the City Council.
2. DSA shall provide a standard surety for Lot 2 (Map 125 Lot 17-1) work in addition to Lot 3 (Map 125 Lot 17).
3. A license shall be required from City Council to allow the outdoor dining area as shown on the plans.
4. The application shall provide fair share contributions for additional off-site improvements as follows: 1) pavement and overlay of portions of Deer Street and Bridge Street (\$38,250); 2) Maplewood Avenue traffic signal coordination and pedestrian signal upgrades (\$27,000); 3) installation of video detection on Maplewood Ave traffic signals (\$30,000); 4) A contribution to the Russell Street intersection improvements (\$5,000); 5) Contribution to the Downtown Circulation Study (\$7,000); 6) Contribution to a stormwater study for the area (\$5,000); 7) 25% contingency for items 1 through 3 (\$23,800).
5. The Grading and Drainage Plan shall be updated to show how the 4" perforated drain connects to a closed drainage system or discharges in the pervious pavement parking area.
6. For the subsurface infiltration system under the garage slab, the applicant shall include measures to prevent sedimentation/soil migration (separation geotextile fabric) and protect against freeze/thaw (insulated slab if garage is not heated). These measures shall be reviewed and approved by the DPW and/or the City's third party reviewer.
7. The applicant shall revise the plans to add high strength pipes (C900 PVC or DI) for the section of pipe under the building that will be difficult to access in the future.
8. The Grading and Drainage Plan shall be updated to show how roof runoff is piped into the infiltration system, which shall be reviewed and approved by the DPW and/or the City's third party reviewer.
9. The site plans (Sheets C1.0, C1.1, C3.0, C3.1, C3.2 and C3.3) and easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

- 10. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
- 11. The applicant shall update the stormwater maintenance plan to reflect the updated stormwater management included on the approved plans
- 12. The site plan shall be revised to show parking garage exit and entrance

Assistant City Manager Moore spoke to the motion. The application before them tonight was the result of a significant amount of work. The City would like to support the motion.

Vice Chair Moreau noted that this does meet zoning requirements.

Mr. Clark struggled with this one because it seemed like there was quite a bit of time and discussion with DES on the term development. The argument presented to him was that they are separate sites from the approval. Mr. Clark struggled with this because if these were different projects who;s to say they are part of the same development too but they are not connected. Mr. Clark was going to vote against the application because of that.

The motion passed by a vote of 6-1. Mr. Clark opposed.

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D. The application of **Wentworth-Douglass Hospital, Applicant**, for property located at **67, 73 and 121 Corporate Drive**, requesting Site Plan Approval for the construction a 2-story, 25,000 ± s.f. medical office building and a 3-story, 60,000 ± s.f., medical office building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 303 as Lots 4, 5, & 8 and lie within the Pease Airport Business Commercial (ABC) District.

Assistant City Manager Moore moved to continue the meeting past 10 p.m., seconded by Mr. Gamester. The motion passed unanimously.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Dave Fenstermacher spoke to the application. This project has been to TAC a couple of times and had a peer review. They have successfully addressed the comments, concerns and the operational needs. This development is situated on Corporate Drive. Today there is Northeast Rehab, which is in operation and has an existing operational building. The proposed project is for a two-story building with parking, upgraded parking for the existing building, and a three-story building. There are two existing access points on the site. The main entrance will be at the existing curb cut. There will be a pedestrian connection between the buildings. The majority of the utility connection will come up near building B and the existing utilities will be maintained. The utility plan is included and has been coordinated with the City. They are working with AOT for a permit. Sand filters are included for storm water treatment. The landscape plan is included.

Vice Chair Moreau questioned if they anticipated foot traffic between the buildings. Mr. Fenstermacher confirmed they did.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **recommend Site Plan approval**, seconded by Mr. Gamester with the following stipulations:

1. The City has reviewed the stormwater and drainage and makes the following recommendations with the understanding that the project will be subject to additional review by the PDA to ensure compliance with the requirements of the Pease stormwater discharge permit as well as NHDES as part of the AOT permit process:
 - a. Updated plans and drainage report should be provided to the City’s Planning Department reflecting the future revisions that were referenced in the January 16, 2018 letter from VHB.
 - b. PDA staff should consider having Underwood do a peer review of the revised plans to confirm if all issues raised in the third party review have been addressed.
 - c. The developer must obtain sewer and water connection permits from the City. Permits require that complete final design plans be submitted. Note that several design assumptions that have been made in the current plan set will need to be verified/confirmed by DPW prior to issuing a connection permit.

The motion passed unanimously.

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E.. The application of **DG Bourassa, LLC, Owner**, for property located at **85 Heritage Avenue**, requesting Site Plan Review for the replacement of 4,300 ± s.f. of gravel and broken pavement with new pavement and the addition of 4,170 ± s.f. of new pavement, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 285 as Lot 5 and lies within the Industrial (I) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Eric Weinrieb from Altus Engineering spoke to the application. The construction yard was a mess. Mr. Bourassa has cleaned up the site and wants to take it to the next level. This project will accommodate parking for the employees, clean up cracks and provide lighting. Water will be directed away from the site. They are working with DPW on the drainage issues on Heritage Avenue.

Attention has been provided to that area. This is a betterment to the previous industrial site. There will be no expansion to building.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** Site Plan approval, seconded by Mr. Gamester with the following stipulation:

- 1. The Site Plan (Sheet 2) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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F. The application of **Bursaw’s Pantry, LLC, Owner, and Robert and Kathy Dockham, Applicants**, for property located at **3020 Lafayette Road**, requesting Site Plan Review for the conversion of an existing building to a multi-use building, with the following uses: Basement level, 1,980 ± s.f. of gross floor area to be used for storage; 1st floor level, 2,235 ± s.f., of gross floor area for office use; 2nd floor level, 2,026 ± s.f., of gross floor area for two residential units; 3rd floor level, 1,731± s.f., of gross floor area for one residential unit, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 292 as Lot 152 and lies within the Mixed Residential B (MRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering and Robert Dockham spoke to the application. The proposal is to expand the existing structure at corner of Lafayette Avenue and Ocean Road. The building will be expanded by one story and dormers. Pavement will be removed along Ocean Road and replanted with landscaping. The entrance will be changed and a new parking layout that will be restriped. There will be minor grading. A new water sprinkler line will run across Ocean Road. The landscaping plan was provided. The project received ZBA approval for the setback. This will now be mixed use building. It was previously a convenience store. This will be a significant improvement. They are working with NH DOT to update the permit. It won’t be an issue because they are narrowing the entrance and reducing the traffic significantly.

Mr. Clark questioned if they were putting new pavement on the site or would they be saw cutting. Mr. Chagnon responded that if the budget allowed they may do an overlay, but that is not in the plan now. Mr. Clark clarified that there would only be grading in that one area. Mr. Chagnon confirmed that was correct.

Assistant City Manager Colbert-Puff noted that Mr. Chagnon said the landscaping plans intended to buffer the adjacent lot. There are two adjacent properties to the south is there also a buffer there? Mr. Chagnon responded that there is a large tree buffer there.

Deputy City Manager Moore noted that sheet C2 and sheet L1 have different plantings list, which list is correct? Mr. Chagnon thought he had removed it from sheet C2. They had originally showed the buffer planting on that. He would change the label on that.

PUBLIC HEARING

Jonathan Bursaw spoke in favor of the application. He hoped the Planning Board gave it favorable consideration.

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **grant** Site Plan approval, seconded by Deputy City Manager Colbert-Puff with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. The applicant shall confirm whether an updated NHDOT driveway permit is required and shall provide documentation to the Planning Dept.
2. The existing sewer service shall be evaluated and videoed to determine if its condition is acceptable. Results shall be provided to the DPW.
3. The Site Plan (Sheet C-2) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

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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. Purchase & Sale Agreement for property owned by Ferrari Remodeling & Design, Inc., located on Banfield Road (Map 283, Lot 19).

Peter Britz, City Environmental Planner, noted that this property is at the very end of Banfield Road. The City is trying to get approval. It is prime wetland buffer, so they are required by the state to provide mitigation. In order to get mitigation they could pay \$58,000 for an in lieu of fee. They are currently choosing to try to go the route of doing actual mitigation by purchasing the property for

\$55,000. Even if the City doesn't use for the land for mitigation, they may want it for conservation. They are looking for a recommendation to City Council.

Vice Chairman Moreau moved to **recommend** that the City Council acquire this property for wetland impact mitigation and/or conservation purposes, seconded by Mr. Gamester. The motion passed unanimously.

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VI. OTHER BUSINESS

A. The request of **North End Portsmouth** (f/k/a Harborcorp) for property located **off Deer Street** for a one year extension of Site Plan approval from May 25, 2018 to May 25, 2019.

Mr. Kisiel recused himself from the discussion and vote.

Ms. Walker noted that this project originally received a site plan approval in June 2015. It has been delayed due to subsequent legal appeals. The applicant was before us for a one-year extension for site plan approval. The Board has a letter from developer explaining the reasons for the delay. The Planning Department has been in regular communication with the developer and believes they intend to move forward with the project. The recommendation for the Board is to vote to not suggest any changes on the site plan and grant the one-year extension.

Vice Chair Moreau moved to determine that no change has taken place that would materially affect the current site plan approval and **approve** a 1-year extension of the Site Plan Approval to expire on May 25, 2019, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chair Moreau noted that a lot went into the approval of this there has been many things out of their control.

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II. ADJOURNMENT

*It was moved, seconded, and **passed** unanimously to adjourn the meeting at 10:45 p.m.*

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the March 15, 2018 Planning Board Meeting.