

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

JANUARY 17, 2019

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester; Jay Leduc; John P. Bohenko, City Manager; Rebecca Perkins, City Council Representative; Ray Pezzullo, Assistant City Engineer; Corey Clark, Alternate, and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I

MEMBERS ABSENT: Jody Record, Jeffrey Kisiel

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Chairman Legg welcomed new Board member Polly Henkel.

I. ELECTION OF OFFICERS

*It was moved, seconded, and passed unanimously to **re-elect** Dexter Legg as Chairman for 2019.*

*It was moved, seconded, and passed unanimously to **re-elect** Elizabeth Moreau as Vice-Chair for 2019.*

II. APPROVAL OF MINUTES

A. Approval of Minutes from the December 20, 2018 Planning Board Meeting.

*It was moved, seconded, and passed unanimously to **approve** the December 20, 2019 minutes as presented.*

III. ZONING AMENDMENTS – PUBLIC HEARINGS – OLD BUSINESS

A. The request of Residents of Pinehurst Road, to amend the zoning for the properties on Pinehurst Road from General Residence A (GRA) to Single Residence B (SRB). (This item was postponed at the December 20, 2018 Planning Board Meeting.)

Chairman Legg read the notice into the record.

Ms. Walker stated that she sent a letter to the residents affected by the zoning change.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application.

David Mulhern of 60 Pinehurst Road said he and the entire neighborhood were in favor of the proposal because it was consistent with the character of the street. He said the potential for development pressure there was such that it would adversely affect the neighborhood.

Don Varberitz of 826 South Street said he was not interested in having his property included in the plan because he already lived in the midst of multi-family homes.

No one else rose to speak, and Chairman Legg closed the public hearing.

*Vice-Chair Moreau moved to **determine** the appropriateness of the application and to **recommend** moving it to the City Council for a public hearing. Mr. Pezzullo seconded.*

Vice-Chair Moreau said that having one person against the application made sense when one looked at the map and that it made her have some doubt as to whether it was the right thing to do. She said she was on board with the fact that everyone got a detailed letter stating who was affected and how, and that people realized that their property's value would be affected because one could do less with the property if the zoning was changed. She said she was torn as to whether it was the right thing. She said most of the neighborhood wanted to go forward but that she would feel bad to have someone join in just because the Board felt that it was appropriate due to the map. Ms. Henkel asked why the zoning change was desired, and Vice-Chair Moreau explained that most of the neighborhood would become nonconforming and would have to go before the Zoning Board of Adjustment (ZBA) to do anything with their property. She said the neighborhood wanted it to remain a single-family one that wasn't allowed to change.

Chairman Legg said he also struggled with the request because the application not only affected the owner but also future owners of those properties, the majority of which would become nonconforming if the zoning were changed. He said that anything the homeowners wanted to do on those lots would require a variance, and it would be tough to demonstrate hardship if the neighborhood had asked for it. He said he wasn't sure if it was good for Portsmouth residents or future residents of Pinehurst Road and said he wouldn't vote for it. Mr. Clark agreed.

*The motion **failed** unanimously.*

IV. PUBLIC HEARINGS – OLD BUSINESS

It was moved, seconded, and passed unanimously to allow Chairman Legg to read Public Hearing Petitions A, B, and C into the record at once.

Chairman Legg read Public Hearings A, B, and C into the record.

- A. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Subdivision approval, under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to merge Map 305, Lots 5 & 6 (17.10 acres), Map 305, Lot 1 (13.87 acres), Map 305, Lot 2 (10.18 acres) and a discontinued portion of Goosebay Drive to create Map 305, Lot 6 (43.37 acres). Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the December 20, 2018 Planning Board Meeting.)
- B. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000± s.f. footprint; Proposed Building #2: 150,000 ± s.f. footprint; Proposed Building #3 with a 62,000± s.f. footprint; and two 4-story parking garages, with 55,555 ± s.f. of impact to the wetland, 66,852 ± s.f. of impact to the wetland buffer and a 1,000± l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. Said property is shown on Assessor Map 305 as Lots 1 & 2 and lies within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the December 20, 2018 Planning Board Meeting.)
- C. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of three proposed industrial buildings with heights of 105 feet: Proposed Building #1: 132,000 s.f. footprint and 430,720 s.f. Gross Floor Area; Proposed Building #2: 142,000 s.f. footprint and 426,720 s.f. Gross Floor Area; Proposed Building #3: 62,000 s.f. footprint and 186,000 s.f. Gross Floor Area; and two 4-story parking garages, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the December 20, 2018 Planning Board Meeting.)

SPEAKING TO THE APPLICATION

Attorney Rob Ciandella was present on behalf of the applicant to speak to the application. He introduced Simon Trigg of Lonza Biologics, Patrick Crimmins, Senior Project Manager from Tighe and Bond, and Vinod Kalikiri, Sr. Project Traffic Engineer from Tighe and Bond. Attorney Ciandella stated the application was governed by PDA land use controls and that Phase 1 was the first phase of a multi-phased development. He said they were before the Board to present Phase 1, consisting of Phase 1A and Phase 1B. He explained that Phase 1A would restore Hodson Brook as a future development objective, and Phase 1B would consist of site work and construction of the shell of Building One. He said they would file an amended site plan application and proceed through the Technical Advisory Committee (TAC) and the Planning

Board for all subsequent phases of the project. He said that what was before the Board that evening did not involve the population of the development but only the foundation for the subsequent phases and for creating new jobs. Mr. Trigg gave a brief overview of Lonza Biologics and said they expected to create hundreds of jobs in the next years.

Patrick Crimmins stated that they had a comprehensive package and received a lot of good feedback, having met several times with local and State staff on the site plan. He reviewed the site plan, noting that the site was known as the Iron Parcel because it was shaped like a flatiron. He stated that Hodson Brook ran through the center of the site. He compared a 1992 aerial photo of the site with an existing aerial graphic, noting that demolition had left only one primary wetland. He reviewed the proposed subdivision plan, pointing out the lot lines that would be abandoned and the new ones created. He said the Goose Bay drive section of road would be abandoned, which would result in a dead end and a cul-de-sac. He said they would seek a waiver as part of it the PDA regulations for a total road length of 500 feet and a cul-de-sac having a 45-ft radius. He noted that the cul-de-sac was mainly for City access and maintenance. He reviewed the proposed campus development for the next 10 years, which included three buildings totaling approximately a million square feet and two garages for 700 parking spaces. He noted that one building would be the Phase 1 Building, and the other two buildings would be built over time. He reviewed vehicle access, lighting and landscaping plans. He discussed the stormwater design, noting that it was designed in a phased manner. He said they proposed two gravel wetlands and a rain garden and that they would provide an easement for the City to access an existing water line. He discussed the stream design and said they would have wetland impacts of approximately 56,000 square feet, but that the stream restoration would mitigate those impacts. He reviewed the massing of the three buildings and said the site itself complied with the zoning building height of 105 feet. He said that Phase 1 would include the stream restriction, the construction of the building shell, and site work. He said the full buildout would be a 3-5 year process, after which the building would be fit up for clients.

In response to Chairman Legg's questions, Mr. Cummins said that Phases 1 and 2 would be approximately a two-year project just for construction and didn't include the garage. He discussed the land area for the three phases and the Phase 1A and 1B site plan buildout. He said they would construct the Phase 1A stream and then introduce the flow to the stream, after which they would remove the culvert to make way for the Phase 1B development. He said they would also do improvements on Corporate Drive during Phase 1A, including street trees and a new sidewalk, as well as roadway improvements. He said Phase 1B would consist of the drive aisle, utility loop, the infrastructure, lighting, and proposed gravel wetland. He noted that they proposed intermittent grading to tie the back of the stream work into the proposed site if construction didn't start right away. He reviewed the Hodson Brook restoration stream design.

Vice-Chair Moreau verified that the project would get rid of the existing pipe that the stream ran through. Mr. Cummins also discussed what the stream type would be, the proposed plantings, and the construction and post-construction monitoring. He said they partnered with a company called Streamworks. He discussed the watershed analysis, noting that there would be no impacts. He said the project could clear up negative peer review responses easily.

Mr. Kalikiri discussed the traffic study, noting that the Pease Surface Transportation Master Plan looked at significant traffic improvements regularly and that the PDA oversaw the process. He said the project team focused on primary access points from the highway system, circulation, and so on, consistent with the PDA. He said Lonza's normal shift was 7 a.m. to 7 p.m., resulting in only 20% of the employees traveling during commuting peak hours. He said that three-quarters of the employees used the Pease Boulevard/Gosling Road exit and that primary access points were Spaulding Turnpike and Route 95 via the Route 33 exit. He said the traffic study was reviewed by TAC and that they recommended including post-constructing monitoring requirements during the phased project consultation to validate study findings.

Mr. Leduc asked whether Lonza's 7 a.m. to 7 p.m. shift was 100% of the workers. Mr. Kalikiri explained that 80% of Lonza's employee traffic was outside the peak hours. Vice-Chair Moreau asked if Mr. Kalikiri was discussing all the new buildings. He said it was both and that the split applied to the current operations and was expected to be similar for the new buildings. Vice-Chair Moreau said the project was only looking at the northbound traffic and had no idea what the new employee travel routes would be. She said the study might need to be expanded to include the other entrance because both entrances could queue up for several hours. Mr. Kalikiri said that TAC included a provision that future traffic flow would be considered and that the project could compare it to the existing Lonza facility.

Mr. Cummins summarized that they were seeking subdivision approval, the waiver for the cul-de-sac, and recommendation for CUP approval for the 25-ft buffers associated with the on-site wetlands. He noted that the project received a recommendation for approval from TAC, with 12 stipulations, and that they addressed all the site plan technical issues. He said they also had a HDS approval for the stormwater management design and a NHDES approval for the wetland impacts. In response to Vice-Chair Moreau's questions, Mr. Cummins explained where and how fire trucks would turn. He said the turning radius of 45 feet was adequate for snowplows and fire trucks to turn around in and that the loading trucks would enter via a different access.

In response to Mr. Clark's questions, Mr. Cummins said the cul-de-sac was the same size as the Foundry Place's cul-de-sac. He said they would get NHDES approval for Phases 2 and 3 if the plan didn't change, but that certain parameters would require amended approval from NHDES. He said they had to use the 54" pipe and couldn't just lengthen the stream because they needed to provide loading access for Building 3. He said the stream restoration would be done on a case-by-case basis as far as tying into possible future restoration mitigation projects. Mr. Clark asked how the concrete headwall under the existing pipes would be installed, noting that they were corrugated metal, and he also asked if there was an alternative plan if the pipes were deteriorated. Mr. Cummins said their structural engineer would look at the design and figure out how to construct it. He said the pipes were presently operating fine. Mr. Pezzullo said the City had previously exposed the pipes and that they were in excellent condition. He noted that they were thick pipes and not a typical corrugated one. Mr. Clark asked what would be done with fertilizer during the stream restoration. Mr. Cummins said he wasn't sure but thought it would be imbedded within the Streamworks restoration design.

Mr. Clark asked what the HydroCAD oscillations within the output model were indicative of. A project team member (name not given) said the oscillations were standard warnings in

HydroCAD and that typically the oscillations were outside the peak time of the curve. Mr. Clark said he didn't see the vertical grade of one of the gravel wetlands modeled in the HydroCAD and was told that it didn't affect the stormwater. Mr. Clark noted that the 4x4 grate was modeled as vertical and not horizontal and said he agreed with Altus that there were apples and oranges for the two different models and that getting them to line up could be difficult. He asked whether calibration had come up with any other DES permitting and was told that it had not.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application.

Attorney Roy Tilsley said he represented the Town of Greenland. He introduced the Greenland Town Planner Mark Fougere and the traffic engineer Giles Ham from Vanasse Associates. He said the Town of Greenland welcomed new development but had concerns about whether the existing road system could handle the increased traffic. He said the Route 33 corridor through Greenland already had mile-long queues in the mornings and afternoons and that emergency vehicles couldn't efficiently respond due to backups. He said the Rockingham Planning Commission determined that the project would have a regional impact. He was concerned about the phased site plan and the idea that the applicant would build a shell of the building and then return to the Board to flush out what would be placed in the shell. He said another concern was that the application was not a Lonza-specific approval and that it wasn't known who the actual users of the buildings would be because Lonza could sublease to someone else whose employees would have different commute times.

Giles Ham said he was retained by the Town of Greenland to consider the traffic issues on Route 33 and to review Lonza's traffic study. He said Route 33 was in failed condition and impacted commuters every day, as well as emergency response time. He said that additional development would worsen the queues at Corporate Drive and Winnacunnet Road and that a plan was needed to address those conditions. He said the Gosling Road interchange also had to be analyzed. He said that Regional Planning recommended that the study area be modified to analyze Grafton Road and to address the long-term needs of the area. He also noted that the traffic projections didn't include the shuttle buses ran from the Lonza site to off-site locations.

Attorney Ciandella said that the PDA did not have legal authority to assess offsite impacts and that there had to be a rational nexus between impacts created by development. He said that Phases 1A and 1B were before the Board and weren't populated as yet.

Mr. Kalikiri said the project could have approached the traffic discussion another way if they had looked at the full buildout for the next ten years and projected numbers for traffic conditions. He noted that TAC recommended a condition for a phased traffic monitoring and that there were provisions within the condition that would require the project to return with additional analyses. He said if something changed, the traffic monitoring conditions could be structured to accommodate it. He said they did extensive research of some of Route 33's history.

Second Time Speakers:

Attorney Tilsley said the project shouldn't be approved until the Route 33 corridor had a plan in place to be improved and that more study was needed before a project of that scope was approved. He said the Town of Greenland did not agree with the concept that the building was a shell and would be populated later.

Attorney Ciandella said there had to be a rational nexus between the development and the condition that had to be ameliorated by the development. He said they had a system and legal principles that governed the project and that the PDA had no authority to assess outside impacts.

Mr. Kalikiri said a Greenland traffic review was done in 2018 and that a Route 33 corridor study was done in 1992. He said the 1992 study resulted in a projection of what the traffic count would be at the main three Route 33 intersections. He said the 2018 numbers were 40-50% less than what was projected in 1992. He said the NHDOT records showed a project for capacity improvements on Route 33 and that a long-term improvement plan was a mechanism in place.

No one else rose to speak, and Chairman Legg closed the public hearing.

DECISION OF THE BOARD

Application A:

Vice-Chair Moreau moved to find the following:

- 1) Determine that the application is complete according to the Subdivision Regulations and to **accept** the application for consideration.
- 2) Find that an unnecessary hardship may result from strict compliance with the provisions of these regulations and that a waiver will not have the effect of nullifying the spirit and intent of the Pease Development Plan or the Subdivision Regulations, and to waive the following regulations:
 - a) Part 506.01(c) – To allow a minimum cul-de-sac radius of 45 feet where 80 feet is required and maximum cul-de-sac length of 800 feet where 500 feet is required.
- 3) Recommend granting Preliminary and Final Subdivision Approval.

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

Application B:

*Vice-Chair Moreau moved to recommend **granting** the Conditional Use Permit as presented. Mr. Gamester seconded.*

Vice-Chair Moreau said she was skeptical of changing the roads out in the beginning but was on board because the description of the entrances and exits seemed to make it work better. Mr. Gamester asked what the mechanism for the City and PDA would be in 20 years if Lonza wasn't in the building. Ms. Walker said the ownership of the road at Pease was different from the City's ownership of city roads. She said the city had an agreement to maintain the roads, but in terms of layout and where the roads went, it would be considered on a site-by-site basis.

The motion passed unanimously.

Application C:

Vice-Chair Moreau moved to

- 1) determine that the application is complete according to the Site Plan Review Regulations and to **accept** the application for consideration.
- 2) recommend **granting** Site Review approval with the following stipulations:

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

- 2.1 Plans shall show a 3' shoulder alongside the sidewalk before grading down to the stream.
- 2.2 The drainage analysis shall be updated to reflect the interim condition at the completion of Phase 1A and 1B improvements in order to confirm that there will not be a detrimental impact on public roadways or downstream properties and infrastructure.
- 2.3 Updated plans and drainage report for Phase 1A and 1B improvements shall be provided to the City's Planning Department and DPW for final review and approval.
- 2.4 Any easements benefiting the City shall be reviewed and approved by the City's Planning and Legal Departments prior to final acceptance by the City Council.

Conditions Subsequent:

- 2.5 PDA staff and Board may review and address any outstanding issues raised by the third party peer review and have the third party peer reviewer do a final review of the plans prior to construction. Any revisions to drainage plans and reports which may result should be provided to the City's Planning Department.
- 2.6 Applicant shall not proceed to Phase 2 until the project has been issued an approved application for water service(s) associated with the expansion.
- 2.7 The applicant shall not proceed to Phase 2 until the project has been issued an Industrial User Permit by the City for the increased wastewater flows and loads associated with expansion.
- 2.8 The Planning Board's recommended approval applies only to Phase 1A and Phase 1B as depicted on the approved site and grading plans. Any changes to said plans, as well as subsequent phases of development shall require submission of updated plans and supporting documents and noticed public hearings with the City's Technical Advisory Committee and Planning Board for amended site plan approval.
- 2.9 For the purpose of this site plan approval, the term "active and substantial development or building" shall mean the construction of the stream restoration and associated site improvements included in Phase 1(A). The term "substantial completion of the improvements as shown on the subdivision plat or site plan" shall mean the completion of all site improvements depicted in Phase 1(B), to include drive aisles, fire lanes, utilities, lighting, sidewalks, stormwater management, as well as the construction of a temporary gravel area for construction trailers, parking and laydown in the approximate location of proposed building #3, intermittent grading between stream and building #1 and temporary sedimentation basins at locations of gravel wetland #2 and rain garden #1, and construction of the shell of building #1, but not final fit-out of building #1.
- 2.10 For subsequent phases of development (beyond Phase 1A and Phase 1B), applicant shall

update the Traffic Analysis to include the following intersections:

- Gosling Road/ Spaulding Turnpike Intersection
- International Drive/Corporate Drive/Manchester Square Intersection
- International Drive/Pease Blvd Intersection
- New Hampshire Ave/International Dr./Corporate Dr./Durham St. Intersection
- Corporate Drive/Grafton Drive Intersection
- NH 33/ Grafton Drive Intersection

2.11 Applicant shall verify how fertilizer will be applied as part of the stream restoration.

Mr. Gamester seconded. The motion passed unanimously.

- D. The application of **Clipper Traders, LLC, Owner** and **Portsmouth Lumber and Hardware, LLC, Owner**, for property located at **105 Bartlett Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for proposed roadway improvements to include-configuration of parking, construction of parking islands, re-grading and installation of curbing to direct stormwater; utility improvements; drainage improvement and treatment including separation of stormwater from sewer, parking improvements and removal of two dilapidated structures, with 37,733 ± s.f. of impact to the tidal wetland buffer. Said properties are shown on Assessors Map 157 as Lots 1 & 2 and Assessors Map 164 as Lots 1, 2, 3, and 4 and are located within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Zoning Districts. (This application was postponed at the December 20, 2018 Planning Board Meeting)

Vice-Chair Moreau recused herself from the vote.

It was moved, seconded, and passed unanimously to postpone to the February 21, 2019 meeting.

- E. The application of **Islamic Society of the Seacoast Area, Owner**, for property located at **686 Maplewood Avenue**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 60 parking spaces where 71 parking spaces are required. Said property is shown on Assessor Map 220 as Lot 90 and lies within the Single Residence B (SRB) District. Vi

Vice-Chair Moreau resumed her seat. Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Attorney John Bosen was present on behalf of the applicant to speak to the petition. He stated that he filed the original CPU permit application in November 2018 but that the plans were revised to reduce the floor area square footage, thus reducing the parking demand to 60 spaces.

Randy Dutton, consulting engineer, reviewed his parking analysis and how they came up with the final figure of 60 spaces. He said there was a total of 120 parishioners at the Portsmouth and

Dover locations and that Portsmouth was conducive to walking, biking, and using a transit bus. He said the mosque traffic would occur at 1:00 p.m. on Fridays during off-peak traffic. He noted that larger events were hosted at the Dover location. He said they were also exploring additional parking on adjacent properties, carpooling, and Rideshare.

Attorney Bosen said there were mitigating factors, including that the entire parish was never at a church service at one time and that 70% of the families carpoled. He said the 60 spaces appeared to be adequate to serve the community.

Vice-Chair Moreau asked what would happen if the size of the mosque and the parking didn't match. Ms. Walker said a condition could be placed that the CUP would expire on the change in ownership or a change in the land. Vice-Chair Moreau recommended stipulating that the applicant would not hold large events. In response to City Manager Bohenko's questions, Attorney Bosen said facilities included a library, classrooms, prayer hall, and kitchenette.

Mohamed Abraham of the Islamic Society stated that the mosque did not anticipate hosting any functions for outside groups. He said they had a small school of children that would be split between the Dover and Portsmouth locations, with Portsmouth having a 70-30 split.

Ms. Henkle asked if another building would be built if the congregation outgrew the church. Attorney Bosen said the 10-year goal was to go from 120 parishioners to 200 between the two sites. Mohamed Abraham said it was better to build another church in York instead of having a large community center in Portsmouth due to the many southern Maine parishioners.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. No one rose to speak, and Chairman Legg closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

*Mr. Gamester moved to **grant** a Conditional Use Permit to permit 60 parking spaces where 71 parking spaces are required, with the following stipulations:*

1. Applicant shall submit an updated floor plan and site plan to the Planning Department showing how the gross floor area has been reduced.
2. Applicant shall adopt a policy or other administrative document to be provided to the City that confirms that the applicant will not schedule or hold large events that are anticipated to exceed parking capacity without developing a plan to provide off-site parking and a means for attendees to access the event without parking on the street.
3. Applicant shall implement permanent measures to offset parking demand, which may include:
 - a) entering into an agreement with an adjacent property owner to provide overflow parking during peak demand periods;
 - b) encouraging and promoting carpooling and rideshare to their visitors;
 - c) encouraging the use of public transportation;

- d) adopting a policy for holding any events with an anticipated occupancy of 240 or greater at an offsite location;
 - e) considering parking management, such as valet parking and/or stacked parking.
4. Conditional Use Permit shall expire upon a change of ownership and/or a change in land use.
 5. The applicant shall monitor parking lot occupancy for a period of 12 months beginning from initial occupancy and note any periods when parking lot occupancy is maximized.
 6. A report back shall be provided to the Planning Department after 6 months and then again after 12 months of occupancy, confirming what measures have been implemented to offset parking demand and noting any days when the parking lot occupancy was maximized.
 7. If parking lot occupancy is exceeding capacity on a regular basis, the property owner shall propose additional parking offset actions to be approved by the Planning Board in an amended Conditional Use Permit application.

Vice-Chair Moreau seconded.

Mr. Gamester stated that it was typical for families to ride together to religious services. City Manager Bohenko suggested that, regarding Stipulation 3, an agreement be made with the adjacent property owner to provide overflow parking during peak demand periods.

The motion passed unanimously.

V. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **Patrick Liam Hughes, Owner**, for property located at **65 Fields Road**, requesting Conditional Use Permit approval pursuant to Section 10.814.40 of the Zoning Ordinance to create an attached accessory dwelling unit (AADU) in an existing residential structure, with a footprint of 760 s.f. and a gross floor area of 400 s.f. Said property is shown on Assessor Map 170 as Lot 4 and lies within the Single Residence B (SRB) District.

It was moved, seconded, and passed unanimously to postpone to the February 21, 2019 meeting.

- B. The application of **Eversource Energy, Owner**, for property located from **Echo Avenue to Gosling Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland and inland wetland buffer to replace seven (7) existing utility poles, with 27,300 +/- s.f. of temporary impact to the inland wetland and 3,114 +/- s.f. of temporary impact to the inland wetland buffer. Said property is shown on Assessor Map 237 as Lot 56, Assessor Map 238 as Lot 2, Assessor Map 238 as Lot 20, Assessor Map 239 as Lot 8 and Assessor Map 214 as Lot 3 and lies within the Gateway Corridor (G1) and Waterfront Industrial (WI) Districts.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Jennifer Gravine, GZA Environmental project manager, introduced two Eversource representatives, Matt Landers and Jeremy Fennell. She said they needed to replace seven damaged wooden poles with steel poles. She said the access was within the existing right-of-way along 1.6 miles of the road. She reviewed the wetland impact and noted that the steel poles would be 5-10 feet taller and that wood matting would be used to decrease any wetland impacts. She discussed additional BMPs and said that erosion and sediment controls would be installed.

Mr. Clark asked whether each matting pad would be cleaned before and after the site. Ms. Gravine said the mats were cleaned before they arrived at each location but would need to be cleaned before they left the location for a lay-down yard.

Mr. Leduc asked whether any remaining wooden poles in the areas would need to be replaced in the future. Mr. Fennell said that only the worst poles would be removed, but additional wooden structures would be replaced if they failed in one or two years. Mr. Leduc asked why they weren't done all at once, and Mr. Fennell said that Eversource didn't have the time or the funds and that they tried not to go into certain wetland areas too much. Mr. Landers said they were also limited because of the control center and outages on the line.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. No one rose to speak, and Chairman Legg closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

*Mr. Gamester moved to **grant** the Conditional Use Permit, with the following stipulations:*

1. To reduce the likelihood for potential impact to amphibian and wildlife habitat during the months of April through October, the construction work shall commence as soon as possible.
2. To the extent possible, the refurbishment of the 2 poles proximate to each other in Structure 20 shall be done at the same time and in the fall.
3. The plan shall be revised to show the use of silt sock instead of silt fence.

Vice-Chair Moreau seconded.

The motion passed unanimously.

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- C. The application of **Doris LaBerge Revocable Trust, Thomas LaBerge, Trustee, Owner** and **Susan J. Faretra, Applicant** for property located at 449 Ocean Road, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to replace the existing septic system, with 1,248 +/- s.f. of

impact to the inland wetland buffer. Said property is shown on Assessor Map 283 as Lot 1 and lies within the Single Residence A (SRA) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

The applicant Susan Faretra stated that the existing system failed, and that a waiver was required on the State level. She said the existing leach field was below grade and would be raised up to two feet. She described what the new septic system would include.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. No one rose to speak, and Chairman Legg closed the public hearing.

DECISION OF THE BOARD

*Vice-Chair Moreau moved to **grant** the Conditional Use Permit as presented. Mr. Gamester seconded. The motion **passed** unanimously.*

VI. OTHER BUSINESS

- A. Request for property located at **85 Heritage Avenue (Map 285, Lot 35)** for a one year extension of Site Plan approval which was granted on February 20, 2018.

*Vice-Chair Moreau moved to **approve** a one-year extension of the Site Plan Approval to expire on February 20, 2020. Mr. Gamester seconded. The motion **passed** unanimously.*

*It was moved, seconded, and passed unanimously to **reconvene** on January 24, 2019.*

VII. ADJOURNMENT

*It was moved, seconded, and passed unanimously to **adjourn** the meeting at 10:08 p.m.*

Respectfully submitted,

Joann Breault
Planning Department Recording Secretary