

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

OCTOBER 19, 2017

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

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

MEMBERS ABSENT: Jody Record and Jane Begala, Alternate

.....
I. APPROVAL OF MINUTES

- A. Approval of Minutes from the September 12, 2017 Planning Board Meeting
- B. Approval of Minutes from the September 21, 2017 Planning Board Meeting

It was moved, seconded, and passed unanimously to approve both sets of minutes.

.....
II. DETERMINATIONS OF COMPLETENESS

Chairman Legg read all the applications into the record, except #2 which was postponed.

A. SITE PLAN REVIEW

- 1. The application of **City of Portsmouth, Owner**, for property located at **305 Greenland Road**, requesting Site Plan Approval

Vice-Chair Moreau moved to determine that the application for Site Plan review was complete according to Site Plan Regulations and to accept it for consideration, seconded by Mr. Gamester. The motion passed by unanimous vote.

- 2. 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.

It was moved, seconded, and passed unanimously to postpone the application.

- 3. The application of **Deer Street Associates, Owner**, for property located at **181 Hill Street**, (“Lot 6”), requesting Site Plan Approval

Vice-Chair Moreau moved to determine that the application for Site Plan review was complete according to Site Plan Regulations and to accept it for consideration, seconded by Mr. Gamester. The motion passed by unanimous vote.

- 4. The application of **Provident Bank, Owner**, for property located at **25 Maplewood Avenue**, requesting Site Plan Approval

Vice-Chair Moreau moved to determine that the application for Site Plan review was complete according to Site Plan Regulations and to accept it for consideration, seconded by Mr. Gamester. The motion passed by unanimous vote.

.....

B. SUBDIVISION

- 1. The application of **Westwind Townhomes of Portsmouth Condominium Association, Owner**, for property located at **1177 Sagamore Avenue**, and **Kevin P. Slover, Owner**, for property located at **20 Odiorne Point Road**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision)

Mr. Gamester moved to determine that the application for Subdivision approval was complete according to the Subdivision Rules and Regulations and to accept it for consideration, seconded by Vice-Chair Moreau. The motion passed by unanimous vote.

.....

III. PUBLIC HEARINGS – OLD BUSINESS

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 September 21, 2017 Planning Board Meeting).

It was moved, seconded, and passed unanimously to postpone the application to the November 16 meeting.

.....

B. The application of **City of Portsmouth, Owner**, for property located at **305 Greenland Road**, requesting Site Plan Approval for the construction of a recreational field, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 241, Lot 18 and lies within the Municipal (M) District. (This application was postponed at the September 21, 2017 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Peter Rice, Director of the Department of Public Works (DPW) was present to speak to the application. He introduced Mike Moonan and Todd Bridgeo of Weston and Sampson Engineering, and Ryan Flynn and Eric Eby of DPW.

Mr. Rice stated that the project was a culmination of many years of planning and that he had worked with various contractors. He said the design was nearly complete and would soon go to bid. He anticipated construction in the spring and completion in fall of 2018.

Mr. Moonan reviewed the project, noting access points, parking, and field lighting. In response to Mr. Clark's questions, Mr. Moonan said they obtained an alteration permit and that the entire field was infiltrated, with drainage going to the collective system. In response to further questions from the Board, Mr. Moonan said there was bicycle storage and sidewalk access to public transportation, that the site needed about 100 parking spaces, that there was a planned trailhead access parking area, and that the bottom left-hand corner of the field was ten feet to the sidewalk. He said the purpose of the field was for high school, middle school, and intramural sports. Mr. Rice said the Recreation and Athletic departments would decide when to plow the field.

Mr. Kisiel asked whether the fence wrapped along the back side and would be high enough to stop balls. Mr. Moonan said the back side was a 6-ft high fence and then changed to a 4-ft high fence at one point, with ball netting. Mr. Kisiel suggested incorporating a backstop area in the future.

Mr. Clark asked whether there would be issues with Route 33 and headlight distraction if there were night games and whether there would be a tree screen. Mr. Moonan explained what direction the headlights would be facing. Mr. Rice said there would be tree screening.

Chairman Legg asked whether there was a plan to direct people to other parking if there was overflow parking. He noted that Greenwood Road should be marked with no-parking signs if it wasn't already. Mr. Rice said the Park-and-Ride lot was in walking distance for overflow parking and that his department would distribute the information to people.

Mr. Kisiel asked whether there was information about how late the field lights could be on. Mr. Rice said he wasn't sure if there was an ordinance and said it was a programming issue. He said the four lights would be enough to light the whole field.

PUBLIC HEARING

Andrew Sherburne of 1821 Islington Street said he was an abutter. He reviewed the site's history and said that it used to be a dumping ground for debris. He was concerned that no one had determined the depth of the current fill area and how deep they would have to drill for the lights.

Attorney Bernie Pelech said he represented Mr. Sherburne. He said they both attended a neighborhood meeting and it was presented that 1) there were plans not to light the field, 2) it wasn't certain whether the hours of operation would be controlled, and 3) it wasn't certain whether there would be a loudspeaking system. He said there was no buffer from the field to the Sherburne property. He was

also concerned about ingress and egress and whether there was restricted access so that people wouldn't hang around at night. He said he could attest that the area was a landfill in the 1980s.

Eric Weinrieb of 9 Middle Road said that the neighborhood was promised the field for a long time. He said he was confident that the field would be built on safe grounds and would have safe access.

Ken Linchey of 83 Lindquist Drive said he agreed and that there were currently 27 teams so an additional playing field would alleviate the shortage of fields for Portsmouth and for teams from surrounding towns. He requested that the project be allowed to move forward.

Michael Danley said he was the Seacoast Lacrosse coach and agreed that there was a shortage of fields in Portsmouth. He said the lights could be an issue for the abutters but that they could be restricted.

Second-time Speakers

Mr. Sherburne continued discussing the dump issue and said it overflowed and infiltrated his family's property in the 1980s. He read from a DES letter that recommended closure of the site in 1988, but he said nothing was done. He said he went before the Planning Board in 1993 and requested a fill permit because the material was 15 feet above his property line and created a large hole in his back yard. He said the DPW took over the site after 2000 and used it for leftover fill. He said there should have been an environmental assessment of the site to ensure that it was stable enough for a field. He discussed a Weston and Sampson geotechnical report that indicated that borings went down to 17 feet, which barely touched the material further down and did not indicate what was native soil or the depth. He was concerned that the City would spend \$2M for a field that could have environmental concerns. He said he wished the report could be made available to the City Council so they could review it.

Attorney Pelech stated the report recommended that additional test pits be done at least down to 20 feet to review what was below the surface, but it was not done. He said he didn't think a traffic study was done. He said there were 130 parking spaces, not 100, and didn't know what the trip generation would be on field days. He emphasized that there was a cross-section of four lanes that was very busy between 4 and 5 p.m. He said the lack of buffering from the abutters was another concern. He asked whether the area would be lit, gated, and loud.

Mr. Rice said it was never stated that the project would not include lighting. He said they met with the police, who were comfortable with the field and thought the parking was similar to other ball field parking areas. As for geotechnical concerns, he said the design included a system for spreading the loam and was also designed so that there were no future issues. He said environmental challenges were a concern but that the evaluation was appropriately done and that, based on the findings, there were no additional studies required. He said the materials were deep in the ground and that the ball field would act as a cap. He said he also observed the evolution of the site and had seen materials buried there but the borings did not detect anything of concern. He said the hours of operation were regulated by other boards. He said it was appropriate to have those discussions but didn't think it was pertinent to building the field. He noted that traffic studies were done and that the traffic engineer was comfortable with the design. He said that DPW would review anything that needed additional review.

Third-time Speakers

Mr. Sherburne asked how the snow would be removed from the field because there was a 6-ft high perimeter fence ten feet off the field and only one gate. He said the snow would have to be pushed out which would be time-consuming.

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

Mr. Moore moved that the Planning Board grant Site Plan approval to the application as presented, and Deputy City Manager Colbert Puff seconded.

Vice-Chair Moreau asked whether they wanted to make the turn a right turn only due to the amount of people exiting at the same time and also asked whether the exiting of the property was addressed. Ms. Walker said that TAC addressed the traffic concerns and the current plan was what the traffic engineer and TAC recommended. She said if the Planning Board had concerns, she would recommend that the City Staff explore the issue further using stipulations.

Ms. Perkins asked whether it was true that the geotechnical report recommended further action. Mr. Bridgeo said that it recommended more test kits with a backhoe but there wasn't a red flag. He said there was a limited environmental test plan and that they took samples of the material but there was nothing at the recordable level.

Mr. Leduc asked why the additional test pits were needed. Mr. Bridgeo said their scope was limited to piggy-backing on top of the boring samples and that they also looked at the historic topography and photos, which were part of the Phase 1 process. He said they did a survey of some of the known release sites within a quarter-mile of the site but didn't take it to the level of identifying requirements.

Vice-Chair Moreau asked if the Planning Board could request that the Recreation Department work with the neighborhood on lighting hours. Chairman Legg said they could request that they work with the neighbors to determine the appropriateness of the hours of use. Mr. Leduc said they didn't know if the budget allowed for lighting. Chairman Legg said the approved plan included lighting.

Mr. Moore said it was an exciting moment for a project that was desperately needed and that the field would add an important regulation-sized, multi-use field that would be invaluable and done very well. He said it didn't make much sense to spend so much money on a field and not optimize it with lights. He said there were no perfect sites and that recreational fields always seemed to be last in line, but that the City was picking up on that.

The motion passed by unanimous vote.

.....

C. The application of **Cristin Pugliese, Owner**, for property located at **5 Buckminster Way**, requesting Conditional Use Permit approval to create a two-story, two-bedroom 1,083 ± s.f. attached accessory dwelling unit in an existing building, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 282 as Lot 6-23 and lies within the Single Residence A (SRA) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

The owner Cristin Pugliese gave a brief history of the neighborhood. She said she eventually wanted to live in the addition and let her children have the house when they were ready to move back home, but the current plan was to have it as an accessory dwelling unit.

PUBLIC HEARING

John Kilroy of 25 Buckminster Way said he was sympathetic but that the ADU was not supported by the original building permit application as well as a subsequent one. He said the structure was converted into an apartment at one point and was advertised as a two-bedroom duplex in 2016. He said the applicant was denied approval by the Board of Adjustment and that the same structure was being advertised as an ADU. He said it was bigger than many single-family homes and would set a bad precedent for the neighborhood.

Second time Speakers

Ms. Pugliese said the second floor only seemed bigger but was smaller, like an attic. She said it could only be one bedroom or storage space, which was the reason she requested an exemption. She said she didn't realize that it was posted the way it was and that the realtor was just trying to make it more appealing. She said she only wanted an ADU, not a duplex.

Dan Tuttle of 76 Taft Road said he was Ms. Pugliese's brother-in-law and that the structure wouldn't be that much of a burden to the community and would help her to afford her house.

Mr. Kilroy said he was in favor of granting an ADU at the maximum 750 square feet. He said it wasn't in the city's interest to grant one that was larger and was against the intent of the ADU law.

Third-time Speakers

Ms. Pugliese said that a City employee went to the house and said the upstairs could not be two bedrooms because there was only one door, and a person had to go through a room to get to the bathroom.

Mr. Kilroy said it wasn't the number of bedrooms but the potential sleeping spaces.

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

There were two motions.

Vice-Chair Moreau moved to find that the application satisfied the requirements of Section 10.814.60, and Ms. Walker seconded. The motion passed by unanimous vote.

Vice-Chair Moreau moved to grant the CUP with the following stipulations:

- a) The ADU shall be restricted to the first floor of the addition only, at the current floor area.
- b) The owner shall provide documentation from the NH Department of Environmental Services that the property has adequate septic capacity for the additional bedrooms.
- c) In accordance with Sec. 10.814.70 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.

Mr. Gamester asked what would happen to the upstairs. Ms. Walker said the Inspection Department would ensure that it wasn't created as occupied space, and unless the Planning Board stipulated it, it may or may not require modifications to the second story. She said that when the Planning Department did the Certification of Use, it would happen after the building permit. She said the building permit was renewed annually and if there was evidence that the space was being used as a bedroom or occupied space, it would be noncompliant.

Ms. Perkins seconded. The motion passed by unanimous vote.

.....

D. The application of **Paul and Janice Lanzoni, Owners**, for property located at **411 South Street**, requesting Conditional Use Permit approval to create a 1-story, one-bedroom attached accessory dwelling unit on the second floor of a two-car garage, with gross floor area of 588 ± s.f., with associated paving, lighting, and utilities. Said property is shown on Assessor Map 112 as Lot 55 and lies within the General Residence A (GRA) District. (This application was postponed at the September 21, 2017 Planning Board Meeting).

Chairman Legg read the notice into the record.

Ms. Walker said the application was postponed because the applicant needed approval from the Board of Adjustment. She said the BOA denied it so the application was not eligible for an ADU. She recommended that the Planning Board deny the application. She said the applicant could go back to the BOA if they made modifications and then back to the Planning Board.

SPEAKING TO THE APPLICATION

The applicant was not present to speak to the petition.

PUBLIC HEARING

Wendy Rolfe of 419 South Street said she was against the proposal.

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 moved to deny the Conditional Use Permit as presented, and Ms. Perkins seconded. The motion passed by unanimous vote.

.....
E. The application of **James A. Mulvey Revocable Living Trust, Robert J. Bossie Revocable Trust and Peter Brown Living Trust, Owners**, for property located at **150 Spaulding Turnpike**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to remove two buildings, remove pavement and replace with pervious and impervious pavement, for a truck sales outlet with vehicle storage, with 2,570 ± s.f. of permanent impact to the wetland buffer. Said properties are shown on Assessor Map 236 as Lots 34, 35 & 36 and lie within the General Business (GB) District. (This application was postponed at the September 21, 2017 Planning Board Meeting).

It was moved, seconded, and passed unanimously to postpone the application to the November 16, 2017 meeting.

.....
F. 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 increase the height of the proposed office building (footprint of 16,700 ± s.f.) from 3 stories to 4 stories (gross floor area of 66,800 ± s.f.), 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 September 21, 2017 Planning Board Meeting).

It was moved, seconded, and passed unanimously to postpone the application to the November 16, 2017 meeting.

.....
IV. PUBLIC HEARINGS – NEW BUSINESS

A. Request of **John S. Byron** for the restoration of involuntarily merged lots for property located at **346 Bartlett Street**.

Chairman Legg read the notice into the record.

Ms. Walker explained the basis for the request, stating that there was a State legislation that allowed for restoration of involuntarily-merged lots to be restored to their pre-merged status through a process requiring City Council approval. She said the process was to refer the applicant to the Planning Board for a recommendation so that the public and abutters could attend. She said there were vague requirements as to what needed to be submitted and that the Planning Department usually sought

evidence that the lots were previously more than one lot. She said they had no recorded lot plan but found another plan that had good evidence of the lot boundaries. She also thought that the description in the deed was specific as to the dimensions of the lot so that it wouldn't be difficult for the applicant to have the lots delineated. She said that unmerging the lots did not make them buildable lots, and that the second lot was currently vacant and not buildable, so it would need variances.

SPEAKING TO THE REQUEST:

The owner John Byron said he bought the property and found out that it was two separate lots, so he wanted to unmerge the lots so that he could build something there eventually.

Vice-Chair Moreau asked whether the Board could require that more survey work be done. Ms. Walker said she wasn't sure if the State legislation would allow it. She said that, when they formalized it with the City Assessor, they wanted to ensure that the lot dimensions were correct and that a survey could be part of that process. Deputy City Manager Colbert Puff said she was more concerned with the issue of disposal of City property and the record of ownership.

Mr. Byron said all the markers for the boundaries were found when he bought the property.

PUBLIC HEARING

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

Mr. Gamester moved to recommend that the Planning Board restore the involuntarily merged lots at 346 Bartlett Street to their premerger status, and it was seconded. The motion passed by unanimous vote.

.....

B. The application of **Christopher and Rachel Delisle, Owners**, for property located at **250 McKinley Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to replace an existing single-lane driveway with a double-lane driveway with stormwater mitigation which includes a rain garden at the foot of the driveway and gravel edging, with 300 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 250 as Lot 117 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

The owner Christopher Delisle was present to speak to the application and distributed copies to the Board of what had been done on the project to that point. He said they designed rain gardens and catch basins and that the project was an extension of that. He said the goal was to get their vehicles off the street. He wanted to replace the driveway and extend it an additional 10 feet. He said he received approval for that. He described the rain garden and stormwater system.

PUBLIC HEARING

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 moved to grant Conditional Use Permit approval, and Mr. Gamester seconded. The motion passed by unanimous vote.

.....
C. The application of **Robert and Pamela Smith, Owners**, for property located at **240 McKinley Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to expand an existing driveway and install a rain garden for stormwater mitigation, with 77 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 250 as Lot 118 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

The owner Robert Smith stated that he wanted to widen the driveway so that he could move their vehicles off the road. He said it wouldn't impact the curb cut and that they would have a rain garden, He said he had a letter from the Conservation Committee approving the project.

PUBLIC HEARING

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 moved to grant Conditional Use Permit approval, and Mr. Gamester seconded. The motion passed by unanimous vote.

.....
D. The application of **Charles J. and Kimberle S. McCue, Owners**, for property located at **105 Middle Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a freestanding 375 s.f. ground level deck with stormwater mitigation which includes a 6' x 8' flower bed, gravel at the foot of the driveway and crushed stone under the deck, with 395 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 152 as Lot 18 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

The owner Charles McCue said he wanted to build a deck on his property and was working with the Planning Department and the Conservation Committee because the area sloped severely and the property was in the wetlands buffer. He said it was determined that any type of landscaping might create a dam situation, so he was trying to find a suitable way to move the water past the addition.

Mr. Clark asked whether the elevation of the rain barrel assumed the drain line came in at the top. Mr. McCue said it did.

Vice-Chair Moreau asked whether Mr. McCue would agree to having crushed stone under the deck. Mr. McCue said he would.

PUBLIC HEARING

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 moved to grant Conditional Use Permit approval, with the following stipulation:

- 1. The plans shall include crushed stone under the deck to provide optimal infiltration.*

Mr. Gamester seconded. The motion passed by unanimous vote.

.....

E. The application of **The City of Portsmouth, Owner, Little Harbor School, Applicant**, for property located at **50 Clough Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct an outdoor classroom using native plants, shrubs, trees, peastone bedding and stone blocks for seating and to create a buffer to screen the school dumpsters, with 1,262 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 206 as Lot 20 and lies within the Municipal (M) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Ken Linchey, Facilities Director for Portsmouth schools, reviewed the application. He pointed out the locations of everything and said he wanted to do an outdoor classroom scenario, which would let the teachers use the wetlands and surroundings as a teaching tool. He said they were requesting native plants, benches, rocks, and a gravel path, and that they would add more greenery to the fence line. He said the grass was maintained up to the fence and would not impact the wetlands.

PUBLIC HEARING

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 moved to grant Conditional Use permit approval, and it was seconded. The motion passed by unanimous vote.

.....
F. The application of **Westwind Townhomes of Portsmouth Condominium Association, Owner**, for property located at **1177 Sagamore Avenue**, and **Kevin P. Slover, Owner**, for property located at **20 Odiorne Point Road**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

- (1) Map 224, Lot 10-1 decreasing in area from 125,606 ± s.f. (2.93 acres) to 122,206 ±s.f. (2.81 acres) with 273.67’ of continuous street frontage on Odiorne Point Road.
- (2) Map 224, Lot 13 increasing in area from 52,678 ± s.f. (1.2093 acres) to 56,168 ± s.f. (1.2894 acres) with 223.74’ of continuous street frontage on Sagamore Avenue.

Said lots lie within the Mixed Residential Office (MRO) District where the minimum lot area is 7,500 s.f. and the minimum continuous street frontage is 100’.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon of Ambit Engineering representing the applicant stated that they wanted to purchase an additional sliver of land on the south side of the project to allow moving the structures a bit to the south. He said they had a design that would change it to a side slope. He said the parcel would be transferred to the condo site and that the abutting parcel would remain in conformance with the Ordinance. He said that the Planning Department recommendations were acceptable to the client.

PUBLIC HEARING

Mike Glodziak of 68 Odiorne Point Road said he was an abutter and asked that there be enough screening on the back of the units so that they weren’t visible and also that they carry down to the end of the property. He also noted the lack of a sidewalk from Odiorne Point to the Sea Star Cove Development and asked whether that could be dealt with.

Donald Marchand of 63 Odiorne Point Road said he agreed about the extension of the screening and the lack of a sidewalk. He said the traffic was hazardous, especially at night, and the new development would add more residents that would be subject to those conditions. He said it was a real concern and that someone would get hurt eventually.

Mike Danley of 26 Odiorne Point Road said he was a direct abutter and agreed with the two previous speakers. He said he wanted to make sure that the project fit into the neighborhood and felt that it was encroaching on the buffer zone, so screening was necessary. He said the sidewalk issue should be a high priority and that he had an email from Ms. Walker stating that the sidewalk would be installed as part of the project but would stop short, so he wanted an easement to get the sidewalk completely through. He also asked whether the City would pay for the sidewalk.

Mr. Chagnon said there was an easement in the prior project given by Westwood to the City that could be extended the additional length.

Lee Horgan of 148 Gosport Road said he was in favor of the sidewalk and helped collect signatures from the neighborhood. He noted that the sidewalk plow in the winter turned at the end of the Sea Star development, so the approved sidewalk would allow them to go into their neighborhood.

Second time speakers

Mr. Danley said there were 23 additional signatures to the 55 that were collected from people concerned about the screening and sidewalk. He said the sidewalk was necessary because it was a school pathway.

The owner Kevin Slover of 20 Odiorne Point said he would give an easement for the sidewalk.

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 said their approval only had to do with the lot line adjustment and asked whether the changes in the Site Plan went back to the Board. Ms. Walker said the changes were minor enough that they could be done administratively and that the Board could stipulate that the considerations be added to the Site Plan as well.

Vice-Chair Moreau moved to grant Preliminary and Final Subdivision approval, with the following stipulations:

- 1. Any resulting modifications to the approved site plan will require a separate Amended Site Plan Approval.*
- 2. Vegetated screening as reviewed and approved by the Planning Department shall be added to the Amended Site Plan to be applied for separately extending along the entire length of the lot line that parallels Odiorne Point Road.*
- 3. Applicants shall provide a 10' sidewalk easement extending parallel to Sagamore Avenue from the existing 10' sidewalk easement on Map 224 Lot 13 to Odiorne Point Road.*
- 4. Lot numbers as determined by the Assessor shall be added to the final plat.*
- 5. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 6. GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 7. The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

Mr. Gamester seconded.

Ms. Walker clarified that the original approval for site plan included the sidewalk easement all the way down, including Mr. Slover's land, and suggested that Vice-Chair Moreau go back to the original approval. Mr. Moore clarified that, as part of the project, the easements had been granted for the sidewalk but that they would not be constructed.

Deputy City Manager Colbert Puff said she was glad to see the additional land added to the project and trusted that the Planning Department would continue the screening or work with the applicant to make sure the screening was done down to the property line. She thanked Mr. Solver for the easement.

The motion passed by unanimous vote.

.....
G. The application of **Deer Street Associates, Owner**, for property located at **181 Hill Street**, (“Lot 6”), requesting Site Plan Approval for the construction of a 4-story mixed use building with a penthouse (including interior parking garages on two levels, retail space on the ground floor, office space on the first floor and 43 residential units on the second, third, fourth and penthouse floors) with a footprint of 12,574 ± s.f. and gross floor area of 81,498 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 138 as Lot 62 and lies within the CD5 District.

Chairman Legg read the notice into the record.

Mr. Kisiel recused himself from the application.

SPEAKING TO THE APPLICATION

The architect Tracy Kozak was present on behalf of the applicant. She stated that they had a preliminary design review and were working with TAC on Lot 6, the Foundry Place Garage, and Lots 2, 3, 4 and 5. She said that Lots 4 and 5 were also going through the Historic District Commission (HDC). She said it aligned with the zoning objectives for a sense of place and that they were paying attention to the Master Plan connectivity. She said the project had 43 residential apartments, two levels of parking with 65 spaces, ground floor retain and some office space.

Civil Engineer Michael Penney of GeoInsight presented the existing conditions plan. He noted that they corrected a reference that damage to City sidewalks would be repaired by the applicant. He gave an overview of the building layout and said that the courtyard in the middle of the building would take advantage of community space to allow for the existing height. He said they took some space off Lot 2 that they would go toward the project. He discussed the open space, sidewalks, the sloping vegetative strip, drainage issues, and utilities. He discussed erosion control details and curbing. He said the original plan showed a sump pump under the lower level of the garage, but due to complexities, they decided to go with the water proofing system. He said they would do additional geotechnical studies to understand groundwater flow and, based on that study, they might find that the sump made better sense. If so, he said they would provide the geotechnical study to the City and all the calculations so that a third party could concur. He said pre-treatment would be discussed based on the data they collected, and that wells and additional testing would occur. He said they had an oversized stormwater retention system contained on the property that got the roof drainage flow and the courtyard flow. He discussed the depth of excavation needed and said they would put in a retaining wall due to the slope. He said they had a maintenance agreement and an easement from Eversource for the transformer, and were also having discussions with Redline Johnson for an additional easement.

The landscaper Bob White discussed the landscaping, the brick sidewalks, the buffer plantings, a future pedestrian connection between the two streets, and three areas of roof garden landscaping. Mr.

Penney said the pipes would be pvc and would face the building. Ms. Kozak discussed some architectural details and showed renderings of the building elevations.

Vice-Chair Moreau asked whether the courtyard was open and also asked about the sidewalk's percentage of grade. Ms. Kozak said the courtyard was open. The design engineer Joseph Kiefner from GeoInsight said the slope was level with Foundry Place and had about a 2-ft grade change.

Mr. Gamester asked whether the three off-street parking spots were private or public. Mr. Penney said they were open to anyone and were short-term. He said there would be a sign near them designating that they were private use only but that it probably wouldn't be enforced by the City. He said there was brick curbing on both levels. Mr. White said the traditional brick pavers on the sidewalks were available in a heavier grade and there would be a wider brick appearance so that cars could pull in and do a drop-off. He said it had the grade change and would be built with a robust underlaying brick.

Mr. Clark asked if there was a alteration of terrain permit for the project, and Mr. White said there wasn't yet but there would be. Mr. Kiefner further explained that the project didn't meet the thresholds for an AOT permit for any of the lots. Mr. Clark said that, because it was part of a larger project, the square-foot threshold was applied to that larger project footprint. He said that, even though the parking garage portion was sold to the City it was still part of the overall project. He said that whatever phase triggered 100,000 s.f., the design might have to change to meet the AOT requirements. Mr. Kiefner said the entire project was less than 100,000 s.f. and that DES said it didn't apply because the lot was not calculable for the AOT calculations since it was across the road.

Mr. Clark verified that the applicant had documentation from DES stating that it didn't apply. He said that, regardless of ownership transfer, his concern was that the way the stormwater was laid out may not meet the requirements and that there could be future issues. He asked where the stormwater went after it went into the City system. Mr. Kiefner said it went to the Deer Street drainage system and then to North Mill Pond. Mr. Clark asked if there was a check valve at North Mill Pond, and Mr. Kiefner said he didn't know. Mr. Clark said the storage system was 7.65 invert elevation and could be flooded. Mr. Kiefner said the City asked them to consider the high tide elevation related to the storm drain, and the 11.1 was in the Coastal Resilience Initiative Report. He said there was no valve at that point. Mr. Clark said there would be possible impacts due to flooding if the system backed up. He asked whether there was a change in volume pre-to-post development. Mr. Kiefner said the stormwater report stated that the groundwater was shallow in that area, so it wasn't in good condition to infiltrate. Mr. Clark said the two-year event looked like the water would be increased by 40% going into North Mill Pond, which was already an impacted water body. He encouraged getting that volume down to at least what it currently was. He noted that the calculations showed it lower pre-development versus post-development. He asked where the foundation wall drain went to. Mr. Kiefner said it drained from the detention system down the sidewalk to Foundry Place. Mr. Clark said he didn't see it in the stormwater report. Mr. Kiefner said it was the gas line detail, and it was further discussed. He said there was a contingency drain if water accumulated on the back side of the retaining wall.

Mr. Penney said it was a structural detail and that he would check into it. He said it had to be a residential subdivision before it accumulated adjacent lots, and then it was required to do the AOT. He said the Erosion and Sediment Control Plan would include all the details to appease the City's concerns about collecting and treating stormwater. He said there would be a construction discharge permit during the excavation of the lower level, and that water would determine the treatment and management based on the study they did.

Vice-Chair Moreau noted that a stop sign was removed from the sidewalk in front of the Foundry Place and asked whether the pedestrians and cars would collide. Mr. Penney said he didn't think there would be many pedestrians in that area and that they would probably have stop signs inside the garage and might paint a stop sign on the floor.

Chairman Legg asked what the strategic design was for the four buildings and whether they worked in concert or were distinct. He asked how confident the applicant was about the timeline. Ms. Kozak replied that all four buildings would create a cohesive neighborhood and that each building was distinct but had similarities. Chairman Legg noted that Ms. Kozak was working with the HDC on some lots. He asked if she was incorporating their suggestions into the building that the Planning Board was looking at. Ms. Kozak said the HDC was not commenting on Buildings 3 and 6, but that the premise of pedestrian friendly and human scale carried through. She said that Buildings 3 and 6 would have a more contemporary approach because they would be out of the District. She said Buildings 4 and 5 were more conservative. As far as phasing, she said they would do Building 6 first, then Building 3. She said Buildings 5 and 4 would follow.

Chairman Legg asked Ms. Kozak how confident she was that the project would be completed by 2023. The owner Kim Rogers replied that it was important to the City that they got Buildings 3 and 6 completed because they affected Foundry Place. He said the Lot 2 community plaza would be brought before the Planning Board for design approval and then built as soon as possible. He said they worked closely with the City in sequencing the lots.

PUBLIC HEARING

Rick Becksted of 1395 Islington Street said he commended Mr. Clark for his questions. He said the project had been broken up and that he assumed it would be phased due to the cost. He said it was ironic that the garage would be built first and then the two buildings would be built from within and then on the outside. He suggested that the projects start on the outside and work their way in because people would forego the buildings because of the ongoing construction that would take several years. He said he was concerned that the project didn't meet the separation requirements and was also concerned about the parking requirements.

Second-time Speakers

Mr. Becksted said the project would create 43 residences on a lot that used to have two duplexes at affordable housing prices. He was concerned about the magnitude of the project on Hill Street and how much public parking would be lost. He discussed the incentive packages and asked whether the City would change the direction of Hill Street. He suggested that four units out of 43 be workforce housing. He said he didn't think the project was ready because there were too many questions and not enough due diligence. He noted that TAC did not address the building's height or purchase and sale.

Mr. Rogers clarified that he allowed Consigli and Sargent to use the Lot 6 parking for construction purposes and that they had to maintain 14 spaces for other units that had an easement. He said it wasn't public parking and never had been.

Third-time Speakers

Mr. Becksted said he was only concerned about on-street parking.

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

For purposes of discussion, Mr. Gamester moved to grant Site Plan approval with the stipulations listed in the memo. Vice-Chair Moreau seconded.

Mr. Gamester said that Condition 1 was peer review of the geohydrologic study and asked Ms. Walker to explain the process. Ms. Walker clarified that the peer review would include assessment of the adequacy of the stormwater management system and issues that Mr. Clark raised but recommendations would be coordinated with DPW. She said the Planning Board could stipulate that it come back with specific updates. She said the applicant would pay for the peer review study and then it would go to DPW. She said other permits were required, like storm drain permits and capacity use that were addressed subsequently but that the Board should see those results.

Mr. Gamester asked Mr. Clark if he was confident that the project needed an AOT. Mr. Clark said there was nothing in the document from the State indicating that they were good. He said he spoke with two AOT permittees and they had not heard about the project.

Mr. Gamester said he agreed, noting that the Board wasn't trying to find something negative or thought the project was hiding something, but because of the continuity of the lots throughout their ownership and sale. He asked what would happen if something was triggered that wasn't caught by other parties and the applicant had to come back. He said it would be nice to have a letter.

Chairman Legg said Mr. Gamester could amend his motion to request written confirmation that AOT looked at the project as a whole and made their findings.

Mr. Gamester said he would add that written confirmation be gotten from AOT and that the stormwater part be added to the peer review study. Vice-Chair Moreau said she would accept the amendments if Mr. Clark felt that was what was needed.

Mr. Clark stated that there seemed to be no level of effort by the project to make the situation better, at least from the point of discharge at North Mill Pond. He said he couldn't support it and that, even if the project did more groundwater and geotechnical studies, there was still the option that the sump pump could be put back in. He said there was no way that the groundwater could be taken out and put into a surface water and felt that the project didn't meet the first purpose of the Site Review regulation. He said he thought everything was right but didn't like the results and didn't think the project met Site Plan Review Regulations. He said he was very concerned about North Mill Pond and that there needed to be a new stormwater system design.

Vice-Chair Moreau asked whether there had to be a new design for the stormwater. Mr. Clark said there did and that the project should be able to infiltrate water with the new design.

Deputy City Manager Colbert Puff asked why the peer review recommendation didn't happen at the TAC level. Ms. Walker said they depended on the City Engineer and DPW staff to determine how comfortable they felt in referring it to the Planning Board. She said they thought the stormwater draining permit process would be addressed at the Planning Board because there was a separate permitting process. She said she didn't think there would be a problem with having more information supplied to the Board. Deputy City Manager Colbert Puff asked whether TAC addressed the Site Plan Review with regard to the increase and flow off the site. Mr. Walker said that was one of the considerations that the Planning Board generally considered.

Vice-Chair Moreau suggested that the Board get more information and that the stormwater system design be revised. Mr. Gamester said he was satisfied overall with the project and that the numbers all checked out, but he thought it wasn't jiving with something. He said Mr. Clark brought up the regulations and the fact that North Mill Pond was there.

Mr. Gamester said he would withdraw his motion and postpone it to the November 16 meeting so that the project could consult with the City on the stormwater design runoff calculation.

Vice-Chair Moreau and Chairman Legg agreed. Chairman Legg said it was the Planning Board's responsibility to ensure that the design was right. He agreed that it was a good project but noted that Mr. Clark raised specific technical questions related to stormwater management that had to be addressed before the project could be supported.

Mr. Clark said he would like to see an email from AOT stating that the applicant didn't need a permit for the site, not just for Lot 6 but for the whole project. Secondly, he said the applicant needed to adjust the design accordingly so that the final volume going out of that pipe was no greater than existing. He said it would be great if the volume could be dropped down even more.

Ms. Perkins asked how the project's construction management and mitigation plan would be shared publicly. Ms. Walker said the Planning Department could share it publicly and that the Board could ask for specific things to be in that plan.

Mr. Gamester moved to postpone the application to the November 16 meeting.

He said they should receive an updated report and guidance for the potential design upgrade for better stormwater management and that they would incorporate Mr. Clark's comments. He asked for confirmation from DES regarding Site 6 and the project itself as to whether anything would trigger an AOT.

Vice-Chair Moreau seconded and asked that the Board's discussion also be incorporated into what the project brought forward. Chairman Legg said he wasn't certain that the level of work could be completed before the next meeting. Ms. Walker said the applicant could request a later meeting if necessary.

The motion passed by unanimous vote.

.....

H. The application of **Provident Bank, Owner**, for property located at **25 Maplewood Avenue**, requesting Site Plan Approval for a proposed 3 1/2-story mixed use building with a footprint of 9,355 ± s.f. and gross floor area of 36,597 ± s.f., including retail and parking on the first level, office use on the second level and residential on the third and attic level, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 2 and lies within the Character District 5 (CD5), the Downtown Overlay District (DOD) and the Historic District.

Mr. Kisiel resumed his voting seat.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Eric Weinreib of Altus Engineering, Attorney John Bosen, site developer Steve Wilson, and Provident Bank representative Dave Mansfield were present to speak to the application.

Mr. Weinreib reviewed the existing conditions and said he received approvals from the HDC, BOA, and TAC. He discussed the demolition plan, site plan, grading, drainage, landscaping, and floor plans. He said he had stipulations from TAC that he would comply with fully.

In response to the Board's questions, Mr. Weinreib said all the sidewalks would be replaced, the intersection light would be relocated a few feet, and the lighting would be replaced by standard City lighting. Mr. Wilson said two-thirds of the parking space would be for residential and the rest for the office staff. He explained what the visual warning device would do.

Mr. Gamester asked whether the applicant could find a sturdier tree than the 3-2/3" caliper. Mr. Wilson said they would.

Mr. Clark asked whether the applicant looked into doing infiltration below the garage and the landscaped area. Mr. Wilson said the building was set back in some areas to provide sidewalks and that the sidewalks would be licensed back to the City. He said there would be an open planter at the foot of the building that would drain to the curb below. Relating to drainage, he said they increased the pervious area by 100%, the roof water would tie into an existing drain, and they added a manhole. He said they would utilize the existing main manhole as well. Mr. Weinreib said they would not inject water under the building or ever put infiltration under a building.

Steve Wilson referred to the Daniel Street project, which had a parking garage below grade, and said they used a leaching drain. He said they could adopt the same technique in getting rid of most of the roof gutter downspout water. Mr. Clark said he would appreciate it. Mr. Wilson said he would make the field change and use the perforated drain.

Mr. Moore noted that there was a Strategic Planning Committee for the reuse of the Vaughan lot, Worth Lot, and Bridge Street area, and various processes discussed, including the potential for underground parking at the Worth Lot. He said there was substantial design work associated with a parking garage at that location and he asked Mr. Wilson to review the discussion. Mr. Wilson said he discussed the grade with the Planning Department, noting that if the alley was used to enter or exit, the grade would have to be a grade of six at some point. He said they were matching the grade and agreed

to reduce the slope to the garage so that it didn't rise up and then drop down. He further discussed the different grades and said the project would be receptive to changing them if necessary.

Ms. Perkins asked how any change would get incorporated if the treatment of the Maplewood Avenue side was pending. Mr. Walker said the conceptual plan should be completed in time for the proposal.

PUBLIC HEARING

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 moved to grant Site Plan approval, with the following stipulations:

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

- 1) *Details of temporary and permanent (if applicable) groundwater dewatering design shall be submitted to DPW for final approval.*
- 2) *Any required stormwater connections to the City's drainage system shall require a stormwater connection permit. A capacity surcharge fee may apply based on further investigation by the applicant in consultation with the DPW.*
- 3) *All easement plans, licenses, and deeds in which the City is an interested party shall be reviewed and finalized by Planning and Legal Department and are subject to final vote by City Council.*
- 4) *The site plan, landscape plan, and any easement plans or deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 5) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 6) *Proposed street trees shall be modified to match the caliper of the street trees at Portwalk Place as close as possible.*
- 7) *Applicant shall add perforated perimeter drains to facilitate stormwater infiltration if approved by DPW.*

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

- 1) *Applicant shall coordinate with DPW on final traffic signal and pedestrian control locations and designs and related electrical conduit layout.*
- 2) *Subject to final approval by DPW, the applicant shall either replace the light in front of 172 Hanover St or keep it functional by replacing the electrical run.*

Mr. Gamester seconded. He asked whether the conversation between Mr. Wilson and Mr. Clark about the perforated drains could be coordinated with DPW.

Mr. Clark said that, on Condition 1, he was concerned about the permit and wanted to see the permanent groundwater design plan. Ms. Walker asked whether there would be a permanent groundwater dewatering plan required. Mr. Weinreib said he didn't think so and thought TAC would address it if groundwater was hit. He said the condition could be removed and the project could come back if necessary.

The motion passed by unanimous vote.

.....
V. OTHER BUSINESS

A. Request for Preliminary Conceptual Consultation regarding property located at 2075 Lafayette Road.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Attorney F. X. Bruton was present on behalf of the applicant, along with Erik Weinreib of Altus Engineering. Attorney Bruton said the project consisted of two buildings with 24 two-bedroom style units. He said they spoke with the abutters and incorporated their comments. He said the intent was to put up a fence toward the back of the project for a buffer that would also provide emergency access. He said they would remove a lot of impervious surface to create a better drainage system. He noted that they received three variances from the BOA.

Mr. Weinreib reviewed the existing conditions plan and said the roadway was half on the church property and that there was an easement, with rear access from the church onto Pheasant Lane. He said they would close it off and use it as an emergency access. He reviewed the site plan and showed the access points, noting that he filed an application with DOT for a new driveway access. He said they would provide a pedestrian way for the bus stop, a fence along Pheasant Lane, hardy landscaping, maintain the vegetative buffer and move it further into the site. He said they would improve the sight line to Pheasant Lane and Hoover Drive. He said they would put in new sewage and that water and gas would come out of Lafayette Road. He said the stormwater ran down to a small wetland and that they had 4-5 stormwater management areas. They would also reduce impervious by 22,500 square feet.

Vice-Chair Moreau asked whether there were plans to access the bus stop. Mr. Weinreib said there was a set of engineering plans submitted to TAC regarding the walkway. He said it would continue all the way to Hoover Drive and would link the whole area to the bus stop.

Mr. Leduc noted that it would seem difficult to get out of the parking lot if it was full and asked whether there was a pattern that would allow easier traffic flow. Mr. Weinreib said there would be a rolling gate and open space for people to back out safely. In response to Mr. Gamester’s question, Mr. Weinberg said one building would have external trash removal and weekly removal from the site.

Mr. Moore asked what the building orientation was. The developer Eric Case reviewed the preliminary plan and discussed the building orientation. He said they had an ell-formation at first but did a revised plan that the abutters liked because the units were not directly parallel to the homes on Pheasant Lane. He said the site had two existing entrances off Lafayette Road and that they aligned the project entrance with West Road and came up with the angled split formation of the buildings.

Mr. Moore asked how the Route One corridor improvements fit in with that vision. Ms. Walker said that aligning the road was consistent with the corridor plan and that there would be some widening. She said she thought the location had a median proposed.

Mr. Moore asked about using an existing road and said he'd like to see the most efficient way to access the site. Ms. Gamester asked whether lots that far up Route One were subject to 12-ft easements from DOT. Mr. Case said it was the whole length of Route One. Chairman Legg said it was part of the revised Gateway District and asked whether that impact was considered. Mr. Case said it was and that they would encourage not having the parcel in it because it could become a commercial use.

Ms. Walker asked if the abutters were asked to come forward. Mr. Case said the project was a residential use and that the abutters liked that it would create protection from the spread of the pawn shop, automotive and so on next door. Chairman Legg said nothing required it to be multi-use or commercial and that when it became a Gateway District, it might have a community space and be a different zoning. He also noted that the project wasn't vested and that the design might change in significant ways. Attorney Bruton said they submitted a full site plan application and could pursue it.

Ms. Perkins said the neighborhood thought the project was nice but had concerns about including the parcel in the new zoning amendment and encouraged the applicant to think about an amendment. Attorney Bruton said they would look at it.

Mr. Moore asked about the design concept and if there was a fence for the back of the site. He said it didn't sound like it would be in the Board's site plan standard regulations, but he said the screening was a legitimate goal so there could be combination strategies than just a long fence on the whole back of the site. Attorney Bruton said they would do that.

.....

II. ADJOURNMENT

It was moved, seconded, and **passed** unanimously to adjourn the meeting at 11:30 p.m.

.....

Respectfully Submitted,

Joann Breault,
Acting Secretary for the Planning Board

These minutes were approved at the November 16, 2017 Planning Board Meeting.