

# MINUTES

## PLANNING BOARD PORTSMOUTH, NEW HAMPSHIRE

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

6:30 PM

JANUARY 18, 2018

**MEMBERS PRESENT:** Dexter Legg, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; David Moore, Assistant City Manager; Colby Gamester; Jay Leduc; Jody Record; Jeffrey Kisiel; Corey Clark, Alternate; and Jane Begala, Alternate

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

**MEMBERS ABSENT:** Nancy Colbert-Puff, Deputy City Manager; Rebecca perkins

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### 6:30 PRESENTATION AND ADOPTION OF FY 2019 – 2024 CAPITAL IMPROVEMENT PLAN

John Bohenko, City Manager, introduced the presentation. The goal is to target funding to capital improvement projects. This funding is recommended to ensure maintenance of infrastructure and improvements to the City.

Steve Achilles, Fire Chief, listed the Fire Department project requests. The list included the replacement of a 2013 ambulance, replacement of 1999 fire engine, replacement and repair to engines, replacement of the ladder truck 2006, replacement of engine cameras and the replacement of gear.

Robert Merner, Police Chief, listed the Police Department project requests. The list included the replacement of gym equipment, upgrades and replacements needed for the central station downtown.

Steve Zadravac, Superintendent, listed the Portsmouth School system requests. The list included maintenance repairs and facility upgrades to the schools, upgrades to the high school athletic track and auditorium.

Kelli Barnaby, Portsmouth City Clerk, spoke to the project requests. The list included the expansion of the new historic document storage facility, new fire suppression and temperature control, proper shelving. This is phase two of the historic preservation and scanning project. Phase one consisted of scanning 22 volumes from the City Clerk's office from 1840-1920. There is a lifetime warranty.

Juliet Walker, Planning Director, spoke to the list of projects. The list included funding for the purchase of municipally owned land, climate resiliency and implementation of the Master Plan regulations.

David Moore, Assistant City Manager, spoke to the list of projects. The list included ongoing efforts to add and improve recreation fields. The implementation of the Master Plan did not recommend funding for Pierce Island because it's under construction. Additional funding is requested for the Sagamore Creek recreational plan. No funding is recommended for historic marker replacement because that has been taken care of in past years. The Prescott Park Master Plan calls for a series of improvements. The 6-year plan for funding needs to be refined through the design and development phase.

Peter Rice, Director of Public Works, spoke to the list of projects including the City tree program. Recycling and solid waste totes to offer residents at discounted rates. Utilizing the new property behind the DPW to build a new transfer facility to improve operations. It will include a swap shop. Replacing the existing outdoor pool bathhouse. Planning new bleachers.

Assistant City Manager Moore spoke about the initiative to make ongoing improvements in the historic cemeteries.

Mr. Rice spoke about the replacement or upgrade of city owned retaining walls, funding to install sound barriers along the I-95 corridor, improving services at the garage parking offices, replacing electrical service to the City Hall building, facility improvements and maintenance projects, infrastructure upgrades to catch basins and outfalls, and Hanover Garage improvements.

Alan Brady, IT Manager for the City listed the IT projects. The projects included IT upgrades and replacements including a computer and lap top replacement program, six server replacements, other miscellaneous small upgrades for various departments, Police and Fire radio and dispatch, and School Department Wi-Fi upgrade.

Fire Chief Achilles spoke to the purchase of a web-based records management system for the Fire Department. The fire department is moving away from a municipal alarm system and upgrading to an IT based alarm system. This will link all 3 fire stations with dispatch.

Police Chief Merner spoke to the upgrade to the records management system.

Mr. Rice spoke about parking lot paving and parking meter improvements.

Ms. Walker spoke to the rail trail project. It encompasses 3.6 miles in Portsmouth. Funding has been provided over the past 3-4 years to acquire the right of way. The final state acquisition is stalled for now so no additional funding is being requested. The City is working with the State to create a side path along Route 1. This will provide a separated path for bikes and pedestrians. There are preliminary design funds and the City is collaborating with the State for road widening. Route 1 safety is included with the addition of crosswalks and signals.

Mr. Rice spoke to upgrades to the Market Square sewer and water. This will likely be done in conjunction with Fleet Street. There is a Spinney Road sidewalk project, and a Sagamore Ave sidewalk project from Tucker's Cove to the old Moose Club.

Ms. Walker spoke to the outcome of a neighborhood discussion and school safety plan and a project to provide safe pedestrian connections in the Elwyn Park area.

Mr. Rice spoke about the continuation of the Master Plan on Banfield Road. More projects included upgrading a series of culverts, biannual funds for sidewalk upgrades, upgrading traffic signals throughout the City, and intersection improvements identified by intersection safety. The Pierce Island Bridge will need replacement. The intent is to do the upgrade when funds are available. The City has 15 bridges that need periodic upgrades. Funds have been identified for bridge repairs. Maplewood Ave needs a culvert upgrade. The Cate Street Bridge will either be replaced or turned into a pedestrian bridge depending on the Cate Street connector project.

Ms. Walker spoke about the Cate Street connector. It will provide direct access from Bartlett Street to Route 1. There was a lot of neighborhood interest in this project. This will be done in collaboration with a private developer. The Long Meadow Road extension has been on the radar for years. The City is finalizing the easement.

Mr. Rice continued his list of projects including providing sidewalks on Peverly Hill Road. This is currently in design and the City is working on identifying easements. The Market Street gateway improvements are in the works from Exit 7 to Submarine Way. This project will pick up from Submarine Way down to the intersection. There is a street paving and management plan, South Street improvements, and Pease roads improvements.

Brian Goetz, Deputy Director of DPW, spoke about the annual water line replacement. Areas have been identified that are ready to go next in conjunction with the sewer. Well improvements, pressure and storage improvements, and reservoir management are all projects included this year. The City owns and operates a reservoir in Madbury. The Madbury Well 5, which was drilled a year ago is in the permit process. It should be final this year then design will be finalized. The pipe from Durham to Newington is over 60 years old. This year will be the design phase. The Willard Ave water main and Islington Street phase two water mains are also projects for this year.

Terry Desmarais, City Engineer, spoke to the storm water improvements and the construction of a lower pressure sewer system on the Sagamore Bridge. The Pease waste water treatment facility, a long term control plan related annual sewer line replacement plans, Union Street reconstruction, waste water pump station improvements were all projects on the CIP plan. The Mechanic Street Pump Station is the largest and pumps out to the Pierce Island treatment facility. A portion of the Willard Ave sewers has already been separated. This will continue the separation for Willard Avenue. A feasibility study will be performed to assess a regional digester facility at Pease wastewater treatment facility.

Mr. Gamester asked Mr. Bohenko to speak to the funding. Mr. Bohenko responded that they tried to keep them below the 10%. Last year they restructured a lot of the programs. Fiscal 2018 is at 8% net but the grants have not been backed out.

Chairman Legg thanked the City Manager and the staff for pulling this project together. This document shows what Portsmouth is doing and where it's headed. It is a comprehensive view to show all the projects that improve the quality of life for the residents. Ms. Walker confirmed that the document is on the web page and if residents had trouble finding it, then they could contact the Planning Department.

Chairman Legg clarified that Ms. Begala and Mr. Clark would be voting this evening.

Vice Chairman Moreau moved to adopt the document entitled “Capital Improvement Plan, FY 2019 – FY 2024” as the Board’s recommended program of municipal capital improvement projects for the City of Portsmouth, New Hampshire, seconded by Mr. Gamester. The motion passed unanimously.

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**I. ELECTION OF OFFICERS**

Mr. Gamester moved to re-elect Dexter Legg as Chair and Beth Moreau as Vice-Chair, seconded by Mr. Leduc. The motion passed unanimously.

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**II. APPROVAL OF MINUTES**

- 1. Approval of Minutes from the December 21, 2017 Planning Board Meeting;

Mr. Leduc moved to approve the Minutes from the December 21, 2017 Planning Board Meeting, seconded by Ms. Record. The motion passed unanimously.

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Mr. Kisiel moved to hear the City’s Request for Easements (Other Business, Item A) immediately following the Determinations of Completeness. The motion was seconded and passed unanimously.

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**III. DETERMINATIONS OF COMPLETENESS**

**A. SITE REVIEW:**

- 1. The application of **Robert J. Fabbricatore Irrevocable Trust, Owner**, for property located at **177 State Street**.

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

- 2. The application of **Happy Dreams, LLC, Applicant**, for property located at **1 International Drive**.

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

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

The applicants requested to postpone this application. This will be voted on later in the meeting.

- 4. The application of **National Propane LP, Owner, and Unutil Corporation, Applicant**, for property located at **1166 Greenland Road**.

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

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**VI. OTHER BUSINESS**

- A. City’s Request for Easements for the Islington Street Corridor Project.

Eric Eby, Traffic Engineer, was present to speak to the proposed easements. This project is in the final stages of design and looking to bid it in a few weeks. There are a total of 7 easements that are being sought. One of them is at the intersection of Spinney Road and Islington Street. The City is seeking a permanent easement from the dentist office to make a standard “T” intersection. There have been discussions with the property owner and they will work with the City on that. This will result in improvements for the dentist’s office and the City. The other easement area is near the Rite Aid. The sidewalk all along Islington Street will be widened. The easement continues along Plaza 800. The last two easements are near the CVS parcel to get the existing sidewalk in the City’s property. A parcel near the rug store is also included to get the required sidewalk. The rest of the corridor will be within the right of way.

Ms. Begala questioned what are the costs incurred and is it in the budget? Mr. Eby responded yes, the City is working with the landowners. Some have just agreed to give the easement. The City will be doing improvements for some like the dentist office.

Vice Chairman Moreau wondered if the easements would be stamped? Mr. Eby confirmed they would be once they are finalized. Then they will be signed and recorded. Ms. Walker clarified that this is a recommendation to City Council.

Assistant City Manager Moore moved to recommend that the City Council accept the easements identified in the Memorandum from Suzanne Woodland, dated January 11, 2018 to accomplish the Islington Street project, seconded by Mr. Gamester. The motion passed unanimously.

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**IV. 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 December 21, 2017 Planning Board Meeting).

**Chairman Legg read the notice into the record.**

Mr. Gamester moved to postpone the Conditional Use Permit Application to the February 15, 2018 Planning Board meeting, seconded by Assistant City Manager Moore. The motion passed unanimously.

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B. The application of **Borthwick Forest, LLC, and KS Borthwick, LLC, Owners, and Borthwick Forest, LLC, Applicant**, for property located **on proposed subdivision road to be created off Borthwick Avenue**, requesting Amended Site Plan Approval to 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 December 21, 2017 Planning Board Meeting).

**Chairman Legg read the notice into the record.**

Mr. Gamester moved to postpone the Conditional Use Permit Application to the February 15, 2018 Planning Board meeting, seconded by Assistant City Manager Moore. The motion passed unanimously.

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C. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,936 ± s.f. single family home and a 1,200 ± s.f. detached barn, with a 22' x 52' paved parking area and a 25' x 5' rain garden, with 23,125 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District(This application was postponed at the December 21, 2017 Planning Board Meeting).

**Chairman Legg read the notice into the record.**

Ms. Record moved to postpone the Conditional Use Permit Application to the February 15, 2018 Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.

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D. The application of **National Propane LP, Owner and Unutil Corporation, Applicant**, for property located at **1166 Greenland Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland for the installation of above ground piping to facilitate cleaning and inspection operations on the existing underground gas main, with 7,070 ± s.f. of impact to the wetland. Said property is shown on Assessor Map 280 as Lot 2 and lies within the Industrial (I) District. (This application was postponed at the December 21, 2017 Planning Board Meeting).

**Chairman Legg read the notice into the record.**

### **SPEAKING TO THE APPLICATION**

Mr. Gamester moved to consider items D and H together and vote on them separately, seconded by Assistant City Manager Moore. The motion passed unanimously.

Robert McSorley spoke to the application. The project is to install an LNR facility to maintain the gas lines. This is part of the ongoing maintenance needed to inspect the lines. In the olden days companies would dig up various locations to inspect the pipes. Now there are devices called “pigs” that run down the main and record information about the main. This will run from one facility to another. The facility that is being proposed tonight is in this location because that is where the main changes from an 8-inch pipe to a 10-inch pipe. This will make it so the pig can launch and retrieve in both directions. The facility has to be in this general location because of the size change. National Propane is more agreeable to the facility presence in this location because they are a like business. The facility is in the wetland because it’s the only area this facility can be installed. There is an upland knoll nearby, however there is a septic system already installed there. It cannot be relocated because of the wetlands. There’s a parking facility to the south, which would not work because the piping comes above ground. This proposed site is on a small isolated wetland compared to larger ones in the area. The small wetland has already been impacted by runoff from Greenland Road and has mostly exotic invasive species. Crushed stone will be used to make the site more pervious. The driveway is typically a two-lane path, however, this has been narrowed to a one lane for stacked parking. This will minimize the impact. There was a concern from the Conservation Commission about runoff treatment. The only impervious area on the site is the gravel access to the east side. The applicants looked at installing a swale, but that would impact the wetland more. The Conservation Commission requested that the applicants restore the north side vegetation. This has been included in the plans; dogwood will be replanted in that area. The Conservation Commission requested that the applicants look at the water quality. Most of the impacted wetland is in Greenland. The plan includes taking out the wetland exotics at the end of the pipe and replanting the area with more wetland friendly species. This project has gone through TAC for review. Those comments were relative to the protection of the facility from Greenland Road traffic. The applicants elected to put in a new guardrail for protection and continued the guardrail on the south side. Another comment was to move the force main over three feet away from the fence. That has been incorporated into the plan. This project has been submitted to Greenland as well. It has gone through the Greenland Conservation Commission and it will be going in front of their Planning Board as well. The plan has included the improvements as requested by Greenland. A wrought iron fence with stone columns to shield the facility was added to the plan. There will be a black mesh material on the back of the fence. This project went to the Zoning Board of Adjustment. The utility is in the 75-foot setback. As a result it needed a variance and that was granted.

Mr. Clark questioned if the gravel access was flat. Mr. McSorley responded that it has a slight slope. Mr. Clark questioned if the applicants considered sloping to the crushed stone so the oil will filter through that. Mr. McSorley confirmed they should be able to do that. The vehicles will visit every two weeks to check the site, but there shouldn’t be any regular traffic. The crushed stone is ¾” deep.

Ms. Begala clarified that there was no alternative location that was feasible, and requested that Mr. McSorley explain again why this location was necessary. Mr. McSorley responded that if the location was moved too far, then pipe size change location would have to be moved.

Ms. Begala questioned if the applicants had considered that this is not that far off the landing pattern for planes at Pease. Does air security need to be considered? Mr. McSorley responded that is not really a concern. There is another facility on the Pease base. Ms. Begala noted that there is 7,007 square feet of impact. How much of that is the above ground pipe? Mr. McSorley responded that it would be a 1-foot wide pipe. Ms. Begala noted that she was trying to understand how 7000 square feet of impact broke down. Mr. McSorley responded that number is for the total impact to the wetland for Portsmouth and Greenland.

Vice Chairman Moreau noted that this project would be removing some of the treatment from the roadway. Will any treatment be given back? Mr. McSorley responded that this was a small amount of area that has runoff. The road drains on one side or the other. There will still be a swale and wetland that will retain that volume. Vice Chairman Moreau responded that might not do the same thing.

Ms. Begala questioned what other locations were considered? Mr. McSorley responded that the facility needed to be adjacent to the pipe change and the pipe bends needed to be minimized for the pig. This was the smallest wetland location. The knoll was the preferred spot, but the existing septic prevents that. The smallest isolated wetland was chosen. This prevents moving the facility down the road and replacing pipes or having two facilities.

Ms. Record questioned if the pipe was moved down the road would it impact less wetland? Mr. McSorley responded that only the immediate area was looked at. Ms. Record questioned if there was a required distance from the similar facility. Mr. McSorley responded that the main changes size there and both sections need to be tested. If it's moved down the road, then the pipe will have to be changed.

Mr. Gamester questioned if the applicants had to redo the pipe then ultimately would it disturb more wetland. Mr. McSorley confirmed that was very likely.

Mr. Clark questioned how the discussions went about possibly putting it in the parking lot. Mr. McSorley responded that those conversations were not had. A business owner would not want their business impacted.

Vice Chairman Moreau had a question for Peter Britz, the City's Environmental Planner. It was a split vote on the Commission. Can you explain the treatment this project is giving back? Mr. Britz responded that the Commission had similar concerns about the wetland treatment. This is a phragmites area. One of the key things for this is the wetland is mostly a storm water wetland. The crushed stone is treatment added. The other locations didn't work as well. The Commission was pleased that the plantings were going to add treatment. Vice Chairman Moreau questioned if it could be better. Mr. Britz responded it is a tough site. Anything they did would expand to the wetland. It's a little bit of a loss but the plantings are a positive.

Ms. Begala questioned if planting could improve the aesthetic point of view. Is it possible to do other plantings that would camouflage the facility? Mr. Britz responded that the best thing for camouflage would be the fencing that was added to the plans. Removing the phragmites will help a lot. Ms.

Begala noted that this is continued degradation of the wetland. Mr. Britz responded that it's a balancing of a public interest project in an industrial area.

**PUBLIC HEARING**

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

**DISCUSSION AND DECISION OF THE BOARD**

Assistant City Manager Moore moved to **grant** a conditional use permit, seconded by Vice Chairman Moreau with the following stipulations:

1. The tree line area shown on the plan shall be replanted with woody vegetation and a monitoring report shall be submitted to the Planning Department 18 months after the planting. If planting success is below 80% the applicant shall replant and report again in 1-year with the same reporting requirement.
2. The applicant shall design and install a storm water treatment area at the outlet of the drainage pipe shown on the plan to reduce impacts from the loss of wetland area.

The motion passed unanimously.

Assistant City Manager Moore noted that a lot of attention has been paid to this project as far as looking at alternatives and balancing concerns.

Vice Chairman Moreau added that after listening to Mr. Britz she sees that it's the best that can be done.

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E. The application of **Bluestone Properties of Rye, LLC, Owner**, for property located at **135 Congress Street**, requesting Site Plan Approval to construct an addition to the rear of the existing building, with a footprint of 1,424 ± s.f. and gross floor area of 2,943 ± s.f., for restaurant expansion and function space, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 5 and lies within the Character District 5 (CD5), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the December 21, 2017 Planning Board Meeting).

**Chairman Legg read the notice into the record.**

**SPEAKING TO THE APPLICATION**

Eric Weinrieb from Altus Engineering and Peter Labrie from Bluestone Properties spoke to the application. The parcel was most recently the Sake Restaurant. The property line goes out to the sidewalk on Congress Street. Because it has frontage on Congress and the Worth Lot it presents challenges for deliveries to the back area. The project proposes an expansion on the back to create three new access points for service with a service elevator and stairs with a handicap accessible ramp. There will be a new enclosed dumpster area with a catch basin similar to the Worth Lot pit. It's a

small area, but it allows the restaurant to wash down that area and control the contaminants. There will be no site improvements on the Congress Street side. The curb in the back is pretty much flush. The existing services for the water is adequate. The water and sewer will be separate services going out. Once they get to the street they will recombine. It is a capital improvement project to separate service on Congress, so this will be setting up for the future. This project received a favorable recommendation from TAC. The staff memo has 3 stipulations, and they can all be incorporated into the plans.

Chairman Legg asked about a waiver for the outdoor lighting. Did the applicants consider doing one for the back of the building? That space today abuts the Worth Lot, but that may not always be true. Mr. Weinrieb responded that they are doing some lighting. It is modest; there is no photometric lighting.

Ms. Walker clarified that the lighting concern was for light coming through the back glass. Chairman Legg commented that the concern was the lighting might surprise the residents. It would be helpful to have that study done. Mr. Weinrieb responded that it might not be easy to measure what would be emitted. They will consider this. Mr. Labrie added that the interior lighting has not been designed yet. The uses within the glass addition would be part of the first floor restaurant. The upper level would be seating and lounge use. Low light levels are anticipated in both of those spaces. There won't be any bright lights. Chairman Legg questioned if it is possible to work with the Planning Department as the lighting plan is developed. That way there will be a vote of confidence that there won't be spill over. Mr. Labrie confirmed that would be fine. The goal is to illuminate the beautiful windows to make them visible. It won't be enough to illuminate the parking lot.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Assistant City Manager Moore moved to find that granting of waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations, seconded by Vice Chairman Moreau:

- 1) Section 2.5.3.2D - A document from each of the required private utility service providers indicating approval of the proposed site plan and indicating an ability to provide all required private utilities to the site.
- 2) Section 2.5.4.3J – Outdoor lighting plan
- 3) Section 7.4.4.1 – Stormwater Management Plan

The motion passed unanimously.

Assistant City Manager Moore moved to **grant** Site Plan Approval, seconded by Mr. Gamester with the following stipulations to be completed prior to building permit approval:

- 1) A complete list of the zoning standards shall be included on the cover sheet of the site plan set or on the site plan sheet itself (Table format is preferred).
- 2) A note shall be added to the Site Plan and Elevations as follows:  
 “Any unprotected openings on the west side of the building shall comply with Chapter 6 of the International Building Code.”
- 3) The site plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 4) The Applicant shall work with City staff to provide a plan to ensure that the light trespass from inside the building does not create a public concern beyond the property line.

The motion passed unanimously.

**V. PUBLIC HEARINGS – NEW BUSINESS**

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.  
 If any person believes any member of the Board has a conflict of interest,  
 that issue should be raised at this point or it will be deemed waived.*

A. The application of **Michael Delacruz, Owner**, for property located at **75 Congress Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance for seven parking spaces where none are provided. Said property is shown on Assessor Map 117 as Lot 5 and lies within the Character District 5 (CD5), the Downtown Overlay District (DOD) and the Historic District.

**Chairman Legg read the notice into the record.**

Application **withdrawn** by the applicant.

B. The application of **Scott and Sara Lupkas, Owners**, for property located at **33 Blossom Street**, requesting Conditional Use Permit approval to create a one-bedroom, garden cottage on the second floor of a 22’ X 24’ existing garage, with a gross floor area of 450 ±. Said property is shown on Assessor Map 110 as Lot 2 and lies within the General Residence B (GRB) District and the Historic District.

**Chairman Legg read the notice into the record.**

**SPEAKING TO THE APPLICATION**

Ann Whitney, Architect, spoke to the project. This is an existing garage that was built in 2005. The space above the garage was finished as a studio space. There will be no expansion of the existing building. A bathroom and kitchenette will be added. Some windows will be swapped to meet egress codes. The front and rear elevations were outlined in the plans. A waiver is being requested to keep the existing gable window. The site plan variance is for the left side 3-foot setback. The abutting neighbor is here tonight in support of the waiver. Ms. Lupkas bought the property several months

ago. The family does not live here full time. The time is split between here and Ann Arbor, Michigan. The family is working to be in Portsmouth full time. They have no intention of renting the main residence. The goal is to start renting the garden cottage.

Ms. Begala questioned where the additional parking spaces were located on the proposed site plan. Ms. Whitney responded that there is a garage and the existing driveway is 18 by 36. It can get 4 vehicles in there. Ms. Walker clarified that the garden cottage required two parking spaces. Ms. Whitney confirmed this site had that.

Sara Lupkas, property owner, spoke to the application. The family bought the house at the end of September 2017. They have been coming up to New Hampshire for years. The family is in Michigan because of Mr. Lupkas' job. The plan is for Ms. Lupkas to come to Portsmouth with the kids as much as possible.

Ms. Begala questioned if Ms. Lupkas' children were in school in Portsmouth. Ms. Lupkas responded they were not. One child is in kindergarten and the other is in middle school. The goal is to transition to the Portsmouth school system before the oldest is in high school.

Chairman Legg noted that the dilemma with this Board and based on the state statute is that to qualify for an ADU the owner must occupy one of the units. It is clear that the owners are occupying one of the residences for part of the time, but it does not seem to be even half the time. That's the concern. Is there anything that can convince the Board that this property is being occupied more than half the year? Ms. Lupkas responded that say she could occupy for more than half the year. The property was purchased right at the beginning of the school year. Once the school year is complete the goal is to move here with the kids.

Mr. Kisiel clarified that the home was purchased in September. When did residency changed? Ms. Lupkas responded that the process was started in September. Mr. Kisiel questioned if the family had ever lived here full time. Ms. Lupkas responded that they have come here every summer for 12 years, and they are in the process of changing residency.

Vice Chair Moreau clarified that the intent was to be full time residents at the end of the school year. Ms. Lupkas confirmed that was correct.

## **PUBLIC HEARING**

Kathleen Logan, 21 Blossom Street, is the neighbor. Ms. Logan had no issue to the window on the ADU. It's already there. It's better if someone is living in the garage. It would have someone on site to watch the old house. There is plenty of parking. Ms. Logan was happy to support them.

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

## **DISCUSSION AND DECISION OF THE BOARD**

Ms. Walker provided an addendum to the staff report after following up with the Legal Department. The place of residence really needs to be established prior to approving the ADU. Ms. Walker

recommended postponing this application until that could be established. Occupancy cannot be a condition of the approval.

Vice Chair Moreau acknowledged that there is the dilemma. Once the applicant can meet the criteria to satisfy the legal and Planning Department requirements then the applicants should come back.

Chairman Legg added that ideally the applicant is saying that by June they will be here. It's not that long of a wait. Then it will be owner occupied and residency will be established.

Ms. Walker noted the application could be postponed until the applicant can confirm with the Planning Department that it is occupied.

Assistant City Manager Moore moved to **postpone** this matter until a completed application is submitted including documentation of the establishment of a principal place of residence, seconded by Mr. Leduc. The motion passed in a 6-1 vote. Mr. Gamester opposed.

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C. The application of **Kathryn Michele Arbour, Owner**, for property located at **86 Emery Street**, requesting Conditional Use Permit approval to construct a two-bedroom, one-story detached accessory dwelling Unit (21'3" x 35'3"), with a footprint of 749 ± s.f. and gross floor area of 694 ±, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 220 as Lot 87-1 and lies within the Single Residence B (SRB) District.

**Chairman Legg read the notice into the record.**

**SPEAKING TO THE APPLICATION**

Jeff Mattson, of 86 Emery Street, spoke to the application. Mr. Mattson was born and raised in Portsmouth. The goal is to occupy the principle building before Ms. Arbour's parents move into the ADU. They are declining in health and the ADU will offer safety features and close proximity to care. This neighborhood is a hidden gem. Mr. Mattson had kept adjacent neighbors informed of the project since August. At no point did the neighbors express opposition until the Zoning Board in September. The specific wording in the ordinance about owner occupancy is important. The principle dwelling will be occupied. The ordinance does not prohibit filing before residency is established. The proposed detached additional dwelling unit (DADU) meets all requirements in the ordinance. The proposed location of the DADU is consistent with the setbacks. Locating the DADU in the rear will present less privacy for neighbors because of the odd shaped lot. The front yard is much lower than the backyard. The principle dwelling is at the pinch point of the property. Each building will have two parking spaces. The closest corner of the DADU will be 39 feet from the nearest neighbor. No windows would overlook the neighbors. It's a story below the neighbor's windows, so it won't impact sight line. Fencing or a hedge will be included for privacy. Locating the DADU in the rear would be in the window sightline of neighbors. There will be significantly less highway noise for the DADU if it is located in the front of the property. There are power lines running through the back of the property as well. It will be prohibitively expensive to remove the ledge and wooded area in the back. Removing the ledge would be a 20% increase in the DADU cost. The site plan includes open space and landscaping. The lot slopes up from the street towards the highway. There will be a large terrace patio area. There are fruit trees and a vegetable garden in the rear of the property. It's the only spot in the

rear that has enough space and sun to add a DADU without having to remove trees. The proposed DADU will bring the property more in line with the density of the neighborhood. Mr. Matson showed pictures of other properties on the street to show how the DADU would be below the sight lines. Locating the DADU in the back will cause parking congestion. The primary residence and the DADU will have a matching exterior design that will use natural vertical wood siding. It will have a simple gable roof. The DADU is smaller in size and it's downhill location makes it subordinate to the primary residence.

Ms. Walker pointed out a discrepancy in the exhibit. Mr. Mattson clarified that 750 square feet is the total gross floor area. The 694 square feet is the living area.

Vice Chair Moreau questioned when the owners intended to consider the main residence their primary residence. Mr. Mattson responded as soon as they can get the certificate of occupancy. They are prioritizing steps to get the certificate of occupancy.

## **PUBLIC HEARING**

Kat Arbour, 86 Emery Street, felt this is the exact kind of situation where an ADU is appropriate. This was not the original plan, but the idea was born by the decreasing health of Ms. Arbour's parents. This will allow them to age in place. Ms. Arbour would be very grateful for the approval.

Julie Flintosh, 261 Myrtle Ave, lives on the lot that directly abuts this property, and was there to speak against the application. Three years ago the house was purchased as a single-family lot. This building is incredibly close, 10 feet 5 inches, to the property line. In three years there has been little work on the property. The owners do not currently live there. This is the first time Ms. Flintosh has heard of a patio. As homeowners the Flintosh's have put in work to improve their property value. The Flintosh's wanted to restore a home and their home has been restored to a beautiful Portsmouth home. The main concern is the decrease in property value with two homes so close to the property line. The view out the kitchen would look directly on top of the DADU. It is understood this is an urban area, but the goal was to move a little out of downtown to have some privacy. It is a mixed neighborhood but this side of the street is mostly single-family homes. The Flintosh's driveway is below the proposed DADU, so there is concern about drainage onto the driveway. There is also concern about drain blockage on the easement on Emery Street. Are the owners putting the cart before the horse by saying they need this now when little has been done to the property in three years?

John Flintosh, 261 Myrtle Street, showed the Board how close their driveway was, and expressed concern about the drainage and proximity of the dwelling to the driveway. It has been three years and the primary residence is not occupied. Is it possible to get a conditional permit for something that isn't occupied yet?

Mr. Flintosh read a letter from Charlie and Kate Schultz, 240 Myrtle Street. The Schultz's were strongly against the ADU. Adding another structure and rental property will decrease the property value and increase traffic.

Diane Kozikowski, 287 Myrtle Ave, is a direct abutter to the property. The concerns were that the owners have owned this property since 2015 and it seems to be a DIY restoration. The property is not close to being a live-able space. Has this been inspected and is it up to code? The certificate of occupancy should be obtained before anything is permitted. Is it appropriate for the ADU to be in the

front of the property? There's a drainage ditch in the front what impact will that have? There is ample space to the right and the back. The ADU will not fit with any of the homes in Portsmouth. This would negatively affect the neighborhood and the property value.

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

## **DISCUSSION AND DECISION OF THE BOARD**

Chairman Legg noted that the Board should have a discussion before a motion is made because there are several suggestions.

Vice Chairman Moreau noted there were two issues, the location of DADU and the occupancy. The Board has already dealt with how to deal with the occupancy issue. It should be postponed until the certificate of occupancy is given. There are so many places in Portsmouth with multiple structures on the property. Because this is an existing structure, the Vice Chairman did not have a huge issue with its location. The size and features are reasonable. The drainage issue may need to be thought about more. There is an argument to be said the location could work, but the occupancy doesn't.

Mr. Gamester agreed with Vice Chairman Moreau about the location. Mr. Gamester commented that the CUP could be granted, and then nothing can be done without the occupancy. It's a risk the applicant takes. They can build and once they can satisfy the requirements it's up to them. An applicant could be moving to the area and have a lot. They would want to build everything at once to have the residence and ADU at the same time. Why can't an applicant build everything at once, and then have it approved by the city?

Assistant City Manager Moore noted that this is probably the most deliberation required with regard to the location and the privacy issue for the abutting properties. The materials and presentation were very good to understand the issues. There is a privacy condition noted in the ordinance. What does an ADU mean for a single residence district? This was one of the issues that arose when making the ordinance. The law was designed to protect against things like this. The responsibility to the single residence district is important.

Mr. Kisiel made a comment along the same lines of Assistant City Manager Moore. This DADU is not compatible with the character of the neighborhood. It is a plain one-floor ranch. It would be nice to see a little more done to the DADU. The location is fine. Mr. Kisiel expressed concern about the back patio.

Ms. Begala agreed with Assistant City Manager Moore and Mr. Kisiel, and appreciated hearing from the neighbors.

Chairman Legg clarified that the state ordinance is for an attached dwelling unit. The City expanded the ordinance to include detached. The two structures have the same footprint. Chairmen Legg read this as two equal residences and that does impact the neighborhood. The Planning Board has made a clear statement that owner occupied means the owner is currently living in one unit.

Ms. Record agreed with the concerns that Assistant City Manager Moore expressed.

Mr. Kisiel clarified that if this is found to not satisfy the ordinance, then can the applicant come back with modifications? Ms. Walker confirmed that applicant could come back with modifications.

Mr. Clark agreed with Vice Chairman Moreau as far as the owner occupancy and the location. Putting the DADU out back would ruin privacy more. This seems to be the most logical location. Mr. Clark also expressed concern about the patio.

Mr. Gamester understood the location and saw the privacy concerns about putting it elsewhere. An attached dwelling unit would also create privacy concerns. Mr. Gamester was fine with the proposed location.

Vice Chairman Moreau commented that the primary dwelling is causing more issues with privacy than the DADU.

Chairman Legg was not certain that this particular design or plan meets the ordinance as written. It may be that it could be located elsewhere. If it's not approved tonight, then the applicant should consider other options.

Mr. Leduc agreed with Chairman Legg and encouraged the applicants to work with the neighbors to address privacy concerns.

Mr. Clark clarified that if the Board moved that the application did not satisfy the requirements, then what changes would have to be made?

Ms. Walker responded that the Board has given guidance and it doesn't have to be unanimous guidance. Neighborhood support would be very helpful.

Mr. Kisiel made a recommendation for the applicant to make this an ADU and look at where the retaining wall is now. That might help with privacy and keep it one structure.

Ms. Record agreed with all the recommendations and liked the barn aesthetic. The main issue is the owner occupancy.

Chairman Legg clarified that's part of the second vote. This vote was focusing on structure itself.

Mr. Gamester encouraged the applicants to speak with the neighbors and work together.

Assistant City Manager Moore moved to find that the application does not satisfy the requirements of 10.814.60, seconded by Ms. Record. The motion passed in a 4-3 vote. Vice Chairman Moreau, Mr. Gamester, and Mr. Clark all opposed.

Assistant City Manager Moore moved to **deny** the conditional use permit as presented, seconded by Ms. Record.

Vice Chairman Moreau noted that the property has to at least be able to be occupied to meet this condition.

Mr. Leduc noted that the previous application was liveable. Vice Chairman Moreau responded that the owner did not know when they intended it to be the primary residence. They weren't a resident of the state. Mr. Leduc clarified that even if the owners get the primary dwelling to the state that it can be occupied, then it wouldn't be approved just because of that. Vice Chairman Moreau confirmed that the owners needed to occupy it.

Mr. Gamester reiterated that there are many practical times where a primary dwelling and an ADU should be built at the same time.

Mr. Clark noted that they voted to postpone the last application. Mr. Clark clarified that as long as the owners meet the criteria for the principle dwelling they could come back with the same CUP. Ms. Walker responded that they would have to modify the design to satisfy the ordinance. Ms. Walker recommended not postponing the application because it's not liveable. Postponing would make it a conflicting application if they come back with a new one.

The motion passed in a 6-1. Mr. Gamester opposed.

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D. The application of **Martin F. Kurowski and Christina Galli, Owners**, for property located at **212 Walker Bungalow Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffer for replacement of an existing detached garage with a new attached garage, addition of a new septic tank, reconfiguration of the existing driveway and stormwater management, with 10,359 ± s.f. of temporary and permanent impacts to the inland and tidal wetland buffer. Said property is shown on Assessor Map 223 as Lot 21 and lies within the Single Residence B (SRB) District.

**Chairman Legg read the notice into the record.**

**SPEAKING TO THE APPLICATION**

John Chagnon from Ambit Engineering spoke to the application. The application is for impacts to the buffer zone. There is a fresh water wetland on one side of the property and it is also adjacent to Sagamore Creek. This property is in the 100-foot tidal zone and the 100-foot fresh water buffer. The proposal is to reconfigure the existing area, which will have some new impacts. The garage will be relocated to make it an attached garage. There will be an addition to the west of the structure between the buffer zones. The driveway currently comes down closer to Sagamore Creek. The proposed driveway will move it further away from the creek. It will also be part of the reconfigured drainage that includes a rain garden. Currently there is a pipe for drainage. The new drainage plan includes a berm with a treatment swale and getting rid of the pipe. It will be treated in a more appropriate environmental manor. The project has to meet the criteria in the ordinance. It is currently a single family and suited to that use. The use will not be changed. The impervious area will be decreased and the storm water treatment will be enhanced. There is no proper treatment today. The building will have drip aprons, which will direct runoff to the rain garden. Some treatment is closer to the buffer but that's where the rain garden has to be to catch the runoff. There will be no adverse impact to the buffer. The updates are needed for the building and it's the minimum of what's needed to update the house to today's standards. The garage was moved, so the structure is compressed. The vegetation buffer is included on the planting plan that was submitted. The plantings improve the buffer. The

other major improvement to the functioning of the site is the improvements to the septic. Currently there is a tank that is pumped to the leech field. The leech location will not be changed, but the treatment of what is pumped to it will be improved. The owners will be taking care of improvements to the storm water management. There is a buffer impact plan. The plan was reviewed by the Conservation Commission and they voted unanimously to the application with 6 stipulations.

Mr. Clark questioned if they looked at putting the forced main in the driveway to make it easier to maintain. Mr. Chagnon responded that a large section of the house will remain and the septic currently goes out the west side of the house. That is why this location was chosen for maintenance. This location reduces disturbance to the area. The location is serviceable, it can still be pumped from the driveway. Mr. Clark noted that it looked like the pitch of the roof was still in question. Does it make sense to put the drip apron around the whole east side? Mr. Chagnon confirmed that would be fine.

Chairman Legg questioned what the footprint of the current house was. Mr. Chagnon responded that sheet C2 had all the footprints.

Mr. Clark questioned if there was any treatment below the deck? Mr. Chagnon responded that runoff would just go to the surface below the deck. Mr. Clark questioned if the applicants considered adding crushed stone there. Mr. Chagnon confirmed that could be added.

Chairman Legg noted that after looking at the buffer planting schedule, it did not seem like a lot of plants were being planted there. Is there a rule of thumb for type or volume? Mr. Chagnon responded that they prepared the planting schedule based on his experience with buffer plantings. Robust grass will be seeded below the plantings to fill it in. The actual plantings are 8 feet equal spacing.

Assistant City Manager Moore questioned if there was a generator plan for this plan. Mr. Chagnon responded there was not.

Chairman Legg requested that Mr. Britz comment on the buffer planting. Mr. Britz responded that it is not going to be a hedge, but the key is the Conservation Commission recommended the grass in that area should not be mowed. The bushes will be broad and grass will be a buffer too. The intent is to have a natural area and it will be enough to prevent the geese from coming up.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Gamester moved to **grant** a conditional use permit, seconded by Vice Chairman Moreau with the following stipulations:

- 1) An organic lawn maintenance plan shall be incorporated into the overall property maintenance plan and this plan shall be filed with the Rockingham County Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2) Crushed stone shall be used below the proposed deck.

The motion passed unanimously.

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

**Chairman Legg read the notice into the record.**

Mr. Gamester moved to continue the meeting past 10 p.m., seconded by Vice Chairman Moreau. The motion passed unanimously.

**SPEAKING TO THE APPLICATION**

Alex Ross and Jeremiah Johnson spoke to the application. Most of the Board is familiar with the site on the corner of State Street and Penhallow Street. The main building was built in 1828 and the addition was built in 1880. Over the years it has had many uses including a restaurant and bar. The building is in great need of attention to make it structurally sound and bring it up to fire code. The project has all the variance and zoning approvals and has been through TAC. The first page of the plan shows existing conditions. The first floor is three feet above the sidewalk. The proposed addition would be along Penahallow Street. The entry to the building would be obtained at grade. In an effort to provide off street parking, a driveway and open parking space has been included. The proposed use of this space is two retail spaces and two residential apartments. The drainage and utilities plan is included in the application. The proposed driveway would move an existing utility pole to the south. A full drainage study was performed. Pervious pavers and controlled roof runoff would decrease storm water runoff. The sewer service on Penhallow Street would be a new ¾ inch copper line. A new gas line was recently installed. A landscape plan was included for the small landscaped bed along State Street. TAC did recommend approval with some minor stipulations that have been included in the plan set. The first was to add floor areas to the drawing. That has been included on sheet 2. Zoning boundaries have been included on the plan. A table with character requirements has been added to the plan. The proposed utilities have been included. The Penhallow Street infiltration detail shall be reviewed with the DPW. This has been discussed with TAC and they gave recommendations on how it should be revised. There is a statement on impervious surfaces. The trash area includes a note about sprinklers. A note has been added that no vehicle will protrude out of the parking spot.

Mr. Clark questioned how the back up strobe light would be activated? Mr. Ross responded that the parking area was originally going to be an enclosed garage, so the plan included the back up safety strobe light. Now that it is an open parking space the plan should be revised to remove that. Mr. Clark questioned how pedestrians would see a car backing out of the spot. They won't see anything until the car breaks the buildings.

Mr. Leduc noted he had the same questions. The enclosed garage would be good from a snow removal perspective. Mr. Ross noted that one design constraint is that there is a window on a neighboring building. That limited the length of the garage so that's why it's an open parking spot.

Vice Chair Moreau noted that a heated driveway could melt the snow. Mr. Leduc noted that's a great solution for the snow. There was a secondary concern about a car coming in and out. Something should be put in to increase visibility.

Chairman Legg commented that this application went to the BOA to waive the required parking. Given where this is located, why was one spot retained? Mr. Ross responded that it was important to the owner to have one parking spot. Mr. Johnson noted that this would be one residential parking spot. It is not tied to the retail. This building will be for retail use not a restaurant. The variance included backing out on to the public way. Zoning did voice concerns as well. This would be a residential parking spot, so consideration should be given to the frequency of use for the spot. Some spots downtown are also difficult. The driveway will be marked with pavement instead of sidewalk so there will be some awareness. Ms. Walker questioned if the applicants confirmed that the driveway had a sight clearance with all seasons. It should be 50 feet from street. That will be part of site plan approval. Mr. Ross confirmed they did walk the site with Mr. Eby and Mr. Desfosses. It's a slow speed limit area. Ms. Walker noted the applicants would need a driveway permit from DPW.

Ms. Begala questioned if there was traffic two ways in the parking area across the way. Mr. Ross confirmed that was correct. Ms. Begala commented that it looks like an accident waiting to happen.

## **PUBLIC HEARING**

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

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Leduc moved to grant site plan approval, seconded by Mr. Gamester.

Mr. Leduc noted this was a good project but the driveway and parking spot is very concerning. Parking downtown is advantageous, but this would be creating problems. This spot creates a safety concern.

Mr. Gamester appreciated all the concerns. There are other narrow driveways with similar sightlines in between parallel-parked cars. This would be more visible than those. It would be useful to at least add a domed mirror to create a line of sight. The parking across the street is not concerning because the rear view mirror would make that visible. The permitting process for the driveway will be paying attention to this. Taking away the spot will change the variance approval.

Vice Chair Moreau agreed with Mr. Gamester. There were some issues with the sight line. If a stipulation was added for this to go through the traffic engineer, then the Board will ensure it's complying with safety. Vice Chair Moreau walks this street many times. There's a street on the other side of the building that people pull in and out of all the time. There is not a lot of traffic on this street.

Ms. Record expressed concern about pedestrian tourists.

Assistant City Manager Moore commented that he was leaning to vote against or postpone this for technical review. This should not be an administrative review because the Board should be educated on this.

Mr. Clark agreed with Assistant City Manager Moore.

Chairman Legg noted that this was a great project to transform the building. It would be the Chairman’s preference that they have no parking rather than parking like this. Chairman Legg agreed with Assistant City Manager Moore and Mr. Clark. This application should go back to TAC then come back to the Planning Board.

Ms. Walker noted that procedurally if the Board voted against the motion then the application would be denied. Chairman Legg questioned if a new motion should be made. Ms. Walker confirmed that it should.

Mr. Leduc withdrew his motion. Mr. Gamester withdrew his second.

Assistant City Manager Moore moved to **postpone** Site Plan approval, pending technical review by the Technical Advisory Committee, seconded by Mr. Gamester. The motion passed unanimously.

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F. The application of **Happy Dreams, LLC, Applicant**, for property located at **1 International Drive**, requesting Site Plan Approval for the construction of a 7,130 ± s.f., 3-story building expansion to the Residence Inn which will include 36 additional rooms and a 29 space reserve parking area to be constructed in the future, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 303 as Lot 2 and lies within the Pease Airport Business Commercial (ABC) District.

**Chairman Legg read the notice into the record.**

**SPEAKING TO THE APPLICATION**

Patrick Crimmins from Tighe and Bond spoke to the application. This project is a building expansion. It is a three-story expansion with an addition of 36 rooms on the south side of the building. It includes 29 parking spaces. However in an effort to reduce impervious spaces they will only be constructed if needed. The rain garden design has been sized appropriately. This has been reviewed and approved by TAC and all the stipulations have been incorporated.

**PUBLIC HEARING**

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

**DISCUSSION AND DECISION OF THE BOARD**

Vice Chair Moreau moved to **recommend** Site Plan approval as presented, seconded by Mr. Gamester. The motion passed unanimously.

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

**Chairman Legg read the notice into the record.**

Mr. Gamester moved to **postpone** the Conditional Use Permit Application to the February 15, 2018 Planning Board meeting, seconded by Mr. Leduc. The motion passed unanimously.

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H. The application of **National Propane LP, Owner, and Unutil Corporation, Applicant**, for property located at **1166 Greenland Road**, requesting Site Plan Approval for installation of a launch and retrieval/maintenance facility along the regional gas main that runs along Greenland Road, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 280 as Lot 2 and lies within the Industrial (I) District.

**THIS APPLICATION WAS COMBINED WITH OLD BUSINESS, ITEM D (SEE PAGE 6 FOR PUBLIC HEARING).**

**DISCUSSION AND DECISION OF THE BOARD**

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

- 1. An additional guardrail shall be added to the Site Plan as directed by TAC and shall be carried around to protect the southwest side of the enclosure.
- 2. The force main shall be at least 3' from fence.
- 3. The Site Plan (Sheet 4) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

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**II. ADJOURNMENT**

*It was moved, seconded, and passed unanimously to adjourn the meeting at 10:47 p.m.*

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Respectfully Submitted,

Becky Frey,  
Acting Secretary for the Planning Board

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