

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

OCTOBER 18, 2018

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

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

MEMBERS ABSENT: n/a



I. APPROVAL OF MINUTES

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

Corey Clark requested that the September 20, 2018 minutes reflect that he was absent. Vice Chairman Moreau pointed out a typo and requested that it be corrected.

Vice Chairman Moreau moved to approve the minutes from the September 20, 2018 Planning Board Meeting as amended, seconded by Mr. Clark. The motion passed unanimously.



II. DETERMINATIONS OF COMPLETENESS

A. SITE PLAN REVIEW

1. The application of **Coleman Garland, Owner**, for property located at **185 Cottage Street**, requesting Site Plan approval

Mr. Gamester recused himself.

Vice Chairman Moreau moved to determine that the application for site plan approval is complete according to the Site Plan Review Regulations and to accept it for consideration, seconded by Ms. Record. The motion passed unanimously.

- 2. The application of **206 Court Street, LLC, Owner**, for property located at **206 Court Street**, requesting Site Plan approval

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

- 3. The application of **Happy Mountain Holdings, LLC, Owner**, for properties located at **64 & 74 Emery Street**, requesting Site Plan approval

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

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III. ZONING AMENDMENTS – PUBLIC HEARINGS

A. Amendments to the Ordinances of the City of Portsmouth, Chapter 10 Zoning Ordinance regulating Accessory Dwelling Units and Garden Cottages including revisions to Article 8 Supplemental Use Standards Sections 10.814 Accessory Dwelling Units and 10.815 Garden Cottages and revisions to Article 15 Definitions Section 10.1530 Terms of General Applicability.

Planning Director Juliet Walker indicated that the Planning Department has been working with Rick Taintor as a consultant. At the last meeting the Planning Department brought a draft of the Accessory Dwelling Units and Garden Cottages amendments. Changes were mainly tweaks to the ordinance to address issues that have come up in the process of implementation.

Rick Taintor confirmed that the changes were mostly tweaks to the existing ordinance to address issues that have come up. The changes include: clarifications about compliance, standards for accessory buildings and structures, owner–occupancy, utilities and services, common metering of public utilities, compliance with State septic system requirements, design standards, Planning Board findings, and certificate of use.

There is a State Law provision in the Ordinance. At first it was included in the Ordinance in short hand, but it was more confusing than it needed to be. The second paragraph in the draft has been updated to quote the State law for clarification. The second clarification was for Accessory Structures. There are different requirements for accessory structures and accessory dwelling units. Because they both have accessory in the name it was confusing about which standards should apply. This change is simply to say that a detached accessory dwelling unit (DADU) is not an accessory structure for the purpose of this Ordinance. It has its own setback requirements. Because the State law calls it an accessory dwelling unit, they have to use accessory two different ways in the Ordinance. The third clarification deals with owner occupancy. A question came up with some of the applications about what if there was a partnership, trust, or LLC owning a residence. This change says that owner occupancy is satisfied if one of the

beneficiaries of the living trust is a primary resident. If it is an LLC then the primary resident has to have 80% ownership of the LLC.

There were a few design standard changes for an attached accessory dwelling unit (AADU.) The first states that the AADU shall not be closer to the front lot line than the principle dwelling. The remaining changes deal with how the AADU is attached. The height cannot be increased, the frontage cannot be increased by more than 40%, and the AADU should be architecturally consistent with the principle dwelling. The height, frontage and architectural consistency are the same for the DADU. The DADU cannot be in the front yard, has to be set back 10 feet from the street and 20 feet away from the principle dwelling unit.

There were changes to the required findings of the Planning Board for ADUs and Garden Cottages. Language was updated to be consistent with the rest of the Ordinance and updates were made to clarify the off street parking requirements. The Certificate of Use section was updated to reference the principal residency requirement and clarify the annual certificate renewal. The definition for an AADU was clarified to state that it could be attached horizontally or vertically. Initially the definition only encompassed a side-by-side attachment. The definition was further clarified to state that attachment did not include a connection by an unenclosed structure. The definition for a DADU was clarified to state that it could be attached by an unenclosed structure. A definition for principal dwelling, principle dwelling unit, and principle building were added because they were terms used in the Ordinance.

Mr. Clark questioned why the garden cottages were smaller than the ADUs. Mr. Taintor responded that the garden cottages were meant to be something that could be done more easily without affecting the neighborhood. An existing small garage could be converted to a garden cottage. It was a lower bar to try to convince someone not to tear down the building to build a bigger building. Ms. Walker added that 600 square feet was based on the size of a standard two-car garage.

Vice Chairman Moreau commented that people have some pretty large barns. Vice Chairman Moreau questioned if there was another rationale on why a DADU should be smaller than 750 square feet. Mr. Taintor responded that the Planning Board has the option to allow a larger DADU. Vice Chairman Moreau responded that they did, but felt they are pressured to keep as close to the ordinance as possible. Ms. Walker pointed out that one issue to that approach is that the Garden Cottage can be non-conforming. An ADU needs to comply with the zoning. Vice Chairman Moreau noted that they are using gross floor area for their reviews, but the model statute just says square footage. There have been discussions about storage areas and entrances. Vice Chairman Moreau questioned if they could use the term living space. Mr. Taintor responded that they could do that, but felt they would have more problems. The term living area would have to be defined very clearly. It would complicate things. Vice Chairman Moreau questioned if the City had to go to the property to verify they are compliant for a certificate renewal. Mr. Taintor responded that the Planning Department would need to come up with procedures on how to handle that.

Ms. Begala commented that there were a number of applications where the storage space was more than the living space. They had a letter from a resident speaking to that matter. Ms.

Begala questioned if there was a way to limit the storage, possibly by a percentage. There may be some other way to solve it. Ms. Walker responded that it is something the Board can consider and they could do further research on that if the Board wanted them to. There is certainly room for more amendments and this does not have to move to City Council tonight if the Board does not want it to. Ms. Begala noted that the Ordinance outlined that the Certificate of Use will be reviewed annually by the Planning Department. Ms. Begala felt there should be a stronger monitoring system other than paperwork. There should be inspections or in person monitoring, which could occur at any time. Ms. Walker responded that they could think about that. There may be a problem with being too specific about what is required. It could include a line saying that it may include an onsite visit. It would be too onerous for the City to do it more than annually. They can still work on that. Ms. Begala suggested that both AADU and DADU should be listed in the Ordinance when it is talking about both ADUs. Mr. Taintor responded that ADU encompassed both.

Ms. Walker added some comments that they had received from the Legal Department that were not incorporated into this version for the Planning Board to consider. The first was there should be better clarification to the ownership or beneficiaries of a trust. The Planning Department needs to clarify with the Legal Department if there is more than one trustee what the primary resident requirements would be. It may be that both have to live in the dwelling. The Planning Department is open to suggestions from the Board about ownership. Vice Chairman Moreau noted that the court case was for the City's side. Vice Chairman Moreau questioned if they mentioned that our discussion for more than 10% was appropriate. Ms. Walker responded that she would need to revisit that to see if a number was mentioned. Vice Chairman Moreau noted that it should be something more than 50% ownership. Vice Chairman Moreau was recently working on a title search in Eliot, ME and they record the restrictions and covenants at the Registry. The transfer of title needs to be considered. The new owners need to be aware of any restrictions. Ms. Walker confirmed that could be looked into.

Mr. Gamester commented that they can't plan for every situation, but if two people are 50/50 in an LLC and live in the dwelling technically that does not meet that 80% LLC requirement. Mr. Gamester questioned what the mechanism would be to handle that. Mr. Walker responded that the ownership is not a flexible requirement. They would need a variance. Vice Chairman Moreau commented that they needed more time to look at this and make some more changes. Mr. Gamester pointed out that living trust documents are intended to be private, so how they handle that should be considered. Ms. Walker confirmed there could be more clarity about the documentation that is required.

PUBLIC HEARING

John Kilroy, 25 Buckminster Way. Mr. Kilroy sent a letter to the Board about excluding storage space. Mr. Kilroy applauded the Board on their work on the ADU's thus far. There will be people who challenge every aspect of the Ordinance because they trying to create income properties. The Board must be circumspect about the Ordinance to make sure it maintains the spirit and intent of SB146. The intent was to allow people to age in place at home and let family members have a separate space that was subordinate to the principal dwelling unit. The square footage drives the occupancy. The definition of family in the City Ordinance does not limit

people because it is open ended. The language around the shared storage space in the Ordinance is problematic. It sounds like someone could create as much storage as he or she wants. Mr. Kilroy is trying to prohibit people from circumventing the ordinance. Either storage space or living space needs to be defined. It is a good law, but there will be constant challenges to it if it's not more specific.

Second time speakers.

John Kilroy, 25 Buckminster Way. Mr. Kilroy commented that there was no upper bound. It can be adjusted on a case-by-case basis. There is no absolute maximum. Mr. Kilroy noted that 10.814.70 is potentially open ended in relation to size. Mr. Kilroy suggested including an upper bound in that section. Another item that should be considered is what happens to the tenants if someone is denied a follow up renewal. Mr. Kilroy agreed that there should be a level of physical inspection to ensure storage space did not become living space.

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

Chairman Legg noted there were several suggested changes. The Staff can take time to review the additional items and come back in November. Vice Chairman Moreau commented that somewhere it says that the accessory dwelling should be greater than the principle dwelling. It should be changed to less than. Ms. Walker agreed that it would be updated.

City Council Representative Perkins commented that they are doing an excellent job on this Ordinance. The City Council would like to see this loosened up a little. Chairman Legg questioned if City Council had evidence from residents that they are not coming forward with applications for ADU's because the Ordinance was too onerous. Ms. Walker responded that one thing that has prevented some people is that the existing lot has to be conforming. PS21 put forth that they are not going to open the floodgates. One thought is to remove the requirement that an AADU has to be on a conforming lot. A DADU could be on a non-conforming lot. These are a lot of changes, so it would make sense to do another round of amendments and have another public hearing. Vice Chairman Moreau agreed. It may be worth it to include a requirement if an AADU doesn't increase the footprint of the structure then it would not have to be on a conforming lot. Chairman Legg agreed that would have no impact on the neighborhood. That would be a baby step towards loosening it.

Ms. Begala questioned what their overall goal was and when would they know they have reached the appropriate density. Ms. Begala questioned if there was a rough estimate of what they are trying to achieve. Ms. Walker responded that was a policy discussion. One of the benefits to having an ordinance that is reflective of what people want to do is that it would prevent illegal units. This would make people have legal units and follow the rules. They may not make a big dent in affordable workforce units, but it does add additional income for property owners. Chairman Legg added that this was in direct response to a state statute. They don't have a choice. The goal is to take the statute and apply it in a way that works the best for the City.

Ms. Begala questioned why the City Council was requesting to loosen the requirements. City Manager Bohenko responded that he did not believe the entire Council felt that way. One Council member made a comment. Now they are evaluating that comment to see what makes sense as they move forward. It has not been discussed by the City Council in detail and has not been an agenda item. City Manager Bohenko told the Board to stay tuned to see what happens.

Chairman Legg summarized the suggested changes that were discussed. They included restriction on storage space; clarifying ownership, compliance inspection, and considering deed restrictions. Chairman Legg suggested that the Ordinance should not be too prescriptive by the City staff for the compliance inspections. Ms. Walker added that the non-conforming lots were also discussed.

This was **postponed** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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B. Amendment to the Ordinances of the City of Portsmouth, Chapter 10 Zoning Ordinance, Article 2 Administration and Enforcement by inserting a new Section 10.240 regulating requirements and criteria for granting of a Conditional Use Permit.

Ms. Walker noted that this was a new section in the ordinance and is not replacing anything.

Mr. Taintor made a comment about the previous discussion about recording deed restrictions. Right now the Planning Department records approved site plans and subdivision plans. A conditional use permit (CUP) could simply be recorded there as well.

Mr. Taintor noted that this was a new section about Conditional Use Permits. CUP's are only mentioned once in the State laws and it has to do with innovative land use controls. This authorizes the Planning Board to do things that are similar to what the zoning board does without special exceptions. There is a range of things that can fall under the innovative land use category. Mr. Taintor noted that a CUP helped to streamline application processes because it prevented the need to go to two different boards. If a project has to come to the Planning Board for a site plan review it makes sense to allow them to come for a CUP as well. For a long time Portsmouth only had a CUP for wetlands protection. When the Zoning Ordinance revision was adopted in 2010 they introduced a second CUP for planned unit developments. Several more have since been added. Last year, ADU's, Garden Cottages, off street parking, and the Gateway Districts were added. They need to catch up with the State laws and define the standards by which a project will be judged. The proposed amendment has several sections. The first section defines what a conditional use is and talks about the types of conditional uses. The second section outlines the basis for approval. The third section outlines the approval criteria, which include requirements around design, height, scale, compatibility, with adjacent properties, appropriate utility structures, adequate vehicular and pedestrian infrastructure, no adverse impacts on natural scenic resources, and no significant decline in property value. 10.244 notes that the Planning Board can grant a CUP subject to appropriate conditions. The final three sections mirror the State requirements. One is that an applicant is held to statements made at the hearing. The second

outlines that an approval will expire after one year. The Board will have the ability to extend the approval up to an additional year. The last states that if an application is denied then another one cannot be submitted within one year without approval from the Planning Board. These are meant to fill in some gaps because the City is taking on more CUPs. To a certain extent it is a similar structure to the BOA for variances and special exceptions.

City Council Representative Perkins was concerned that the approval criteria 10.243.23 was vague and left a lot of discretion to the Board. Adequate vehicular and pedestrian infrastructure is not enough objective guidance.

Ms. Begala noted that in the approval criteria private infrastructure was mentioned, but what about the impacts across all public infrastructure. Ms. Begala questioned if the impact fees were accounted for. Mr. Taintor responded that impact fees were a very big issue. It is in the Zoning Ordinance only as a placeholder. They have never had impact fees. They do it through a process of negotiation. If the City wanted to do impact fees, they would have to start with a comprehensive study. Impact fees are great for a City that is growing fast. It's more difficult to apply to cities with more incremental growth. Ms. Walker was not opposed to discussing impact fees with the Board if they wanted to. It's been discussed before and determined that it was too big of a project. Ms. Begala commented that at some point there needed to be some balance of looking at the big picture to ensure the City can handle the individual CUP projects.

Vice Chairman Moreau commented that the scenic views line was very subjective. It's not measurable and it should be taken out. Ms. Walker noted that if they had a designated view area they could point to when it could be applied.

PUBLIC HEARING

John Kilroy, 25 Buckminster Way. Mr. Kilroy had a question about the expiration and denials section. Mr. Kilroy asked if a conditional use permit were not renewed because it was out of compliance, then would it be handled like a denial.

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

Ms. Walker commented that a CUP is not a renewable permit. It is issued and it is basically like a variance or special exception. In certain situations in the Zoning Ordinance like the ADU's you have to renew the certificate of use.

Mr. Taintor added that the failure to comply with the conditions of the conditional use permit does not change the fact that the Planning Board granted it. The Planning Board did not deny it, so it would not come into play in that situation.

Ms. Walker noted that she would like to bring this back with some revisions and hold another public hearing.

This was **postponed** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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C. Amendments to the Ordinances of the City of Portsmouth, Chapter 10 Zoning Ordinance, Article 11 Site Development Standards Section 10.1110 Off-Street Parking including revisions deleting Section 10.1112.52 of Article 11 Site Development Standards and inserting a new Section 10.1112.14 regarding regulation of Conditional Use Permits for Off-Street Parking and minor amendments to Section 10.1112.21, 10.1112.323, 10.1114.33, and 10.1115.20 regarding applicability of parking space requirements for different types of land uses.

Mr. Taintor noted that these revisions were to provide more flexibility with off street parking. The Zoning Ordinance has a minimum number of parking spaces required by use. In the existing Ordinance the Planning Board can increase the amount of parking spaces allowed, but cannot reduce the amount below the minimum that is required. This provision does not apply in the Downtown Overlay District. The proposed change to the amendment authorizes the Planning Board to permit reduced parking. It also authorizes the Planning Board to grant a CUP for a reduction or increase in parking in the Downtown Overlay District. It will also require parking demand analysis, parking mitigation measures, reporting findings back to the Planning Board, and authorizes the Planning Board to grant less relief than what was requested. More detail was added in the Planning Board’s Review and Action section of the Ordinance. The intent is to provide more flexibility citywide.

Ms. Walker added that she had some revisions. One was to 10.1112.11, which was to strike out the shopping center parking requirement because shopping center is no longer a use listed in the table of uses. Another was to 10.1112.323. It was referenced that the parking analysis would be done during the Site Plan review, but it should not be bound to just the site plan review process. The last was in 10.1114.33. There was some confusion over whether or not this applied to 1 family or 2 family dwellings. It does not, so they will not do that revision. The intention is to have 1 and 2 family dwellings have tandem parking already. There was a need to change the Downtown Overlay District parking requirement. The revision would be to make a residential parking requirement in the downtown overlay district the same as what it is for other districts.

PUBLIC HEARING

Rick Becksted, 1395 Islington Street. Mr. Becksted was concerned that they were circumventing the use of the BOA. Mr. Becksted felt that it was the BOA’s role to review parking. It was not appropriate to take that away. They look at it from a legal perspective. They deny projects based on the fact that it does not meet the parking requirements. Mr. Becksted was not sure the Planning Board would do that same. The Planning Board will not take everything in consideration. It skips a step and speeds up the process, but it lowers the City’s standards. Parking is huge here. The second garage is not even online and changes to the parking Ordinance are being made. Mr. Becksted felt they needed the BOA.

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

Ms. Walker requested feedback from Board about whether or not they felt like it was ready to move on or needed more revisions. Ms. Begala pointed out that 10.1112.142 talks about an application needing to identify permanent measures to reduce the parking demand. Ms. Begala did not feel that the examples given were really permanent. Bike shares are not permanent. They are seasonable at best.

Ms. Walker noted that the current Zoning Ordinance has the same wording, but includes proximity to public transit and shared parking on a separate lot. Ms. Walker noted that she would add that back in. The Planning Board could decide whether they are permanent enough.

City Council Representative Perkins moved to **recommend approval** of the proposed amendments to the City Council, seconded by Vice Chairman Moreau. The motion passed unanimously.

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IV. PUBLIC HEARINGS – OLD BUSINESS

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

A. The application of **Robert and Whitney Westhelle, Owners**, for property located at **198 Essex Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a wood 12’ X 18’ garden shed, on cement blocks, with 216 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB) District. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Clark recused himself from the application.

Robert Westhelle spoke to the application. They are seeking a CUP for a garden shed in the backyard. The majority of the property is in the 100-foot setback. This is the ideal placement for the garden shed.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** Conditional Use Permit approval as presented, seconded by City Council Representative Perkins. The motion passed unanimously.

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B. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Subdivision approval, under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to merge Map 305, Lots 5 & 6 (17.10 acres), Map 305, Lot 1 (13.87 acres), Map 305, Lot 2 (10.18 acres) and a discontinued portion of Goosebay Drive to create Map 305, Lot 6 (43.37 acres). Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Vice Chairman Moreau moved to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018, seconded by City Council Representative Perkins. The motion passed unanimously.

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C. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000± s.f. footprint; Proposed Building #2: 150,000 ± s.f. footprint; Proposed Building #3 with a 62,000± s.f. footprint; and two 4-story parking garages, with 55,555 ± s.f. of impact to the wetland, 66,852 ± s.f. of impact to the wetland buffer and a 1,000± l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. Said property is shown on Assessor Map 305 as Lots 1 & 2 and lies within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Vice Chairman Moreau moved to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018, seconded by City Council Representative Perkins. The motion passed unanimously.

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D. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of three proposed industrial buildings with heights of 105 feet: Proposed Building #1: 132,000 s.f. footprint and 430,720 s.f. Gross Floor Area; Proposed Building #2: 142,000 s.f. footprint and 426,720 s.f. Gross Floor Area; Proposed Building #3: 62,000 s.f. footprint and

186,000 s.f. Gross Floor Area; and two 4-story parking garages, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Vice Chairman Moreau moved to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018, seconded by City Council Representative Perkins. The motion passed unanimously.

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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 **John and Joan Rice, Owners**, for property located at **460 F.W. Hartford Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to demolish an existing 120 s.f. (10’ x 12’) wooden deck and construct a 189 s.f. (13’ x 14’6”) Azek and wood deck on the same site, with 189 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 249 as Lot 17 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Rice, the property owner, spoke to the application. This whole story began back in August when they demolished their deck and didn’t realize it was in the wetland buffer. Mr. Rice now knows that half of his house is in the buffer. The Conservation Commission suggested adding some plantings around the deck. Mr. Rice handed out a planting plan to the Board members. The property isn’t very wet, but ferns like to grow there. The planting plan includes some ferns and hosta.

Vice Chairman Moreau questioned if there was crushed stone under the deck? Mr. Rice responded that there was gravel.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Leduc moved to **grant** the Conditional Use Permit, seconded by Mr. Gamester with the following stipulation:

- 1. Plantings shall be installed around the deck.

The motion passed unanimously.

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B. The application of **Robert J. and Susan L. Nalewajk, Owners**, for property located at **350 Little Harbor Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to install a 12’ wide security gate on the western side of the lot (used for access from Martine Cottage Road), installation of 255 linear feet of buried electrical conduit from the residence to the proposed gate, and 740 linear feet of buried irrigation line to provide water to proposed landscaped areas, with 1,067 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 16 and lies within the Rural District. (Conditional Use Permit approval was granted by the Planning Board on August 23, 2018).

City Council Representative Perkins moved to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018, seconded by Vice Chairman Moreau. The motion passed unanimously.

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B. The application of **Pease Development Authority, Owner, and Two International Group, Applicant**, for property located at **19 Rye Street #3**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for mitigation and buffer enhancements 1,565 s.f. of brush was inadvertently cleared. Said property is shown on Assessor Map 305, as Lot 4-3 and lies within the Airport Business Commercial (ABC) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Shawn Tobey, of Hoyle Tanner, spoke to the application. During the construction the contractor inadvertently cleared 1,600 square feet of brush in the buffer. There were no grade changes in the area. The wetlands were not disturbed. Once the area was disturbed, seed was put down and a silt sock was placed around to protect the wetland buffer. The construction is almost done. The CUP request is to go back in and restore the buffer. They are working with the PDA and the original wetland scientist to design a plan. Three red maples and 10 blueberry bushes will be planted in the area. The Conservation Commission requested that they monitor the growth in the area for one year and if there were any invasive species in the area they would be removed.

Ms. Begala questioned if after a year it would be 80% restored. Mr. Tobey responded that the goal was to have it be 100%, but some items may die out. Within a year the buffer should be completely restored.

Vice Chairman Moreau questioned if they knew whether or not if they removed invasive species from that area already. Mr. Tobey responded that it was likely.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker clarified that the Board would be voting to recommend approval to the PDA.

Ms. Moreau moved to **recommend approval** of the Conditional Use Permit, seconded by Mr. Gamester with the following stipulation:

1. The applicant shall monitor the site and submit a monitoring plan to the Planning Department one-year after planting occurs. Information in the plan shall describe the success of the plantings. If less than 80% of the plantings survive after one-year, a follow-up planting shall be conducted with another one-year monitoring report due until such a time as the site is established with at least 80% planting success. In addition, the monitoring plan shall document any invasive species in the restoration area and, if found, submit a plan to address the invasive species. Applicant may increase the number of plantings as long as added plantings are of similar species to what was originally approved.

The motion passed unanimously.

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D. The application of **Coleman Garland, Owner**, for property located at **185 Cottage Street**, requesting Site Plan approval to demolish two existing residential buildings and to construct a 2-story medical office building, with a footprint of 7,000 s.f. and Gross Floor Area of 14,000 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 174 as Lot 14 and lies within the General Residence A (GRA) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Gamester recused himself from the application.

Craig Langton from Tighe & Bond spoke to the application. They received a use variance for a medical office in the GRA district. There is a do not block area to allow for better traffic flow. The driveway is 100 feet from the intersection. There is sidewalk access as well as ADA. The trash will be in the rear. There is a rain garden proposed between Route 1 and the building. There will be two low impact drainage areas. The rain garden will capture most of the proposed parking lot. The other area is a bio-retention system that will collect runoff from the driveway. There is an existing sewer main that runs through the site. The proposal is to tie into that main. They will be required to trench into Cottage St. to access water and gas. The applicants requested a waiver for the electric because the existing site has overhead wires. There is a proposal to take down one of the poles and length of wire, but the other pole and wires will remain on site. 10-12 street trees will be planted along Route 1. There will be hedges along the walkway and at the back to screen the dumpster.

Vice Chairman Moreau requested clarification on where the existing pole was and where the pole was being removed. Mr. Langton responded that the poles are both on the rear of the property line.

Ms. Begala questioned if the Doble Center was the only abutter and the only property that would be affected by the traffic increase. Mr. Langton confirmed that was correct. Ms. Begala noted that there was an increase in impervious surface. Mr. Langton responded that there was more impervious surface, but it would all be treated.

Mr. Clark questioned if they proposed to use fertilizer in the rain garden. Mr. Langton did not believe they planned to use fertilizer.

Vice Chairman Moreau questioned if they would put a crosswalk in across from the driveway because there is a sidewalk that goes across the property and down Cottage Street. Ms. Walker responded that would be against what the City's policy is on access. It is not recommended to put a crosswalk across a driveway. There is an existing access easement to the Doble Center and there has been discussion about making a connection there in the future.

PUBLIC HEARING

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

Rick Becksted, 1395 Islington St. was not speaking to, for or against the project. There are two reasonably priced residential houses on this property. A friend of his has lived in one of the houses and is being displaced. The City needs to start looking at protecting the housing that they have. Three affordable units will no longer exist after this project is built. Building new properties won't create affordable housing because they are too expensive to build.

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

DISCUSSION AND DECISION OF THE BOARD

Chairman Legg noted that this in the General Residence District A and the Board of Adjustments gave the project relief to demolish the two residential buildings.

Vice Chairman Moreau moved to find that a waiver will not have the effect of nullifying the spirit and intent of the City’s Master Plan or the Site Plan Review Regulations, seconded by Mr. Leduc and to waive the following regulation:

- 1. Section 8.1 2) Underground utilities – All new and relocated wires, conduits, and cables shall be located underground.

The motion passed unanimously.

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

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

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

- 1. The Site Plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2. Stormwater system maintenance requirements of the owner and enforcement oversight by City of Portsmouth shall be documented in a deed restriction.
- 3. Existing buildings shall be placarded for demolition as required by the demolition ordinance.

The motion passed unanimously.

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E. The application of **206 Court Street, LLC, Owner**, for property located at **206 Court Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 3 residential units with 2 parking spaces where 4 parking spaces are required. Said property is shown on Assessor Map 116 as Lot 34 and lies within the CD 4-L1 District and the Historic District.

F. The application of **206 Court Street, LLC, Owner**, for property located at **206 Court Street**, requesting Site Plan approval to construct a 3-story irregular shaped rear addition with a footprint of 767 s.f. and Gross Floor Area of 1,914 s.f. and to convert the use to three dwelling units, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 116 as Lot 34 and lies within the CD 4-L1 District and the Historic District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

City Council Representative Perkins moved to consider New Business Item E and Item F together, seconded by Mr. Gamester. The motion passed unanimously.

Mr. Kisiel recused himself from the application.

John Chagnon, of Ambit Engineering, was present with Jeremiah Johnson, project architect, and Attorney Bernie Pelech to speak to the application. This is an 800 square foot addition to the rear of the existing building. The building was most recently used as office space for the South Church. The applicant will be paving a gravel parking lot with porous pavement. This will make it better for both properties to formalize the lot. They have an agreement to work next door. This project went to the BOA for relief from dimensional requirements for the two parking spaces out front. It went through TAC as well. The memo outlines the concerns of the Committee and how the applicants addressed them.

Vice Chairman Moreau questioned if they received HDC approval. Mr. Chagnon confirmed they did in June. Vice Chairman Moreau questioned if there were walls up so that the 3rd floor condensers would not be seen. Mr. Johnson replied that there is a 30-inch opaque parapet wall that will be visible from the street. The condensers will be set down and out of sight. Vice Chairman Moreau questioned if there was a safety barrier between the deck and the condensers. Mr. Johnson confirmed that there would be a wall that would protect the deck from the mechanical units.

Chairman Legg requested clarification on the calculations on parking in the space provided. Mr. Chagnon responded that one restraint was the need to provide an appropriate egress for the building. The building has a front door in the middle and there needed to be a second form of egress. An egress sidewalk needed to be added. That led to the slightly smaller parking spaces. Chairman Legg questioned if there was any other way to accommodate the second egress. Mr. Chagnon replied there was not because they had to get to the street.

Mr. Leduc questioned if the adjacent property was owned by the same owner. Mr. Chagnon responded that it was not. Mr. Leduc questioned if Mr. Chagnon thought that the residents would park in the space on the other side, which is the abutter's property. Mr. Chagnon responded that they do not have the right to park there.

Ms. Walker commented that the Zoning Ordinance allows tandem parking, but these spaces don't comply with the correct size. The spaces also need to be assigned to the units. The applicant does not plan to assign them to a unit. Only two spaces comply with the Zoning Ordinance. They got relief for smaller spaces, but not for tandem spaces.

PUBLIC HEARING

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

Rick Becksted, 1395 Islington St. This application falls under the guidelines of some of the zoning amendments that are being amended. This project does not meet the law required in the City. They should get an agreement to park on someone else's property. Then it would not impact this section of town. Parking is an issue and they need to stop chopping away at it.

Jeremiah Johnson is a resident 4 Fairview Drive, and BOA member. Two years ago the South Church received a variance for 50-60 parking spaces. The buildings previous use was for an assembly space. At any given time there could have been 5-6 cars parked haphazardly in the dirt driveway. Three modest small residential units is a significant decrease in the intensity of the use of this building. Some parking spots will be provided. Across the street is the business overlay district, and they would have been required to have one spot. This was addressed in a variance. The BOA found the parking variance was an easily approvable request.

Bernard Pelech noted that if the property were across the street they would not have to provide any parking spaces. They went to the BOA and received a parking variance. These three units will replace the three units being demolished on Cottage Street, so Mr. Becksted should be happy.

Andrew Bagley 222 Miller St. spoke for the project. Three units are better than two or one unit. Mr. Bagley works in the autonomous car industry and has a daughter who is 11. When she is 16 we will have more than likely have autonomous cars. They will solve the car issue in the next decade and people will not own as many cars. The big thing to look at is revenue for the City.

2nd time speakers

Rick Becksted, 1395 Islington St. noted that cars are the reality now. They need to abide by the rules and regulations that are in place. Mr. Becksted responded to Mr. Pelech's comment about replacing the Cottage Street units. They will be much smaller and more expensive. Mr. Becksted suggested waiting to approve this until they understood how the second garage would impact the City.

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to grant Site Plan approval, seconded by City Council Representative Perkins.

City Manager Bohenko commented that they are required to provide 4 spaces, but are providing 2 spaces. City Manager Bohenko questioned how the situation could be resolved. Ms. Walker responded that the third space would need zoning relief from the BOA to be counted. They have not met the dimension for the parking spaces. That's not to say that they would not use the space. It just would not be counted according to the zoning. City Manager Bohenko agreed with Mr. Becksted on this issue, and would not vote for the project.

Ms. Walker suggested reversing the votes and voting on the CUP before the site plan. If the CUP does not pass, then the site plan won't work.

Mr. Gamester withdrew his motion.

Mr. Gamester moved to grant the conditional use permit, seconded by City Council Representative Perkins.

Ms. Record noted that Sheet C-3 showed two proposed parking spaces on one side and proposed two and tandem on the other side. It looks like there would be 5 spaces. Ms. Walker responded that there was a lot line that divided that parking lot. The parking spaces on the other side are not part of this lot. Chairman Legg requested clarification on why the parking spots were on the site plan. Mr. Chagnon responded that the owner has talked to the abutter about paving the entire gravel area. The two spaces next door were on the plan to show that it would fit two spaces along the frontage. Ms. Walker clarified that the two spaces with the label 2 on them are actually for the abutting property, and they were only approving the site plan for 206 Court St.

Mr. Leduc noted that it sounded like there was an agreement to improve the parking lot. City Council Representative Perkins questioned if they could reconfigure the parking to make it work better and satisfy the requirements if they were already working on an agreement with the abutter. Mr. Chagnon noted that the parking lot improvement agreement has been signed. They could do a shared parking arrangement. Ms. Walker noted that they raised the shared parking idea in TAC, and it did not sound like that was an option. Mr. Pelech commented that the abutter has agreed to do it as a donation to the Black Heritage Trail. There is no easement or agreement for shared parking. Mr. Chagnon added that the abutting property just sold, so the new owner is reluctant to enter into anything until they get familiar with the property. It will be the headquarters for the Black Heritage Trail, so they probably will not use the property at night. They did not want to enter into an agreement at this point.

City Manager Bohenko commented that if it requires four spaces, then it should have four spaces. They just keep eroding the City regulations. The City spends the time and effort to create them so they should be enforcing them. City Manager Bohenko commented that he would be voting against this.

Mr. Gamester thought the proposal was reasonable. It will provide orderly parking where there is no orderly parking now. It is an improvement to the lot.

City Manager Bohenko responded that he just could not understand why the City's regulations were ignored. This is a 50% cut.

Ms. Begala noted that she would not be voting tonight, but was in full agreement with City Manager Bohenko and Mr. Becksted.

City Manager Bohenko commented that the first thing people do when they don't have parking is call City Hall and ask about their options.

Mr. Leduc noted that his rationale was that one parking space for each unit is reasonable. There are three units and three functional parking spaces. City Manager Bohenko responded that it was not the issue of one or two spaces. It is a policy issue. The Board needs to make people abide by the regulations.

Mr. Leduc agreed with enforcing regulations, but this standard did not make sense to him. The requirement is 3.9. That is not a full four spaces. Three spaces for three units is more than what is available at most downtown locations.

Mr. Pezzullo pointed out that the units were two-bedroom, and there may be a need for more parking than what is shown on the plan.

City Council Representative Perkins noted that the three parking spaces don't conform by 6 inches. This was just addressed in the parking amendment, and no one had an issue with it. They can reduce the parking in the Downtown Overlay District. The goal is to reduce cars in the downtown. City Council Representative Perkins noted that she would vote for the project. If someone was going to move downtown and parking was not available, then they need to plan for that. It would be nice to do something more creative because the lot is awkward, but maybe something could be done in the future.

Chairman Legg commented that comparing this project to the affordable housing project was not an appropriate comparison. The two projects are addressing two fundamentally different segments of the market. Secondly, that project did its best to find parking off site. If the Board is unhappy with the Ordinance they have for parking, then it should be changed there. Chairman Legg noted that he was not going to support this project, as there must be alternatives to come up with the required parking.

Ms. Record commented that she would also not support the project, especially considering the current downtown situation.

Ms. Walker clarified that the proposed zoning amendments does not change how it would apply to this property. This property would be the same under the current and the proposed. If they can't meet the parking requirement, then they have to apply for a CUP. It is required that the application demonstrates that the property will not have the same parking demand that the Ordinance outlines. One of the ways to demonstrate that is to provide offsite parking. It is the intention of the CUP to allow a discussion with applicant about the appropriateness of the parking for that particular property.

Mr. Gamester withdrew his motion. City Council Representative Perkins withdrew her second.

City Manager Bohenko moved to **postpone** the conditional use permit application to the next regularly scheduled Planning Board Meeting on November 15, 2018, seconded by Mr. Kisiel.

City Manager Bohenko commented that this would allow further discussion between the applicants and the Planning Department about the parking.

Chairman Legg supported the motion. It would be good to see the project redeveloped. Portsmouth does need more housing, but there must be a way to meet the Ordinance.

City Council Representative Perkins hoped they could find a way to approve this. Even though there are ordinances, there are also processes to create exceptions to them.

The motion passed unanimously.

Mr. Gamester moved to **postpone** the site plan application to the next regularly scheduled Planning Board Meeting on November 15, 2018, seconded by Mr. Pezzullo. The motion passed unanimously.

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G. The application of **Happy Mountain Holdings, LLC, Owner**, for properties located at **64 & 74 Emery Street**, requesting a Conditional Use Permit approval to construct one two-unit residential building on each lot within the Highway Noise Overlay District. Said property is shown on Assessor Map 174 as Lot 14 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District.

This property is not in the Highway Noise Overlay District. No action was taken.

H. The application of **Happy Mountain Holdings, LLC, Owner**, for properties located at **64 & 74 Emery Street**, requesting Site Plan approval to construct one two-unit residential building on each lot, each building to be 2-stories with a 2,080 s.f. footprint and a 3,000 s.f. Gross Floor Area, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 174 as Lot 14 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Eric Weinrieb, of Altus Engineering, with Corey Cawthorn, from Happy Mountain Holdings spoke to the application. Mr. Weinrieb noted that in 2013 a four-lot subdivision was approved with an existing residence on one lot. Mr. Cawthorn purchased two lots earlier this year and obtained zoning relief to construct duplexes. If there were just two single-family residences or if the two lots were being developed as two separate entities, they would not be here tonight.

Because they are under the same ownership and a total of four units are being developed, they fall under the SR regulations. They have approval for a shared driveway due to a severe ledge on the property. There is a grading and drainage plan. There is an easement in the back, which prohibits them from taking it further into the back. They will keep the vegetation along the front and side and there will be a limited cut area. Storm water management will run from the high point down. There are a couple storm water management areas on the site. Each house will have three water services. One will be domestic for each unit and one will be fire suppression. There will be one sewer service for each building and one gas service for each building. The other sheets in the plan are standard details for the site development, storm water management, and landscaping and sewer control.

This project went to a TAC workshop and to TAC. They came out with a general understanding that the focus would be on utilities and storm water management. Their waiver list is quite extensive because of its uniqueness. Mr. Weinrieb reviewed and responded to the TAC stipulations that were required prior to the Planning Board meeting. The first stipulation requested that the post storm water management areas were outlined on the site plans. The areas were marked and note 16 on sheet C1 says that the areas will be maintained in perpetuity. The second stipulation was that they comply with the noise ordinance; however, at City Council on Monday there was an amendment that it will not go into effect until 1/1/19. The third stipulation was that the Fire Department requested a 20' wide driveway. They subsequently found out it was not a requirement, so they went back to the 14 foot wide driveway, 16 feet with the shoulder. The fourth stipulation required they provide a modest landscape plan. The limited cut areas were identified and a few trees were added to enhance the area. This will allow people to landscape their home how they want to. The fifth stipulation was that the drainage and grading plan shall be revised and approved by the DPW. Mr. Weinrieb strongly disagreed with this. They did exactly what TAC requested. The computations showed there was an increase in runoff. However, they took the conservative approach. The 15%, which is not required by City standards, was added. The Cornell study was followed. There are stone drip edges all around the back of the building. That was not included in the infiltration coming off the building. That water will be infiltrated. There was a conservative estimate on the infiltration rates. It is an appropriate solution. If they go back and review it with DPW, then they will revise the computations to satisfy them. The goal is to begin construction before winter. Mr. Weinrieb requested that this condition be addressed post Planning Board approval.

Ms. Walker noted that thy staff recommendation had been updated and says exactly what Mr. Weinrieb is requesting.

Mr. Clark appreciated that they used the 15%. Mr. Clark questioned what type of distribution was used. Mr. Weinrieb responded type 3. Mr. Clark clarified that it was not site specific. Mr. Weinrieb confirmed that was correct.

Vice Chairman Moreau questioned if they would be sold as individual units. Mr. Weinrieb confirmed that was correct. Vice Chairman Moreau noted that a driveway maintenance agreement should be required. Mr. Weinrieb agreed. The storm water management also needs to have an agreement.

Ms. Walker noted the amendment to the Planning Board Memo. They did not carry forward the 6 – 9 on the list of TAC items. That alludes to the flowage requirement and she recommended adding the driveway agreement.

Chairman Legg commented that he has never seen a Site Review project requesting so many waivers. The Chairman understood what Mr. Weinrieb said about the landscaping and letting the owners decide. However, not providing landscaping was the reason he was having trouble with this application. This is null and void of landscaping.

Vice Chairman Moreau assumed they would be sold as condos and they would always have a landscaping plan.

Mr. Weinrieb noted that he was comfortable with the plan because they have maintained several vegetative buffers and a fence. The contractor will put landscaping in when he finishes up construction.

Chairman Legg noted that he does not see it in the plan. That should be presented to the Planning Board before they approve it. Mr. Cawthorn noted that at TAC they discussed they would add minimal landscaping. There will be bushes in front of the drip edge. Every disturbed area will be loamed and seeded. Chairman Legg repeated that it is not on the landscape plan. TAC and Planning Board are two different processes.

Mr. Gamester questioned what the lot looked like right now. Mr. Weinrieb pointed out the power easement and noted that it was a brushy area. The rest is forest with fairly mature trees. They will have a decent stand of mature trees when they are done. They will cut along the driveway, the entire building envelope and both sides of the driveway. A few additional small areas will be cut.

Vice Chairman Moreau questioned why there was a waiver for recording notes. Mr. Weinrieb responded that this is someone's home and not a commercial development. If they decide to put a light in their driveway, that is a violation of the Site Plan because it would be different from the plan that is recorded. That doesn't make sense. Vice Chairman Moreau commented that they regulate 5 units and 6 units today. How people handle the property is important. There should at least be a recorded plan. Mr. Weinrieb responded that there was with minimal landscaping. Recording the plan that all conditions would remain in perpetuity would be too restricting to the homeowners.

City Manager Bohenko commented that these would have a common driveway, but Mr. Weinrieb gave an example of putting up a basketball hoop. The purpose of recorded notes is to protect the homeowners. Mr. Cawthorn responded that there would be a condo association, so the condo will have to vote on anything that is added to the property. The legal work has not been done yet, but it will be.

Vice Chairman Moreau noted that they could record a plan and say the condo association would control it.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Chairman Legg asked for a motion to postpone the application.

City Manager Bohenko moved to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018, seconded by City Council Representative Perkins.

Chairman Legg commented that he would like to see this built, but they have never been presented with 11 waivers with no written justification on why they are requested. Chairman Legg understood the contractor wanted to get moving, but the Board has processes that they must follow. This application is inadequate.

The motion passed unanimously.

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VI. OTHER BUSINESS

A. Petition to Revoke Site Plan approval for property located at 996 Maplewood Avenue, submitted by James Fernald.

Ms. Walker noted that the Planning Board does not have any authority or process to revoke Site Plan approval.

City Council Representative Perkins moved to receive and place the Petition to Revoke Site Plan Approval on file, seconded by Vice Chairman Moreau. The motion passed unanimously.

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B. Request for Design Review for property located at 125 Austin Street, submitted by Peter J. Loughlin, Attorney, On behalf of the Roman Catholic Bishop of Manchester, Owner.

Ms. Walker noted that this is a request for a design review and will give the applicant the opportunity to come in front of the Planning Board in a preliminary way. It is different than a conceptual design review because a conceptual design review requires a public hearing and is a voluntary process.

Vice Chairman Moreau moved to accept the Request for Design Review and to schedule a public hearing, seconded by Mr. Gamester. This matter will be on the next regularly scheduled Planning Board Agenda on November 15, 2018. The motion passed unanimously.

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C. Request for Regional Impact Designation for 70 & 80 Corporate Drive (Lonza) received from the Town of Greenland.

Ms. Walker commented that this is the Lonza project, which has been postponed to the next meeting. The Planning Department received a request from the Town of Greenland that this project become a Regional Impact Project. That is a State designation that is made by a land use board. It allows additional notification to abutting communities, but these communities were already notified. Greenland has concerns about the traffic. It is mainly a notification process and we will re-notify Greenland and Newington.

City Council Representative Perkins moved to determine that the expansion project located at 70 & 80 Corporate Drive has potential for regional impact to the communities of Newington and Greenland, seconded by Vice Chairman Moreau. The motion passed unanimously.

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D. Appointment of Capital Improvement Plan Planning Board Advisory Committee

The following members were appointed to serve on the Committee: Chairman Legg, Vice Chairman Moreau and Jeffrey Kisiel were appointed.

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VII. CITY COUNCIL REFERRALS

A. Request for the City to accept a Quitclaim Deed from Mary Beth Hebert for land locked property located off Lafayette Road (on the border of Greenland and Rye).

Ms. Walker commented that this was clearing up a title to a 6.5 acre largely wet land-locked parcel. The Legal Department provided a recommendation to accept a quitclaim deed from Mary Beth Hebert. This is to clear up some title issues.

Vice Chairman Moreau moved to recommend that the City Council accept a quitclaim deed from Ms. Hebert for property located at Tax Map 296, Lot 2, land-locked property located off Lafayette Road on the border of Greenland and Rye, seconded by Mr. Pezzullo. The motion passed unanimously.

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Ms. Walker talked about a meeting that Board Members and public could attend about COAST. It will be open dialogue and will give an opportunity to learn more about transportation network planning. Also, until the Planning Board goes all electronic the Zoning Enforcement Officer Jason Page will be hand delivering the Planning Board packets to their homes starting next month.

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VIII. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 10:00p.m.

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

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