

Jackie Pitts of 110 Ledgewood Drive, #8, stated that the Portsmouth Legislative Delegation supports HB 717 and supported its passage by the House of Representatives. (Ms. Pitts is a member of the NH House of Representatives.)

She then spoke to the name change for Ledgewood Drive/Ledgewood Manor. She stated that for the past thirty years Ledgewood Manor has been her home; not just an apartment. When she heard of the name change for Ledgewood Drive, two things came to mind: one being that the portion of the street by Bowl-a-Rama and the turn around is maintained by the City adding that she was always under the impression that it was a City street. Secondly, she commented that a change in a street name sounds like a simple thing, but it really isn't what with car registrations, licenses, and checkbooks having to be changed. She noted that major renovations are ongoing and stated that if the purpose of the name change is to change the reputation (of the apartment complex), that reputations are changed by what is actually going on and by people; that reputations are not changed by changing a name.

She urged the Board to consider the expense involved with a name change and asked that she be given an opportunity to speak to the tenants out there.

The Chair made three calls for speakers. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Will stated that he felt very uncomfortable changing the name of this street. He appreciated the fact that the Fire Chief had stated that Ledgewood is similar to other streets in the City. He (Mr. Will) felt that a change of name of a street is a 911 thing or if the City should want to honor a person or historic event. It was Mr. Will's opinion that the requested name change was due to the reputation of a neighborhood. Understanding that the following was not in the purview of the Board, Mr. Will stated that he believed that the rents had been increased and that the new owners had bought out the arrangement with HUD and were no longer obligated to provide affordable housing – a subject that is near and dear to Mr. Will's heart. Mr. Will stated that he echoed the opinion of Representative Pitts that reputations are made by the people in the neighborhood not by name. Mr. Will went on to state that if it ain't broke, don't fix it.

Mr. Will moved to recommend denial of the name change. Mr. Coker seconded the motion. Councilor Lown inquired as to what power the Planning Board had with regard to the name of a private street. Mr. Holden replied that he thought the issue was whether the name was appropriate for emergency personnel. However Mr. Holden felt that the status of Ledgewood Drive should be clarified. He stated that the procedure that is being followed is to eliminate any duplicate names. He referred to the list of suggested names put together by the Planning Board adding that developers are not obligated to follow that list.

Councilor Lown stated that it was his understanding that the Board was making a recommendation and the emergency issue was the only consideration. Mr. Holden reiterated his desire to have a clarification of the public street portion and the driveway portion. He felt that if the City is plowing it, it is a City road. He went on to state that the department had tried to invite as many people as possible but the department did not have an abutters' list (tenants list). The announcement was advanced on the web site and the newspapers. By virtue of the televising of this meeting, it is possible that some tenants may learn of the opportunity to publicly discuss the name change. He recommended that the request be tabled or postponed for additional information.

Councilor Lown stated that he felt that a private owner of a street should have the power to call it whatever he or she wants. However he felt that where Ledgewood Drive begins or ends is worthy of clarification and felt that tabling was a good idea.

That being said, Councilor Lown moved to table the request to the April 24th meeting of the Board for a meeting with the applicant to see if the tenants have been notified and to clarify the status of Ledgewood Drive. Mr. Savramis seconded the motion and asked that an inquiry be made as to how the expenses incurred in such a name change are taken care of. Mr. Coker asked that an opinion be received from the City Attorney as to whether the Board is obligated to grant (recommend) a name change solely on the criteria that it meets 911 standards.

The Chair reminded the Board that they are making a recommendation to the City Council. The motion to table passed unanimously.

Mr. Will brought up the subject as how people, who may be renters, are affected. Mr. Holden reiterated that the department didn't have access to addresses adding that inasmuch as only one tenant was present, would give the illusion that there is a notification problem. The applicant could be asked to demonstrate that such information has been provided to the tenants so that the department and the board could have a record. Mr. Will wondered if there was an active neighborhood association. Mr. Holden stated that he was not familiar with one in the area in question.

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B. A public meeting on a proposed amendment to the City's *Subdivision Rules and Regulations* regarding the requirement to submit in a digital format final plans presented for recording. Copies of the amendment are available at the office of the Planning Department. Public comment is invited.

The Chair read the notice into the record and made a call for speakers.

SPEAKING TO THE REQUEST:

Dennis Moulton, an engineer with Millette, Sprague & Colwell addressed the Board and stated that his firm was not supportive of this particular amendment. They felt it would be a taking of copyrighted material; that it would be possible for anybody with software to gather information from the copyrighted material. Mr. Moulton went on to state that although they strive to make very accurate plans, errors will occur and he wondered whose legal responsibility it would be. In other words, they accept the risk when they produce plans; however, whose responsibility would it be when they lose control of the plans. He went on to state that surveyors don't always agree with measurements and wondered who would resolve the differences.

Mr. Moulton continued on by stating that the regulations call for a specific format and pointed out that every firm uses a different format; that these regulations would force them to create a different mylar and information just for the City of Portsmouth. He pointed out that the regulations are in direct conflict with recording criteria at the Registry of Deeds; that the same plan cannot be given to the Registry of Deeds. The separate plan would be an added cost to the developer and would be especially burdensome to smaller clients coming in for a small subdivision or a lot line relocation.

Mr. Moulton urged the Board to table this item to a work session between consultants and City officials to come up with a more responsible way. He felt that the intent was a good one but that the proposal has some problems.

Mr. Coker stated that Mr. Moulton mentioned that the firm's work is copyrighted and asked if such is normal and customary in the industry. Mr. Moulton stated that he believed it was adding that his concern would be with the uncompensated taking of copyrighted material.

David Williams of Kittery, Maine, stated that he was very familiar with copyright issues and intellectual property; that one does not have to register it; that it is copyrighted from the moment it is created.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden indicated that, in actuality, the department has been working with several firms and that the department was aware of some issues. He recommended that the item be tabled to allow for a work session adding as an aside, that the City's tax maps are also copyrighted.

Councilor Lown moved to permit a work session between surveying firms and the Planning Department. Mr. Will seconded the motion. The Chair noted for the record that communications had been submitted by John Chagnon of Ambit Engineering and James Verra of James Verra and Associates. The Chair further noted that the proposed regulations do provide for a waiver for smaller applications. Mr. Will commented that such a process would still be a waste of time on the part of the applicant and on the part of the department.

The motion to table passed unanimously. Mr. Holden indicated that he would set up a staff meeting and then set up a brief meeting perhaps prior to a regular meeting. Mr. Holden commented that intellectual properties set aside, once a plan is filed in the Registry, it is a public document.

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C. A public meeting on the **City Council Referral** regarding the request to rezone property off **McDonough Street** (the former shoe factory and an abutting parcel) from a Mixed Residential Business district to an Apartment district. Said property is shown on Assessor Plan 144 as Lots 47 and 48.

The Chair read the notice into the record and called for speakers.

SPEAKING TO THE APPLICATION:

Attorney Bernard W. Pelech addressed the Board and clarified that Lot 48 was no longer included in the rezoning request and he had so indicated to Mr. Holden a week or so ago. Lot 48 is a small lot surrounded by Lot 47.

As an update from the last meeting, Attorney Pelech stated that he had had a very productive meeting with Mr. Holden and Ms. Tillman of the Planning Department and several representatives of the Technical Advisory Committee where many differences of opinion were voiced. Attorney Pelech advised the Board that they have an ongoing traffic study for the site and that he was present to hear public comment and address any concerns.

The second change that was made is in regard to age restricted housing. Attorney Pelech reported that the project will not be age restricted housing due to concerns expressed by the City.

The request will be for thirty-five to thirty-six residential units. Parking will be provided within the building for some forty to fifty vehicles together with parking on site – two spaces for each dwelling unit.

Attorney Pelech presented a rendering of what the project might look like. All ingress/egress will be from Cabot Street. Entrance to the parking garage will be from Cabot Street.

Attorney Pelech went on to state that the City Council would hold another public hearing on the rezoning request; that if the request is granted, then the Board of Adjustment would hold a Public Hearing for a Special Exception request and then the Planning Board would hold a Public Hearing in the Site Review process.

Mr. Will inquired as to the square footage of each unit. Attorney Pelech replied that there would be a variety of sizes ranging from 800 s.f. to 1,200 s.f. with some (units) a little larger. The units would be one to two bedroom units.

Mr. Coker stated that it was his understanding that Lot 48 would remain in the Mixed Residential Business district. Attorney Pelech explained that the applicant, Timothy Flynn, does not own the property; that a single family residence is located on the lot presently.

Barry White addressed the Board and stated that he was the owner of 189 McDonough Street; that he has had an office there for some 20 years adding that he didn't want his property changed. He stated that he didn't know where parking could be provided on McDonough Street.

Mr. Holden inquired of Mr. White if he realized that his property was not be included in the zoning request. Mr. White stated that he did not know that his property was part of the rezoning request and only realized such when he re-read the abutter notice mailed to him.

Councilor Lown inquired as to where Mr. White parked his vehicle(s) presently with Mr. White responding that he had used Mr. Flynn's parking lot for years. Councilor Lown asked if Mr. White had trouble finding parking on the street or in the lot. Mr. White indicated that parking is a major problem.

Susan Stroud of 58 McDonough Street inquired as to what would happen with the Pontine Theatre. The Chair responded that at this time, the Planning Board is talking about the rezoning request; that the matter of the Pontine Theatre is between the developer and the theatre. Ms. Stroud inquired as to the number of stories with Attorney Pelech responded by stating that there would be four stories including parking.

Sam Rayes of 178 McDonough Street stated that he owns the duplex across the street and referred to the problem with parking and stated that he didn't know how the project would fit in "this little neighborhood".

Attorney Pelech stated that there would be more than enough off-street parking. He noted that many, many residences in the area do have a parking problem and that many people use Mr. Flynn's lot during the winter months.

Mr. Coker inquired if Attorney Pelech's client was going to park all the cars within the building. Attorney Pelech responded by stating that three-fourths of the cars, or 45 to 50 cars would park on the lower level inside the building and an additional 20 to 25 cars would park on the outside in the back.

Attorney Pelech went on to state that a preliminary traffic study has been done and that he would have a traffic study available for next month's meeting and hopefully a Phase 1 Environmental Study. Mr. Holden asked that the traffic study include parking availability and information on the intersections. Attorney Pelech stated that it was his understanding that the traffic engineer had talked with John Burke (the City's Parking and Transportation Engineer) and had reached an agreement on the scope of the study. The Chair commented that such an issue would be discussed more in depth during the Site Review process.

Attorney Pelech went on to state that water and sewer issues do not appear to be of concern to the Public Works Department. He continued on by stating that he has talked with Peter Torrey of the School Department regarding school age children. Attorney Pelech then spoke to the possibility of including work force housing units in the project.

Mr. Savramis moved to table this agenda item to the April 24th meeting of the Board. Mr. Will seconded the motion. Mr. Will noted that the Public Hearing would still be open and public comment could be received at the next meeting as well. Mr. Holden interjected that his final report would be highly contingent upon what the traffic study indicates; therefore, in light of the fact that the traffic presentation will be at the next meeting, the Board could direct the department to present its final report thereafter (meaning the May meeting). The motion to table passed unanimously.

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D. The application of **Michael Brigham** for property located at **487 Cutts Avenue** wherein Preliminary Subdivision Approval is requested for the creation of six lots from an existing lot. The lots will range in size from 15,394 s.f. ± to 30,326 s.f. ± with frontage off Michael Succi Drive and Chase Drive. Included in this proposal are the following transfers of land: 5,126 s.f. ± of lot area from 487 Cutts Avenue to property located at 465 Cutts Avenue; 3,718 s.f. of lot area from 487 Cutts Avenue to property located at 355 Chase Drive; and, 1,827 s.f. of lot area from 355 Chase Drive to property located at 487 Cutts Avenue. Said property is shown on Assessor Plan 210 as Lots 26, 27 and 30 and lies within a Single Residence B district. Plat plans are recorded in the Planning Department as 18.2.02. **(This item was tabled at the Board's February 20, 2003, meeting to this meeting.)**

Mr. Will moved to take the application off the table. Mr. Savramis seconded the motion. The motion passed unanimously.

Attorney Pelech stated that based on last month's work session with the Planning Board and a subsequent meeting with Planning Department and City staff, it was felt that it would be in everybody's best interest to go forward with a six lot subdivision. He explained that each unit would have its own driveway. He stated that a previous conceptual plan had two shared driveways. In other words, four driveways serving six lots.

Attorney Pelech then spoke to the concept of individual wells serving these units. The City's sewer system will service the proposed lots. Attorney Pelech commented that it is possible that improvements to the City's water system could be made that would be acceptable to the City and would allow the applicant to connect to the City's water system. It was Attorney Pelech's hope that he would be able to come before the Board next month for Final Approval with an agreement on City water.

Attorney Pelech continued on by stating that a little piece of land that serves as a driveway to the existing residential structure on the site would either be offered to the City or to the abutting property owner. He stated that the driveway would be discontinued.

At this point in the proceedings, Attorney Pelech stated that he would turn the presentation over to Dennis Moulton. Attorney Pelech informed the Board that Mr. and Mrs. Petroulis were present and had executed a land swap agreement.

Dennis Moulton of Millette, Sprague & Colwell addressed the Board and spoke to the slight advantage in the material to be removed with shared driveways and to the need for significant cuts and the 8% grade from the base of the drive to the houses. The Chair interjected that it is not in the purview of the Board to pick and choose.

Mr. Coker inquired if the only difference in the plan before him and the one on the board (easel) is that his shows shared driveways and the one on the board shows individual driveways. Attorney Pelech replied in the affirmative and reiterated that there would be a single driveway to each unit.

Mr. Will commented that he would be more concerned with not having shared driveways and pointed out that Michael Succi Drive leads to an industrial area. Mr. Holden interjected that the department does recommend shared driveways where there is a reason to have them. He commented that neither Michael Succi Drive nor Cutts Avenue is used extensively. It was his opinion that initially, the owners may be willing to get along with shared driveways; however, he felt that there might be a lightening point that would bring neighbors not necessarily together.

Mr. Coker commented that it seemed reasonable to him to have shared driveways and the fact that a homeowner is sharing a driveway with another homeowner should be obvious when they buy a house adding that if it snows, it is their responsibility to clean it not the City's. He went on to state that he is confused as to why the City is adverse to shared driveways commenting that if one doesn't like the driveway, then one shouldn't buy the house. The Chair stated that the question was a valid one and asked Mr. Coker to hold it for the discussion portion.

The Chair then proceeded to make three calls for speakers. Seeing no one rise, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden interjected that the driveways associated with this subdivision are going to be steep driveways. He pointed out that the slope at Peverly Hill is around 5%; that it is anticipated that the slope of the driveways would be 8% to 10%. It was his opinion that it would be better for each lot to have its own individual access, it being his feeling that the Level of Service of the surrounding streets would not be impacted by having individual driveways. Mr. Holden went on to comment that it took Public Works to convince him that individual driveways would be better than shared driveways. Mr. Coker stated that he was missing a vital piece of information and did not think that it was the Planning Board's problem that the Public Works Department says that the shared driveways would be very steep. Mr. Holden spoke to the orderly development of the City.

Mr. Will felt that driveways were certainly within the purview of the Planning Board and spoke to the fact that the Public Works Department had properly determined that it would be more dangerous to have shared driveways on a steep hill.

Councilor Lown inquired as to the Board of Adjustment action on the three unit house. The Chair indicated that the existing house would be demolished. Councilor Lown stated that he had problems with the proposal; that he had driven up there and looked at the site in question. He expressed his concerns with blasting, drainage, erosion, steep driveways, and the cramming in of

a bunch of houses. He continued on by stating that he just didn't like it adding that people would see it (the subdivision) when they come into the City.

Mr. Holden interjected that by going with the proposal before the Board, there would be less blasting; that a City street; such as, a cul-de-sac would require a large amount of blasting. Councilor Lown responded by stating that he just felt that the developer might be trying to do too much with the parcel in question.

Mr. Coker stated that he was not as concerned as Councilor Lown as far as blasting is concerned. He went on to explain that he lived with the 100 Market Street blasting and added that one can do an awful lot of blasting with very, very little damage to surrounding properties. He felt that blasting was a non-issue; that people would post bonds and pay for any damage that was done.

Councilor Lown stated that if the Board grants Preliminary Approval, the application would go to the Technical Advisory Committee and then back to the Planning Board, at which time, the Board would be free to do whatever it wanted; that all the Board is actually doing is passing the application on for one more opinion from another Board. Councilor Lown went on to state that in that event, he would probably go along and moved Preliminary Approval keeping in mind his comments and the fact that he does not like the proposal. Mr. Will seconded the motion.

Mr. Holden cautioned that Attorney Pelech would take the Preliminary Approval to forward the interests of his client and advised Councilor Lown to be specific with his concerns and to bring them forward so that there is a discussion on them. He cautioned Councilor Lown not to underestimate the Preliminary Approval. The Chair suggested that Councilor Lown's comments be brought forward as stipulations. Councilor Lown reiterated his key concerns as erosion, drainage, driveways, number of lots and blasting adding that a big portion of the hill would be blown away.

Mr. Coker stated that a prior discussion about wells was another question that he had. He stated that he doesn't have a problem with wells and wondered if this was the time to discuss why wells are not looked upon by the City as being feasible. The Chair stated that the Technical Advisory Committee would report back on that subject when the application comes back for Final Approval.

The motion to grant Preliminary Approval passed unanimously with the following stipulations:

1. That the project shall be subject to consideration by the City's Technical Advisory Committee (TAC);
2. That each lot shall be provided with access to a City street by separate driveways and that the proposed slope for each lot shall be considered by TAC;
3. That TAC shall make a recommendation to the Board relative to sidewalks and related improvements;
4. That the applicant shall be required to connect to the City's water system;
5. That no driveway access shall be made to Cutts Avenue from any proposed lot;
6. That boundary monuments shall be installed per the requirements of the Public Works Department prior to the filing for Final Subdivision Approval; and,
7. That as part of an application submitted for Final Subdivision Approval the Plat shall include as parties to this application any re-subdivisions or lot line changes occasioned by this request.

It was noted that Councilor Lown had specific concerns with the project; such as, blasting, drainage, erosion, steep driveways, and density.

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E. The application of **Mark Ayotte** for property located at **1 and 9 Garden Street** wherein Preliminary and Final Approval is requested for a lot line relocation that would allow the transfer of some 7, 772 s.f. ± of lot area from 9 Garden Street to 1 Garden Street and would result in the following: Property located at 1 Garden Street would have a lot area of 19,776 s.f. ± and property located at 9 Garden Street would have a lot area of 15, 681 s.f. ±. Said property is shown on Assessor Plan 174 as Lots 10 and 11 and lies within a General Residence A district. Plat plans are recorded in the Planning Department as 03.1-03.

The Chair read the notice into the record and called for speakers. Mr. Holden interjected that the department had noted that a mistake was made in the legal advertising and that Final Approval would have to be put off for a month with the department footing the bill for advertising. He suggested that the applicant be allowed to make his presentation and any other areas of interest could be identified and moved forward.

SPEAKING TO THE APPLICATION:

Mark Ayotte of 9 Garden Street addressed the Board stated that he and his neighbor, Carol Burns, had reached an agreement for a lot line relocation explaining that Ms. Burns' tract of land traverses in back of his land and is of no use to her. Mr. Ayotte went on to state that the change in the lot line would allow his family the ability to move their tree line further back towards the armory. Mr. Ayotte stated that he may not be able to be present at next month's meeting as his job requires him to do a lot of traveling. He went on to state that he would advise the department if he finds he cannot be present.

The Chair made a call for other speakers. No one rose.

Mr. Holden interjected that the postponement of any action for a month would give him an opportunity to discuss with the City Attorney the note regarding the undeveloped paper streets.

Mr. Will moved to table the application to the Board's April 24th meeting. Mr. Savramis seconded the motion. The motion passed unanimously. It was noted that the Public Hearing remains open.

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F. The application of **Paul and Liane Gigis, the Richards Avenue Group, LLC and the SMHC Resource Group, Inc.**, for property located at **293 and 301 and 303 Richards Avenue** wherein Final Approval is requested for a lot line relocation that would allow the transfer of some 705 s.f. ± of lot area from 301 and 303 Richards Avenue to 293 Richard Avenue that would result in the property located at 293 Richards Avenue having a lot area of 4,903 s.f. ± and the property located at 301 and 303 Richards Avenue having a lot area of 7,500 s.f. ±. Said property is shown on Assessor Plan 130 as Lots 55 and 56 and lies within a General Residence A district. Plat plans are recorded in the Planning Department as 01.2-03.

The Chair read the notice into the record and called for speakers.

SPEAKING TO THE APPLICATION:

Steve Scott of 377 Richards Avenue stated that the Board should have a detailed survey prepared by Easterly Surveying. He stated that as the lot line currently exists, it is a disadvantage to the Gigises and they have been trying to resolve issues explaining that the Gigises don't have room to park a second car or room to provide recreation for their children.

Mr. Coker inquired if Mr. Scott was an attorney with Mr. Scott responding in the negative explaining that he was one of the members of the Richards Avenue Group, LLC who bought the property along with Seacoast Mental Health.

The Chair made three calls for speakers. There being none, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Savramis moved to grant Final Approval. Councilor Lown seconded the motion. The Chair asked about the approval for the easement language. Mr. Scott stated that Ms. Franks had just returned from Australia; that he had spoken with her and she was very much in favor of correcting an old easement issue. Ms. Tillman stated that Final Approval could be granted contingent upon the City Attorney approving the easement as to content and form and to the proper recording of the easement.

The motion to grant Final Approval passed unanimously with the following stipulations:

1. That permanent boundary monuments be established as per the requirements of the Public Works Department; and,
2. That the City Attorney review and approve the easement(s) as to content and form and the order of recordation.

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G. The application of **Sharan Gross** for property located at **201 Cate Street** wherein site plan approval is requested for the construction of a two-story 30' x 46' ± building with a footprint area of 1,476 s.f. ± with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 163 as Lot 32 and lies within a General Residence A district.

The Chair read the notice into the record and called for speakers.

SPEAKING TO THE APPLICATION:

Michael Peloso, Civil Engineer, stated that he was present on behalf of David and Sharan Gross. He stated that the existing lot continues down on both sides of the stream. The proposal calls for the existing 1,426 s.f. building to be removed. The new building will have a 50' increase in footprint and will be in a different location. The proposal calls for a hair salon on the first floor and two one bedroom apartments on the second floor.

The plan indicates an ejector pump to the sewer main. Mr. Peloso spoke to rights-of-way to service and maintain the force main. The amount of paved area will be reduced. The surface water will be directed to the rear of the property and off into the woods. There will be some 4,000 s.f. of total impervious pavement. Some of the green space has been increased based on a

recommendation from the Technical Advisory Committee. Mr. Peloso explained that the grade from the existing stream is very steep some 10' to 12' deep.

Mr. Peloso proceeded to review the changes requested by the Technical Advisory Committee which he indicated had been incorporated into the plan.

He stated that the location of the utility pole would be staked in the field and would be reviewed by Public Service Company and the Public Works Department before the request is made for a license from the City Council. He pointed out that note 24 pertains to the license from City Council.

Mr. Peloso went on to state that he anticipated some comments from the City Attorney regarding the easement for the clearing and dredging of the stream and whether or not the easement allows for the area to be used for parking. Mr. Peloso stated that they believe it does due to the wording in the easement stating that ...and reserving to the landowners, their heirs and assigns all such rights, title, interests and privilege as may be used and enjoyed without the interference with or abridgement of the easement and rights acquired by the United States He commented that he has heard nothing to the contrary.

Mr. Peloso continued on by stating that they certainly agree to the other stipulations; such as, the preparation of easements for review and comment by the City Attorney and the recording of the site plan at the Registry of Deeds.

Mr. Coker inquired if there was any issue with the stream or wetlands with the response from Planning Department staff being in the negative.

Mr. Ricci commented that he had a very difficult time reading the proposed grades on the plan especially both sides of the parking and asked that spot grades on either corner of the parking be delineated on the plan. Mr. Peloso concurred that there are no spot grades but that the plan does indicate the direction of the flow areas adding that they are planning to use as much of the existing pavement as is possible with no plans to change the grade.

Mr. Ricci also had some concern with the location of the handicapped parking space and felt that the stairs would present a problem for people using that space and felt that the issue needed to be addressed. He spoke to the possibility of having an 8' parking space and a 4' island.

The other concern Mr. Ricci had was with providing some sort of treatment for stormwater runoff; such as, a level spreader or a treatment swale by the edge of the parking and the property line (some sort of vegetative treatment swale). Mr. Peloso pointed out that the site is pretty level as it is; however, he would look into a treatment swale. Mr. Ricci felt that anything that could be done to improve the situation would be helpful as the site right now is not that "glamorous". Mr. Peloso reiterated that the runoff would enter some 200' of woodlands.

Mr. Ricci concluded his statements by expressing his concern over the height of the handicapped ramp and asked that such be reviewed by the Building Inspector.

The Chair asked if the trash can area to the rear would be fenced in. Mr. Peloso replied in the negative, and the Chair asked that it be fenced to keep the trash from blowing around.

The question was then asked about lighting with the response being that there would be sign lighting. David Gross approached the podium and stated that he and his wife own 201 Cate Street as well as 235 Cate Street. Mr. Gross was informed that a Sign Permit is a separate issue and Ms. Tillman stated that any reference to a sign should be removed from the site plan; such

as, note #14. Ms. Tillman informed Mr. Gross that Sign Permits are administered by the Inspection Department.

The question was asked if there would be any egress from the rear of the building. Mr. Gross anticipated a rear door for the beauty parlor as a rear entry. The Chair stated that he would speak for Mr. Hopley, the Building Inspector, who was not in attendance and informed Mr. Gross that the rear access/egress cannot go onto a grassy area; that it must be an impervious material.

Councilor Lown referred to the notes about the sewer line issue and Mr. Allen's comment about a huge problem to share a lateral. Mr. Peloso stated that the force main would go directly to a sewer line and not to a lateral.

Mr. Holden interjected that the City Attorney does not have a concern with the parking in the easement area. He went on to state that with regard to stipulation #4 concurrence would be a condition explaining that the City is likely to be doing work on the Cate Street bridge and the City was looking for the applicant to agree to cooperate with the City in the event that the City finds it needs to repair or even remove the bridge. Mr. Peloso made it clear that the applicants agree to cooperate. Mr. Holden indicated that such verbal concurrence would take the place of condition #4.

Mr. Coker queried if the removal of the bridge would mean a dead end street with Mr. Holden replying that it is a possibility explaining further that it is a City-owned bridge and due to the tightness of the property lines, the City would need the cooperation of the landowners to work on the bridge on a temporary basis.

Seeing no further speakers, the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Coker moved to recommend approval with stipulations. Mr. Will seconded the motion. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That the Public Works Department review the proposed location of the PSNH pole;
2. That a note be added to the plan that a license be secured from the City Council for the installation of the proposed PSNH pole prior to the commencement of site work;
3. That concurrence be received from the City Attorney that note #1 indicates that parking is allowed in the easement area;
4. That some legal mechanism be in place that the City can maintain and/or improve the Cate Street bridge within the easement area which may temporarily affect the proposed parking spaces;
5. That a Building Permit not be issued until the sewer easements have been reviewed and approved by the City Attorney as to content and form and recorded in the Rockingham County Registry of Deeds with copies on file in the Planning Department; and,
6. That the site plan shall be recorded in the Rockingham County Registry of Deeds.

From the Planning Board:

- A. That the site plan indicate spot grades on either side of the parking area;
- B. That the location of the handicapped parking space be reviewed to ensure adequate access;
- C. That the site plan indicate appropriate fencing for the trash can area to the rear of the property;
- D. That note #14 regarding the proposed sign be removed from the site plan; and
- E. That the site plan indicate a note that any rear access from the building will be to an impervious surface.

With regard to stipulation #4 from the Technical Advisory Committee, it should be noted that the applicant agreed to cooperate with the City in the event the City needs to repair or remove the Cate Street bridge.

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H. The application of **Portsmouth Toyota** for property located **off Lafayette Road** wherein site plan approval is requested for the creation of a gravel parking area on an existing vacant lot for parking trucks under 33,000 lbs., gross vehicle weight, with associated site improvements. Said property is shown on Assessor Plan 297 as Lot 2 and lies within General Business and Industrial districts.

The Chair read the notice into the record and made a call for speakers. As no one rose to speak to the application, Mr. Holden explained that the department has been working with the applicant. He stated that he suspected that the issue of access to Route 1 was still being worked on and the applicant was not ready to go forward. He suggested that the Board table the application.

Councilor Lown moved to table the application to the Board's April 24th meeting. Mr. Will seconded the motion. The motion passed unanimously.

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III. NEW BUSINESS

A. **Borthwick Avenue.** Request of **Millenium Borthwick** for a one year extension of a Conditional Use Permit.

Ms. Tillman explained that the project (the construction of two office buildings) lies between Liberty Mutual and Highliner Avenue and is alive and well; that the plan is going forward and she recommended that the request be granted.

Mr. Coker moved approval of the one year extension. Mr. Will seconded the motion. The motion passed unanimously.

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B. **Borthwick Avenue.** Request of **Millenium Borthwick** for a one year extension of site plan approval.

Ms. Tillman explained that the project (the construction of two office buildings) lies between Liberty Mutual and Highliner Avenue and is alive and well; that the plan is going forward and she recommended that the request be granted. Mr. Coker moved approval of the one year extension. Mr. Will seconded the motion. The motion passed unanimously.

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Item not on the Agenda: Master Plan Planning Process

Mr. Holden brought the Board up to speed on the Master Plan. He informed the Board that on March 26th, staff would be meeting with the consultants and Portsmouth Listens on the Phase I report to the Board. On April 3rd starting at 6:30 p.m. each committee would have a few minutes to present their report. At the same time, there will be an ongoing reception in Conference Room A for everyone. He suggested that the Board listen to these people who have worked their hearts out.

The Chair interjected that over 2500 hours of work had been put into Phase I to bring this together. He went on to state that there would be 26 presentations and that each presenter would be given some 10 or 15 minutes making it a long meeting. He reiterated Mr. Holden’s statement that there would be refreshments available in the other room. He emphasized the fact that “these people have put in a ton of work”. The Chair continued on to state that it was anticipated that the Board should have summary reports prior to the meeting so that they would have an opportunity to review them.

The Chair went on to inform the Board that on April 15th, a kick-off meeting would be held at Yoken’s for Phase II of Portsmouth Listens, and the Board is invited to attend. On April 24th, the consultant will submit its inventory analysis to the Board. Some of that information will be provided to Portsmouth Listens on the 15th. Mr. Holden interjected that the inventory is a significant step and is based on information readily available. He suggested that the Board comment on it, accept it and allow it to be distributed.

Mr. Holden went on to report that there would be a visioning meeting with the consultant on May 1st. The Chair commented that the Board would be holding Public Hearings at individual schools around the City in an attempt to gather more public comment on the Master Plan process. The Chair hoped to capture the “pulse of the city” in this plan. The Chair went on to state that one recommendation that he liked already was to have an Annual State of the Master Plan Report that would be submitted to the City Council.

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IV. ADJOURNMENT was had at approximately 8:50 p.m.

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Respectfully submitted,

Barbara B. Driscoll, Acting Secretary for the Planning Board

These minutes were approved by the Planning Board at its April 24, 2003, meeting.