

Mr. Holden indicated that he was amazed as to how much the City has changed since the 1980s. He urged the Board not to underestimate the challenge put to them.

At this point in time, the Board took a short break to allow for a change in the microphones used during the work session.

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The Chair called the meeting to order at approximately 7:30 p.m.

I. APPROVAL OF MINUTES

A. February 6, 2003

Ms. Roberts moved to approve the minutes as presented. Mr. Will seconded the motion. The motion passed unanimously.

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B. March 20, 2003

Mr. Savramis moved to approve the minutes as presented. Mr. Hejtmanek seconded the motion. The motion passed unanimously.

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II. CITY COUNCIL REFERRALS/REQUESTS

A. Proposed Purchase of 497 Sherburne Road to reactivate the Harrison Well

Mr. Holden indicated that the agenda item was a referral from the City Council with a request for a report back with a recommendation. The background material presented to the City Council was included in the Board's packet. Mr. Holden urged a favorable recommendation on the purchase.

Peter Rice, City Engineer with the Water and Sewer Division, addressed the Board and stated that the proposed purchase of 497 Sherburne Avenue was critical to the City's continuing efforts to provide water resources for the City's future. He noted that the Harrison Well is not active at the present time but would be reactivated through the NHDES. He stated that the purchase of the property would go a long way in putting the Harrison Well on line.

DECISION OF THE BOARD:

Mr. Savramis so moved; that is, to send a favorable recommendation to the City Council on the purchase of property located at 497 Sherburne Road. Mr. Will seconded the motion that passed unanimously.
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III. OLD BUSINESS

A. **City Council Referral** regarding the request from RPL Properties, LLC to change the name of **Ledgewood Drive**, a private street, to **Winway Place**. (This request was tabled from the Board's March 20, 2003, meeting to this meeting.)

Mr. Will moved to take the application off the table. Ms. Roberts seconded the motion that passed unanimously.

Mr. Holden indicated that in the time since the Board had considered this agenda item, the applicant had notified the City Council that he was not going forward with the proposed name change. Mr. Holden stated that no further action, at the request of the applicant, was required by this Board. Ms. Roberts so moved. Mr. Will seconded the motion that passed unanimously.

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B. **City Council Referral** regarding the request to rezone property off **McDonough Street** (the former shoe factory from a Mixed Residential Business district to an Apartment district. Said property is shown on Assessor Plan 144 as Lot 47. (This request was tabled from the Board's March 20, 2003, meeting to this meeting.)

Mr. Will moved to take the application off the table. Ms. Roberts seconded the motion that passed unanimously.

The Chair indicated that the Board had received a request to table this agenda item (from Attorney Pelech). He stated that he would allow a few minutes for those present who wished to speak and indicated that new abutter notices would be going out when the applicant is ready to move forward.

Bill Selzar, who works at 135 McDonough Street, addressed the Board and stated that the proposal would affect his work as he rents space in the building proposed for apartments. He went on to state that quite a few people, who are artists and craftsmen, rent large studio spaces in the building in question; that all these people would be impacted by the proposal as there are no other large studio spaces available in the City. He stated that he realized that Tim (Flynn) should be able to do what he wants with this building, but, nevertheless, the fact still remained that studio space would be lost.

Myles Bratter addressed the Board and stated that he is an immediate abutter. He felt that he would be the most affected by the proposal. It was his opinion that the proposal would lower property values by at least 50% pointing out that there would be more people in one building than the entire area.

Mr. Bratter submitted photos of the parking situation during the day and night. He stated that at certain times of the day, certain days of the week, parking is a serious problem. He wondered where the cars would park and wondered where the guests would park. He brought up the fact that there would be no place for artists to go.

Mr. Bratter submitted a letter from a neighbor, Robert Padian of 312 Cabot Street, and read the first page into the record. Mr. Bratter expressed his concern as to how many apartments would actually be created.

Jeff Cooper, one of the renters at 135 McDonough Street, addressed the Board stating that he had written a letter saying basically the same things and spoke to the difficulty of artists finding other places in the City. Mr. Savramis inquired as to how many people have studios in the building in question with Mr. Cooper responding by saying that he thought about 10 explaining that not all are artists.

Mr. Will wondered how many studios have classes. Mr. Cooper felt that only the ballet studio was set up for a school; however, the Pontine Theatre has classes there as well. Mr. Will asked that it be determined how many studios have teaching classes. The Chair stated that such a question could be asked when the applicant presents the project to the Board.

Attorney John P. McGee, Jr., addressed the Board stated that he was home watching the meeting on television and didn't want to miss an opportunity to speak. Attorney McGee stated that he represents Regan Electric who has a concern about the status of a street. Attorney McGee went on to state that it appears, physically in the ground, that the street has been incorporated into a parking lot. He thought it would be appropriate for the City to seek some clarification from the owner of the property. Attorney McGee concluded by stating that he just wanted to give the Board a head's up as to this concern.

Sam Rayes of McDonough Street stated that he agreed with everything that had been said and urged the Board to take its time in studying the proposal and take into consideration the impact on the area.

Mr. Will moved to table the agenda item to a time uncertain. Mr. Savramis seconded the motion that passed unanimously. The Chair reiterated that abutter notices would be sent out when the applicant was ready to go forward and, furthermore, that a legal notice would be published in the paper.

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C. 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, 722 s.f. ± of lot area from 1 Garden Street to 9 Garden Street and would result in the following: Property located at 1 Garden Street would have a lot area of 15,681 s.f. ± and property located at 9 Garden Street would have a lot area of 19,776 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. **(This application was tabled from the Board's March 20, 2003, meeting to this meeting.)**

The Chair read the notice into the record. Ms. Roberts moved to take the application off the table. Mr. Savramis seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Mark Ayotte addressed the Board and stated that he was present on behalf of his family and the Burns family. An agreement has been reached on a lot line revision and he was asking the Board's approval.

The Chair asked if there was anyone else in the public who wished to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden indicated that with regard to note 6 on the plan, the department does have a letter indicating that the note would be removed from the plan. This is the note that deals with paper streets. Mr. Holden did mention that the removal was being done without prejudice.

Mr. Will moved that the Board act favorably on the application with two stipulations. Mr. Hopley seconded the motion. The motion 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 note #6 shall be removed from the plan.

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D. 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. **(This application was tabled from the Board's March 20, 2003, meeting to this meeting.)**

The Chair read the notice into the record. Ms. Roberts moved to take the application off the table. The motion was seconded and passed unanimously.

Mr. Holden indicated that the applicant was not ready to move forward at this time adding that there was no general agreement as to how the project would be approached. Mr. Holden thought that it might take some time to come back and that it might come back in a different form.

Mr. Hopley moved to table the application to a time indefinite. Ms. Roberts seconded the motion that passed unanimously.

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IV. PUBLIC HEARINGS

A. The application of **William E. Ashley, Trustee of Kelly Property Trust** for property located off **Woodbury Avenue** wherein a Conditional Use Permit is requested as allowed in Article X, Section 10-608(A) and (B) for the creation of additional lots to the existing mobile home park together with a proposed access road. The additional lots and access road will be located within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 215 as Lot 9 and lies within General Business and Office Research districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Corey Colwell of Millette, Sprague & Colwell addressed the Board and stated that he was representing the applicant and owner, William Ashley. He stated that the applicant has had the trailer park since the early 1960s. A Dredge and Fill Application was recently submitted to the NHDES and Conservation Commission. The application was denied.

Mr. Colwell stated that the applicant wanted the Board to understand his position in that in 1963 the applicant received a permit from the Planning Board to construct 72 units. Since that time, a sewer easement was given for the benefit of the Pease International Tradeport. Mr. Colwell stated that there were some wetlands in the 60s and 70s but not near as much as what there is at the present time. It was Mr. Colwell's feeling that the sewer easement created a dam through the property backing up water on the site. Based on the permit to create 72 units and the creation of the sewer easement, the applicant felt justified in bringing the Application for the Conditional Use Permit before the Board.

The Chair inquired as to when the sewer easement was put in with Mr. Colwell responding that it was shortly after the construction of Pease.

The Chair asked if there was anyone else in the public wishing to speak to, for or against the application. The Chair noted that Peter Britz, the City's Environmental Planner, was in the audience. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden indicated that the department, based on the report from the State and the Conservation Commission, recommends that the request should properly be denied.

The Chair invited Mr. Britz to the podium to fill the Board in on how the Conservation Commission meeting went; how they felt. Mr. Britz stated that he was in attendance at the Conservation Commission meeting and that they unanimously recommended denial. He stated that the application had been tabled from an earlier time as the independent wetland scientist could not go out to the site while the snow was on the ground. The water was so deep when the independent wetland scientist did get to go on site that it was difficult to get near the area in question. Mr. Britz felt that there was no reason that the application should be approved adding that the request does not meet the spirit of the ordinance and no mitigation or creation of new wetlands was offered.

The Chair asked the pleasure of the Board. Mr. Savramis moved that the petition be denied based on information that was presented by the Conservation Commission and the Department of Environmental Services. Mr. Will seconded the motion.

Mr. Will commented that he has been on the Board since March 6, 1995; that this was the first application that would affect the expansion of affordable housing. He went on to state that sometimes he hates his job and that this is one of those times as he would have to vote against the request. (Mr. Will is a strong advocate of affordable housing.)

Ms. Roberts commented that the Board tries to accommodate the needs and desires of applicants to the extent that the Board can. However, she felt that the Board had to work with the conditions of the site as they are at the present time. She noted that no attempts were made to mitigate the intrusion into the wetlands. She did not feel that there was any way to approve the application.

The Chair stated that he could not go along with request adding that it was his feeling that the wetlands had been on the site for a number of years.

The motion to deny passed unanimously.

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B. The application of **National Gypsum Company, owner, and Abington Group, applicant**, for property located off **Michael Succi Drive** wherein site plan approval is requested for the installation of a 40' high stack, five feet in diameter, on a concrete foundation together with the installation of a fan on a concrete foundation with associated site improvements. Said property is shown on Assessor Plan 211 as Lot 1 and lies within a Waterfront Industrial district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATON:

A representative from Abington Construction spoke to the replacement of two existing stacks with one stack. The replacement has already been approved by the NHDES. The Chair inquired as to the height of the current stacks with the response being 34'. The Chair inquired as to the noise associated with same with the response being 44.3 decibels at the property line. It was stated that the noise level would be much less than that associated with the existing stacks; that the proposed system is more efficient.

Discussion ensued on adding a stipulation providing for a time period for the existing stacks to be removed. It was stated that the stacks would be removed once the new stack is up and running. It was felt that a year's time would be sufficient. The question was asked as to construction time to get the stack up with the response being, "no time at all".

The Chair inquired if there was anyone else in the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

It was the consensus of the Board that if National Gypsum wishes to enclose the fan to reduce noise further, that the enclosure would not have to come back to the Board.

Mr. Hopley moved to approve the site plan. Ms. Roberts seconded the motion. The motion passed unanimously with the following stipulation:

That if the existing stacks are not removed within a year's time, then a representative from National Gypsum would return and ask for additional time or seek a clarification.

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C. The application of **Bellwood Associates Limited Partnership** for property located at **2300 Lafayette Road** (Water Country Fun Park) wherein site plan approval is requested for improvements to certain parking areas with associated site improvements. Said property is shown on Assessor Plan 273 as Lots 5 and 7 and Assessor Plan 267 as Lots 1-23, 1-24, 1-25, 1-26, and 1-27 and lies within General Business and Industrial districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATON:

Steve Oles of Millette, Sprague & Colwell addressed the Board and informed the Board that he was present with Dick Samuels of Water Country. The proposal calls for the creation of a safer

internal traffic flow pattern. A drop off area will be created so that family, friends, and personal belongings could be dropped off and then the driver could proceed to park the vehicle in one of the parking lots. A 12' wide paved strip will be provided the full length of the gravel parking lot to the rear. They are also proposing to create a new driveway entrance separate from the incoming/outgoing traffic associated with the drop-off zone. Appropriate signage will also be provided.

Mr. Oles informed the Board that they have appeared before the Technical Advisory Committee (TAC) on two occasions as well as the Traffic/Safety Committee which resulted in the traffic pattern before the Board. All issues from TAC have been addressed; such as, guard rails, striping on existing road to show the flow of traffic coming out of the drop-off area and the central parking area. A note has been added to the plan indicating that the Technical Advisory Committee would not approve any plan that had an accessway onto West Road.

Ms. Roberts noted the large area of dirt parking to the right of the paved parking and inquired how that works. The response was that the dirt parking lot is only used for the busiest days. Mr. Samuels of Water Country offered that the dirt parking lot is used as an overflow area as a "last resort" adding that the traffic flow is very well controlled. Mr. Will added that Water Country has a fleet of people out there to direct people to parking areas.

The Chair inquired if the issue of any access road was finally put to rest (laughter ensued). Mr. Samuels replied by saying, "you bet" adding that the boulders are in place. The Chair indicated that the boulders should be called "Arthur Parrott boulders".

Mr. Ricci spoke to the location of the silt fence. Mr. Oles indicated that the purpose of the silt fence was to prevent construction debris from washing down to the parking lot. Mr. Ricci suggested that the fence be located at the top rather than at the bottom or in other words, move the silt fence up.

The Chair asked if there was anyone else in the public to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed noting that it is a sign of spring to have an application from Water Country before the Board.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley moved approval of the site plan. Mr. Will seconded the motion. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That a note be added to the site plan indicating that a metal guardrail will be required should the actual grade on the site of the new road be steeper than 3-1;
2. That the site plan indicate the striping of the major intersection in accordance with Department of Public Works approval; said approval shall be obtained prior to the submittal of plans for Planning Board approval; and,
3. That a note be included on the site plan indicating that the Technical Advisory Committee is not approving any plan showing a connection through to West Road.

From the Planning Board:

1. That the site plan indicate the relocation of the silt fence per the comments of the Planning Board.

D. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of the **New Hampshire Community Technical College** for property located at **320 Corporate Drive** wherein site plan approval is requested for the renovation of approximately 5,000 s.f. of office area into a child care facility with associated site improvements. Said property is shown on Assessor Plan 315 as Lot 4 and lies within the Airport Business Commercial district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Ricci, a consultant engineer in Portsmouth, addressed the Board and informed them that Anita Ward French was present from the NH Community Technical College as well as Julie Davis from the Seacoast YMCA.

The proposal is to use 5,000 s.f. of a corner of the old hospital at the Air Base as a day-care center. The application has been before the Technical Advisory Committee (TAC) and the Pease Development Authority. Seven new parking spaces have been added with one handicapped spot. An island in the middle will be removed. A crosswalk will be relocated. No improvements to sewer or water are proposed. No drainage analysis was submitted as the change in the drainage pattern will be insignificant. The proposal calls for three landscaped islands.

Ms. Ward spoke to the two separate play areas. The one immediately adjacent to the building will be for infants and toddlers, three months to two years of age and will be accessed directly from the building. A sidewalk will lead to the play space for three, four and five year old children. This play area will have such amenities as climbing equipment and a bike path.

Ms. Ward reviewed the process for drop off and pick up explaining that children are walked into the classroom by parents and are signed in and signed out.

The Chair asked Mr. Ricci to review the stipulations that came down from TAC. Mr. Ricci explained that all stipulations have been addressed on the revised plans; such as, the fences around the play areas, a revision to note 12 that had originally referenced another town, the relocation of the handicapped parking spot nearer to the crosswalk, and the addition of a handicapped parking sign.

The Chair inquired as to the snow storage areas. Mr. Ricci stated that snow storage would be the same as in the past; that nothing has changed. The Chair asked that such be marked on the plan and inquired if there would be any additional lighting. Mr. Ricci replied in the negative.

Mr. Hopley spoke to play area #1 fencing and how one would get out of that area to a public way. Mr. Ricci assured the Board that the matter would be addressed.

Ms. Roberts inquired as to the gates around play area #2 and asked that such be noted on the plan. Ms. Ward commented that there are strict regulations regarding gating for child care facilities.

The Chair inquired if there would be a dumpster in the back of the building. Mr. Ricci replied that there the new trash dumpster would be located in the front corner. The Chair asked that the dumpster be fenced in and screened and be big enough for recycling bins.

The Chair asked if there was anyone else in the public to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

The Chair inquired if the proposal called for any bike racks with the response being, "not at this time". Mr. Hopley moved to recommend approval of the site plan subject to stipulations from the Technical Advisory Committee and the Planning Board. Mr. Savramis seconded the motion. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That the fencing be shown on the site plan;
2. That note 12 be adjusted;
3. That the configuration of the new angled parking spaces be reviewed as well as the location of the handicapped parking space;
4. That the sign for the handicapped space be so labeled on the site plan; and,
5. That the site plan indicate the location of the sidewalks leading from the play areas.

From the Planning Board:

1. That the site plan indicate the snow storage area;
2. That the site plan indicate the location of the dumpster that needs to be appropriately screened and that the dumpster be large enough to accommodate recycling bins; and,
3. That the site plan better delineate the gates and fences.

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E. The application of **Tyroch Realty Management, Inc.** for property located at **480 State Street** wherein site plan approval is requested for the construction of a two-story four unit residential structure with related paving, utilities, landscaping, drainage and associated site improvements. The existing motor vehicle repair station structure will be removed. Said property is shown on Assessor Plan 127 as Lot 14 and lies within Mixed Residential Office and Historic A districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon of Ambit Engineering addressed the Board and informed them that Messrs. Dow and Iafolla were also present. The proposal calls for a two-story, four unit residential structure that has received Historic District Commission and Board of Adjustment approvals. The proposal will involve street improvements along Middle and State Streets. Planters and a little bit of sidewalk will be provided. Mr. Chagnon pointed out that the intersection is pretty much open right now. A 7" curb will define property lines. Steps will come down from each unit and access the sidewalk. The doorways will be recessed with appropriate lighting.

The drainage will sheet flow from the back side all the way around to a Middle Street catch basin. Utilities will come in from State Street. The electric pole will be relocated from the corner of State and Middle to the back of the sidewalk on the northeasterly side of the building. Discussions are ongoing with Public Service about locating a pole on the street side of the sidewalk just before the entrance, just easterly of the entrance. The pole on the westerly side is

actually shown in the tip down. That pole will be relocated three' to the east putting that in the curb line. Service will be underground to the building.

The developer has agreed to provide the City with some easement areas, subject to hold harmless language, in that the process of connecting the sidewalk with a curb will necessitate the back side of the curb being on the property of the applicant. The pedestrian push button for the walk signal and the walk signal will be part of the easement.

Mr. Chagnon informed the Board that the concerns of the Technical Advisory Committee had been addressed.

Mr. Hopley inquired as to the poles and the underground service to the building. Mr. Chagnon responded that the plans would be updated. The Chair expressed his appreciation that the snow storage areas had been added to the site plan. He inquired as to trash removal with the response being that it would be by City curb side pick-up.

The Chair asked if there was anyone in the public who wished to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden informed the Board that he had talked with John Burke, the City's Parking and Transportation Director, who indicated that the tip down was still a work in progress and subject to review. Mr. Holden further stated that he thought Mr. Chagnon had not adequately indicated the lengths that the applicant had gone to in working with the City as far as the Court Street improvements are concerned. Mr. Holden noted that Haymarket Square is one of the gateway properties.

The Chair asked the pleasure of the Board. Ms. Roberts moved approval of the project. Mr. Hopley seconded the motion subject to the submittal of updated plans.

Ms. Roberts stated that as Planning Board representative to the Historic District Commission she wanted to comment on the amount of time the applicant had spent on working with the Commission in the design of the building. She went on to state that she appreciated the time spent and echoed what the Planning Director had said regarding urban design and other issues.

The question was called. The motion passed unanimously with the following stipulations:

From the Technical Advisory Committee:

1. That the site plan indicate the proposed site lighting if such is being proposed;
2. That the site plan indicate that the monitoring wells will be abandoned in accordance with NHDES standards;
3. That the water main shown on the site plan is no longer active;
4. That the water lines be installed in accordance with the Water Department's standards and specifications;
5. That the type of proposed brick to be used in the sidewalks be verified with Tom Richter of the Public Works Department and indicated in the detail;
6. That 1" compacted stone dust is sufficient versus the 3" indicated in the detail;
7. That the site plan indicate that any street closings will be coordinated between David Desfosses and John Burke of the Public Works Department;
8. That the site plan indicate the location of the shutoffs in the right-of-way;

- 9. That the revised plan be approved by the Public Works Department prior to submission of the plans for Planning Board approval;
- 10. That the site plan clearly denote what the developer will construct in the public right-of-way and what the City will construct;
- 11. That the easement language for the sidewalk and pedestrian signal be approved as to content and form by the City Attorney;
- 12. That an easement be granted to PSNH with approval of the Public Works Department as to the signal location;
- 13. That a pole license be filed with the City before actual construction begins on the project;
- 14. That the landscaping plan be approved by the Planning Department;
- 15. That the site plan indicate the future location of mast arm; and,
- 16. That the site plan indicate that the City will abandon the old water service

From the Planning Board:

- 1. That the site plan be updated to show the relocation of the utility pole(s); and,
- 2. That the sidewalk tip down on State Street be extended to the intersection of the proposed driveway per the Department of Public Works.

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Items not on the Agenda:

Master Plan Planning Process

Mr. Holden reviewed the composition of the Master Plan subcommittees and announced that a work session had been scheduled with the Master Plan consultant for Thursday, May 1, at 6:30 p.m.

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Ms. Tillman spoke to revised plans submitted for Goulet Plumbing on Coakley Road that showed a sidewalk and regrading. Revised plans were also submitted for the project at 141 Banfield Road for the relocation of a water line. Ms. Tillman stated that the change had been reviewed extensively by the City's Water Division and Peter Britz, the City's Environmental Planner. The Board felt that the revisions were minor in nature and could be approved administratively.

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Mr. Holden gave the Board a heads up on two amendments to the *Subdivision Rules* and stated that hopefully they could be taken care of at the next meeting.

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V. ADJOURNMENT was had at approximately 9:20 p.m.

Respectfully submitted,

Barbara B. Driscoll, Acting Secretary for the Planning Board
The Planning Board approved these minutes at its June 19, 2003, meeting.

