

Planning Board was whether or not the request should be granted based on the information submitted by the applicant.

Ms. Roberts moved to deny the request. Mr. Hejtmanek seconded the motion. The motion passed on a 3-2 vote with Messrs. Hopley and Savramis voting in the negative. The Chair, the Vice Chair and Mr. Hejtmanek voted in the affirmative.

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III. OLD BUSINESS

A. The request of **John Bosa** for property located at **248 Peverly Hill Road** for an amendment to a previously approved site plan, more specifically, the roadway plan. Said property is shown on Assessor Plan 243 as Lot 54 and lies within a Single Residence B district. **(This Agenda item was tabled from the Board’s June 19, 2003, meeting to this meeting.)**

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

Mr. Holden informed the Board that the department has been working with Attorney Pelech, who represents the applicant; that an on site meeting is being scheduled for late July or early August and that a report should be available for the August meeting.

That being the case, Mr. Will moved to table the request to the Board’s August 21st meeting. Mr. Hopley seconded the motion. The motion passed unanimously.

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B. The application of **Gordon B. Sorli and Eleanor R. Sorli, owners, and the Portsmouth Gas Light Company, applicant**, for property located at 64 Market Street wherein site plan approval is requested for the construction of a second and third floor rear addition above the first floor of the existing building with associated site improvements. Said property is shown on Assessor Plan 117 as Lot 35 and lies within Central Business B and Historic A districts. **(This application was tabled at the Board’s June 19, 2003, meeting to this meeting.)**

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

SPEAKING TO THE APPLICATION:

Mr. Coker recused himself from sitting on this application. Attorney Jonathan Flagg addressed the Board on behalf of the applicant and reminded the Board that at its June 19th meeting, a motion to approve was tabled pending Historic District Commission approval for the demolition and replacement in kind of the first floor. Attorney Flagg reported that such an approval had been accomplished. He further reported that Attorney Sullivan had signed off on a July 9th letter regarding easements and that the easements have been recorded at the Registry of Deeds. Attorney Flagg stated that he had nothing further to add.

DISCUSSION AND DECISION OF THE BOARD:

The Chair inquired as to the pleasure of the Board. Mr. Holden reminded the Board that it was a motion to approve that got tabled. The Chair noted that the motion to approve was made with the following stipulations:

From the Technical Advisory Committee:

1. That the last sentence of note #5 on the Fire/Life Safety Provision Diagram shall read as follows: In case of medical emergency, the elevator will be accessible for the evacuation of injured persons;
2. That the easements shall be reviewed and approved as to content and form and record by the City Attorney in conjunction with the Planning Department;
3. That City Council approval is required for any encumbrances in the right-of-way;
4. That the existing grease trap system be reviewed by John Lanoie, the City's Mechanical and Plumbing Inspector and David Allen, the City's Deputy Public Works Director; and
5. That a revised duly executed letter/memo from Peterson Engineering be submitted to Tom Cravens of the City's Water Division with a copy to the Planning Department for record keeping purposes prior to the Planning Board meeting.

Attorney Flagg indicated that stipulations #1 and 2 had been complied with; that with regard to stipulation #3, future approvals (from the City Council) would be necessary in the event of any encumbrances. Attorney Flagg stated that there were no encumbrances in the right-of-way at the present time. Mr. Holden inquired of Attorney Flagg if he agreed that the grease trap issue had been reviewed. The response was in the affirmative. With regard to stipulation #5, it was indicated that the Planning Department had received such a letter/memo.

The Chair inquired if any apartments existed to the left of the site in question. Attorney Flagg stated that there is an apartment owned by the applicant. The Chair stated that he would not be in favor of approving the site plan; that he was having a hard time with the establishment of a night club on the third floor with residential units next door, as well. He pointed out that noise issues in the downtown area have been brought up as part of the Master Plan process, and the Study Circles have recommended that residential units be on the upper floors with businesses on the ground floor. He went on to state that he was not comfortable in relying on easements for elevator services in another building.

Mr. Hopley stated that he would like to offer a few points. He stated that at the last meeting, the Board had questions about the occupancy on the third floor and how it relates to other occupancies in the building. He referred to some updated information that had been submitted and referred to Sheet T4. He informed the Board that he had met at least three times with the design team going over points with regards to occupancy on the third and first floors, the basement and the patio. He reminded the Board that there is a Court Order on this property as to the maximum number of people that could be on the lot in question at any one time. That magic number is 499. The different scenarios indicated on the plan comply with Building Code and Life Safety issues.

Discussion ensued on the various scenarios. The Chair inquired of Mr. Hopley as to who would be policing the issue of maximum occupancy. Mr. Hopley stated that he had heard tell that the zoning officer would be doing some policing on a random basis. Attorney Flagg offered that the building would be policed as any other building occupancy would be policed.

The Chair stated that his difficulty was that in looking at the different scenarios, how one would know which scenario was being used on a certain night. Attorney Flagg stated that the result of the Court stipulation was that the terms of occupancy would be worked out with the Planning

Department. The Chair responded to that statement by indicating that such things are usually settled by the time a plan gets to the Planning Board.

Mr. Will stated that he concurred with some of the Chair's concerns; that the plan before the Board is more complicated, more cause for gray area and more cause for someone to make a mistake; that one single configuration would be easier. His other concern was where the occupants of the building would go if there was a fire.

Discussion returned to the various scenarios. The Chair inquired if the offices would be located on the second floor. Mr. Hopley replied in the affirmative and stated that the offices would be closed in all the scenarios indicated on the plan. He went on to state that in all scenarios the actual occupancy was less than capacity. He noted that the total occupancy of the third floor could be 296 when the actual capacity is 456. He further noted that the stair to the third floor would be 50" wide. Normally a stair is 42" wide.

Mr. Will stated that he applauded the applicant and the City for the work done on this particular application. However, he expressed his concern that the Fire Department would arrive on the scene and not know who is where on a given night. He again asked where the people would be when they leave the building.

Attorney Flagg explained that the plans had been reviewed by the Fire Department for life safety approval. He pointed out that there is a tremendous space out back where the deck is; that there is an alleyway, part of which is owned by the applicant and then there is a side alleyway. He went on to state that the parking garage is right there. He noted that there would be three separate stairwells for people to use in exiting the building.

Lisa DeStefano, the architect for the building in question, addressed the Board and stated that, in actuality, there would be seven exits for people exiting this building.

Ms. Roberts stated that she felt a lot better about the application based on what the Building Inspector has reported. It was her opinion that from a legal standpoint, the Board had done what it could on this issue.

Mr. Holden stated that he felt that Ms. Roberts was correct. He reminded the Board that the Technical Advisory Committee had reviewed the plan and that the first floor would be demolished and reconstructed to be more code compliant. The Fire Department is satisfied. He went on to state that the easement language had been made much tougher in that it (the easement) cannot be revoked by any party unless the City agrees. Mr. Holden continued on by stating that the application meets the requirements of the *Zoning Ordinance* and the *Site Review Regulations*; that if the occupancy load were at 500, a Special Exception would be required from the Board of Adjustment. He noted that there are occupancy loads for most places of public assembly.

The Chair stated that he was still concerned with the noise issue and the five different scenarios adding that he would be more comfortable with just one scenario.

Attorney Flagg pointed out that the dance floor would be on the back of the building and not on the Market Street side. The Chair commented that the sound bounces off the parking garage and resonates through the area; that over the years there have been a lot of complaints about sound. Attorney Flagg stated that the applicant is working with a sound specialist to take care of sound concerns emanating from the building adding that the sound specialist has worked with them for years.

Mr. Hopley specifically addressed the scenario issues inherent in places of public assembly. He referred to places; such as, Yoken's and the Frank Jones Center. He offered that these types of facilities really do offer a review challenge by virtue of their size.

Mr. Will inquired as to Fire Department procedure on where to go in first. Mr. Hopley explained that basically a structure does not change; that the places to get in and out are always the same and the Fire Department is aware of these occupancies throughout the City. He went on to state that the building would be fully sprinklered and fully alarmed. The alarm system may direct emergency personnel to a specific area.

Mr. Hopley added that it is not good enough to bring people to a patio; that people need to be brought to a public way. He went on to state that some of the exits do go through the patio and that the width of the gates needed to be checked. Mr. Hopley commented that, "We really split hairs on this one".

With regard to the noise issue, Mr. Hopley asked that an accoustical analysis be provided as the project proceeds taking note of any possible need to do some work with the walls of adjoining properties. He noted that an analysis is being done on another facility and that sound is being mitigated via a masonry wall. Attorney Flagg was asked if such a stipulation would be acceptable with his response being that they have no opposition.

The motion to approve, with stipulations, passed on a 5-2 vote with the Chair and Mr. Will voting in the negative. Ms. Roberts, Messrs, Hejtmanek, Savramis, Hopley, and Jankowski voted in the affirmative. Mr. Sullivan wanted it noted for the record that he did not take part in the discussion or the vote as he is related to Ms. DeStefano. (The record shows that Mr. Coker abstained.)

From the Technical Advisory Committee:

1. That the last sentence of note #5 on the Fire/Life Safety Provision Diagram shall read as follows: In case of medical emergency, the elevator will be accessible for the evacuation of injured persons; **(done)**
2. That the easements shall be reviewed and approved as to content and form and record by the City Attorney in conjunction with the Planning Department; **(done)**
3. That City Council approval is required for any encumbrances in the right-of-way; **(understood)**
4. That the existing grease trap system be reviewed by John Lanoie, the City's Mechanical and Plumbing Inspector and David Allen, the City's Deputy Public Works Director; **(done)** and
5. That a revised duly executed letter/memo from Peterson Engineering be submitted to Tom Cravens of the City's Water Division with a copy to the Planning Department for record keeping purposes prior to the Planning Board meeting **(done)**.

From the Planning Board:

- That an accoustical analysis be submitted to the Building Inspection Department as the project proceeds.

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IV. PUBLIC HEARINGS

A. The application of **Thomas Battles** for property located at **948 Route 1 ByPass** wherein site plan approval is requested for the development of an existing three-story structure into a mixed use of office space, artisan space and six apartments with associated site improvements. Said property is shown on Assessor Plan 142 as Lot 17 and lies within a Business district. The Planning Board, at its June 19, 2003, meeting granted site plan approval for the mixed use of office space, artisan space and *five* apartments when, in actuality, the proposal calls for *six* apartments. **This Public Hearing is being held to correct the record.** Public comment is invited on the additional unit.

The Chair read the notice into the record. Let the record show that Mr. Coker stepped down from sitting on this application.

SPEAKING TO THE APPLICATION:

Tom Battles addressed the Board and stated that he had nothing to add to the presentation that was made at last month's meeting. He noted that a Variance had been received for the six apartments and that the Technical Advisory Committee had recommended approval of the site plan. The Chair noted that there was an error on the City's side with regard to the legal notice. Mr. Holden interjected that, in actuality, the error occurred on the Site Review Application filed by the applicant. However, he noted that an agreement had been reached "not to split hairs".

There being no further speakers, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Jankowski moved to approve. Mr. Sullivan seconded the motion. The motion passed unanimously. Mr. Holden mumbled something about a "seventh" apartment and laughter occurred. The following stipulations associated with the previous approval are included with this approval:

From the Technical Advisory Committee:

1. That the applicant and design team take a look at the site lighting to see if it needs to be supplemented;
2. That the availability of off-site notification capabilities for the sprinkler system be confirmed. If none is available, then such should be added; and,
3. That the applicant work with Lucy Tillman of the Planning Department on a vegetation plan.

From the Planning Board:

1. That a note be added to the site plan indicating that snow storage will be removed from the site;
2. That the site plan indicate the placement of upright signs for the handicapped spaces;
3. That a note be added to the site plan indicating that the project will comply with Article V of the City's *Zoning Ordinance* especially as it relates to odors;
4. That the site plan indicate that the exterior stairs will come to an impervious walkway leading from the building;
5. That the existing fence will be repaired and maintained and that the proposed fence will be maintained. Additionally the fencing should comply with a previous subdivision approval;

- 6. That should the new occupancy require an additional flow for the sprinkler system; that the addition of a new water service would not have to come back before the Planning Board for review and approval;
- 7. That if the current overhead wires are not adequate and the service has to be changed; that the service be underground;
- 8. That a stop sign and stop line be indicated on the site plan subject to the approval of John Burke, the City’s Parking and Transportation Director; and,
- 9. That the project is subject to the review and approval of the Code Enforcement Officer.

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B. The application of the **City of Portsmouth** for property located at **497 Sherburne Road** wherein Preliminary and Final Approval is requested for the creation of two lots from an existing lot. Proposed Lot 261-41-0 would have a lot area of 43,093 s.f. ± and would contain the existing two-story wood frame house and wood frame barn. Proposed Lot 261-41-1 would have a lot area of 4.34 acres ± and is shown as a vacant lot. Said property is shown on Assessor Plan 261 as Lot 41 and lies within a Single Residence B district. Plat plans are recorded in the Planning Department office as 08.1-03.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Holden gave the Board a brief overview of the request reminding the Board that the parcel in question had previously been referred to the Board by the City Council as to whether or not they should act to acquire the parcel. Subsequently, the Council voted to acquire the parcel which is now under City ownership. The intent is to subdivide the parcel with the City keeping the vacant land to buffer the Harrison well and selling off the existing residence with the proceeds going to the betterment of the well.

David Allen, Deputy Director of Public Works, addressed the Board and stated that the site is bounded by Sherburne Road, the Pease International Tradeport and the back lots of properties on Holly Lane. He went on to explain that the Harrison well was put down as part of the development of Pease in the 80s; that the City is looking at reactivating that well adding that contributions to that end have been received from Lonza Biologics. Mr. Allen went on to explain that the prior owners of the lot were looking towards a retirement mode and put the parcel in question up for sale. The bulk of the property would be maintained as a protective radius.

The proposed subdivision would allow the City the ability to re-activate the Harrison well without adding to the water rate. It was Mr. Allen’s opinion that this was an “excellent” deal for the City.

Mr. Sullivan inquired if the City had done any testing of the water. Mr. Allen replied that the intent is to relocate the well; that a water quality and quantity analysis indicated that everything looked good.

Mr. Coker questioned the configuration of the subdivision. Mr. Allen explained that the plan came about as a result of meetings with the Planning Department, Joe Shanley (realtor) for some

marketing sense, and the City Attorney regarding the creation of a conforming lot. An attempt is being made to keep a full 50' of frontage on Sherburne Road for the vacant lot in case the City decided to put a road through there at some point in the future. Mr. Allen added that certain restrictions on use would be placed on the residential parcel when it is sold.

The Chair inquired as to the normal protective radius. Mr. Allen replied that the normal radius is 400'.

Mr. Coker referred to the department's memo and the stipulation involving a paper street or rezoning adding that he didn't want to talk about paper streets ever again! Mr. Holden spoke to an example of a paper street being shown on a subdivision plan. However, he quickly added that rezoning is really the way to go and makes the issue of a paper street moot.

The Chair inquired if there were any other speakers. Mr. Greco of 260 Holly Lane inquired if the property would be fenced with Mr. Allen responding that the fencing would be reconfigured to designate the protective area. It was suggested that Mr. Greco speak with the new owner regarding any fencing between the newly created residential lot and Mr. Greco's lot.

The Chair inquired if there were any speakers for the second, third and final time. Seeing no one rise, the Chair declared the Public Hearing closed and asked the Board for a motion.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Savramis moved approval of the petition with the three stipulations listed in the department's memo. The motion was seconded and passed unanimously:

1. That either a paper street be identified for access/egress to the vacant lot or that the lot be rezoned to the Municipal Zoning District;
2. That property monuments be placed in accord with Public Works requirements; and,
3. That the deed for the residential lot contain appropriate restrictions/language as provided by the City's Water Division with the assistance of the Planning Department [Peter Britz] and Legal Department as to content and form.

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C. In conjunction with the application for property located at 497 Sherburne Road, two amendments are requested by the City for consideration by the Planning Board and for recommendation to the City Council. 1) **An amendment to the City's 1995 Zoning Map**, as amended, is proposed that would place proposed Lot 41-1 from Assessor Plan 261 into the Municipal Zoning District (note - no change in zoning districts is proposed to lot 41-0). 2) **An amendment to the 1995 City of Portsmouth, N.H. Zoning Ordinance**, as amended, is proposed to clarify the process by which properties are placed in the Municipal Zoning District. Copies of these proposed amendments are available for public inspection in the office of the Planning Department.

The Chair read the notice into the record.

SPEAKING TO THE REQUEST:

Mr. Holden indicated that due to the way this initial referral came to the Planning Board, two zoning amendments were being proposed for favorable recommendation to the City Council. He stated that the intent is to place the proposed vacant lot into the Municipal district. The residential lot would remain in the same district (Single Residence B zone).

Mr. Holden went on to state that an ordinance change had been previously recommended to the City Council regarding automatically placing any property owned by the City of Portsmouth in the Municipal district. That recommendation was not enacted at that time. Such an amendment is being re-introduced together with a proposal for a notation to the zoning map.

With regard to the proposed City lot on Sherburne Road, Mr. Holden commented that it is anticipated that there will be a demand for an additional water supply and referred to the public/private partnership with Lonza and the partnership with the former owners of the property, the Marvins. Mr. Holden noted that a zoning matrix had been included in the Board's packet concerning the placement of the proposed vacant lot into the Municipal district..

The Chair inquired if there was any one in the public who would like to comment on the two proposed amendments.

Attorney Bernard W. Pelech of 175 Thaxter Road addressed the Board and stated that he had a quick question. It seems that Attorney Pelech is representing a party who wishes to purchase a lot owned by the City. Attorney Pelech wondered if such a lot would automatically be included in the Municipal zone pointing out that the rezoning process could take as long as three to four months.

Mr. Holden acknowledged that Attorney Pelech had a good point and suggested that the Board could incorporate a recommendation that the property be rezoned in its memo to the City Council (concerning disposition) and speed up the process that way. With regard to the inclusion of a zoning matrix, Mr. Holden brought up, as an example, the present library building that may be sold at some point down the road.

The Chair shared the concern about the normal rezoning process and felt that the process should be shorter when disposing of municipally owned property; such as, a small parcel of land referred to by Attorney Pelech.

The Chair made a third call for speakers. There being none, the Chair closed the Public Hearing and asked the pleasure of the Board.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Coker moved to favorably recommend the proposed amendments to the City Council. The motion was seconded.

Ms. Roberts just wanted to be sure that there was some wording clarifying the process for a normal rezoning and, on the other side, the disposition of municipal land. The Chair felt that it was not always mandatory that the Board have a matrix; that a rezoning recommendation could be included in the recommendation on the disposal of City-owned land. Ms. Roberts felt that such made sense adding, however, that she definitely would want a matrix on the library.

The motion to recommend approval passed unanimously.

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D. The application of the **Young Men's Christian Association (Seacoast Family Y)** for property located at **550 Peverly Hill Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the expansion of an existing parking lot within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 244 as Lots 10A and 10B and lies within Single Residence A, Single Residence B and Natural Resource Protection districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb of Altus Engineering addressed the Board and stated that he was representing the Seacoast Family "Y". He informed the Board that Bill Stowell from the "Y" board was also present. Mr. Weinrieb explained that the proposal before the Planning Board is to expand an existing parking lot in order to increase safety on the site in question adding that at the present time vehicles back into the accessways. A bus drop-off and turn-around will be provided as well as a decel lane on Peverly Hill Road. Some work will be done within the wetland protection district; however, the buffer area will be increased between the wetlands and the existing parking area. Some of the pavement on the site will be removed and cut back.

Stormwater runoff will sheet flow and run across the site to a level spreader, per se that will capture the contaminants from the parking lot. The existing parking lot is not striped causing vehicles to sometimes jam themselves in. A total of 101 spaces will be provided.

Mr. Sullivan inquired as to why the parking lot wasn't wrapped around the building noting that there is quite a bit of grassy area adjacent to Peverly Hill Road. Mr. Weinrieb referred to a conceptual Master Plan addressing the possible extension of the existing facility adding that they don't know what is going to go there; that the "Y" doesn't want to put parking there and then rip it up at a later date. Mr. Weinrieb commented that the "Y" is a non-profit organization.

Mr. Sullivan still felt that parking could be provided elsewhere on the site rather than towards the wetlands. Mr. Weinrieb reiterated that the "Y" does not know what is going to be built and reiterated that the proposal before the Board is actually moving the parking further away from the wetlands. The impervious area will be decreased creating a friendlier environmental site.

The Chair inquired if there was anyone else in the public wishing to speak. There being no speakers, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Holden interjected that the Conservation Commission had recommended approval of the request adding that the "Y" parcel was developed prior to the enactment of Article VI. Mr. Holden went on to state that the applicant is aware of Article VI; that the applicant is reducing impervious area and getting more parking out of it. Mr. Holden inquired if future proposals would infringe upon the buffer area. Mr. Weinrieb replied in the negative adding that no development contained in the Master Plan would be in that buffer area.

Mr. Smith inquired if a stop sign existed as one exits onto Peverly Hill Road. Mr. Weinrieb responded that he didn't know for sure. The Chair asked if he could have one, "please". Mr. Weinrieb responded in the affirmative.

The Chair inquired as to the pleasure of the Board. Mr. Jankowski moved to approve the Conditional Use Permit. Mr. Savramis seconded the motion. The motion included the two following stipulations. The motion passed unanimously.

1. That, if appropriate, a stop sign be installed in the area where the vehicles exit the site to enter onto Peverly Hill Road; and,
2. That a note be added to the plan indicating that in the implementation of the Master Plan for the Seacoast "Y", that no consideration be given to any intrusion into the buffer zone or the wetlands.

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E. The application of **Rick and Charlotte Maffei** for property located at **258 Buckminster Way** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the replacement of a previously existing hot top driveway and the installation of two to three inches of crushed stone (14' x 50') along the side of the garage on top of a processed gravel base within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 282 as Lot 6-20 and lies within a Single Residence B district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Lt. Col. Rick Maffei addressed the Board on his behalf and that of his wife's. He informed the Board that the Conservation Commission had recommended approval of the application. Lt. Col. Maffei went on to state that he would like to have the ability to park his two recreational vehicles to the side of his garage in an attempt to maintain the beauty of the neighborhood. He spoke to a 14' x 50' area. He went on to explain that when the fill was brought in for the 14' x 50' area, his hot topped driveway was damaged.

The applicant gave a power point presentation to enable the Board to better understand the request. He informed the Board that he became a new resident of Portsmouth in March and was unaware of the procedures to be followed. In other words, the fill has already been brought on site. A silt fence has been installed for erosion control. He stated that the site had been inspected by Peter Britz, the City's Environmental Planner.

After the power point presentation, the Chair inquired if the Lt. Col. was in the Army or the Air Force with the response being, "Air Force". The Chair compared the presentation to a "good Army presentation".

Mr. Will applauded the presentation. Mr. Coker also applauded the applicant's efforts. However, Mr. Coker stated that he was troubled in that the Board's procedures require very detailed drawings adding that it was difficult to see what the proposal really was and what the intrusion would be into the buffer zone. The applicant responded that the intent is to have the vehicles drive across the hot top to the crushed stone area at the side of the garage. The question arose as to gas and oil leaks and how many feet such vehicles would be to the wetlands. Mr. Coker stated that he didn't feel that the drawings provided enough information for him to make a decision.

Lt. Col. Mafei stated that the drawing is to scale: 1" per 20'. He stated that the buffer zone is also to scale. It was Mr. Coker's impression that the edge of wet could be 20' or 80' and reiterated that there was not information on the drawings.

Mr. Sullivan noted the discrepancy in the edge of wet from the aerial submitted by the department and the plan submitted by the applicant (part of the original subdivision plan). Mr. Sullivan stated that he had a lot of sympathy for the applicant. A suggestion was made that the soil that was brought in be removed as it is practically in the wetland.

Mr. Holden explained that Article VI was being explored at the same time as the subdivision was approved. At that time, certain lots were exempted from Article VI requirements. He suggested that if the Board found the submitted information to be contradictory, that the application could be tabled so that the Board could take a look at additional information.

Mr. Coker commented that the buffer zone exists for a very important reason and again asked as to how much intrusion there would be into the buffer zone.

Mr. Coker moved that the application be tabled to the August 21st meeting of the Board to allow for more detailed information on the wetlands and the buffer.

Mr. Sullivan stated that in light of the predicament the applicant is in, that he, Mr. Sullivan, would have no objections to having the driveway on the other side of the house and putting the vehicles at the back of the house well away from the wetlands. The applicant responded that the would have to use his neighbor's driveway in order to do that.

The applicant informed the Board that the Conservation Commission had recommended against the removal of the fill due to the use of back hoes, etc. Mr. Sullivan responded that he has sat on the Planning Board and the Conservation Commission and that fill that was intruding into the wetlands has been removed. He felt that what was "good for the goose was good for the gander".

Ms. Roberts stated that one of her concerns is the issue of topography with the fill being so close to the wetlands – "a huge mound there". She also expressed her concern as to the runoff from the house onto the fill and into the wetlands. She expressed her frustration over the fact that there appeared to be no easy solution.

The applicant stated that the slope of the roof goes from front to back. He felt that the raised area of fill provides a channel filtering the runoff before it enters the wetlands.

Mr. Coker re-instituted his tabling motion. Mr. Will seconded the motion. The suggestion was made that the applicant get together with Peter Britz in an attempt to augment the plans. Furthermore, the Chair asked that Mr. Britz be present at the next meeting. Mr. Coker again applauded the applicant's efforts in trying to do the right thing. The motion passed unanimously.

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At this point in the proceedings, the Board took a five minute recess.

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F. The application of **Michael Brigham** for property located at **487 Cutts Avenue** wherein Preliminary Subdivision Approval is requested for the creation of a seven lot subdivision ranging in lot size from 15,078 s.f. ± to 25,612 s.f. ± with five of the proposed lots having access off a proposed cul-de-sac off Cutts Avenue. One proposed lot will have access off Chase Drive and the remaining proposed lot will have access off Michael Succi Drive. Included in this request are proposed conveyances to and from the property of Kelly Boston located at 465 Cutts Avenue

resulting in a proposed lot area of 10,799 s.f. for the Boston lot. Said property is shown on Assessor Plan 210 as Lots 26 and 27 and lies within a Single Residence B district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernard W. Pelech addressed the Board on behalf of the applicant and expressed the hope that what was before the Board would be the final plan. He commented that the plan has gone through many, many changes at the Technical Advisory Committee level adding that this plan would be going back to them for final review of the site plan. He pointed out that this particular subdivision plan includes a lot line adjustment between the Boston property and the larger parcel so that the proposed cul-de-sac could conform to City standards. Attorney Pelech anticipated being back before the Board next month for Final Subdivision and Site Review approvals.

Attorney Pelech referred to a couple of outstanding issues; such as, the request for waivers of the sidewalks and pavement width. It was his opinion that at some point in time, the Board would have to take a position. He noted with interest the proposal to narrow Ocean Road and to create rotaries to calm traffic. He felt that some of the minor subdivisions could have a pavement width of less than 32'; perhaps 26' or 28'; thus, reducing costs to the taxpayers to pave and repave. He went on to state that the proposed 32' cul-de-sac would be off a 20' roadway adding that the proposed sidewalks would lead to a street with no sidewalks. He urged the Board to consider granting the waivers either at this meeting or the next meeting.

Attorney Pelech concluded his presentation by informing the Board that Dennis Moulton of Millette, Sprague & Colwell was present as well as Michael Brigham, the developer.

Dennis Moulton addressed the Board stating that there was not much more to add to what Attorney Pelech had said. The previously presented plan has been redesigned from six lots coming off Chase or Michael Succi Drives. Those lots were long and narrow. He noted that the City staff had worked long and hard with the applicant.

The proposed lots conform to square footage and frontage requirements. The proposed cul-de-sac has been designed to City standards. The land swap with Kelly Boston will result in additional footage to her property. The proposed lots will have access to the cul-de-sac except for the two lower lots. One would have access from Chase Drive and one would have access from Michael Succi Drive. One lot would be within the 100' tidal buffer zone. A permeable surface will be provided in accordance with a request from the Conservation Commission.

Mary Karkota of 461 Cutts Avenue addressed the Board and expressed her concern about the creation of seven house lots which she felt was entirely too much for the size of the lot in question. She asked the Board to consider decreasing the amount of construction traffic and that the construction vehicles be restricted to the lower lots off Michael Succi Drive. She spoke to the day care facility at the Bethel Assembly of God Church and expressed her concern about the possibility of an injured child due to the truck traffic.

The Chair made a last call for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

The Chair inquired if, during construction, traffic could be routed through Michael Succi Drive versus Cutts Avenue. Mr. Moulton felt that construction traffic could use the lower end of Chase Drive pointing out that Michael Succi Drive is within a tidal buffer zone, a sensitive area. The Chair asked if there would be any concern adding a stipulation that the neighbors be notified of the construction schedule. Mr. Moulton felt that such would be entirely appropriate.

Mr. Coker inquired as to how the issue of wells vs. City water was handled. Mr. Moulton responded by stating that through discussions with the Public Works Department, the applicant agreed to provide a 10" water line to replace the existing water main. A new 6" main would be installed in the cul-de-sac to supply the houses on the cul-de-sac; that there would be an easement to bring the water to the two lower houses. The proposal is to abandon any wells on site and to connect to City water.

Mr. Coker inquired as to the impact of the 250' Shoreland Protection Zone. Mr. Moulton replied that it is a State regulated zone with a restriction on the type of fertilizer that could be used adding that other restrictions would apply to construction activities; that there are more restrictions closer to the 100' mark.

Mr. Coker commented that it is rare that he even conceptually agrees with Attorney Pelech. He wondered why the requests for waivers on the pavement width and the sidewalk were not favorably looked upon. The Chair stated that if Preliminary Approval is granted, the site plan would be reviewed by the Technical Advisory Committee. It was his feeling that there were a lot of reasons for not decreasing the amount of pavement and felt that the Board should wait to hear what the Technical Advisory Committee has to say on it.

Mr. Hopley moved to approve Preliminary Subdivision Approval subject to the following stipulations. Ms. Roberts seconded the motion. Mr. Hopley stated that a visit to the Peverly Hill Road subdivision would give one a good perspective regarding the request to decrease the width of the proposed cul-de-sac.

Mr. Sullivan stated that if the motion passes, he would like to have the Planning Director arrange to have the Director of Public Works attend the Technical Advisory Committee meeting to discuss the requested waivers. Mr. Sullivan spoke to the turning radius of fire trucks, safety vehicles, and so forth adding that the Board has held pretty fast and firm on such requests.

Mr. Holden indicated that the Technical Advisory Committee had recommended that there not be a change in street standards; that if the Board wishes to look at the requests, that it could look at it as part of the Master Plan process. He stated that one criteria for the street standard involves whether or not the proposed street/cul-de-sac could ever be extended.

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

1. That the reconfigured subdivision plan shall be subject to consideration by the City's Technical Advisory Committee (TAC) with the Committee reviewing the waiver request for a reduction in the width of pavement for the proposed cul-de-sac and the elimination of the proposed sidewalks;
2. That boundary monuments shall be installed per the requirements of the Public Works Department prior to the filing for Final Subdivision Approval;
3. That an application for Final Subdivision Approval be submitted to the Planning Department; and,
4. That the neighbors be notified as to the construction route and schedule.

G. The application of **William Davis** for property located at **485 Union Street, 495 Union Street, and 28 Willow Lane** wherein Preliminary and Final Approval is requested for the recreation of lot lines for three lots that have been consolidated as they are contiguous lots in common ownership. 485 Union Street would have a lot area of 3,113 s.f. \pm , 495 Union Street would have a lot area of 3,779 s.f. \pm and 28 Willow Lane would have a lot area of 5,930 s.f. Said property is shown on Assessor Plan 133 as Lots 19, 21 and 22 and lie within a General Residence A district.

Kelly Davis of 495 Union Street addressed the Board and stated that he was present along with his wife, Marge. The proposal involves the re-creation of original lot lines. In reviewing the deeds from the 20s and 30s, it is evident that the parcels were transferred in one family ownership where it remained until the lots were transferred to Mr. Davis in 1985. In order for Mr. Davis to divest of one of the properties, the original historic lot lines would have to be recreated. Mr. Davis went on to state that there were three deeds, that he gets three tax bills and three water bills. When refinancing, the lots have been historically treated as three separate lots. One lot has a single family home situated upon it and the other two lots have two-two unit apartment buildings.

Mr. Will made reference to the department's memo and the stipulation that the Board of Adjustment review the request. Mr. Holden stated that if the properties had been conveyed differently, that the request would not be before the Board. He commented that the three lots are used separately and this is not a situation of a vacant lot that would be used for additional development.

Mr. Coker stated that he has always been troubled as to which comes first, "the chicken or the egg". He wondered how much weight the Planning Board's preliminary approval carried with the Board of Adjustment. He wondered if it made more sense procedurally to send such a request to the Board of Adjustment first to make its decision on the merits.

The Chair commented that the process is to do Preliminary and come back and do Final. As it stands at the moment, the property in question is just one lot. Mr. Holden interjected that administratively the department has determined that the process starts with the Planning Board as it has the authority to subdivide (not the Board of Adjustment).

The Chair inquired as to the passageway indicated on the submitted plan. Mr. Davis responded that the passageway is owned and maintained by the City.

The Chair made a last call for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE BOARD:

Mr. Hopley moved to grant Preliminary Approval subject to the following stipulations. Ms. Roberts seconded the motion.

Mr. Will commented that the Planning Board discourages the creation of non-conforming lots; that he has always said that there are less and less units being built adding that the buildings in question have functioned for the past seventy years. He added that he has reviewed many subdivision requests while sitting on the Board adding that the Board has specific regulations. Mr. Will stated that he would be voting against the motion as he always vote against the creation of non-conforming lots..

In speaking to her second, Ms. Roberts commented that she was strongly in favor of the request as it relates to the history of the neighborhood as is indicated so well on the submitted GIS map. She felt that the request was appropriate for the neighborhood.

Mr. Will agreed that the request was more appropriate for the neighborhood; however, he could not support the request in good conscience.

Mr. Coker felt that Mr. Will's point was well taken. He recalled one specific application where the request was in conformity with the rest of the neighborhood and the Board voted it down. He felt that one could look at the request as an inconsistent application and urged Mr. Will to take another look stating, "no harm, no foul".

The motion passed with the following stipulations on an 8-1 vote with Mr. Will voting in the negative:

- That Board of Adjustment approval be received as appropriate;
- That permanent boundary monuments be established per the requirements of the Public Works Department before a request for Final Subdivision Approval is made; and,
- That an Application for Final Subdivision Approval be submitted to the Planning Department with a recordable mylar.

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A tabling request has been submitted for Public Hearing H. The application of **Aranosian Oil Company, Inc.** for property located at **1166 Greenland Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* for the demolition of an existing building and canopy and the construction of a 3,900 s.f. single-story building for use as a store, a 24' x 36' building for use as a car wash, refueling islands with canopies and new pavement within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 279 as Lots 1 and 2 and lies within an Industrial district.

The Chair read the notice into the record and opened the Public Hearing. Mr. Will moved to table the application to a time indefinite. Mr. Hopley seconded the motion that passed unanimously.

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I. The application of **Great Islington Street, LLC** for property located at **871 Islington Street** wherein site plan approval is requested for the conversion of an existing structure from office use to twelve dwelling units and artisan studio space with associated site improvements. The proposal calls for the removal of a section of the existing building (some 1,730 s.f. ± to the rear). Said property is shown on Assessor Plan 165 as Lot 4 and lies within a Business district.

The Chair read the notice into the record. Let the record show that Mr. Will recused himself from sitting on this application.

Attorney Bernard W. Pelech addressed the Board on behalf of the applicant. The proposal involves an existing structure consisting of two floors and a basement that have been used as office space. The intent is to convert the upper two floors to residential use and to demolish the clapboard addition to the right of the existing building. Artisan spaces are proposed for the first floor and the lower level. The parking lot has been reconfigured to meet the requirements of the *Zoning Ordinance*. A sidewalk has been added out to Islington Street as well as a crosswalk and handicapped spaces. A landscaped buffer is proposed along the southerly bound and green space

will be included in the middle of the parking lot. The proposal has gone through the Technical Advisory Committee and the Traffic/Safety Committee and both have endorsed the project.

Ken Woods of Attar Engineering addressed the Board and stated that he believed that all stipulations from the Technical Advisory Committee had been incorporated into the plan. He spoke to the provision of thirty-seven parking spaces, the reconstruction of the sidewalk along Islington Street, a new sidewalk along Frenchman's Lane from the building to Islington Street, the installation of "No Parking" signs, the inclusion of two water services, a master box connection, handicapped accessible parking spaces on the right hand side of the building and landscaped buffers.

The proposal includes twelve residential spaces and some artisan spaces. Drainage should remain pretty much unchanged as grading will not be changed significantly. In fact, the site plan calls for somewhat less impervious area. Two internal steel doors will be removed and bricked up with solid brick.

Mr. Coker inquired as to the ownership of Frenchman's Lane. Mr. Holden interjected that the department has received a lengthy memo from Attorney Pelech on that subject. Attorney Pelech responded that it was his opinion that Frenchman's Lane is owned, in part, by the City and the State as the result of some terrible legal work on the part of The State of New Hampshire.

Mr. Sullivan interjected that the building was the first trade school that came to the City of Portsmouth before it went out to the Route 1 ByPass and subsequently to Stratham. He continued on by stating that the State owned and operated the building before the Army moved in and used it during World War II. He commented that the building is a terrific building and that it was his opinion that the improvements would make that piece of land very valuable.

Discussion ensued on the granite curbing; especially, for the center island. Mr. Holden interjected that the Technical Advisory Committee assumed that the center aisle would have granite curbing.

Mr. Hopley stated that it was his understanding that there would be no food preparation involved with the artisan facilities with the response being in the affirmative. The Chair inquired as to how any kilns would be handled with Attorney Pelech responding that he didn't know as there have been no discussions with any potential tenants. Mr. Hopley indicated that he would handle that issue during permit review. The Chair indicated that he was comfortable with that.

The Chair made a third call for speakers. There being none the Chair closed the Public Hearing.

DISCUSSION AND DECISION OF THE BOARD:

The Chair noted that the lighting would be on 6' poles. Mr. Coker inquired as to the monitoring wells. The response was that the wells would remain if needed and would be closed in accordance with regulations when not needed.

Mr. Coker moved approval of the site plan subject to the following stipulations. Ms. Roberts seconded the motion that passed unanimously:

From the Technical Advisory Committee:

1. That the existing water service be discontinued outside of the building;
2. That the site plan indicate the location of "No Parking" signs on Frenchman's Lane;
3. That the site plan indicate the proposed modifications to Frenchman's Lane with said revisions to be approved by the Planning and Public Works Departments prior to the Planning Board meeting;
4. That a Fire Department connection be installed in the building;
5. That the site plan indicate a master box connection to the fire alarm system;
6. That sprinkler and fire alarm plans be submitted (one set each) and the appropriate permits acquired. The applications can be obtained from the Fire or Building Departments;
7. That a note be added to the site plan indicating that the openings in the four hour fire wall be bricked up;
8. That a note be added to the site plan regarding the status of the monitoring wells and that said note shall be reviewed by Tom Cravens of the City's Water Department prior to the Planning Board meeting;
9. That the site plan include spot grades on the sidewalk adjacent to the handicapped accessible spaces and that the site plan indicate some sort of sidewalk curbing or curb stops for that area;
10. That a sidewalk easement be submitted by the applicant's attorney and reviewed as to content and form by the City Attorney;
11. That a note be added to the site plan that the lighting shall not spill over onto adjacent properties; and,
12. That the site plan indicate what areas will have granite curbing.

From the Planning Board:

1. That the site plan indicate that the dumpster area has room for recycling bins;
2. That a bicycle rack be indicated on the site plan;
3. That a concrete pad for motorcycles be indicated on the site plan;
4. That the areas of proposed granite curbing be clarified on the site plan;
5. That the site plan indicate the installation of a stop sign, as appropriate, in the area where vehicles leave the site; and,
6. That a note be added to the site plan that there will be no commercial food preparation on site

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J. The application of **Old Tex Mex**, owner, and **Michael Brown**, applicant, for property located at **3510 Lafayette Road** wherein site plan approval is requested for the construction of a 60' x 72' addition to be used as storage space related to the conversion of the existing property to a business office and indoor storage space for a construction/restoration company with associated site improvements. The proposal also involves the enclosing of the existing patio. Said property is shown on Assessor Plan 297 as Lot 8 and lies within a Single Residence A district.

The Chair read the notice into the record:

SPEAKING TO THE APPLICATION:

Dennis Moulton of Millette, Sprague & Colwell addressed the Board and stated that Mike Brown was also present. The site was most recently used as a Christmas Tree Shop. The proposal before the Board is the latest incarnation of the property which Mr. Moulton felt would be a very good use of the property. The intent is to construct a 4,320 s.f. addition over a previously paved area and to construct a 785 s.f. addition over the patio area. The Board of Adjustment has granted the necessary Variances for use and setbacks. The dumpster will be relocated to the side of the new addition and will be screened. The area will be large enough for recycling bins. The parking lot is currently unstriped. Striping will be added for the handicapped spots.

Parking will be available on site for the twenty to twenty-five employees who will get their assignments on Monday morning and then the rest of the week they will be working on job sites. There should only be a few customers at any one point.

Mr. Moulton stated that due to the fact that there will be a decrease in impervious surface, there should be no increase to storm water generation. The traffic impact should be minimal compared to the prior retail and restaurant uses. The final plan will indicate the lower area of the parking lot as snow storage area.

In reviewing the stipulations from the Technical Advisory Committee, Mr. Moulton indicated that the garage doors are shown on the plan. The walk in freezer that is no more is no longer shown on the plan. The landscaping plan has been reviewed by Lucy Tillman. A detail has been added to the plan for the stockade fence screening the dumpster. Mr. Moulton reiterated that the area would be large enough to accommodate recycling containers. A note has been added to the plan regarding a master box connection. Sprinkler plans will be submitted at the appropriate time.

With regard to the stipulation calling for underground utilities, Mr. Moulton expressed the opinion that the current service to the site is more than adequate for the new use and he requested permission to keep the existing overhead wires to the site. Mr. Moulton went on to state that Regan Electric had confirmed that the service is adequate.

Ms. Roberts inquired as to the entrance of the building for any customer/retail space. Mike Brown addressed the Board and stated that there would be no retail space, just office space. He noted that the existing steps and deck could be changed into a handicap ramp, if necessary. The question was asked as to whether there was an existing ramp and the response was in the negative.

Mr. Sullivan noted that the dumpster was being relocated right up close to a single family residential housing area. He suggested that a location be found that would not infringe upon the neighborhood. Mr. Moulton agreed to find a spot with less impact to the neighborhood.

Mr. Coker commented that underground utilities are an issue for consideration by the Technical Advisory Committee and wondered at what point the Planning Department starts recommending the location of utilities. Mr. Holden referred to the size of the addition. However, he went on to state that the Board has allowed existing services to remain if the service is not being changed. Any new service is underground.

The Chair inquired if any construction debris would be brought back to the site in question and wondered if one dumpster would be adequate. Mr. Brown stated that construction debris would be brought back to the site only on occasions when they are working at tight locations.

With regard to lighting, Mr. Brown stated that Mike Regan designed an adequate lighting plan with lighting facing off the back so it would not shine into any residences; such as, off the new warehouse and off the existing office building.

Mr. Hopley inquired as to the use of the addition with the response being for storage of equipment. The question was asked as to vehicle maintenance with the response being that they would not be doing vehicle maintenance on site.

Mr. Sullivan inquired about air conditioning/mechanical devices outside the building with Mr. Brown explaining that there are some already existing on the outside of the building. He added that they are still in the process of completing a design; that he has had Lamprey out there looking at it and they might add two more units and would try to locate them to the back of the building. Mr. Sullivan inquired if the Building Inspector gets involved with noise decibels. Mr. Hopley stated that they ask for data but do not do a sound check. Mr. Sullivan asked that the applicant be considerate of his next door neighbor when locating the air conditioning units.

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

DISCUSSION AND DECISION OF THE BOARD:

Discussion ensued on the requirement for the installation of utilities. On a show of hands, it was decided that the service could remain as is unless the service had to be changed. Mr. Savramis moved to grant approval of the site plan subject to the following stipulations. Mr. Hopley seconded the motion that passed unanimously.

From the Technical Advisory Committee:

1. That the site plan indicate the location of the garage doors on the 60' x 72' addition;
2. That the site plan indicate what will be eliminated with such to be reviewed by Lucy Tillman of the Planning Department;
3. That the walk-in freezer be eliminated from the site plan;
4. That the landscaping plan be approved by Lucy Tillman of the Planning Department;
5. That the site plan clarify the location of the dumpster and show the screening;
6. That the site plan indicate the installation of a master box connection; and,
7. That sprinkler and fire alarm plans be submitted (one set each) and the appropriate permits acquired. The applications can be obtained from the Fire or Building Departments.

From the Planning Board:

1. That the dumpster be relocated to an area of least impact to the residential neighborhood;
2. That the screening for the dumpster area be increased to allow for an additional dumpster should the need arise;
3. That a note be added to the site plan indicating that there shall be no removal of trash prior to 7:00 a.m.;
4. That a note be added to the site plan indicating that exterior lighting will be directed away from the residential neighborhood and the property of Jennie Shephard as marked on the plan;
5. That a concrete pad for motorcycles be indicated on the site plan; and,

- 6. That a note be added to the plan that the air conditioning units shall comply with the noise and setback requirements contained in the *Zoning Ordinance*.

V. CITY COUNCIL REFERRALS/REQUESTS

A. Request of Tara and Ken Olson to erect a fence on City-owned property (off Cutts Ave)

Mr. Holden stated that the Board had the Department’s memo adding that he had met with the Public Works on this issue and that the request was not being favorably looked upon. The concern was with precedent setting and he referred to a similar request off Route 33. It was Mr. Holden’s opinion that a fence could be located off the City’s right-of-way. He also reminded the Board of the proposed Cutts Avenue subdivision that might create a street intersection in the area in question. He also mentioned that the street (Cutts Avenue) is non-conforming in its width.

Mr. Will moved the department’s recommendation to the City Council. The motion was seconded and passed unanimously.

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VI. OTHER BUSINESS

A. Master Plan scheduling

Mr. Holden informed the Board that the date of August 21st had been set aside for a meeting with the Historic District Commission and the Board of Adjustment; that on September 10th the Rockingham Planning Commission is scheduled to hold its meeting in the City Council Chambers. The Town of Newington may be joining on that meeting, as well. Mr. Holden briefly noted the remaining meetings scheduled for September and October.

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ITEMS NOT ON THE AGENDA:

Ocean Road

Mr. Holden informed the Board that the City Council had acted to accept alternative #2 mentioned in the report from Mr. Bohenko and that the City would be working with the State and the Rockingham Planning Commission in its attempt to take over ownership of Ocean Road.

Packard Development

Mr. Holden informed the Board that the City’s Environmental Planner, Peter Britz, was attending a Planning Board meeting in Greenland adding that the plan to connect to the City’s sewer system had been placed on hold. An on site septic system is being proposed in its stead. Mr. Holden stated that the City is raising questions about such a system and expressing several environmental concerns.

Mr. Holden went on to state that the Rockingham Planning Commission has scheduled a regional impact meeting.

It was Mr. Savramis' opinion that when the Sylvania Plant was active, that they might have had a septic system and wondered how many people were employed there. Mr. Holden indicated that the proposed use is significantly different.

Mr. Jankowski stated that the proposal would be disturbing some seven acres of wetland in the widening of the roadway and the creation of an enormous parking lot. He went on to mention Pickering Brook and the Clean Water Act and indicated that the proposal would go against the efforts of protecting the Great Bog. He informed the Board that on Wednesday evening, July 23, at 7:00 p.m., the NHDES was holding a Public Hearing on the proposal. He felt that the project was a very significant regional planning issue.

COAST Pontiac

Mr. Holden reported that he had met with the applicant. The rezoning request was subsequently refined. Mr. Holden suggested and the applicant agreed that any rezoning request should be part of the Master Plan planning process. Therefore, the recommendation to the City Council is that the request be placed on file and be reviewed under the Master Plan process. Mr. Sullivan so moved. Mr. Savramis seconded the motion.

Mr. Coker stated that he was confused. Mr. Holden explained that rezoning requests are not being considered at this time while the Master Plan process is ongoing (unless it is an emergency situation; such as, the Harrison Well).

The motion passed unanimously.

Haymarket Square

Mr. Sullivan commented that there was a very nice article in *The Portsmouth Herald* in regards to the proposed Haymarket Square reconstruction on Court Street. He stated that the monument that used to be in Haymarket Square was moved to Prescott Park and subsequently to Goodwin Park. It was his suggestion that the monument be returned to Haymarket Square (once the improvements have been completed) in the same position as it was years ago. It was suggested that a letter be sent to John Burke.

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VII. AMENDED SITE PLAN REVIEW

No amended site plans were submitted for review at this meeting.

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VIII. ADJOURNMENT was had at approximately 10:25 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 August 21, 2003, meeting.