

**MINUTES OF MEETING  
REGULAR MEETING  
PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**CITY COUNCIL CHAMBERS  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**MARCH 18, 2004**

**MEMBERS PRESENT:** Kenneth Smith, Chairman; Paige Roberts, Vice-Chairman; Thomas Ferrini, City Council Representative; Richard A. Hopley, Building Inspector; John Sullivan; Raymond Will; Donald Coker; George Savramis; and, alternates, John Ricci and Jerry Hejzmanek

**MEMBERS EXCUSED:** Cindy Hayden, Deputy City Manager

**ALSO PRESENT:** David M. Holden, Planning Director; and, Lucy E. Tillman, Planner I

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**I. APPROVAL OF MINUTES**

The minutes from the February 19, 2004 Planning Board meeting were approved unanimously.

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**II. PUBLIC HEARINGS**

A. The application of the **City of Portsmouth, SAU #52**, for property located at **50 Andrew Jarvis Drive** wherein site plan approval is requested for the construction of a 13,711 s.f. irregular shaped two story addition to the Industrial Arts Department, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 229 as Lot 3 and lies within a Municipal district.

The Chair read the notice into the record.

Peter Torrey, Business Administrator for the Portsmouth School Department, addressed the Board. Mr. Torrey indicated that it was three years ago that they appeared before this board for their initial approvals for renovations and additions to the Portsmouth High School. They have received some additional state funds that pertain to improvements to the VocTech area. This allows them to do a much better job in this area but does require changing the footprint.

Mr. Torrey indicated that also present were Wes Bonney of Team Design, Wayne Blais, of Hutter Construction, Forrest Ransdell, Portsmouth High School Principal and Brad Mezquite of Appledore Engineering.

Brad Mezquite started by reviewing the history of how they had arrived at this point, starting with a conceptual meeting with the Planning Department on January 27, 2004, they then went to Pre-TAC, a Conservation Commission meeting, Planning Board for Conditional Use Approval, TAC for Site Review, meetings with the Department of Public Works and Planning Department, Traffic & Safety Committee Meeting, and finally tonight's Planning Board Meeting. Mr. Mezquite displayed a site plan of the entire school project and pointed out the addition that they were addressing. As part of

this project, the footprint will impact approximately 50 parking spaces which were being relocated on the premises. This week the new High School was up and running and the students were using it. The intersection to Summit will be one-way and a small section of the existing water line that runs down the back of the school today will be relocated.

Mr. Mezquite indicated that, as part of the project, they will be re-routing part of the project around the building. The existing parking lot has several catch basins in it. The water will then flow to a drainage swale, to a 16" culvert, and back into a closed drainage system. A 60" culvert was part of the original renovations. Today all of the stormwater flows directing to a wetland system. They are proposing picking up additional area, treating it and then tying it directly to a 60" culvert. This will improve the current drainage treatment in the area. The proposed system is right out of NHDES regulations for water quality and they have listed out exactly what NHDES requirements are for this unit. The unit itself is a fairly large tank, 9' x 16', and is a 3 chamber design. The stormwater passes through each chamber for treatment. There will be 3 manholes right on the surface for easy cleaning. They treated up to a 2 year storm event. They feel that they are providing enhancement to the treatment and this section will have the highest treatment of the whole site. It meets NHDES site specific regulations. This unit will be going back to NHDES for an amendment to include this work. Mr. Mezquite also spoke regarding water quality. They will still have a decrease in impervious coverage on the site from where they started before construction. There will be more green than when they started. The net peak runoff from the site will have a lower peak flow than what they had 3 years ago.

Mr. Sullivan asked if the system would take care of the autobody shop's lubricants and where does that waste go?

Mr. Bonney, of Team Design, indicated that they had a separate system to treat those items.

Mr. Coker asked about the current treatment swale and asked where the water went from the swale.

Mr. Mezquite indicated that the water would flow through the catch basins, hit the treatment unit, right back into a closed pipe, to the back of the school to a 60" pipe that comes out to a manhole, down the football field to the wetlands. After it goes through all of the treatments it flows to the wetlands.

Ms. Roberts asked about the runoff from Summit Avenue after they change the parking area.

Mr. Mezquite indicated that the runoff is caught in a closed system. They have some erosion problems with some drainage getting into the gutter and they are attempted to help that out with the driveway by channelize the drainage.

Mr. Ricci asked that the erosion control notes be added to the plan.

Chairman Smith asked where the 2 handicapped spaces in the rear of the building had been moved to? They like having some handicapped spaces in the rear of the building and asked that they be put back on the plan.

Chairman Smith also asked how they intended to control the parking along the edge between Summit and Andrew Jarvis.

Mr. Torrey indicated that they would be enforcing non-parking in that area. They are looking into a price to put curbing along that area to cut down on the parking. They will be making that section one way so that cars will not be able to come from Summit, which should cut down on parking also. When they have graduation or large events there will probably be no way to stop the parking however during normal hours they will enforce no parking.

The Chair asked if there was anyone from 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. Sullivan made a motion to approve with stipulations. Mr. Will seconded.

- 1) That the three-way intersection on the property be reviewed by Traffic & Safety with an on-site review on March 16, 2004 at 8:00 a.m. and the Traffic & Safety Committee meeting on March 18, 2004 at 8:00 a.m.;
- 2) That the termination of the existing water line through the area being demolished be marked on the plan;
- 3) That the drainage maintenance schedule be provided and approved by DPW;
- 4) That the water lines be installed to City Water Department standards;
- 5) That the School Board review their current policy on parking prices to address the issue of lack of parking on the site and to promote city transportation;
- 6) That further fact sheets be provided regarding the drainage treatment;
- 7) That 2 handicapped parking spaces be added to the rear of the building.

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B. A Public Meeting is scheduled for comment and discussion relative to a draft Amendment to the 1995 Zoning Ordinance, as amended. This amendment addresses Residential Uses as allowed in the Central Business A and Central Business B districts by limiting ground floor and related areas to non-residential uses. Copies of this proposal are available in the Planning Department Office.

David Holden, Planning Department Director, presented a powerpoint presentation, reflecting many ground floor areas in the Central Business District. The issue is how to best manage this ground floor. The actual area is relatively small, encompassing approximately 90 acres. Mr. Holden cited many locations, such as the old Pier II restaurant and the old dive shop on State Street which are now residential. A former church is now vacant. There are many buildings in transition, such as the old gas station on the corner of State and Middle Street. There is a church on Court Street which has been converted to a single family residence. Vacant land and parking areas are being developed. An area of large building potential is the parking lot across from the Sheraton. Mr. Holden felt that these were some of the issues that the Board has tried to confront. He then turned the presentation over to Rick Taintor, of Taintor & Associates.

Mr. Taintor introduced himself as the lead consultant on the City's Master Plan. The Master Plan has been going on for over a year and as a result of the Study Circles a key issue that developed was the importance of the downtown to the City. It is not only important to their quality of life but also it's important because it draws visitors into the City. The continuity of economic uses to attract people downtown is very important. They recognized that what was very special about the downtown area was that it had mixed uses and a lot of street level vitality. The upper levels are offices and residences. There is now a lot of pressure in the real estate market to convert some buildings to residential and push out commercial uses. As the City moves into the expansion of the northern tier, the residents would like the same scale and vitality as downtown. They therefore came up with the proposal that was being presented to the Planning Board that evening. Mixed uses would be allowed but there would have to be non-residential uses on the first floor. Other cities have much stricter requirements for non-residential uses in their downtown areas. They only changed the Use Table in a couple of places so that new construction, conversions or expansions require a mixed use and that the ground floor be residential. They also defined what the ground floor was. Studies have found that in business districts, a very short area of private use, will make people turn around and not proceed any further.

It appeared that the Board members had received an old draft of the changes so Mr. Taintor clarified that they simply needed to take out the words "retail, business or service" and change that to non-residential on 44(a).

Mr. Coker asked if in the business district at least 1/3 of the gross floor area shall be devoted to non-residential uses.

Mr. Taintor indicated that that currently exists in the ordinance and will not be changed.

Mr. Holden indicated to the Board members that they were working with this version at the last work session and it was what was recommended.

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

**DISCUSSION AND DECISION OF THE BOARD:**

Mr. Holden indicated that the Department was looking for a favorable recommendation to the City Council so that the City Council can initiate the preparation of an ordinance and then conduct a formal public hearing.

Mr. Will made a motion for a favorable recommendation for the City Council. Councilor Ferrini seconded.

Mr. Coker asked if someone wanted to propose a project, such as the Porter Street Condominiums, they would have to appear before the Board of Adjustment for a variance?

Mr. Holden confirmed that that would be the proper procedure.

Mr. Will indicated that he felt a lot of affordable housing is made available with this ordinance being enacted. It leaves modestly priced apartments on the upper levels of commercial buildings.

Mr. Sullivan wanted it on the record that although this issue has recently been raised by the Study Circles, it has been discussed by the Planning Board for over 10 years and is not a new concern.

The motion passed unanimously.

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C. The application of **Islington Woods, LLC** for a lot located **off Borthwick Avenue**, Assessor Plan 234 as Lot 7-4A, and owned by Islington Woods, LLC and for a lot located **off Barberrry Lane**, Assessor Plan 234 at Lot 1, and owned by **Northern Utilities, Incorporated** wherein Preliminary and Final Subdivision Approval is requested so as to subdivide two lots into three lots with the following: Proposed lot 7-4B with an area of 3.478 acres and continuous street frontage off Borthwick Avenue; Proposed Lot 7-4A with a lot area of 6.488 acres and continuous street frontage off Borthwick Avenue; and, Proposed Lot 1 decreasing in area from 5.226 acres to 3.624 acres and having access off Barberrry Lane and no continuous street frontage off Barberrry Lane; and, with all proposed lots lying in an Office Research district where a minimum lot area of 3 acres and 300 feet of continuous street frontage are required

Councilor Ferrini stepped down from this hearing.

Bill Doucet, of Doucet Survey, Inc., addressed the Board. Also present was Attorney William Tanguay and Steve Schuster, of Islington Woods. Mr. Doucet indicated that there are 2 parcels and

part of each parcel would be combined to create a third lot. Mr. Doucet used a full sized, color coded map to point out the lot boundaries.

There being no questions for the applicant, the Chairman called for public speakers.

Leslie Garrett, of Barberry Lane, asked if there would be access to these lots from Barberry Lane.

Chairman Smith responded that there would be no access, however, the Northern Utilities property will still have access to Barberry Lane.

John Whiteman, of Foch Avenue, wanted to reinforce the feelings of the residents of Barberry Lane which is that they do not want any access from Barberry Lane. That is a very narrow street which serves 12 houses. Access would create an increase in traffic and the road would require major improvements. He also felt that the Planning Department recommendations were great. There are wetlands involved and those should be considered.

The Chair asked if there was anyone else from 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 recommended that the Board seek clarification on some of the issues and conditions that were proposed. Mr. Holden reviewed all of the Planning Department recommendations with Mr. Doucet (see below, under Stipulations of approval):

Mr. Sullivan indicated that Barberry Lane used to go across Borthwick, all the way to Boyd Road. He wanted to clarify for the record that that road is permanently closed.

Mr. Doucet questioned having to show wetlands on the Northern Utilities parcel. Chairman Smith indicated that wetlands don't stop at boundary lines. Mr. Holden indicated that Subdivision regulations, Article VI, indicate that if the lot is ½ acre or more, regardless of lot line, then they are jurisdictional.

Mr. Holden indicated that they were treating this as a preliminary application as they need additional information but essentially they are making more conforming lots. With the stipulations addressing how Barberry Lane will be handled and with the additional information, he felt the Board, upon its final review, will have sufficient information. The Department was recommending preliminary subdivision approval. Any future development of these lots will require approval from other boards.

Mr. Will make a motion for preliminary approval with stipulations. Mr. Hopley seconded. The motion passed unanimously with the following stipulations:

1. That the application be amended to show the total of three lots and accompanying fees.
2. That the Plat Plan itself show all significant land features, including in particular, all wetland areas [Section IV Requirements for Preliminary Plat Number 9].
3. That all such identified wetland areas should include the depiction of contiguous wetlands regardless of property boundaries so as to facilitate any necessary determinations by the City and applicant relative to Article VI Inland Wetlands Protection as identified in the *1995 Zoning Ordinance*, as amended.
4. That as appropriate the edge of all wetland areas be provided and as appropriate any wetland buffer as required by Article VI.
5. That the Borthwick Avenue right-of-way be better defined on the subdivision plat so that it shows such particular features such as intersecting lot lines, curb cuts and a general orientation

of what is existing on the northerly side of the right-of-way. [Section IV Requirements for Preliminary Plat Number 8].

- 6. That in this vicinity that the curb cuts serving the Jackson Grey building and the Hospital lot be identified [even if the scale of the plat needs changing];
- 7. That the Topographic Plan be prepared for recording with the Plat Plan and that the Plat Plan reference the Topographic Plan.
- 8. That better definition be provided on the Plat Plan documenting adjacent ownership along a (limited) portion of this right-of-way so as to aid in identifying particular locations.
- 9. That existing right-of-ways be identified that serve the Northern Utilities lot. [The department believes that a former railway right-of-way belonging to the Concord RR is used for access/egress to the Northern Utilities lot.]
- 10. That the Plat Plan shall stipulate no access or egress from proposed lot 7-4A to Barberry Lane.
- 11. That the building envelop on Lot 7-4A be corrected or else stipulate how a structure can be built on the land encumbered by an easement owned by the NH Electric Company.
- 12. That as appropriate, any adjacent lots in common ownership should be identified on the plat [Section IV Requirements for Preliminary Plat Number 6].
- 13. That documentation shall be provided verifying whether or not other permits from the State/Federal are required [Section V Requirements for Final Plat Number 10].
- 14. Confirm that the Plat provides elevation data for the flood zone [Section V Requirements for Final Plat Number 11].
- 15. That all footnotes be checked for accuracy.
- 16. That when all the aforementioned stipulations are satisfied that an application for Final Subdivision Approval be submitted along with documentation that all boundary monuments have been set as required by the Department of Public Works [Section V Requirements for Final Plat Number 13].

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D. The application of **Richard P. Fusegni, owner and DSP Shopping Center, LLC, Applicant** for property located at **1574 & 1600 Woodbury Avenue** wherein site plan approval is requested for the construction of a 4,500 s.f. one-story building for restaurant use with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 238 at Lots 16 & 17 and lies within a General Business district.

The Chair read the notice into the record.

Attorney Bernie Pelech addressed the Board. Also present were John Hurley of Ruby Tuesday and Luke DeStefano of Bohler Engineering. Attorney Pelech indicated that this was essentially the same plan that was approved back in 2001. The only change was that the building had been shortened by 10' making it approximately 500 s.f. smaller. There were no changes to egress/ingress parking however less parking spaces are required so they don't require an easement to park on the shopping center parking lot. Access is the same and they have followed the TAC recommendations. Their traffic engineer met with John Burke and reviewed the timing of the lights. They had an approved plan in 2000 and John Burke wanted it reviewed.

Mr. DeStefano indicated that most of the Board members were familiar with the site plans and asked if they needed a brief overview of the site.

It was agreed that they would go directly to questions, without the necessity of an overview.

Mr. Coker indicated that the Existing Conditions Plan did not show the existing structures.

Mr. DeStefano indicated that there are currently three wood framed structures on the site.

Mr. Coker asked Mr. Hopley is this would fall under the 30 day posting requirement for demolition of the structures?

Mr. Hopley indicated that it would require a 30 day posting, physically on the building, as well as notice in two local newspapers.

Mr. Holden reminded the Board that they saw existing condition plans when they reviewed it for subdivision approval. This Board has approved this plan twice already so they are very familiar with it. They only reason they are here tonight is because an approval lapsed.

Mr. Ricci asked for a note on Page C-3, changing the "dig safe" notification from 24 hours to 72 hours. Chairman Smith indicated that was reflected on Page C-4, Note 8.

Mr. Ricci asked for a detail sheet for the yard hydrant . He also asked if they should be concerned with a dust control plan as it is surrounded by parking lots.

Mr. Holden thought this was something they should look into.

Mr. Hopley asked them to simply put a note on the plan regarding a watering plan to control dust.

Chairman Smith asked about snow storage or snow removal.

Mr. DeStefano indicated there were snow storage areas however it will be trucked off the site for heavier storms.

Chairman Smith asked for a note indicating that the front yard would be for temporary snow storage and larger storms would be trucked off-site.

Chairman Smith asked whether the dumpster was enclosed and whether grease storage would be in the same location.

Mr. DeStefano indicated that the dumpster was screened in on all four sides and a grease trap was being proposed.

Mr. Hurley indicated that the grease from the fryalators would be in a separate container and picked up and removed from the site.

Chairman asked about lighting. They were proposing 30' poles and Chairman Smith asked if they could be lower.

Mr. DeStefano did not believe they would have a problem with that and that lower lighting would be more appropriate.

Mr. Will asked about motorcycle pads and whether they were included in this plan.

Attorney Pelech indicated they could find a space on the plan to add a concrete pad for motorcycles. He also indicated they would submit a revised lighting plan for review.

The Chair asked if there was anyone else from 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. Coker referred to the Planning Board Memorandum which referred to stipulations from prior approvals and whether those stipulations would continue with the current approval?

Chairman Smith said that all prior stipulations should be included.

Mr. Holden recommended that a stipulation be added that the Board of Adjustment approval not be swayed by the approval of this board and Attorney Pelech suggested that this approval be conditioned upon BOA approval.

Mr. Coker made a motion to approve with stipulations. Mr. Sullivan seconded. Mr. Will indicated he would be voting against the motion as it was the last piece of greenspace on Woodbury Avenue.

The motion was approved with Mr. Will voting in the negative, with the following stipulations:

- 1) That the plans reflect snow storage in the front of the lot and a note that snow will be removed from the site for large storms;
- 2) That a revised lighting plan be submitted for approval by DPW and the Planning Department;
- 3) That the Board is acting on a Site Review Application and this approval should not be construed by other public Boards as forcing a positive review;

From the March 2, 2004 Technical Advisory Committee Meeting:

- 4) That the open space calculation be added to the site plan;
- 5) That the site plan be modified to add a separate water feed to the irrigation hydrant;
- 6) That the existing water service be abandoned consistent with city standards, that the tap on the main in the street will be performed by the City Water Department and all on site water piping be constructed according to City standards;
- 7) That a traffic signal timing and coordination plan be submitted for review by John Burke, DPW, prior to a building permit being issued;
- 8) That a traffic signal layout plan be re-submitted to John Burke, DPW for review and approval, prior to a building permit being issued;
- 9) That the sewer service be cleaned out;
- 10) That the drain lateral going from the roof drain have a clean out;
- 11) That a report, stamped by an engineer, be prepared relative to the shopping center drainage system, confirming that it is working properly, for review and approval by David Desfosses, DPW, and that the results of the report be tied into any bond posted for the project;
- 12) That all blasting be in accordance with the City blasting ordinance;
- 13) That a Knox box be installed on the building;

**From the August 16, 2001 Planning Board Meeting:**

- 14) That the applicant apply for Final Subdivision Approval as part of the application process;
- 15) That the site plan indicate sloped granite curbing for the island;
- 16) That the landscaping plan be reviewed by the City Arborist or her designee;
- 17) That the applicant's traffic engineer be available for the "tweaking" of any traffic signalization interconnection;



- 18) That the new traffic signal pedestrian regular heads be LED and all markings be plastic taped with the exception of the lane lines on Woodbury Avenue;
- 19) That the building be sprinklered;
- 20) That the master box be connected to the municipal system;
- 21) That the conduit for the fire alarm system be installed during the construction process;
- 22) That the drainage study be submitted to the City’s engineering department for review;
- 23) That the dumpster be fenced in; and
- 24) That a stop sign be installed as one exits out of the restaurant parking lot.

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E.. The application of **Robert L. Casella, LLC, Owner and Portsmouth Computer Group, Applicant**, for property located at **30 Mirona Road Extension** wherein site plan approval is requested for the construction of a 1,255 s.f. one-story addition to the right of an existing structure, and a 1,200 s.f. 2<sup>nd</sup> story addition over an existing garage, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 253 as Lot 4 and lies within an Industrial district.

The Chair read the notice into the record.

Attorney Bernie Pelech represented the applicant, Portsmouth Computer Group. He indicated this was a project that received approval from the Technical Advisory Committee on March 2<sup>nd</sup> and also received approval from the Board of Adjustment. They went to the BOA because the rear of the property has a tremendous up-slope and increase in grade of 30%. This prohibits parking behind the building and they needed a variance to put parking in the front of the building. John Chagnon, of Ambit Engineering, did the site plan. There were only two recommendations from TAC. The first one was that a 5’ concrete sidewalk be placed along the property line, which the plans now reflect, and that the location of the water line servicing the property be located, which is also reflected on the plans.

Mr. Ricci asked about the loading zone and what type of vehicles will be coming in.

Attorney Pelech indicated that they will not have any large vehicles coming in, just UPS trucks.

Mr. Hopley indicated that he talked with the design engineer for the addition and there was an egress question and there were several options to solve that issue. One option was an outside staircase which is not shown on the plan, as presented and advertised. He was questioning whether that option was taken?

David Hodgden, of Portsmouth Computer Group, indicated that they were going to have an external stairwell.

Mr. Hopley indicated it was a problem because the site plan did not show the external staircase.

Attorney Pelech indicated that their final plan would show the staircase.

Mr. Hopley indicated that this is a recurring problem with applicants and sometimes he doesn’t catch it prior to Planning Board approval.

Chairman Smith asked about lighting.

Attorney Pelech thought that the only external lighting was a couple of lights attached to the building. Those will be marked on the plans.

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

Mr. Sullivan made a motion to approve with stipulations. Mr. Will seconded. The motion was approved unanimously with the following stipulations:

- 1) That should the revised plans reflect an external stairwell, it shall require review and approval by the Planning Department and Inspection Department;
- 2) That lighting will be added to the plan;

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**III. CITY COUNCIL REFERRALS/REQUESTS**

A. 67 Ridges Court – Construct/Reconstruct a Pier

Mr. Holden indicated they would like to do a public meeting due to the public interest. The Department has also discussed this with Attorney Brad Lown, who represents the McLeods, and he has also requested that this issue be tabled to the April meeting so that they can present their issues. He recommended that the Board table this matter until the April 15, 2004 meeting, which would allow the Planning Department to advertising a meeting notice to abutters so that everyone would have an opportunity to address the Board.

Mr. Will made a motion to table this matter until the April 15, 2004 Planning Board Meeting. Mr. Coker seconded. The motion passed unanimously.

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**IV. OLD BUSINESS**

A. Request of **The Estate of Anthony Giovannattone** for an additional one year extension of Conditional Use Permit for property located **off Lang Road** wherein a Conditional Use Permit was requested as allowed in Article VI, Section 10-608(B) of the Zoning Ordinance to allow the construction of a two-story 28’ x 65’ building upon a paved access way within an inland Wetlands Protection District Buffer Zone. Said property is shown on Assessor Plan 286 as Lot 22A and lies within a General Business district.

The Chair read the notice into the record.

Mr. Coker stepped down from this hearing.

Attorney Bernie Pelech represents the Estate of Anthony Giovannattone. This matter was previously approved by the BOA, and by this Board for a Conditional Use Approval and also for Site Review. Mr. Giovannattone was going to have his woodworking shop located off of Lang Road in the area that is paved. Mr. Giovannattone passed away before work was commenced. The Estate is still in Probate. Mr. Giovannattone’s son has asked Attorney Pelech to seek an extension. Attorney Pelech indicated that nothing has changed on the site.

Mr. Holden stated that the issue was that the Board could not grant an extension for an approval that had already been extended once. There are two ways to proceed. They can take it through the public hearing process with everything that is in the record and re-table to April 15<sup>th</sup> for a public hearing. Or, they can have the Conservation Commission review it. Mr. Holden recommended that it would save some time to send it to the Conservation Commission for a report back prior to the April 15<sup>th</sup> meeting.

Mr. Will asked why they couldn't do both? He also questioned if they have the power to recommend that the Conservation Commission extend it's own approval?

Mr. Holden indicated that the Conservation Commission only recommends to the Planning Board. Attorney Pelech would just be there, answering their questions as to whether or not anything has changed so that the Conservation Commission would revisit what amounted to their recommendation.

Mr. Sullivan asked if they had any authority, under circumstances such as this, where temporary approval for an extension could be granted, pending completion of probate.

Mr. Holden indicated that if they send it back through the process it will open up a two year window for them. The reason the Board wants control on these was so that they would end.

Mr. Will made a motion to table this matter until the April 15<sup>th</sup> for public hearing and in the interim refer it to the Conservation Commission for review. Mr. Savramis seconded.

Chairman Smith indicated that he is in agreement that this go back to the Conservation Commission only because they will meet prior to the next Planning Board meeting.

The motion passed unanimously.

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**V. AMENDED SITE PLAN REVIEW**

A. The revised application of **Great Islington Street, LLC** for property located at **871 Islington Street** wherein the approval of an amended plan is requested for the conversion of an existing structure from office use to fourteen 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.±). Said property is shown on Assessor Plan 165 as Lot 4 and lies within a Business district.

Mr. Will stepped down from this discussion. Councilor Ferrini also stepped down.

The Chair read the notice into the record.

Mr. Holden indicated that the Board has reviewed this application for 14 units however the application was only for 12 units. They are asking tonight to reaffirm and allow the public the opportunity to comment on an application that was advertised for 12 but every plan that they have looked at was for 14 units.

Attorney Bernie Pelech indicated that the plans were all for 14 units. The Board has already approved this plan and, now that it has been advertised for the full 14 units, they were asking for approval again.

Mr. Coker asked whether this was exactly the same application other than it is for 14 units rather than 12, but otherwise it is identical?

Attorney Pelech indicated that based on recommendations of TAC they have moved a lighting pole and have added an awning over the doorway. Otherwise, the plans are identical.

Mr. Coker indicated, for the record, other than those issues, everything is identical.

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

The Chair closed the public hearing.

Mr. Ricci asked if the existing and proposed parking lot will stay the same?

Attorney Pelech indicated there would be no change in the grade of the parking lot.

Mr. Savramis made a motion to approve. Mr. Sullivan seconded.

The motion passed unanimously.

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Mr. Holden indicated that the Board has finished with the Land Use Sub-Committee meetings and a session will be scheduled for April 1<sup>st</sup> at 7:00 pm to go over any changes as an entire Board.

Mr. Holden indicated that PSNH has filed a revised application with TAC which will be heard at a special TAC meeting on April 6, 2004. A special meeting will be scheduled with the Planning Board for probably late April or early May.

**VI. ADJOURNMENT**

A motion to adjourn at 9:00 pm was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on April 15, 2004.