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B. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, wherein site plan approval is requested to construct a 170' x 150' (irregular) 26,422 ± s.f. 3-story office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 216 as Lot 1-8B and lies within the Office Research/Mariner's Village district. (This application was tabled at the January 20, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Deputy City Manager Hayden made a motion to take the application off of the table. Councilor Ferrini seconded. The motion passed unanimously.

**SPEAKING TO THE APPLICATION:**

Dennis Moulton, of Millette, Sprague & Colwell, indicated that a wetland determination is being made and they are awaiting a report from an independent wetland scientist. Due to weather conditions, this has not yet been completed. He requested that this matter be tabled to the next meeting.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

Mr. Will made a motion to table this matter to the March 17, 2005 Planning Board Meeting. Councilor Ferrini seconded.

The motion to **table** to the March 17, 2005 Planning Board Meeting passed unanimously.

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C. The application of **Moray, LLC, Owner** for property located at **235 Commerce Way** and **Brora, LLC, Owner**, for property off **Portsmouth Boulevard** wherein Final Approval is requested for a lot line relocation whereby property located at 235 Commerce Way would have a lot area of 247,954 ± s.f. and 646.56' of street frontage and property located off Portsmouth Boulevard would have a lot area of 239,040 ± s.f. and 433.91' of street frontage, in a district where a minimum lot area of 3 acres and 300' of street frontage is required. Said properties are located in an Office Research/Mariner's Village district and are shown on Assessor Plan 213 as Lot 11 and Assessor Plan 216 as Lot 1-8B. (This application was tabled at the January 20, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Mr. Savramis made a motion to take the application off of the table. Mr. Hopley seconded. The motion passed unanimously.

Mr. Holden stated that this application is based on the prior Site Review application so he recommended that it be tabled to the March 17th meeting as well.

Deputy City Manager Hayden made a motion to table this matter to the March 17, 2005 Planning Board Meeting. Mr. Will seconded.

The motion to **table** to the March 17, 2005 Planning Board Meeting passed unanimously.

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D. The application of **Michael R. Clark, Owner**, for property located at **325 Little Harbor Road** where Preliminary and Final Subdivision approval is requested to subdivide one lot into two lots with the following: Lot 1 having 180,000 ± s.f. (4.2 acres) and 154.43 feet of continuous street frontage on Little Harbor Road and Lot 2 having 279,000 ± s.f. (6.4 acres) and 151.38 feet of continuous street frontage on Little Harbor Road, and lying in a zone where a minimum lot area of 1 acre and 150' of continuous street frontage is required. Said property is shown on Assessor Plan 204 as Lot 5 and lies within a Single Residence A district. (This application was tabled at the January 20, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Mr. Hopley made a motion to take the application off of the table. Councilor Ferrini seconded. The motion passed unanimously.

Mr. Holden indicated that the Department was recommending that this matter be tabled.

**SPEAKING TO THE APPLICATION:**

Attorney Bernie Pelech indicated that this matter was in the final stages of working out an agreement between the City and the applicant. Mr. Clark owns Belle Isle as well as this lot and the issue is whether the island is a separate lot. They have come to an agreement with the City that Mr. Clark will stipulate that there will be no further subdivision of the two proposed lots and there will be no further subdivision of the island.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

Mr. Will made a motion to table this matter until the February 17, 2005 Planning Board Meeting. Councilor Ferrini seconded.

The motion to **table** to the February 17, 2005 Planning Board Meeting passed unanimously.

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**II. PUBLIC HEARINGS**

1. The application of **Rachel L. Bratter, Owner**, for property located at **165 Bartlett Street** and **Myles S. and Elizabeth A. Bratter, Owners**, for property located at **48 Clinton Street**, wherein a Lot Line Change is requested between two lots having the following: Lot 7 as shown on Assessor Plan 158 increasing in area from 32,242 ± s.f. to 36,197 ± s.f. and with continuous street frontage off Clinton Street and Lot 10 as shown on Assessor Plan 158 decreasing in area from 12,350 ± s.f. to 8,395 ± s.f. and with continuous street frontage off Bartlett Street, and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of continuous street frontage is required. Said properties are located in a General Residence A district and are shown on Assessor Plan 158 as Lots 7 and 10. (Plat plan is on file in the Planning Department Office and is identified as Plan #01-01-05).

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Eric Marks, of Millette, Sprague & Colwell, addressed the Board, representing Myles & Elizabeth Bratter as well as Rachel L. Bratter. They were proposing a simple lot line change in the hopes of

straightening out both lots to a more conventional shape. They proposed taking land from Map 158, Lot 10, also known as 165 Bartlett Street which will decrease the lot size from 12,350 s.f. to 8,395 s.f. and adding the land to Map 158, Lot 7, also known as 48 Clinton Street which will increase the lot size from 32,242 s.f. to 36,197 s.f. The land being conveyed lies within the 100' wetland buffer and does not meet any of the criteria for building.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

**DISCUSSION AND DECISION**

Deputy City Manager Hayden asked if all parties had signed off yet?

Mr. Holden indicated they have not and it should remain a condition of approval. He further stated that this lot line change does not effect the underlying zoning in General Residence A. The development potential of each lot is what the zoning would permit. The Department recommends preliminary and final approval.

Mr. Coker asked for clarification regarding the requirement of signatures on the application.

Mr. Holden stated that they simply need all property owners to sign the application form and will require that prior to recording the plan at the Registry of Deeds.

Deputy City Manager Hayden made a motion to approve with the stipulation recommended by the Planning Department. Mr. Coker seconded.

The motion to **approve preliminary and final** lot line change passed unanimously with the following stipulations:

1. That all parties to the application shall be clearly noted on the application;
2. That permanent boundary monuments shall be placed prior to the recording of this Plat as required by the Department of Public Works; and,
3. That electronic Plat information shall be provided to the Planning Department as required by the City's *Subdivision Rules and Regulations*.

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2. The application of **145 Heritage Avenue Properties, LLC, Owner, and Carlisle Capital Corporation, Applicant**, for property located at **280 Heritage Avenue**, wherein site plan approval is requested for the construction of three buildings as follows: 1) a 120' x 130' 1-story industrial building with 15,600 ± s.f.; 1) a 210' x 140' 1-story industrial building with 29,400 ± s.f., and 3) a 30' x 90' 2-story garage with 2,700 ± s.f., with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 284 as Lot 7 and lies within an Industrial district.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Peter Weeks appeared on behalf of the applicant, along with Dennis Moulton of Millette, Sprague & Colwell. He indicated that this matter had been heard by the Technical Advisory Committee and stipulations were recommended. Mr. Weeks indicated that most of those stipulations had been accomplished. Mr. Weeks corrected Stipulation #23 indicating that the size of the proposed garage was 2,700 s.f. They received a favorable motion from Traffic & Safety on the driveway, which they

reduced to 35' rather than the 45' that they originally proposed. The applicant will contribute up to \$1,500 towards the cost of re-painting the Heritage Ave deceleration lane and will contribute up to \$1,000 to help the City improve the drainage line across Heritage Avenue.

Dennis Moulton, project engineer, made his presentation. He described this site as a 4.6 acre undeveloped site on Heritage Avenue in the Industrial district. The application is to build two main buildings and an accessory garage structure. One building is 18,720 s.f. and the second building is 24,700 s.f. They are also constructing a two story, 2,700 s.f. garage to house maintenance vehicles and equipment and supplies for the site. The site has a single 35' entrance off of Heritage Avenue. The 35' entrance transitions into a 44' wide access wide aisle to the north of the building to allow for tractor trailer maneuvering. They have provided signage on the site so that when trucks enter they will know that they can only continue straight up the aisle and also a sign indicating they may only make a right turn back onto Heritage Avenue. They are providing 115 parking spaces with five of those being handicapped accessible and 6 loading areas. The 115 parking spaces are well in excess of what is required for the uses on the site. Working with Planning staff, they have attempted to provide as many spaces as possible in the event of a change of use on the property. Water and sewer connections are being made from existing stubs on Heritage Avenue. They will be providing underground electric and gas connections to the site. The site will have sprinklered buildings with an automatic hook up to the Fire Department. There are three screened dumpsters on the site.

Mr. Moulton indicated that there was a closed drainage system on the site that provides a small detention area in the front and a quite large detention area to the rear to accommodate stormwaters and the treatment necessary. Landscaping is provided on the site and is currently being reviewed by the Planning Department. The lighting provides for 20' poles, which they feel are acceptable for an industrial site.

Mr. Moulton stated that one of the issues of this site was the drainage in the area. The site itself is located in a larger watershed, which has been previously analyzed by his firm for another project. The drainage flows towards Banfield Road to the Great Bog. The choice before them was whether to discharge their stormwater to the south to the side of the wetland with a treatment swale or direct the stormwater back to Heritage Avenue to a closed drainage system down to the intersection of Banfield and then to the Great Bog. Recognizing that there are problems with this area, they had discussions with Planning and Public Works staff on how to best handle drainage. They will provide funds to the City to replace the culvert under Banfield Road.

Deputy City Manager Hayden asked about the parking spaces that are beside the building where there is a concrete sidewalk and asked if there were any curb stops so that cars would not overhang the sidewalk?

Mr. Moulton indicated that there were curbstops at each space.

Mr. Coker asked about the drainage. He understood that the drainage was going from left to right, into a detention pond and then being sent back the length of the lot into another detention pond?

Mr. Moulton indicated that the two ponds feed into a new catch basin, relocated to the north side of the driveway.

Mr. Coker asked if all runoff would be dealt with in one of the two detention ponds?

Mr. Moulton indicated that was accurate.

Mr. Ricci indicated he was not comfortable with how the drainage was laid out on the plans. He felt a 10 year storm event would fill up half of the culverts and his concern is that in the past 5-10 years they have had well above the 10 year storm event. He doesn't feel that this site will function the way that it should. He was also concerned that when a drainage study is typically done, they match pre-

development versus post-development. In this development, close to the west, there is a 50% increase in runoff and flow to the north there is a 75% reduction. He felt that they were assuming everything going out to the Great Bog would be acceptable. Banfield Road has changed dramatically and heavy rain rises up quite a bit. He was very concerned with this system.

Mr. Will asked about the future parking relief discussed at the TAC meeting and what potential change of use did the Department anticipate?

Mr. Holden stated that the structures are significant for the size of the lot and if they later were used for offices, there may not be sufficient parking. The applicant has worked closely with the City to address a number of concerns, including this issue, and the site design has included additional parking. The Department's issue is that if parking relief was required, they did not want to see parking on Heritage so they want to work out some language that this plan was approved under certain assumptions so that if those assumptions changed, at least it would provide some level of discussion at the Board of Adjustment. He is less concerned about it now as the Site Plan was revised to add additional parking.

Deputy City Manager Hayden asked if the concern was covered by the parking calculations and uses that were listed on the Site Plan?

Mr. Holden confirm that it was however the concern is that warehousing is very light in terms of its parking requirements.

Mr. Coker asked about the Drainage Study. He asked for clarification on the Hydro-Cad program and about the "Warnings" that are consistently throughout the printout.

Mr. Moulton indicated that the program is designed to simplify the drainage analysis process and the warnings pop up all over the place. They are registering the level of water and most times they are insignificant and do not effect the calculation. Sometimes, even 1/100" above the catch basin can register. It would be the engineer who would evaluate the warning and determine whether it was significant or not.

Councilor Ferrini asked Mr. Moulton to respond to Mr. Ricci's comments.

Mr. Moulton indicated that their design was a direct result of meeting with the City to make sure the situation was no worse than it already was. They could have designed the system differently however they chose not do to do. The culvert that goes under Banfield Road is a problem and they will help to alleviate that problem.

Mr. Ricci asked about the issue of the pipes being full for a 10 year storm event. He was concerned about what would happen at a 20 or 25 year storm.

Mr. Moulton indicated, according to their model, the pond is designed for a 50 year storm.

Mr. Ricci asked about the invert elevations on the pipes that fill into the basins?

Mr. Moulton indicated the pipes were going to be submerged but this system works and he was comfortable with it. He would have liked more slope to work with but the site is very flat.

Mr. Ricci asked if they looked at putting infiltrators under the pavement?

Mr. Moulton indicated they had thought of that but considering the soil type, they didn't think it would provide the necessary treatment.

Mr. Ricci asked if they had checked the grade capacity of the catch basins. He felt some would exceed the capacity.

Mr. Moulton indicated he would check those.

Mr. Coker asked about the drainage calculation report that referred to elevations of the pond. This was a concern of Mr. Coker's as it was draining into the Great Bog. It was his understanding that the outlet pipe sits at the bottom of the pond at 47' and the inlet pipe that will run out to Heritage Avenue is at 47'. He asked where they got the benefit of the detention pond?

Mr. Moulton clarified that the outlet devise to the pond is designed to provide a slow down of the water. In a minimal storm, the pond starts to fill up and it goes to the detention pond where you start to get your treatment. When you get to a higher volume storm and the water starts to spill over but you still get the benefit of the treatment for most of the storm water because it is retained for a long period of time.

Mr. Coker asked if the bottom of the pond and the outlet pipe were at the same level, what holds the water back in the pond is a small outlet. He was still concerned about the untreated stormwater going to the Great Bog.

Mr. Moulton confirmed that the pond creates the treatment. They have met all DES criteria.

Mr. Coker indicated that Best Management Practices does not mean "the best" but rather it means the minimum. Mr. Coker asked Mr. Holden if they were required to follow DES standards or could they be stricter?

Mr. Holden confirmed that they have to be reasonable and tied to a desired outcome so it's difficult to respond to that. DES standards are generally very applicable and he felt they should have some consideration for them. He further stated that he was sensing that the Board may want some additional information or input from the City so they may want to move on and identify other areas of concern.

Chairman Smith asked the Board if anyone had a problem with 20' poles in the Industrial District. He indicated that they were trying to get the poles lower however as this was an industrial area he wanted to get input.

Mr. Will felt that 18' poles may be acceptable. During the winter light filters through the trees so he would like to see some reduction in height.

Mr. Holden indicated that a work session was being scheduled at the March meeting. TAC had some discussion on this. The lower the height of the poles, the more poles are needed and then, the more poles you have, the less parking you have. In an industrial park "less is more".

Chairman Smith asked that two motorcycle pads be placed next to the two dumpsters to the north of the property. He asked about snow storage and whether it would be going to the rear of the parcel and whether that would interfere with the detention ponds.

Mr. Moulton indicated that portion of the detention pond is only for additional storage so it will not interfere.

Chairman Smith asked how the Board felt about the drainage calculations and whether they wanted to table this matter and leave the public hearing open?

Mr. Will felt that Mr. Ricci made some good points and he would like to see some more substantial information regarding larger storm events.

Peter Weeks addressed the Board and indicated that they had had significant meetings with the Department of Public Works to come up with a drainage plan that they were comfortable with. One

problem is that there is only a 2” drain line because of, during construction, someone put a water line through drain line, and therefore, the drain line wasn’t functioning. The City needs to correct that and the applicant is willing to make a contribution towards that correction by making the pipe larger, which will increase the flow. They have worked with the Technical Review Board and the City Engineers have signed off on the plans.

Mr. Holden confirmed that this was accurate and this was identified from day one as a problem and the applicant is not totally responsible for it but they have agreed to work with the City to rectify it. The standards in the Site Review Regulations state that site drainage patterns on a proposed development shall be capable of adequately handling storm runoff as determined by the City Engineer. Mr. Holden confirmed that that was done.

Chairman Smith again asked the Board if they felt they needed more information or were they comfortable with the information that they have.

Mr. Will agreed with Mr. Weeks that the Technical Advisory Committee is comprised of technical-minded people but they do not have the power to approve a Site Review Application. Both Mr. Ricci and Mr. Coker have concerns and he felt the Board had to go through their own process.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition. The public hearing remained open.

### **DISCUSSION AND DECISION**

Mr. Will made a motion to table this matter until the March 17, 2005 Planning Board meeting to allow information back from the City in the form of drainage calculations, with the appropriate personnel from DPW being present.

Mr. Ricci indicated he would like to see some sort of construction sequencing plan on the detention basins being built. He felt that they were going to have to de-water the basin during construction to get the clay liner in and that is fairly significant. He would like to know where the water will be pumped off.

Mr. Ricci seconded the motion.

The motion to **table** to the March 17, 2005 Planning Board meeting passed unanimously.

### **Stipulations from the January 4, 2005 TAC Meeting:**

- 1) That a report by an independent wetland scientist be provided to the Planning Board;
- 2) That the elevations in the treatment area need to be addressed;
- 3) That the applicant work with DPW to determine a fair share cost mechanism for repairing the culvert at the corner of Banfield and Heritage and the culvert is to be upgraded before accepting any flow from this development;
- 4) That the driveway be relocated to the other side of the lot;
- 5) That the Heritage Avenue/Route 1 intersection be evaluated, subject to the cost of re-striping the Heritage approach to the Heritage/Route One intersection to extend the storage capacity of the approach lines;
- 6) That only one water meter per lot is allowed and the plans should reflect the connection from the first building to the second building
- 7) That the stray water line coming off of the fire line should be eliminated;
- 8) That the water service must be either 2” or 4” pipe;
- 9) That a standard “No Trucks” sign be added to the entrance;



- 10) That a Masterbox and a Knox Box be added to the plans;
- 11) That the size of the smaller wetland be added to the plans;
- 12) That plantings and landscape treatment be added along the edge of the detention pond in the rear of the property.

**Stipulations from the February 1, 2005 TAC meeting:**

- 13) That the applicant receive a favorable motion from the Traffic & Safety Committee regarding the sub-standard width of the driveway;
- 14) That the handicapped parking spaces for building #2, on the south side, should be rotated so the spaces can be used without backing up;
- 15) That the trees along the front of the lot be evaluated for more appropriate species;
- 16) That the applicant contact DPW for an erosion inspection prior to disturbing the site, after the clearing is done;
- 17) That the Landscaping Plan shall be subject to approval by the Planning Department;
- 18) That a note be added to the plans that if a variance is requested regarding parking requirements, it is not the intent of the TAC Committee or the Planning Board to use this approval to favorably grant said variance;
- 19) That the figures for the closed drainage system be provided to DPW prior to final approval;
- 20) That the Site Plan Cover Sheet be changed from "Construction Plans" to "Site Plans";
- 21) That each page of the Site Plans reflect the new address of 280 Heritage Avenue;
- 22) That a new Site Review application be submitted, reflecting three buildings;
- 23) That Sheet C-4 of the Site Plans clarify that the garage is a total of 2,700 s.f.;

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3. This is a notification of the intent of the **New Hampshire Port Authority** to implement specific improvements to the facility located **off Market Street**. These improvements are security related. This is a courtesy notice to the public of these improvements. Said property is shown on Assessor Plan 119 as Lot 5 and lies within a Waterfront Industrial district.

The Chair read the notice into the record.

Mr. Holden indicated that the NH Port Authority, Pease Development Authority and the State of NH are all working cooperatively with the City on a project that comes out of the Emergency Response Grant from the Federal Government. This is not a formal public hearing but they are accepting the conditions that the Board is requesting. They are exempt from our land use regulations.

**SPEAKING TO THE APPLICATION:**

Geno Marconi, Director of the Division of Portsmouth Harbors of the Pease Development Authority, addressed the Board. With Mr. Marconi was Noah Elwood from Appledore Engineering.

Mr. Marconi indicated that as a result of 911, the ISPS Code was defined and regulates Maritime Transportation standards. They were required to implement a security plan, including physical improvements to the Portsmouth terminal. They are asking the City for a courtesy review of the improvements and comments and suggestions. Specific details of improvements include perimeter fencing, enhanced lighting on the facility, closed circuit TV, electronic security systems, security enhancement of the front gate, including a security kiosk, a backup generator of the security systems, a vehicle security check area, and an electronic gate system. They intend to relocate the Port office from

the dock area to the warehouse immediately inside the gate. They will be installing a launching ramp for first responders and they will be installing a floating dock area for the same users.

Noah Elwood, of Appledore Engineering, reviewed the plans with the Board and went into more detail regarding the site changes.

Chairman Smith asked if there would be parking spaces at the front?

Mr. Elwood wasn't sure as there weren't any shown on the plans. They designed the parking to meet the city requirements.

Chairman Smith asked that the appropriate number of handicapped spaces and signage be added to the plans. He also asked about snow storage and whether that would eliminate any of the parking spaces?

Mr. Marconi indicated they move inside the fence area with a front end loader.

Chairman Smith asked if employees would be parking inside the secured terminal?

Mr. Marconi indicated they will go through the security area and will park around to the side of the warehouse.

Chairman Smith asked if this facility would still be hosting the Tall Ships and how would they handle pedestrians coming for that.

Mr. Marconi indicated they would continue to handle these events in the same manner, depending on the security level that was set by the Coast Guard.

Mr. Coker asked about the 30' tall light poles and why they were so high?

Mr. Marconi stated they addressed the issue of light going outside of the perimeter of the property.

Mr. Elwood indicated this was the minimum lighting allowed by OSHA on this facility and it is directed down so there is very minimal light flow off of the facility.

The Chair asked if anyone was present from the public who wished to make a comment.

Joel Carp, of 500 Market Street, indicated he represented the residents at Noble Island Condominiums. He asked if there was any overflow of lighting on their property, he would like to see the PDA and the Port Authority implement some sort of redress procedures to address that. They are concerned about the aesthetics of the fencing as it is a gateway to Portsmouth. He was concerned about parking during public events.

Chairman Smith indicated that if there was an overflow of lighting Mr. Carp should contact the Planning Department. This is a unique situation and there will be some cross over but it should be minimal. Chairman Smith asked about the fencing.

Mr. Marconi indicated that the grant did not allow them to replace the fence so the fence that is there will remain there. They will attempt to repair it as best they can. TAC had put a stipulation that black vinyl be used however they were not able to do that. The fence on Market Street will remain.

Chairman Smith asked about parking during a public event.

Mr. Marconi indicated that they are only taking a portion of the warehouse and that will not effect parking for the public.

Councilor Ferrini asked if this was to prevent people from going into the seaport and commandeering a ship or was this to prevent an amphibious landing?

Mr. Marconi indicated it was for both.

**DISCUSSION AND DECISION**

Mr. Coker moved to recommend as proposed with stipulations. Deputy City Manager Hayden seconded. The motion passed unanimously.

- 1) That the security fencing be a black vinyl;
- 2) That the vehicle maneuvering area be evaluated and enhanced as possible;
- 3) That when the sewer line is being worked on, the two way traffic on Market Street shall be maintained;
- 4) That the water line be evaluated with DPW and the Fire Department to determine whether flow pressures can be enhanced;
- 5) That if a lighting issues arises, it shall be worked out with the Planning Department and the PDA;

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4. The application of **Mark and Chong Jou Kim, Owners**, for property located at **3002 Lafayette Road**, wherein site plan approval is requested to demolish an existing 1-story building and for the construction of a new 1-story, 3,590 ± s.f. building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 292 as Lot 13 and lies within a Mixed Residential Business district.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Attorney Bernard Pelech addressed the Board on behalf of the applicant. They appeared before the BOA and received variances for various items. They then began the Site Review process and after many discussions with John Burke and Mr. Holden, it was agreed to bring the abutting property into their plan in the hopes of putting in a shared driveway, thus eliminating two large curbcuts. They were able to agree to share a 24' driveway and curbcut along Lafayette Road. A reciprocal easement agreement has been drafted for review by the City Attorney. Attorney Pelech turned the hearing over to Daniel Balfour of Millette, Sprague & Colwell.

Mr. Balfour indicated that they met with the abutting property owners and discussed some of the issues that were discussed at TAC. He distributed a photocopy of the revised plan. They are demolishing the existing building and replacing it with a proposed commercial laundry facility. They are removing the gravel and replacing it with the driveway. Some of the issues with the abutting property were parking on his property, underground utilities and parking in the rear and they have come to an agreement on all issues. They will be upgrading the water and sewer systems that currently exist, adding underground utilities and they will be having fire service. They have added a landscaped island at the entranceway.

Chairman Smith asked about snow storage.

Mr. Balfour indicated that Mr. Ferrari has agreed that they could use his lot for snow storage. There is also some room in the front. However, it is their intention to push it to the back of their building behind the loading area and the remainder would go on Mr. Ferrari's property.

Chairman Smith indicated that a note should be added to the plan regarding the snow storage and that should be a stipulation.

Chairman Smith asked that a construction time line be provided to the abutter.

Councilor Ferrini asked if they need a license agreement or some other agreement with Mr. Ferrari to take care of the snow?

Attorney Pelech indicated that he would add that to the reciprocal easement agreement.

Chairman Smith asked about chemicals they might be using for the laundry service:

Attorney Pelech indicated that they would provide a list of any materials they will be using to the City. Everything is disposed of per State and Federal regulations and removed from the site.

Mr. Hopley mentioned that they might want to get started on the demolition posting.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

**DISCUSSION AND DECISION**

Chairman Smith indicated that they had the seven stipulations coming out of TAC, and the addition of easement for the snow, and a list of chemicals to be provided to Mr. Hopley.

Mr. Holden indicated that the turning radius should be reviewed by John Burke.

Chairman Smith also added that the construction time line be provided to Mr. Ferrari.

Mr. Hopley made a motion to approve with stipulations. Councilor Ferrini seconded.

The motion to **approve** passed unanimously with the following stipulations:

- 1) That a meeting be scheduled with the applicant, the abutting property and staff to discuss the shared driveway;
- 2) That related site issues be reviewed with Lucy Tillman;
- 3) That a meeting be scheduled with Peter Rice and/or David Allen to discuss sewer and water issues;
- 4) That the handicapped parking space be moved so that it is not necessary to back into the space;
- 5) That the application be amended to reflect the new property and that a new legal notice be sent out at the cost of the applicant;
- 6) That the Landscape Plan be reviewed and approved by the Planning Department;
- 7) That a knox box or master box and sprinkler system be installed to the specifications of the Fire Department;
- 8) That the applicant provide a list to the Inspection Department of all chemicals and materials used on the premises and a description of how they will be disposed;
- 9) That snow storage be included in the reciprocal Easement Agreement between the two properties;
- 10) That the turning radius be reviewed by John Burke;
- 11) That a construction timeline is provided to the Condominium Association;

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**III. CITY COUNCIL REFERRALS/REQUESTS**

A. Letters from Christ Episcopol Church and The Church of Jesus Christ of Latter-Day Saints;

Mr. Holden indicated that a proposed procedure was presented to the Board as these requests were becoming more common. He felt the Board needed to come up with a policy on how to deal with sign clutter. The proposal distinguishes between a directional sign and a marker sign and suggests that marker signs be consolidated into groups with the locations proposed by Traffic and Safety and approved by the City Council. The issue would start with a recommendation from this Board to the City Council that they could accept. The proposal recommends that requests for directional signs be denied, however, if the request is for a marker sign, then the Board could favorably recommend it. The marker sign would then be approved for size and location by Traffic & Safety. The marker sign could contain an address or website address. The concern coming from Public Works and the Planning Department is that sometimes it takes a multitude of signs to direct someone to an entity in the City. The Department feels that is unacceptable and the Board approve a marking sign rather than a directional sign.

Councilor Ferrini indicated that although it was not before them yet, next month they would have a request for signs at Leary Field for baseball. He did feel that they needed some sort of a work session to discuss the directional and marker signs and he did not feel that they should deal with them piecemeal.

Chairman Smith indicated that a work session should be scheduled to further discuss this issue.

Mr. Will made a motion to table this matter until a later date, at which time they would hold a work session on this matter. The motion was seconded.

The motion passed unanimously to table this matter until a Work Session that will be held prior to the April 21<sup>st</sup> Planning Board Meeting.

Larry Floyd, representing the Church of Jesus Christ Latter Day Saints, addressed the Board. He showed them the sign that they hoped to put up at the end of Andrew Jarvis Drive, where their church is located. They have a diverse congregation and the ease of finding the chapel would be assisted with this sign.

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B. Letter from Shawn Rafferty, Re: Historic Sites;

Mr. Holden stated that the Department is looking to the Board as to what they would like to do with this request.

Mr. Savramis felt if they adopted something of this nature, it would increase the cost to developers. He felt it might halt construction.

Mr. Ricci asked if the City had any type of archive where a developer could check with the City to see if a particular area was sensitive?

Mr. Holden indicated that the entire downtown area was sensitive. Mr. Holden felt it might be something that they could consider after they have adopted the new Master Plan, hold a forum on it and see what wants to be done.

Deputy City Manager Hayden felt that a forum should be held at a later date. She felt this request goes well beyond any community or state requirements. What triggers this now is when there are federal

funds or licenses, they need to be concerned about adverse effects on historical sites. This goes far beyond anything that is currently in existence and is no small thing.

Mr. Coker agreed that it would be adding a layer of expense that one might not necessarily need to encounter. However, on the other hand, one of the things Portsmouth prides itself on is its' history so this is definitely worth talking about.

Chairman Smith suggested that they set something up for this summer, in the June –July time frame.

The Board agreed to a forum on this matter at a later date.

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C. Letter from Attorney Bernard Pelech regarding Avanti Development and conveyance of land;

Attorney Bernard Pelech spoke on behalf of Avanti Development. He indicated that 2-3 years ago this same issue was referred to the Board by the City Council. It involves the acquisition of land that the City owns in Atlantic Heights. The City property is in the GRB district and his client's property is in the MRB district. The conditions of the last approval were that City owned property not be used for building but only used for parking. Attorney Pelech indicated they would like to get two units on the property.

Mr. Coker asked if they were proposing one four unit building and one two unit buidling?

Attorney Pelech confirmed that was correct.

Chairman Smith read the stipulations from the previous approval by this Board:

- 1) That the City Assessor determine the present value to that the current land values are available to City Council;
- 2) That the property be consolidated by deed with an adjacent property of Avanti Development into one lot with no further subdivision or development except for parking spaces, which must receive prior site plan approval from the Planning Board;
- 3) That approval be secured from the Planning Board for the consolidation of the lot;
- 4) That the City retain an easement over the parcel conveyed for City utility purposes.

Attorney Pelech indicated that if those same conditions were applied then one of the units would have to be eliminated and they would prefer that not be a condition but would leave it to the Board.

Mr. Holden indicated that they were recommending the same conditions. He went on to say that it was the belief that there were density standards in that area and they should be adhered to.

Mr. Coker indicated, that by keeping the stipulation that only parking spaces be allowed on the city property, it would prohibit them from building the 2 unit structure and they would only be able to build the 4 unit with BOA approval. Therefore, considering the housing shortage in Portsmouth, he felt they should remove that stipulation to allow additional buildings.

Councilor Ferrini was concerned that they were just sending it back with the same conditions without thinking about it.

Mr. Holden clarified that the only thing they were being asked was whether they wanted the City property transferred and what conditions did they want on it.

Deputy City Manager Hayden did not feel that the City property was of any use to the City and if this property would be able to add to Atlantic Heights, then she did not see why they should add the building stipulation.

Mr. Will was concerned about the facility providing adequate off street parking as parking was already a problem in that neighborhood and asked that that be added as a stipulation.

Deputy City Manager Hayden made a motion to recommend approval to the City Council with the following conditions. Mr. Coker seconded.

- 1) That the City Assessor shall determine the present value of this parcel so that current land values are available for the Council;
- 2) That approval be secured from the Planning Board of the consolidation of the lots as required by RSA 674:39-a;
- 3) That the City retain an easement over the parcel conveyed for municipal utility purposes, either current or needed in the future;
- 4) That the applicant must provide off street parking for any development;

The motion passed unanimously.

Mr. Will noted that he did not abstain from this hearing however if it should come back to them for Site Review, he would not be voting at that time as he lives in that neighborhood and he is active in the neighborhood association.

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D. Letter from Attorney Peter Saari proposing to give the alleyway in the rear of the Wenberry Property running from Fleet Street to Haven Court to the City;

Mr. Holden asked that this matter be tabled until the March 17, 1005 meeting.

Deputy City Manager Hayden made the motion to table. Mr. Will seconded. The motion passed unanimously.

**VI. AMENDED SITE PLAN REVIEW**

- 1. **430 West Road** – Remove paved parking at the rear of the building and replace with a gravel parking area.

Dennis Moulton, of Millette, Sprague & Colwell, addressed the Board. They received Site Review approval on June of 2002 and much of the site work has been accomplished and CSI Engineering has taken up residence in the building. The parking at the rear of the building is no longer needed so the paved area in the back in not necessary. They are proposing gravel instead of the paving. No motorcycle or handicapped spaces will be eliminated.

Deputy City Manager Hayden asked if drainage would be effected by this revision?

Mr. Moulton indicated it would slightly reduce site run-off.

Deputy City Manager Hayden made a motion to approve. Councilor Ferrini seconded.

The motion to approve passed unanimously.

2. **235-245 Islington Street** – Treatment of overhead power, telephone and CATV lines;

Mr. Holden indicated that all lines would be brought underground on-site except for the one that runs from the closest telephone pole to the closest point of the building. If they were going to put that line underground, they would have to dig up the sidewalk and they would get into a gas service. The Department felt this was a minor plan amendment and recommends that the Board approve it.

Deputy City Manager Hayden made a motion to approve as recommended. Councilor Ferrini seconded.

The motion to approve passed unanimously.

Chairman Smith acknowledged a letter received from Islington Woods that all members of the Board received a copy of. Chairman Smith indicated that at the end of their meeting with representatives of Islington Woods, he had done a recap of the issues and he certainly did not want to imply that these were the only issues that would be looked at. The items in the letter were just items that were brought up at that time and he did not want the appearance that they would be held to just these issues.

Mr. Coker felt this letter was actually steering away from what the real issue was which was re-zoning. He felt there was a lot of focus on what was being proposed however the re-zoning is the current issue.

Chairman Smith asked, keeping these comments in mind, that the letter be accepted into the record.

Mr. Coker made a motion to accept. Mr. Hopley seconded.

The Motion passed unanimously.

Councilor Ferrini noted that he did not abstain as this letter speaks to the legislative action they would take in the event they were to consider rezoning the area. He was informed by the City Attorney that, although his firm represents Mr. Chinberg in another matter, he does not have a conflict with this particular issue. He is notifying the Board of this as a courtesy. Should this matter come up in Site Review, he would abstain.

Chairman Smith reminded that Board that there will be a Special Meeting on Thursday, March 24<sup>th</sup> relative to the final draft of the Master Plan. In the near future, copies will be available to the public for their review.

**VII. ADJOURNMENT**

A motion to adjourn at 9:30 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 March 17, 2005.