

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

7:00 P.M.

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

JUNE 16, 2005

MEMBERS PRESENT: Kenneth Smith, Chairman; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; Raymond Will; Donald Coker; George Savramis; and Alternate Jerry Hejtmanek;

MEMBERS EXCUSED: Thomas Ferrini, City Council Representative; John Ricci, Vice-Chairman; and John Sullivan;

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

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I. APPROVAL OF MINUTES

Minutes from the May 19, 2005 Planning Board Meeting – Unanimously approved. Mr. Will abstained.

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II. PUBLIC HEARINGS

A. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **General Services Administration, New England Region, Applicant**, for property located at **254 Corporate Drive** wherein Preliminary and Final Subdivision approval is requested with the following: Lot 0000 having an area of 30.18 ± acres and with continuous street frontage off Corporate Drive; and the remaining land area being decreased by 30.18 ± acres and constituting a portion of the Tradeport; and, lying in a zone where a minimum lot area of 5.0 acres and 200' of continuous street frontage is required. Said properties are located in an Airport Business Commercial district and are shown on Assessor Plan 315, as Lot 0004. (Plat plans are on file in the Planning Department Office and are identified as #02-01-05) (This application was tabled at the May 19, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Deputy City Manager Hayden made a motion to take the application off the table. Mr. Hopley seconded. The motion passed unanimously.

Mr. Holden indicated that he talked to representatives of GSA and they have indicated that their negotiations with PDA are proceeding smoothly and they are expecting a slightly reduced area on the plan. Once those are finalized, they will formalize the lease arrangement with PDA and then it will come back to the Board. They have asked to be tabled to the July 21st meeting.

Mr. Will made a motion to table the application until the July 21, 2005 meeting. Mr. Hejtmanek seconded the motion. The motion passed unanimously.

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B. The application of **2859 Lafayette Road Ventures, LLC, Owner**, for property located at **2859 Lafayette Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the addition of four bays to an existing car wash with associated accessways and parking within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 286 as Lots 19 and 20 and lies within a General Business district. (This application was tabled at the May 19, 2005 Planning Board Meeting)

The Chair read the notice into the record.

Mr. Will made a motion to take the application off of the table and Deputy City Manager Hayden seconded. The motion passed unanimously.

Attorney Bernard Pelech addressed the Board on behalf of the applicant. Based on the recommendation of the Conservation Commission, they have decided to withdraw their application.

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C. The application of **Wal-Mart Real Estate Business Trust and Joker's Realty One, LLC, Owners, Wal-Mart Stores, Inc., Applicant**, for property located at **2460 Lafayette Road**, wherein site plan approval is requested for the expansion of an existing 124,852 ± s.f. Wal-Mart Store to a 190,800 ± s.f. s.f. Wal-Mart Supercenter, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 285 as Lots 16-1 & 2 and lies within a General Business district. (This application was tabled at the May 19, 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. Mr. Coker seconded.

Mr. Holden reminded the Board that a Motion to Approve was tabled at the last meeting and was still on the table.

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech addressed the Board on behalf of the applicant. He indicated that the motion to approve was tabled so that negotiations between Walmart, the City and NHDOT regarding the Wal-Mart contribution could be finalized. The parties have met and the City and Wal Mart are in agreement on the terms. It is now a matter of having NHDOT sign on. Therefore, the Planning Department is recommending approval with this condition. Attorney Pelech indicated that he hoped NHDOT will not drag their feet on this agreement.

There were some minor issues that were unresolved at the last meeting regarding the voluntary architectural review. There was a request for additional brick on the elevations and brick samples were requested and were provided. Also present was the site engineer, Paul Hayner, who reviewed the plan changes that were made as a result of the last meeting.

Mr. Hayner addressed the stipulations from the last meeting.

- 1) That hoods will be placed on all new and existing catch basins.

There was concern over leaching their drainage without first sending it to a trap or cleaning action. They have added notes to their plans that hoods have been put on all catch basins and manholes.

- 2) That a Stormwater Treatment Maintenance schedule shall be provided to the Department of Public Works on a bi-annual basis (to include the level spreader);

They will provide a maintenance schedule to the DPW on a bi-annual basis. Mr. Hayner suggested that after a few years they can adjust it to less requirements.

- 3) That a carriage corral shall be relocated next to the handicapped parking spaces;

They will relocate their cart corrals to bring them closer to the Handicapped parking.

- 4) That the area behind the building shall be kept free of trash and debris at all times;

They will add a note that the rear of the building will be kept clear of trash and debris.

- 5) That bicycle racks shall be added to the Site Plans;

They have added 3 bike racks.

- 6) That all exterior lighting shall be Dark Sky Friendly;

They have added a note to the plan indicating that all exterior lighting is Dark Sky Friendly.

- 7) That when the stop line is striped at the end of Heritage Road, consideration shall be given to the fire trucks turning radius at that intersection;

This doesn't require any changes on their Site Plan however they will coordinate the striping at Heritage Road.

- 8) That all required exits from the building shall discharge on to paved sidewalks leading to the parking lot;

All exits at the building come out onto a paved area.

- 9) That upon approval of this project, the BOA variance which was granted to reduce loading berths shall be withdrawn in writing to the Planning Department by the applicant;

Attorney Pelech has indicated that Wal-Mart will withdraw the loading berth variance as it is no longer needed.

- 10) That the brick façade on the front of the building be clarified with new renderings and a sample be brought to the next Planning Board meeting;

Mr. Hayner indicated that the architect would be addressing that later in their presentation.

- 11) That consideration be given to adding greenery to the front of the building;

Wal-Mart does not want to put vines or plantings right up the front of the building but they have increased the size of the trees that are already on the plan.

- 12) That the Roadway Agreement between the Applicant, the City of Portsmouth, and NHDOT be completed and approved by the City Manager and the City Attorney;

Attorney Pelech had already addressed the status of the Roadway Agreement.

Mr. Coker asked about Stipulation #1 and whether "the hoods" mean oil/water separators?

Mr. Hayner confirmed they they will be using a snout, which is an oil/water separator, made of PVC.

Mr. Coker asked about bi-annual and whether it meant twice a year or every other year?

Mr. Hayner indicated they would agree to twice annually for two years and then they would like to adjust it, based on how frequently it needs to be done.

Mr. Coker felt that would be reasonable.

Chairman Smith indicated they would rely on the Department of Public Works to determine how often it needed to be inspected after the first two years.

Deputy City Manager Hayden asked how many trees they will be increasing?

Mr. Hayner indicated there would be 9 trees.

Chris Brosheirs, of PB2 Architects, indicated they looked at last month's comments regarding the brick. They have added more brick along the entrances and it will be a mix of the brown toned color for the base of the building and the red tone for the majority of the rest of the building. There is a structural problem with adding any more brick. The material they are using is called Quik Brik.

Attorney Pelech indicated that Giles Ham, Traffic Engineer, was also present. He didn't believe there were any additional traffic issues.

Attorney Pelech indicated that he is working on the letter withdrawing the variance.

Mr. Hopley asked if this project went to the BOA for signage because he wanted to make sure that the renderings were accurately portraying approved signage.

Attorney Pelech indicted they have gone two times. They have approval for 365 s.f. of attached signage with the stipulation that the small signs that say "One Hour Photo" "Optical" "Pharmacy" "Bakery" "Deli" "Meat" and "Produce" had to be deleted. Attorney Pelech has filed a request for a re-hearing as he does not believe the BOA has the jurisdiction to control content of signs, and only the square footage. So, all signs on the plans are approved except the little signs he referred to. As Jokers has 200 s.f. of signage, the new site will actually have less signage.

Mr. Holden indicated that an essential part of approval is the recommendation that there be a three party agreement to protect the interests of all parties. The Portsmouth City Attorney has approved the agreement, Wal-Mart has approved the agreement and NHDOT has indicated no major problems except adding the following language to condition #3:

3. NHDOT agrees to complete the project identified as "Portsmouth US 1 intersection @ Constitution Avenue and Roadway improvements" (Insert: pending the availability of funding) without further contribution from the City or Wal-Mart beyond the \$500,000."

They are dealing with how the project is described in the ten year plan, NHDOT is working rather diligently to identify additional sources of funds beyond which they have already identified to address an overall short fall in final costs. This change in wording is minor and the Department recommends it.

Chairman Smith asked if the stipulation would remain until all three parties sign off?

Mr. Holden indicated that was correct.

Chairman Smith asked what would happen if the State does not sign off?

Mr. Holden confirmed they would have to come back to this Board to review and amend the condition.

Joan Fortin, Legal Counsel for Wal-Mart, addressed the Board. She indicated that their primary concern was that there is a very short construction window in New England and they are concerned with the time it will take to get the Agreement signed. She would like the Board to consider Wal-Mart entering into an agreement with just the City. If not, they would ask that the condition be that the agreement would have to be executed by all three parties for Wal-Mart to receive a C.O.

Chairman Smith indicated that if the State doesn't sign off, the building would be built but they couldn't occupy it, unless they came back for relief from the Board.

Attorney Fortin confirmed that he was correct. Her point was that Wal-Mart is very eager to break ground and she is looking for options to consider.

Attorney Pelech indicated that yesterday he spoke to Doug DePorter at Division 6 and he was reasonably confident that it was not a matter of if the State would sign but just how long it would take. The State is making progress by identifying funds outside of the 10 year plan to make this happen. The State does not want to lose the \$500,000 from an independent developer. Mr. DePorter was confident that it will happen. Attorney Pelech felt that Ms. Fortin's option may be at risk to Wal-Mart but it still should be considered. They would like to see a two party agreement.

Mr. Coker was troubled by David's added language "the pending availability of funds" which is from the State. What if the State doesn't come up with funding - then what would happen?

Attorney Pelech indicated the City has the ability under the agreement to do the Heritage Avenue improvements. Despite what the money is for, improvements to the intersection of Heritage Avenue and Route One would be sufficient to mitigate the 1% increase in traffic to improve this corridor. The City would then still have the additional \$350,000 in its treasury and the State would still have their funds. The State recognizes they are receiving a huge contribution towards their project.

Mr. Coker asked why the State has to be involved in the agreement?

Attorney Pelech stated it is a State road.

Mr. Holden strongly recommended that the 3-party agreement is essential to this approval. That is what is bringing the parties together and without three parties the City may be considered responsible. It is a State road and their responsibility to find the funds. The way it works is that all three parties are involved and the State and Wal-Mart are being very cooperative.

Mr. Will asked about Stipulation #2 regarding the stormwater maintenance schedule. He asked that they alter the stipulation so that they come back to the Planning Board to determine whether the stipulation needs to be increased or decreased, based on a report, by the Department of Public Works, to make sure that the maintenance schedule works.

Chairman Smith understood the stipulation to read that the maintenance report will be done twice a year for two years and then as DPW sees fit afterwards. They will still do reports but probably not as frequent.

Mr. Will wanted DPW's purview to be part of the maintenance schedule but the determination of how often it should be done is the Board's purview.

Attorney Pelech indicated they did not have a problem coming back to the Board rather than DPW. If DPW feels it should be more or less frequent, they could come back to the Board.

Deputy City Manager Hayden felt the best way to handle it would be to leave it to DPW as this Board has another function.

Chairman Smith confirmed that the stipulation would be that Wal-Mart will do a maintenance report twice a year for a two year period, unless DPW changes it.

Deputy City Manager Hayden indicated that she felt very strongly that the three party agreement needs to remain in place. This keeps everyone's feet to the fire.

Mr. Will agreed with Hayden. He asked if Wal-Mart was putting up \$500,000, the City was putting up \$500,000, and DOT was putting up \$500,000?

Mr. Holden clarified that the State ten year plan has approximately \$360,000 identified for use on a project that would be in this area. Wal-Mart is voluntarily contributing approximately \$550,000. The project may cost over \$1million so there is a shortfall. The State is looking to make up the shortfall and the City is not required to add more funds.

DISCUSSION AND DECISION

Chairman Smith asked who had made the motion to approve?

Mr. Coker found in the minutes that Deputy City Manager Hayden made motion with the 5 TAC stipulations and Mr. Savramis seconded.

Chairman Smith reviewed the additional stipulations that had been discussed at the meeting, to include, a larger caliber on the trees, the applicants shall look at additional brick, to change the wording on the maintenance to be semi-annually and the additional NHDOT language.

Deputy City Manager Hayden also indicated that the old stipulation #11 would be changed to request the larger caliber trees.

Mr. Holden asked where the additional brick is being placed?

Attorney Pelech pointed out on the renderings that the brick will be added to the front columns. They have added as much brick as they can on the corners and entryways.

The motion to approve passed unanimously with the following stipulations:

- 1) That hoods will be placed on all new and existing catch basins;
- 2) That a Stormwater Treatment Maintenance schedule shall be provided to the Department of Public Works on an semi-annual basis (to include the level spreader) for two years and then as needed at the discretion of DPW;
- 3) That a carriage corral shall be relocated next to the handicapped parking spaces;
- 4) That the area behind the building shall be kept free of trash and debris at all times;
- 5) That bicycle racks shall be added to the Site Plans;
- 6) That all exterior lighting shall be Dark Sky Friendly;
- 7) That when the stop line is striped at the end of Heritage Road, consideration shall be given to the fire trucks turning radius at that intersection;
- 8) That all required exits from the building shall discharge on to paved sidewalks leading to the parking lot;

- 9) That upon approval of this project, the BOA variance which was granted to reduce loading berths shall be withdrawn in writing to the Planning Department by the applicant;
- 10) That the additional brick on the front of the building as reflected on the elevations presented at the June 16th Planning Board Meeting be incorporated into the architectural plans;
- 11) That the size of the trees in the front of the building as currently shown on the Site Plans be increased;
- 12) That an agreement be executed by Wal-Mart, the City and NHDOT for the acceptance of the \$500,000 offered by Wal-Mart for roadway enhancement and the expenditure of those funds by the City and the State on Heritage Avenue or Route 1 improvements. The general terms of the agreement being that:
 - Wal-Mart shall have no further obligation to fund road improvements.
 - The City’s financial obligation to road improvements shall not exceed the \$500,000 received from Wal-Mart.
 - NHDOT agrees to complete the project identified as, “Portsmouth US 1 intersection @Constitution Ave. and Roadway improvements” pending the availability of funding without further contribution from the City or Wal-Mart beyond the \$500,000.;

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D. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Seacoast Newspapers, Inc., Applicant**, for property located at **111 New Hampshire Avenue**, wherein Preliminary and Final Subdivision approval is requested with the following: Lot 3 having an area of 10 ± acres (435,600 ± s.f.) and with 1,167’ ± of continuous street frontage off New Hampshire Avenue; and the remaining land area being decreased by 10 ± acres and constituting a portion of the Tradeport; and consisting of two different zones, one being a Business Commercial district where a minimum lot area of 5.0 acres and 200’ of continuous street frontage is required and one being an Industrial district where a minimum lot area of 10 acres and 200’ of continuous street frontage is required. Said properties are shown on Assessor Plan 306, as Lot 0003. (Plat plans are on file in the Planning Department Office and are identified as #08-01-05).

E. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Seacoast Newspapers, Inc., Applicant**, for property located at **111 New Hampshire Avenue**, wherein site plan approval is requested for the construction of a 55,839 ± s.f. footprint, 2-story office and newspaper production facility with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 306 as Lot 3 and lies within the Business Commercial district and the Industrial District.

The chair read both applications into the record.

SPEAKING TO THE APPLICATION:

Attorney Michael Donahue, of Donahue, Tucker & Ciandella, addressed the Board. He represents Seacoast Newspapers for their new consolidated facility. He thanks the TAC Committee for all of their help and assistance. Their team consists of Paul Briand, Project Manager, David Hogan and John _____ of Dario Architectural Design, specializing exclusively in newspaper production facilities throughout the country, Jeff Clifford of Altus Engineering, Mike Parsont, NH Soil Consultants, Maria

Stowell of the PDA and Jim Gove, of Gove Environmental Services, Wetland Consultant for Pease, and Tim Gold of Pernaw Associates. Attorney Donahue stated that they appeared before BOA and received approval for a 40' front yard setback so they would not fill any wetlands in the rear. They have appeared before the Conservation Commission and received a favorable recommendation with stipulations. They had a significant drainage issue on the site which has been resolved. He indicated they will make one presentation on both applications with the understanding that the Board will vote separately.

Attorney Donahue indicated the parcel is located on NewHampshire Avenue. It is very visible and is where the old ballfield is located. It is zoned in a manner that accommodates their hybrid use. They believe the structure is a significant enhancement to the neighborhood. There will be no parking in front of the building but rather the front will be fully landscaped. There is a wetland area beside this lot that is valuable and will not be impacted.

Paul Briand, of Seacoast Newspapers, indicated that he was Director of Operations and Project Manager for this new facility. It has been 7 years since the creation of the paper and they have outgrown both their buildings as well as their equipment. Their parent company agreed to provide \$21 million to combine their operations. They wanted to stay in Portsmouth so that limited their options. This building represents an opportunity for both Seacoast Newspapers and the community. It will increase their efficiency. For the City it means more jobs. The site is a long, narrow parcel of land that forces a long narrow building which created a challenge to the architects. Mr. Briand described the manufacturing side of the building and how the newspapers are produced 365 days a year. They donate more than \$100,000 to community organizations and have agreed to donate space to promote the City's traffic management efforts through the Greater Portsmouth Transportation Management Association. Mr. Taber, the newspaper Publisher, is involved in numerous local organizations. Mr. Briand indicated they are committed to Portsmouth and to making this site work for the community.

Jeffrey Clifford, of Altus Engineering, orientated the Board to the site. On the site there are two wetlands. #2 is a wooded wetland and #1 is a grass wetland. Mr. Clifford addressed some of the site's constraints and how they came up with their building design. There are 6.5 acres of upland and 3.5 acres of wetlands. The wetlands and their setbacks made the site even longer and narrower. That forced parking on one end and loading on the other end of the site. They are providing a 50' buffer to wetland #2 and within that buffer they have some of their stormwater management facilities and detention basin. Access to the site is provided at two locations with one to the parking area, directly across from Stratham Street to make a four way intersection. The loading area needed to be on the other end as the site which slopes at 1% to the southeast. As they needed a 4' grade change from the finished floor of the building to the loading area so in 400' they drop 4' and it works perfectly.

Mr. Clifford discussed utilities. The sewer is on New Hampshire Avenue. They will have exits from the building –one for process flow and one for domestic waste water. The production facility has a bathroom and one more entrance to the sewerage.

The water line on the street are only 6" as there wasn't much going on previously. However, to handle their fire protection needs, they need a better flow and so the line will be upgraded to an 8" line. They will pay for the materials for that project.

Overhead electrical lines are currently on the site. They will connect to the rear of the building and put their transformer on the back. They have high electrical demands for the production facility.

The building will be fully sprinkled for fire protection and a knox box will be located near the front entrance. They will also be tied directly into the Fire Department.

The Lighting Plan was upgraded to addresses comments from TAC. Their lighting is cut off lighting and Dark Sky Friendly. They feel that they do have enough light in the area that was of concern to TAC and that is depicted on the latest illumination plan.

Mr. Clifford discussed Stormwater on the site. As the site slopes 1% they need to collect water and discharge it to the wetland in a responsible manner. Because the site is 4' higher on one end, they have to do stormwater management on the low end. There was a concern about the detention basin and whether it was far enough above the water table. They looked at that and also took into consideration that there was a concern about treatment to the downstream basin wetland. They came up with a wet pond design, which is different than a detention basin which holds water temporarily and drains out within hours. A wetpond has a permanent pool and it is 6' deep in the center and allows for long term settling. They put in a forebay to take up the large particles and that would get cleaned out periodically, every 10 years. This is sized at 10% of the volume of the wetpond. This is based on 1" storm event, which NHDES felt was appropriate. This is a state of the art stormwater facility for the project. It takes water into a closed system and into a detention pond. The only run-off going to Wetland #1 is coming from the grass area. It is also taking 12 acres of off site water and carries the base flow and, with a large storm event, it plugs temporarily. The current storm pipe is undersized and the culvert gets over taxed. They are putting a concrete structure with a 12" orifice that will handle the overflow with an apron and riprap at the bottom.

All run off from the rear parking lot is being captured into a detention basin. They have handled the off site and on site water and they have a drainage license which extends around the site by the PDA to address the off site water that comes on to the site.

Once you get to the wetland, there is an excavated swale that goes through the wetland which has erosion and underlying trees. They will mitigate that problem with a series of check dams that will allow the water to slow down and eventually silt in behind the check dams. It will help stabilize the slopes and raise the groundwater table and restore it to what it was.

Mr. Clifford identified two areas on the site for snow storage. They will provide for the run off to filter through a grass waterway before getting to the detention basin.

Mr. Clifford touched on traffic and pedestrian walkways. They are removing a pedestrian walkway in the rear. They are removing the deteriorated front walkway and will be replacing it with a concrete sidewalk along the entire front, behind the telephone polls. The polls will eventually be coming out and there will be some light poles but no wires will be strung across.

Their traffic study did an analysis of trip generations. Paul Briand also did a study of what actually happens on the site during the day. The peak pm hour generates 77 trips. Pease has a traffic impact fee based on the design period. They also looked at what the traffic is at the site and the projected traffic in 2006 and 2016. There was no warrant for adding any additional lanes or adding a traffic light. In the 2016 period there is change in the level of service, driven by the growth at Pease, not Seacoast Newspapers.

Mr. Clifford indicated that TAC had asked what the distance to the next driveway to the north was and he indicated it was 240'.

David Hogan, of Dario Designs, gave a brief description of their design process. They handed out drawings to the Board. His company is the only company that specializes in newspaper facilities. They have never designed a building that was so long and narrow and there were many constraints. They made some substantial compromises to get here. Their equipment and production side has been set linearly left to right to avoid the wetland buffer. Architecturally they are trying to turn it into a streetscape with enough variety so that there is some interest in it. They have addressed landscaping concerns with trees to help the front, flowering trees and landscaping in front of the truck entrance to provide cover.

Mike Parsonts of NH Soil Consultants, introduced himself as a certified Wetland Scientist. He put together the Wetlands Application Permit for this project, he assessed the wetlands on the site and with

the design to minimize impact on the site as well as establish mitigation on the site. The wetland system located along the back is effectively a low functioning drainage swale and the one on the side is a red maple swamp effected over the years by drainage. They have avoided the wetland systems with the design of the building and there will be no negative impact. They are adding stone check dams to prevent further erosion and the collapse of trees. They were requested to add additional plantings along the buffer of the wetpond using a conservation planting seed mix and shrubs. That will also help with the visual transition.

Mr. Clifford indicated this is a 10 acre Subdivision that was before the Board several years ago but was never finalized. They have changed the lot line to 100' in front of Stratham Avenue as they thought it would work better.

Mr. Clifford reviewed the stipulations from TAC and indicated that all had been complied with.

Chairman Smith also suggested reviewing the Department's recommended stipulations for subdivision approval.

Mr. Clifford indicated there was some confusion on the zoning district as the Pease map says that it is the Business Commercial Zone but it is also referred to as the Airport Business Commercial Zone. He has been assured that they are one in the same and he will correct the plan to reflect Airport Business Commercial.

Chairman Smith asked about minimizing the lighting in the wetland corridor.

Mr. Clifford felt they had done that in that there is minimal lighting in the area. The wild life will use the area with more cover. There was quite a distance from the lighting to the actual wetland so they feel they are in compliant with that issue.

Chairman Smith asked about alternate methods for lawn care to reduce the nutrient impact.

Mr. Clifford recognized their concern regarding wetland #1. They will not be using fertilizers but rather using low maintenance grasses. It will be somewhat different in the front and they can provide language on that.

Chairman Smith asked them to coordinate with the Hodgkins Brook Watershed Coordinator.

Mr. Clifford indicated that Maria Stowell was on that Board and there was a meeting coming up and she will discuss this plan at that meeting.

Lastly, Chairman Smith asked about allowing clearance at the bottom of the fencing for reptile passage. He was assuming this referred to turtles?

Mr. Clifford indicated this was to keep larger animals and people out of the area.

Chairman Smith asked if there was any discussion on the detention pond maintenance schedule?

Mr. Clifford indicated that was in their main report.

Chairman Smith wanted to make sure that it would come to either DPW or the PDA for review.

Deputy City Manager Hayden asked if there was a dumpster on site?

Mr. Clifford indicated that all waste is inside the building and the truck pulls right up to building.

Deputy City Manager Hayden asked about details for tipdowns on the sidewalks for handicapped accessibility as she didn't see them on the plans. She asked him to follow up on the fence detail because it didn't appear to her to show the gap underneath. She also asked how much parking was shown?

Mr. Clifford indicated there were 124 spaces and they will have 150 employees over multiple shifts.

Deputy City Manager Hayden asked if they met all of the minimum lot depth and setbacks, other than their variance?

Mr. Clifford confirmed that they did.

Mr. Hopley asked if there were two points of discharge for the building sewer?

Mr. Clifford indicated it was on the Utility Plan.

Mr. Hopley asked if the production area has floor drains? He asked if there had been any discussion at TAC regarding floor drains in a production area facility?

Mr. Clifford stated it did not come up with TAC however their production engineer had discussions with DPW and there will be a manhole.

Mr. Hopley was assuming newspaper print must involve the use of ink and he was thinking of how that interfaced with our city sewer system.

Mr. Hogan indicated that was a key issue for a newspaper plan and floor drains are kept to an absolute minimum. They filter to a sump and it does not go off site.

Mr. Coker asked about building the three stone check dams for mitigation. He asked how they would be able to do that without impacting wetlands.

Mr. Clifford stated they would have to build them at a strategic time, probably when the ground is frozen. The ground is quite elevated because it has gotten drained down.

Mr. Coker asked about Wetlands #1 and the statement that it has no value. He didn't see any reports or documentation on that.

Mr. Clifford indicated that as part of the application for the wetland impacts to the City Clerk, information was provided. The other key component to this is a report done by Gove Environmental based on a study and they have made recommendations of the functions and values of the wetlands. It was Mr. Clifford's understanding that a meeting was coming in August to review that report with the Planning Board.

Chairman Smith asked if there were any concrete pads for motorcycles?

Mr. Clifford stated they will put some next to the bike rack.

Chairman Smith asked for a trash can or bin next to the gathering area for smokers.

Mr. Clifford felt that was an excellent point.

Mr. Hopley brought up the tip down details that he was unable to find on the plans. Looking at the sidewalk design on the site and the sidewalk design along New Hampshire Avenue and it appears to him that where the accessible parking was, one would have to get out of a vehicle and then transverse across the parking lot to get to the curb ramp at the main entrance.

Mr. Clifford explained that the sidewalk is at the level of the parking lot and there are no curbs.

Mr. Hopley asked if there were also no curbs at the driveway entrance off New Hampshire Avenue.

Mr. Clifford confirmed there are curbs but they are not shown.

Mr. Coker had a question for Mr. Gove.

Jim Gove of Gove Environmental Services, introduced himself and indicated that he was hired by Pease to update their wetland plan. As part of that, they did a complete analysis of all wetlands, including a functional assessment.

Mr. Coker asked why was the decision made that this wetland was of no value?

Mr. Gove indicated this was basically functioning as a ditch. When they did the functional value units it gives them an actual quantitative number rather than qualitative method. In this ditch area, the functional value unit was less than 10 and compared to the best wetlands which were 600 plus.

Mr. Coker asked if there wasn't even any wildlife?

Mr. Gove responded "not even close".

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 the Planning Board does not normally take all three actions at one time, preliminary & final subdivision & site review.

Mr. Holden clarified that the PDA does allow that and the Planning Board is following their rules.

Mr. Will made a motion to grant preliminary and final subdivision approval with the stipulations recommended by the Conservation Commission and the Planning Department. Deputy City Manager Hayden seconded the motion.

Chairman Smith asked Peter Britz, City Environmental Planner, about the reptiles that would be accessing the gap underneath the fence.

Mr. Britz felt it should say both reptiles and amphibians. The idea was that this type of fence would allow any small creature access to the wetland as well as the upland. He did mention that he saw a very big snapping turtle out a Pease recently.

Chairman Smith asked Mr. Britz about the wetland #1 value

Mr. Britz took a little bit of an issue with saying that it has "no value" because there was evidence of tracks so there is some wildlife use. However it does get mowed regularly. He is comfortable with the site plan is that the stone check dams provide protection.

Motion to recommend approval of preliminary and final subdivision with stipulations passed with Coker voting in the negative.

- 1) Minimize the lighting at the rear of the site to provide for the wildlife corridor;

- 2) The Conservation Commission recommends the applicant use alternative methods for lawn care in order to decrease nutrient impact to adjacent wetland areas and decrease potential negative impacts to wildlife;
- 3) It is recommended that the fence be installed allowing for clearance at bottom to provide for reptile passage.
- 4) That the applicant is requested to coordinate with the Hodgson Brook watershed coordinator;
- 5) That the proposed lot shall be in conformance to all relevant dimensional standards;
- 6) That the Final Plat shall be amended to provide all relevant dimensional information;
- 7) That the note referencing the Flood Insurance Rate Map of 1982 should, as appropriate, be updated to the current set of 2005 [should be no change in the stated information];
- 8) That, appropriate, that the zoning district be corrected to "Airport Business Commercial" rather than "Business commercial" [could be a difference between the City/PDA's Zoning Map]; and,
- 9) That digitized GIS data shall be provided to DPW as per the City's requirements for updating relevant land records.

Deputy City Manager Hayden made a motion to grant site review approval with all recommended stipulations. Mr. Hopley seconded.

Mr. Will indicated he would be voting against the motion and everyone knew why.

Mr. Coker indicated he would also be voting against the motion because he does not have enough information on wetland #1 to vote. He is uncomfortable with the 0 set back.

Mr. Holden reminded Board members that they are using the PDA regulations which do not have a setback. This application is in compliance with PDA regulations and that is what they should be using.

Mr. Will indicated he did not dispute that.

Mr. Coker reiterated that he did not have enough information.

Motion to grant site review approval passed, with Mr. Will and Mr. Coker voting in the negative, with the following stipulations:

- 1) That the concrete block berm detail be revised to show the mortar in the joints;
- 2) That all lighting shall be Dark Sky Friendly and noted on the Site Plans;
- 3) That the lighting in the rear shall be reviewed to make sure it is appropriate;
- 4) That all signage shall be in conformance with the PDA Zoning Ordinance;
- 5) That the distance to the nearest driveway to the west (facing the property) be provided to the Planning Department and DPW prior to the Planning Board Meeting;
- 6) That Seacoast Newspapers shall provide to the PDA an amount equivalent to their impact on the transportation network as deemed necessary by the Tradeport's Long Term Traffic Report, compiled by VHB;

- 7) That a revised Landscape Plan be prepared for review by the Planning Department prior to the Planning Board meeting;
- 8) That prior to the issuance of a building permit by the PDA, all State permits shall be in place.
- 9) That the revised footprint of the building be shown on the Site Plans;
- 10) That the revised transformer location shall be shown on the Site Plans;
- 11) That a Knox Box shall be installed and shown on the Site Plans;
- 12) That the replacement of the 6" water pipe shall be discussed and approved by Thomas Cravens, of DPW, prior to the Planning Board Meeting;
- 13) That a Stormwater Treatment Maintenance schedule shall be provided to the Department of Public Works on a semi-annual basis;
- 14) That motorcycle pads be added next to the bike rack on the Site Plans;
- 15) That a trash bin be added to the "gathering area" in the rear and noted on the Site Plans;
- 16) That the applicant shall coordinate with the Pease Development Authority for in kind services with the TMA.

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F. The application of **Richard Boutin, Owner**, for property located at **200 and 278 Sherburne Road** where Preliminary and Final Subdivision approval (Lot Line Change) is requested between two lots having the following: Lot 2 as shown on Assessor Plan 261 decreasing in area from 50,121 ± s.f. to 17,304 ± s.f. and with 104' ± of continuous street frontage off Sherburne Road and Lot 76 as shown on Assessor Plan 261 increasing in area from 61,822 ± s.f. to 94,641 ± s.f. and with 143' ± of continuous street frontage off Sherburne Road, and lying in a zone where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. Said properties are located in a Single Residence B district and are shown on Assessor Plan 261 as Lots 2 and 76. (Plat plan is on file in the Planning Department Office and is identified as Plan #09-01-05).

9:00 pm

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon of Ambit Engineering addressed the Board on behalf of Mr Boutin. They are transferring land from the back of one lot. Mr. Boutin would like to build a new house on the vacant lot and would like more land with that lot. Both lots conform to all zoning requirements.

Mr. Chagnon addressed his request to waive the requirement to provide this information in State Plane Coordinates. The City GIS aligns properties in the same coordinate database and they utilize the State Plan Coordinates to do that. He agrees this is important to the City in mapping its properties. He requested a waiver because this was not a subdivision but rather a lot line revision. In general people do these transfers to clean up property issues. There is an additional expense in transferring the information in the digital requirements. So, this is simply an issue of additional money for the applicants to make this step.

He further noted that the Staff memo recommends that, if the waiver is not granted, the plat be changed. Mr. Chagnon indicated there would be no change to the plat.

Mr. Holden confirmed that was correct and recommended stipulation #2 was not necessary.

Mr. Chagnon's third issue dealt with conditions of the previous approval. Chagnon handed out a copy to the Board from the prior approved plan what created the two lots. The owner was going to have a foundation constructed on the second lot but he never had it done. However, it is still an appropriate condition and it does still exist. Mr. Chagnon felt the conditions of the prior subdivision and that of the lot line are in harmony.

The flood maps were updated and they will update that on their plan.

They are agreeable that no further subdivision would be possible from Country Club Road. If some future time the road becomes a road then a future owner may be able to come back to the Board and have that condition revisited.

They will provide proper monumentation.

Mr. Chagnon asked that the Board consider granting both preliminary and final approval.

Mr. Holden agreed that the Board could vote on both preliminary and final tonight. The only area that they disagree on his request for a waiver.

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

Mr. Holden indicated that if the foundation had been placed it would have been outside the area they were showing but that does not mean that another foundation could not be built.

Mr. Savramis moved to grant preliminary and final subdivision approval with recommended stipulations. Mr. Will seconded.

The motion to grant passed unanimously with the following stipulations:

1. That the Board does not grant a waiver to Section VIII of the City’s Subdivision Rules and Regulations;
2. That a condition shall be identified on the Plat that no further subdivision of this lot is possible from Country Club Road as the continuous street frontage and access to a public street is by way of Sherburne Road;
3. That note 3 be corrected to identify the current series of FIRM maps;
4. That the Plat referenced all conditions relevant to this application and, in particular, those contained in the Plat that is referenced in note 5, which are as follows:
 - That no building or structure of any kind is allowed above or below ground within the 400’ sanitary radius from the Smith well;
 - That any oil tank installed on the proposed vacant lot shall be inside the basement on an impermeable surface (concrete floor) with no floor drains;
 - That if a dwelling is constructed on the proposed vacant lot, a connection shall be made to the City sewer;
 - That no cars, trucks, or other vehicles are allowed to be stored on the property within the 400’ radius;
 - That if the lot owner ever wants farm animals, such as horses or a kennel, that the animals be restricted from the 400’ sanitary radius.
5. That property boundary monuments shall be placed in accord with DPW requirements; and,
6. That when all aforementioned conditions are satisfied that Final Subdivision Approval shall be requested.

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G. The application of **Smith, Minch and Frost Properties, Owner**, for property located at **159 State Street** and **Rand K. and Samantha R. Peck, James and Katherine Quick, Christopher Cloitre, Aaron J. and Jill A. Gructer, Jonathan A. and Lisa Daniels and Robert Kosciusko and Carrie Benn, Owners**, for property located at **147 State Street** where Preliminary and Final Subdivision approval (Lot Line Relocation) is requested between two lots having the following: Lot 46-3 as shown on Assessor Plan 107 increasing in area from 5,099 ± s.f. to 5,624 ± s.f and Lot 46-4 as shown on Assessor Plan 107 decreasing in area from 5,287 ± s.f. to 4761 ± s.f, and lying in a zone where a minimum lot area of 1,000 s.f. is required and no minimum street frontage is required. Said properties are located in a Central Business B and Historic A districts and are shown on Assessor Plan 107 as Lots 46-3 and 46-4. (Plat plan is on file in the Planning Department Office and is identified as Plan #10-01-05)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech, on behalf of Smith, Minch and Frost Properties, addressed the Board. They requested this be tabled until the next meeting as parties are working out an agreement on this matter.

DISCUSSION AND DECISION

Deputy City Manager Hayden made a motion to table this matter until the July 21, 2005 meeting. Mr. Hejtmanek seconded.

The motion to table to the July 21, 2005 meeting passed unanimously.

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H. The application of **Adam H. and Frances Price, Owners**, for property located at **127 Martha Terrace** and **Adam H. Price and the Fritz Family Revocable Living Trust, Owners**, for property located **off Patrica Drive** where Preliminary and Final Subdivision approval is requested between two lots having the following: Lot 7 as shown on Assessor Plan 283 increasing in area from 15,247 ± s.f. (.35 acres) to 90,804 ± s.f. (2.08 acres) and having 90' of continuous street frontage off of Martha Terrace and Lot 11 as shown on Assessor Plan 283 decreasing in area from 213,105 ± s.f. (4.89 acres) to 137,549 ± s.f. (3.15 acres) with 284' of continuous street frontage off of Patricia Drive, and lying in a zone where a minimum lot area of 1 acre is required and 150' of continuous street frontage is required. Said properties are located in a Single Residence A district and are shown on Assessor Plan 283 as Lots 7 and 11. (Plat plan is on file in the Planning Department Office and is identified as Plan #11-01-05).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, representing the applicants, addressed the Board. The Prices own 3 lots in the vicinity. The Planning Department Memorandum highlighted some of the history of the neighborhood. He distributed plans of the area and reviewed them with the Board. A further subdivision was originally planned for this area but never went forward and that land was subdivided into two large lots. The parties have owned this land together for some time and would like to divide the ownership. They have placed a line down the middle of the lot. In order to be fair to both parties they equalized the upland area. Unfortunately this does not create an equal value to each owner. The northerly lot is serviced by a road and is still a buildable lot. The southerly lot does not have frontage so the proposal is to combine it with the adjacent owner to make it larger. They will be filing an application with the BOA to create a second dwelling unit on the parcel. There are wetlands along the

back of the property with a 100' setback that precludes the extension of Patricia Drive. They have done test pits to determine the suitability for building.

Mr. Chagnon again reiterated his request for a waiver of the State Plane Coordinates. He had no problem with any other of the recommended conditions made by the Planning Department.

Attorney Pelech spoke on behalf of applicants. He addressed the recommendation to go before the Conservation Commission. Having gone before the Conservation Commission on a similar application, he was surprised that this one is also being recommended as they do not have any jurisdiction on this application. They are not doing anything in the buffer. The last time this was done, the Conservation Commission wasn't clear on their role and their comments were all over the place. They raised issues that were not in any City regulations. It took a considerable amount of time to attend the meeting and he is concerned that their comments should not become anything more than comments. Otherwise, they are going outside what the Subdivision and Site Review Regulations say. He does not want their comments to become stipulations for the Planning Board. He did concede that as there is conservation land abutting the property it does make sense to go before them for comments.

Mr. Holden felt Attorney Pelech's comments were germane and he agrees with him.

Mr. Will agreed with both Attorney Pelech and Mr. Holden but has concerns that the recommendation should be more specific, ie, keeping the comments to how this application effects the abutting conservation land.

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

Mr. Coker made a motion to grant preliminary subdivision approval with the recommended stipulation, excluding the 3rd stipulation. Mr. Will seconded the motion for the purpose of discussion. He disagrees with the removal of stipulation #3 and he would like to amend that stipulation.

Deputy City Manager Hayden felt that the City is an abutter to the property so the Conservation Commission could come and speak at the next meeting.

Mr. Hopley felt that the applicants are the ones who are penalized as they would have to pay the additional costs to appear before the Conservation Commission.

Mr. Holden felt they could invite the Conservation Commission to speak at the next hearing for final approval.

Mr. Will felt that would be more appropriate for a Site Review application as all they are doing is putting pins in the ground.

Mr. Coker agreed that if they were to put a proposal in front of them to put a house or septic system in, then they would have something concrete to debate.

Deputy City Manager Hayden felt that is why they were seeking just preliminary tonight because the next step is to apply for their septic separately.

Chairman Smith confirmed that the motion was to approve for preliminary only, with the removal of Stipulation 3 but adding that they invite the Conservation Commission to the next meeting?

Mr. Coker indicated that was not the motion.

Mr. Holden indicated that conservation land abuts this property and they are a Board that advises the Planning Board.

Mr. Coker asked if an abutter is officially notified in mail of a lot line relocation next door to them?

Mr. Holden indicated no, not in this case.

Mr. Holden went on to say that if the Board grants preliminary, then they are asking for any comments that they may have as they control the jurisdiction of the conservation land.

Mr. Coker felt it would be better to address this at a future hearing. His motion stands.

Chairman Smith confirmed that the motion was to approve preliminary with all stipulations except #3.

The motion to grant preliminary approval passed with Mr. Will voting in the negative, with the following stipulations:

1. That the Board does not grant a waiver to Section VIII of the City's Subdivision Rules and Regulations;
2. That note 3 be corrected to identify the current series of FIRM maps;
3. That the Plat referenced Subdivision Approval and Permit Numbers from NH DES for an on-site septic system;
4. That property boundary monuments shall be placed in accord with DPW requirements; and,
5. That when all aforementioned conditions are satisfied that an application seeking Final Subdivision Approval shall be submitted.

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I. The application of **Emerson and Ruth McCourt, Owners**, for property located at **61 Mill Pond Way and adjacent lot** where Preliminary and Final Subdivision approval is requested between two lots having the following: Lot 10 as shown on Assessor Plan 143 increasing in area from 12,513 ± s.f. to 18,492 ± s.f. and having 124' of continuous street frontage off of Mill Pond Way and Lot 9 as shown on Assessor Plan 143 decreasing in area from 39,603 ± s.f. to 33,624 ± s.f. with 151' of continuous street frontage off of Mill Pond Way, and lying in a zone where a minimum lot area of 7,500 s.f. is required and 100' of continuous street frontage is required. Said properties are located in a General Residence A district and are shown on Assessor Plan 143 as Lots 9 and 10. (Plat plan is on file in the Planning Department Office and is identified as Plan #12-01-05).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon of Ambit Engineering, representing Mr. McCourt, addressed the Board. Mr. McCourt has owned both properties since the 1930's. The proposal is to add land to the smaller lot, which is actually a panhandle to the back of the adjacent lot. This will square the lots off and provide a better configuration of the lots. Both lots conform to the Zoning Ordinance.

Mr. Chagnon reviewed the staff memorandum which listed five recommendations.

Mr. Chagnon indicated that Mr. McCourt had lived on the land for over 66 years and he felt he would be a candidate worthy of a waiver of the State Plane Coordinates so that he would not incur the additional cost. He will place the boundary monuments per the requirements of DPW. He was requesting both preliminary and final approval.

Mr. Hopley asked if, to tie into the grid, they have to go to two places or can they tie into just one?

Mr. Chagnon indicated you have to go to two. There are two ways to do that. Conventional survey methods you would use either two points or one point with a solar observation. The second way is with GPS equipment, which Mr. Chagnon does not have.

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 made a motion to grant both preliminary and final approval with the recommended stipulation, excluding #2 . Mr. Hopley seconded the motion.

The motion passed unanimously with the following stipulations:

1. That the Board does not grant a waiver to Section VIII of the City’s Subdivision Rules and Regulations;
2. That note 3 be corrected to identify the current series of FIRM maps;
3. That property boundary monuments shall be placed in accord with DPW requirements; and,
4. That when all aforementioned conditions are satisfied that Final Subdivision Approval shall be requested.

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III. CITY COUNCIL REFERRALS/REQUESTS

1. Request to review archeological matters and historic sites in the City;

Mr. Holden indicated that due to some increased interest in the matter of some people who were unable to appear, he requested it be tabled to the next meeting.

Mr. Will made a motion to table. Mr. Coker seconded the motion.

The motion passed unanimously.

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2. Request to Re-consider the Conveyance of Land on Falkland Place and Ranger Way to Avanti Development;

Mr. Holden gave a history of this matter. It has been referred back to the Board to review once again. A letter was received from an abutter and it was passed around to the Board.

Mr. Will indicated that he was a member of the Atlantic Heights Neighborhood Association but would still be sitting on this matter but would not sit in the future at any site review hearings.

Mr. Holden felt that this might not actually be at Site Review. He advised Mr. Will that, if he thought he had any conflict on this, he probably shouldn’t sit and Mr. Holden recommended that he not sit. That was why they had alternates on the Board but the decision was up to him.

Mr. Will indicated he would sit.

Attorney Bernard Pelech addressed the Board and indicated the last time he was before them the Board unanimously referred the request back to the City Council. An abutter indicated to the Council that they would like to use this land for parking and the City Council was asked to reconsider. As a result, the City Council did not follow the Planning Board's recommendation and did not vote to sell the land to his client. Attorney Pelech wrote a letter to the City Council, asking them to reconsider. He also indicated they would provide 10 –11 parking spaces on the land to be used exclusively by Atlantic Heights residents. He has added those spaces to the diagram that he distributed. He also distributed the elevations for the two proposed buildings.

Attorney Pelech felt it was a win/win situation. It would create an attractive entry way to the neighborhood. They started with an eight-unit building which the neighbors objected to. They reduced it to six units and the neighbors indicated they would support that. They went to the City Council to obtain the city land for parking. He was asking tonight that the Planning Board recommend to the City Council that the land be sold so that they can proceed forward.

Mr. Hopley asked if the renderings depict a two or three story building?

Mr. Pelech believed it is a 2 ½ story building.

Mr. Will stated most buildings in the neighborhood are two stories with a gable which wasn't more than 5' tall.

Mr. Holden felt they probably would have to go to Site Review as they were giving the parking and creating a parking lot of 8 or more spaces. They would have to make sure the zoning was correct. It is city owned land so it is deemed to be municipal.

Attorney Pelech stated that the City didn't know they owned this land so it is not zoned municipal.

Mr. Holden clarified that any City owned land that is not zoned municipal on the map is deemed to be municipal. If the Board is going along with the previous recommendation, they need to clarify that all of the land be appropriately zoned for the proposal. Therefore, if the Board is going to reaffirm their prior action, they should indicate it would take the zone of the surrounding land.

Deputy City Manager Hayden asked Mr. Holden about their previous recommendation to the City Council where they recommended the sale of the property. With the issue of public parking would we have to have a slightly different recommendation, recognizing the public parking on a portion of the lot?

Mr. Holden felt that should be added as a potential 5th condition, that the applicant has proposed off street parking for neighborhood use. And the 6th condition should probably be a clarification of the zoning.

Mr. Will was concerned about the design standards and would like a condition that any property built by the conveyance of the land be made to fit the design standards of the area.

Chairman Smith was unsure if they had the legal standing to do that.

Mr. Will was thinking of the building next to Dunkin Donuts where the Board made a motion that passed 5-4 that said while the building was not historic in itself, it is a part of a larger corridor and he felt this was the same.

Deputy City Manager Hayden felt Mr. Will made a good point and she felt the cleaner way to do that is to recognize what was presented in Attorney Pelech's letter of April 23rd where it spells out exactly what the proposed design will be.

Attorney Pelech indicated that he did not have a problem with a condition to that effect. They would stipulate as part of approval that should the land be sold, the same restrictions would be followed. They are, at the present time, considering 6 units and the height will be similar to other Atlantic Heights structures.

Chairman Smith liked the approach that Ms. Hayden offered to use the renderings from the letter.

Attorney Pelech clarified that it would have to go back to City Council, to the BOA and then back to the Planning Board for Site Review.

Deputy City Manager Hayden made a motion to recommend the sale of the property subject to the same stipulations as before with two additional stipulations being that the zoning classifications be met and all of the representations made in Attorney Pelech's letter of April 21, 2005 be attached to the recommendation, including the conceptual design of the building and the public parking spaces.

Mr. Will seconded the motion.

The motion passed unanimously with the following conditions:

1. That the City Assessor shall determine the present value of this parcel, so current land values are made available for the Council's use.
2. That the property be consolidated by deed with the adjacent property of Avanti Development into one lot as required by RSA 674:39a.
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.
5. That the zoning classification be addressed.
6. That all representations made in Attorney Pelech's letter dated April 21, 2006 are attached to this recommendation, including the conceptual designs of building as well as the public parking spaces.

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3. Request from Kenneth & Deborah Smith for a license for land use beside and in back of their property located at 298 Myrtle Avenue;

Chairman Smith stepped down and Deputy City Manger Hayden chaired the hearing.

Mr. Holden requested that this matter be tabled to the July meeting.

Mr. Will made a motion to table. Mr. Hopley seconded.

The motion passed unanimously.

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IV. NEW BUSINESS

A. Zoning Map Review

Peter Britz, City Environmental Planner, advised the Board that the Planning Department and Jason Wise have been working on a new base map. They will represent the same physical space on the map but will integrate the parcel data underneath the zoning data. Once they get it into the GIS format it will be more useful as a tool as it will be more accurate.

Mr. Holden added that by working on this zoning map, they are preparing the base map for the future land use map from the new Master Plan. There are over 6,000 lots in the City. They used to be 50'± and are they are now down to 5'±. In August they should be ready for a public hearing and a work session may be required as it will look a little different.

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V. ADJOURNMENT

A motion to adjourn at 10:15 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on July 21, 2005.