

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

**7:00 P.M.**

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

**JULY 21, 2005**

**MEMBERS PRESENT:** Kenneth Smith, Chairman; Thomas Ferrini, City Council Representative; John Ricci, Vice-Chairman; Cindy Hayden, Deputy City Manager; John Sullivan; Richard A. Hopley, Building Inspector; Raymond Will; Donald Coker; George Savramis; and Alternate Jerry Hejtmanek;

**MEMBERS EXCUSED:** N/A

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

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**I. APPROVAL OF MINUTES**

1. Minutes from the June 16, 2005 Planning Board Meeting – Unanimously approved.
2. Minutes from the January 27, 2005 Planning Board Work Session – Unanimously approved.

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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 June 16, 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. Sullivan seconded the motion. The motion passed unanimously.

**SPEAKING TO THE APPLICATION:**

Mr. Holden indicated that the United States General Services Administration is preparing a new plat plan that will require a new notification process. He believes the Board will be looking at this next month. He recommended tabling the matter to a time indefinite which effectively moves it off so

that it could be brought back if it was ever needed to be or, more appropriately, they will not be seeing it again unless it's necessary.

**DISCUSSION AND DECISION**

Mr. Will made a motion to table indefinitely. Deputy City Manager Hayden seconded the motion.

The motion to table indefinitely passed unanimously.

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B. 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) (This application was tabled at the June 16, 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. Sullivan seconded the motion. The motion passed unanimously.

**SPEAKING TO THE APPLICATION:**

Mr. Holden indicated that various attorneys were involved in this matter and they have requested to have this tabled as suit has been filed with the Court. Mr. Holden recommended tabling to the August meeting.

Mr. Will made a motion to table to the August meeting. Mr. Hopley seconded the motion.

The motion to table to August passed unanimously.

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C. The application of **Michael R. Clark, Owner**, for property located at **325 Little Harbor Road** where 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. (Plat plan is on file in the Planning Department Office and is identified as Plan #10-02-04).

The Chair read the notice into the record.

Mr. Hejtmanek reclused himself.

**SPEAKING TO THE APPLICATION:**

Michael Sievert of MJS Engineering, addressed the Board and indicated he was representing Michael Clark. He indicated there were no real changes to the plan with the exception of some tenths added or subtracted to one of the other lots. At the meeting of March 17<sup>th</sup> they received preliminary subdivision approval with eight stipulations which they have responded to. Some of the changes that they made to the plans include the addition of some buffers. On the northerly side of the property, along the existing house, they added a buffer that the neighbor was in concurrence with. They also added a buffer on the southerly line, where the City abuts the property, to where the road goes. Some notes have changed and some deed language needs to be cleared up. They do not have any issues with any pending conditions.

Mr. Coker asked if prior BOA approval was required for any activities and was it normal for those BOA actions to be on the plan?

Mr. Holden advised that BOA approval would not be necessary in this case.

Attorney Tim Phoenix appeared on behalf of the applicant. He added that they are going to have in the deed a permanent easement for access out to Belle Isle. This is not specifically stated on the plan but he wanted to confirm it would be done for the benefit of Belle Isle.

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

Marion Mouflouzie, a direct abutter to the property, asked if there would be a buffer zone next to her property?

Mr. Sievert pointed out the buffer zone on the Site Plan to Mrs. Mouflouzie and she was satisfied.

Chairman Smith asked if it extended down to the water line?

Mr. Sievert clarified that it extended down to the flood line.

The Chair asked if anyone else 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 referred to the Memorandum from the Conservation Commission. He indicated that the applicant has worked closely with the Department to put a buffer in place from the City Conservation land. He also pointed out that these buffers are not a requirement of the subdivision but were done voluntarily by the landowner to help meet the objectives of the City and the adjacent property owner. He also reminded the board that this is a waiver of the city street requirement which is why it required a 2/3 vote. There will be no further subdivision of this property so a great deal of space will remain open space. The eight conditions are mostly housekeeping. The Department recommends final subdivision approval be granted.

Mr. Coker asked where it was stated that Belle Isle will not be subdivided?

Mr. Holden indicated it was on the plan.

Mr. Coker asked if, by granting the subdivision, they are approving a waiver.

Mr. Holden confirmed that was correct and not only would Belle Isle not be subdivided, but neither would the two subject lots.

Mr. Hopley asked that Note 6 should be amended to reflect the May 17, 2005 Flood Plain Maps.

Mr. Sievert confirmed that was one of the conditions and he will be changing that on the final plans.

Mr. Will indicated that he understood how a road waiver would be effective in a typical subdivision but how would it work in a planned unit development, where they may have cluster housing. As the road is going to service the island for years and years to come, if someone was to plan a planned unit development, would that be the only thing overriding something like that?

Mr. Holden stated that another project could be presented to the Board but the intent is to show that the City is agreeing that this is an area of low intensity development with the natural resources to be protected. He felt they had done that.

Councilor Ferrini asked for clarification from Attorney Phoenix regarding what is being added to the plan relative to the easement.

Attorney Phoenix stated that the plan shows the existing paved driveway is the driveway out to Belle Isle right now. Notes on the plan identify that they will maintain that roadway and there will be other driveways off to the two lots. What the plan doesn't say is that Belle Isle will have the benefit of an easement over that paved driveway. That will be covered in the deeds and he will make it specific.

Councilor Ferrini indicated he would like to have that on the plan and would like that to be the 9<sup>th</sup> stipulation.

Councilor Ferrini made a motion to approve with stipulations.

Mr. Will seconded the motion.

The motion to approve with stipulations passed unanimously.

1. That the deed language referenced in a previous condition shall be reviewed/approved for content and form by the Planning and Legal departments before filing with the Registry;
2. That the Fire and Public Works Departments concur that the existing roadway is sufficient for emergency vehicles [currently in process];
3. That a note be added to the Plat stating that the Planning Board granted a waiver for a private street pursuant to *Subdivision Rules and Regulations* and that no municipal services are to be provided by the City along this private driveway/street;
4. That the Plat record the requirements of Article III, Section 10-301 (A) (7) of the Zoning Ordinance as it applies to Sagamore Creek area, including, Belle Isle and Little Harbour areas;
5. That the Subdivision Application either shall be updated and signed so as to represent the current representative of the owner [change of Attorney] or that it shall be signed by the property owner;

- 6. That digitized GIS data shall be provided to Department of Public Works as per the City’s requirements for updating relevant land records;
- 7. That Note #6 on the Plat shall be corrected to identify the current Flood Insurance Rate Maps;
- 8. That permanent boundary monuments shall be installed as per the requirements of the Department of Public Works.; and;
- 9. That a note be added to the Plat stating that Belle Isle will have a travel easement across the property.

Mr. Holden also stated that the record shows that a waiver was granted by this vote.

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D. The application of **Robert and Shari Pantanella, Owners**, for property located at **156 Holly Lane** and **Matthew Fessenden, Owner**, for property located at **581 Colonial Drive** where Preliminary and Final Subdivision approval (Lot Line Change) is requested between two lots having the following: Lot 28 as shown on Assessor Plan 260 increasing in area from 6,016 ± s.f. to 10,119 ± s.f. and having 100’ of continuous street frontage off of Colonial Drive and Lot 56 as shown on Assessor Plan 261 decreasing in area from 24,589 ± s.f. to 20,119 ± s.f. and having 60’ of continuous street frontage off of Holly Lane, and lying in a zone where a minimum lot area of 15,00 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 260 as Lot 28 and Assessor Plan 261 at Lot 56. (Plat plan is on file in the Planning Department Office and is identified as Plan #13-01-05).

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon of Ambit Engineering, representing the Pantanellas and Mr. Fessenden, addressed the Board. The lots abut each other but are in two separate subdivisions and are on two separate tax maps. They are joined in the back along a short common line. The application is to convey 4470 s.f. from Lot 56 to Lot 28. The reason for the conveyance is because the area is already fenced in and is being used by agreement and the arrangement is working out well for both parties. They agreed it made sense to go forward and transfer the property. The Staff Memorandum recommends three stipulations and they have no problem with any of them.

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. Hopley made a motion to approve with stipulations.

Councilor Ferrini seconded the motion.

The motion to approve with stipulations passed unanimously.

- 1. That the owners of each property shall sign the application form [current signature is not valid];
- 2. That permanent boundary monuments shall be installed per the requirements of the Department of Public Works; and,
- 3. That digitized GIS data shall be provided to Department of Public Works as per the City’s requirements for updating relevant land records.

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E. The application of **Deer Street Associates, Owner, and Centrix Bank & Trust, Applicant**, for property located at **165 Deer Street**, wherein site plan approval is requested for the addition of a covered entrance and porte-cochere with a teller window, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lots 17 & 18 and lies within Central Business B District, the Downtown Overlay District and Historic District A.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, appeared on behalf of the applicants, Deer Street Associates. The owners were present along with representative of Centrix Bank. They are proposing to remodel the property into a branch office and to do so they will be changing some exterior features. They will be adding a covered front entrance to the street side of the building, a porte cochere and teller window on the side of the building, they will re-stripe the entire parking lot, they will do some landscaping along the front and also landscape some areas created when the City recently redid the roadway. They will be screening a stairway along the backside of the building and replacing a fabric awning along the back with a wood awning.

The project received HDC approval. They met with TAC twice and they are in agreement with all TAC stipulations. Stipulations #5, 6, 8, 10 & 11 have already been specifically addressed on the plans.

Mr. Chagnon requested their approval and was available for any questions they might have.

Mr. Ricci indicated that he was reclusing himself from the hearing.

Deputy City Manager Hayden referred to the “Do not Enter” signs on the back side of the building. They were on the pavement in two places and there was a sign on the corner of the building. She asked if there was a reason there wasn’t a sign on the corner of the other building?

Mr. Chagnon indicated that was not a bad idea and he could either place a sign on the building or on a post somewhere.

Chairman Smith referred to the handicapped space on left side of the drive-thru window. He asked if it was possible to move it to the six that were adjacent to the building so that they wouldn’t have to cross over the drive-thru portion?

Mr. Chagnon felt it was better to spread the handicapped spaces out across the site. They are in three separate locations. He prefers to leave them as is as they provide good access. The traffic of the drive-thru will not be heavy. It also provides additional room for the backing up of the space.

Deputy City Manager Hayden was leaning towards having them on the other side as well. From her own experience trying to cross the drive thru when the coffee shop was there it was difficult. She asked for a compelling reason why they should not be on the other side.

Mr. Chagnon did not believe it made sense to have the handicapped spots all in the same place. It’s good to have them spread out across entire parcel.

Chairman Smith asked if the only way to get to that space is either to come down through the drive thru area or have to loop back around into the parking lot?

Mr. Sullivan stated that on the other side of the building, there is an eyeglass shop with a heavy density of traffic coming and going. He asked where are lot line goes and who owns each of the parking spaces?

Mr. Chagnon indicated that both lots are owned by the same owner and they will be combining the lots. There were concerns by TAC about access and egress from the two lots. He stated that rather than creating cross easements, the owners have decided to consolidate the lots into one lot.

Mr. Sullivan was concerned about traffic exiting out to Maplewood Avenue.

Mr. Chagnon clarified that was one-way and traffic would not be exiting out to Maplewood Avenue.

Councilor Ferrini referred to the handicapped access. His concern was if they were to add a 5' minimum buffer zone where the yellow lines were so that a wheelchair can get out, if they put one spot back against 165, to the right of the building, what does that do to that parking alignment and is there room to pick up 1/2 parking space going out into the lane of traffic and is that one of the reasons that it is not designed in there or is it feasible to be designed in there? He felt it was the most logical space and closest place with the least traffic impact for a handicapped space. Therefore he was also favorably disposed to having a handicapped parking space on that side of the building as well.

Mr. Chagnon felt the current spot was safer. The other side of the building would have traffic entering and exiting. To move the parking space would not provide as much safety as the current location. His spot is more sheltered and there is less traffic and the crosswalk would be easy to negotiate.

Mr. Coker asked for clarification on granting Site Review approval prior to having the lots consolidated.

Mr. Holden indicated that the lot consolidation, under State law, can be done on an administrative basis.

Mr. Coker asked about on Sheet C-2, in front of #165, there are three bars on the street. What are those symbols?

Mr. Chagnon indicated that they signify the edge of the pavement.

Mr. Coker asked if there would be parking directly in front of the building?

Mr. Chagnon stated there was no parking now and there will not be any in the future.

Chairman Smith asked about the snow storage which was consolidated and whether that would be adequate for the entire parcel?

Mr. Chagnon felt it would be adequate.

Chairman Smith indicated they had previously piled it up by the yellow striped island but they will no longer do that?

Mr. Chagnon indicated that the island will be removed so that will no longer happen.

Chairman Smith asked about dumpsters.

Mr. Chagnon stated they were in the Central Business District and have curbside pick up on Monday nights. He indicated there is a dumpster over in the shed area.

Chairman Smith asked that the dumpster be marked on the plans.

Deputy City Manager Hayden asked if there was any change in lighting on the site?

Mr. Chagnon stated that they did not look at lighting but they might want to make some changes as they move forward.

Deputy City Manager Hayden asked Mr. Holden if that were to happen, would they have to come back and amend their site plan?

Mr. Holden suggested indicating that they demonstrate to the Department that the lighting is Dark Sky Friendly and that should be sufficient.

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. Will made a motion to approve with the recommended 11 stipulations plus #12 being the movement of the handicapped space from the westerly section of the #165 two story wood building to the other side of the same building, and #13 that the lighting on the site should be Dark Sky Friendly.

Mr. Hopley seconded the motion.

Chairman Smith asked if Stipulation #14 could be the addition of a note on the plan showing where the dumpster is.

Mr. Will was amenable to that.

Councilor Ferrini indicated that he was in agreement with Mr. Will's comment about site lighting but temporally speaking, he got the impression that that was not going to be done as part of the plan submitted so he asked that they clarify that. If it is something that is going to come back in two years and they amend the plan, than that is fine. He wanted to make sure that they are not going to expect that the lighting is going to be done tomorrow.

Mr. Will stated that as he understands the motion, it would fall to the Department that the lighting would be Dark Sky Friendly and that if this in any way needed to be amended, ie, if a pole were in the way of an access or egress, then they would bring this back as an amended site plan but, if it wasn't anything particularly pressing, then they would give the Department the power to do that.

Councilor Ferrini indicated that was fine.

Mr. Hopley shared the Board's opinion on parking but he also hears what Mr. Chagnon has said regarding his attempt to spread the handicapped parking across the lot. He was wondering if a compromise might be to take one of the two spaces adjacent to 157 and move it adjacent to 165 so that the other side of the building is not touched.

Mr. Will was concerned about moving a space from one side to another to avoid moving one from across an accessway. If someone were to park next to 157 to enter 165, they would have to cross a two way driveway which is just as bad as crossing the drive thru.



A discussion was held regarding the rearranging of handicapped spaces.

Mr. Holden confirmed that this was the Central Business District which has no requirement to provide any parking. The applicants have more than met their obligations for a relatively simply project and have effectively brought this entire lot into compliance. He felt they should try to keep things in perspective.

Mr. Chagnon confirmed that the motion was to move the handicapped space from the #157 side to the #165 side and the other space would then become two spaces..

Deputy City Manager Hayden asked Mr. Chagnon if the motion were approved, did he feel that the route of travel from the handicapped space was as good at that corner of the building as on other corner of the building?

Mr. Chagnon felt that it was as good.

Chairman Smith also indicated that #15 would be the addition of a “Do not enter” sign on the building or on a post.

The motion to approve with stipulations passed unanimously.

- 1) That the Planning Department will work with the applicant to review the parking requirement based on the proposed uses;
- 2) That a sidewalk easement be prepared for review and approval by the City Legal Department;
- 3) That as this building has a sprinkler system, the building must be supervised and provide automatic notification of emergency forces. It would also require that the alarm system also automatically notify emergency forces in the event of an evacuation;
- 4) That the lots shall be consolidated and that the documentation be reviewed by the Planning and Legal Department as to content and form.
- 5) That an additional directional arrow be painted on the pavement at the exit coming out the drive-thru;
- 6) That a work limit line for the sidewalks be added to the plans;
- 7) That an easement for the City waterline be prepared for review and approval by the City Legal Department;
- 8) That the rectangular area under the first two parking spaces, coming off of Maplewood Avenue, be labeled as property of the railroad with an explanatory note that it was not counted for parking and also that the City takes no position as to the ownership of the parcel and is not under review by the Site Review Committee;
- 9) That landscaping to be worked out with Lucy Tillman and DPW following Site Plan approval from the Planning Board;
- 10) That the directional arrow behind the proposed bank building be eliminated replaced with the wording “Do Not Enter”; also, a sign be added to the building that says “Do Not Enter”;
- 11) That the snow storage area off of Bridge Street would be plantings and grass and the pavement would be removed, and the second snow storage area next to Redlon and Johnson would remain in its present condition;
- 12) That the handicapped parking space be moved from the westerly section of the #165 two-story wood building to the other side of the same building;
- 13) That it is recommended that all site lighting shall be Dark Sky Friendly;
- 14) That the existing dumpster be added to the Site Plans; and;
- 15) That a “Do Not Enter” sign be added to the rear of the #165 two-story wood building or on a pole in the same vicinity.

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F. 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 amended 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. A public hearing will be held on Applicant's Request to Amend Stipulation #12 of June 16, 2005 Site Plan Approval. Said property is shown on Assessor Plan 285 as Lots 16-1 & 2 and lies within a General Business district.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Mr. Holden indicated that this was withdrawn by the applicant. No action was required. The prior conditions stand.

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**III. CITY COUNCIL REFERRALS/REQUESTS**

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

Ms. Tillman indicated this was a City Council referral as a result of a letter from Shawn Rafferty. They are looking for input to determine if the regulations should be amended to add archeological investigation of properties prior to getting approvals or a building permit. There are regulations when projects are under Federal funding. Ms. Tillman opened it up for comments to see if the City should go in the direction of adding archeological investigations or digs to the Site Review process.

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

Mr. Shawn Rafferty addressed the Board. He indicated his concern was the old Eagle Photo building and the adjacent parking lot. He believed part of that building goes back to the original building on the site in the 1700's when it was the residence of Hunking Wentworth. He was the local chairman of the Safety Committee. Mr. Rafferty's concern was that this was a relatively virgin site that had not had previous buildings on it. He felt a minimum checking of the surface would have revealed something. He asked if there is no requirement for a builder who tears down a structure, would it at least be possible for the City to request that the builder consider the historical or archeological aspects of the site? If the contractor were to find something, the City and/or State could assist him to determine whether it held any historic significance.

Mr. Coker indicated he agreed with Mr. Rafferty's ideas on the potential historic value of the site. He was curious to know what benefit would he expect to gain from having an archeological expert on site and who would pay for it?

Mr. Rafferty indicated he wouldn't request that an archeological expert be on site as the cost would be for a governmental institution or the City or State and not the owner. All he was saying was if the Historic District Commission or City became aware that a historic site was being torn down and dug up, a letter could be sent to the owner who could do whatever he felt was appropriate.

Mr. Coker asked if the premise was to raise consciousness?

Mr. Rafferty indicated that was correct. He doesn't think the City should be able to mandate that an archeologist has to be on site. But he would like to be notified of it and make his own decision. Maybe someone would volunteer to come over if something of significance were to be found.

Blake Randall addressed the Board. He indicated the argument seemed to center on the historic district and he felt it should extend further.

Ms. Tillman indicated they need a recommendation back to the City Council on how the City should proceed.

Mr. Holden thought they should probably leave with the understanding that they do have some steps in place to help address this. For example, when the city is using Federal funds to redo the streets and roadways, they have an archeologist on site and available to the City to make sure these things come about. One example of how the system works was on Court Street. He also added that the new owner of Eagle Photo did work with the HDC. The Department is concerned to what degree the Board needs to become involved in this at this time. The Department would recommend that procedures are adequate at this time. Getting into private property is a little more difficult.

Mr. Sullivan felt that the City and State are doing considerable. He felt there should be some mechanism where if it is known that a historic site is going to be disturbed, someone should be looking at the first 8 – 10' of soil to see if there are any relics that would give any historic background. He felt that was important. He did not want to see it go across every piece of property in Portsmouth. He is on the Committee to Save the Old Statehouse and they are looking for a space to put it. Federal regulations and historical guidelines say you can take down a historic building to put up another historic building. If so, he felt so many feet of the ground should be sifted to study the background of our culture. Although he felt they were doing everything that was necessary at the present time, he felt the HDC should be monitoring it if a historic building is taken down to put up another historic building, or if ground is disturbed around a historic building, it should be monitored for a short period of time and to a certain depth. He felt it was important because once that is gone, it is gone.

Deputy City Manager Hayden felt the City does pretty good on above ground. The sub-surface is well covered by federal regulation, Section 106. It is when you get to the private sector of private property and the sub-surface that it is different. So much of downtown has previously been disturbed that it's not such a big issue. Unless an archeologist is right on site, it does not do any good. Archeological work is very specialized and the cost would have to be passed back to private developers.

Chairman Smith asked if there was a pamphlet available to advise developers should they find something? Maybe the City should have that information available if needed.

Mr. Holden indicated the City did not have anything at the present time. Within the HDC is it covered even on private property. It might be possible to have informational items available as part of Site Review just to put people on notice. Staff gets concerned when you have to try to fund it and you have to implement it by ordinance. We may be able to provide some voluntary materials.

Councilor Ferrini stated that they should be able to come up with something to address this issue. He understands that they can't add costs or staff and it is probably unrealistic to require private property owners to pay archeologists. He felt that if they had a fact sheet available at the Building Inspection Office or something available to raise the consciousness, that would be well in keeping with what is offered. Perhaps before they make a recommendation back to the City Council, staff could come up with something fairly basic.

Chairman Smith agreed that a simple pamphlet would be a good idea, letting people know who to call with a phone number.

Mr. Sullivan felt if they leave it up to individuals to report things, most people, if they find something historical, will either keep it for themselves or they will think it will tie them up with an

archeologist for years so they won't report it. He agrees it should be something simple but they should at least report it to somebody, who should also be aware of it for the first few feet of the dig.

Mr. Ferrini was not suggesting that it be made a requirement. They would be soliciting their information.

Chairman Smith suggested recommending back to the department to prepare a simple resource sheet that would help someone who might find something.

Mr. Holden asked if that would also include that they would keep working on it and monitoring it.

Mr. Coker indicated that he agreed with Mr. Sullivan. He has a construction company and should he find a rusty bottle cap he is going to throw it away and continue with his construction. He asked if the HDC could persuade in the nicest and least intrusive way possible for the developer to be aware that this may contain historic value and combine it with the brochure. He is sympathetic to builders as they have a job to do. Strawberry Banke was forced to stop a job a few years back and never finished it.

Mr. Will felt that if someone is really concerned about a historic project the City should at least provide information so they can make the right choice if they want to.

Mr. Ricci indicated that he had experience with this and he felt if there is a brochure and people are educated they will find that it will not shut them down.

Chairman Smith suggested that the Department use Mr. Ricci's expertise to help write the brochure.

Mr. Ricci felt they would have to educate builders that they would not be forced to shut down.

A motion was made to prepare an informational sheet prior to sending back to the City Council.

The motion was unanimously approved.

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- 2. 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. Vice-Chairman Ricci chaired the hearing.

Mr. Holden indicated they were continuing to work on this and requested that this be tabled to next month.

Deputy City Manager Hayden made a motion to table to the next meeting. Mr. Sullivan seconded.

The motion to table passed unanimously.

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- 3. Proposed Pedestrian Walkway Connecting Johnson Court and Junkins Avenue along the South Mill Pond;

Mr. Holden indicated this was a referral from the City Council. Guthrie and Elizabeth Schwartz approached the City a few years ago about whether or not the City would be interested in creating a walk-way along Junkins Avenue along their property. Their property was once used as a rope walk so it is a rather significant issue and also the lot is significantly shaped to demonstrate that it was

once used as a rope walk. The Council thought enough of the issue to send it to the Board for a report back with a recommendation. The City has met with the owners and the neighbors numerous times and the City needs authorization from the Council that they continue to pursue this. It implements many parts of the Master Plan and gives us public access and there are some benefits to residents in the area. They are looking for a favorable recommendation back to the Council that the City's administrative staff continue to work on this concept. It would come back to the Board for at least the subdivision if not for other parts. Mr. & Mrs. Schwartz have signed a letter of intent that outlines what the process is. This is very exploratory but they need permission to put this into place.

Mr. Will made a Motion to approve.

Councilor Ferrini seconded.

The motion passed unanimously.

Councilor also wanted to thank Mr. & Mrs. Schwartz for coming forward in this regard as it was very public minded.

Mr. Holden felt it was a very exciting project.

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**VI. AMENDED SITE PLAN REVIEW**

**A. 207 International Drive**

Ms. Tillman indicated this was relative to the Liberty Mutual Building. They are proposing to eliminate parking spaces and leave them to be installed at a later date and they also will install a pedestrian bridge for a more direct access to the building. This is really an administrative change to the plan. The Department met with Maria Stowell and the engineers on the project and it looks very reasonable to do and creates a little more green space.

Ms. Tillman indicated this would be a recommendation to the PDA.

Mr. Holden pointed out that the City and the PDA are working together on the Transportation Management Agency, Greater Seacoast-Greater Portsmouth, which they will be hearing more about in the near future. It is hoped that with these type of cooperative arrangements there may not be the need for as much parking on all of the lots.

Chairman Smith asked if there would be any additional lighting?

Ms. Tillman indicated there would not be any additional lighting.

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**V. OLD BUSINESS**

**1. PDA Wetlands Worksession at PDA;**

Mr. Holden indicated it was difficult trying to get the PDA, the Town of Newington and the City together so are now looking at a date in September. As soon as date is confirmed they will be advised.

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**IV. NEW BUSINESS**

**A. Discussion of Possible Regional Impact**

Mr. Holden handed out a document entitled "Presented for Consideration by the Planning Board". The Department of Public Works was invited to a scoping meeting at NHDOT in Concord where they were advised that Travelport intends to make changes in their site. This represents significant changes along Route 33 and Ocean Road will be addressed. Traffic impacts are a concern. Also the City provides sewer and water and there are natural resources there. We are asking that the Town of Greenland Planning Board afford the City of Portsmouth abutter status as a result of the regional impact statue. The Department is looking for concurrence from the Board so that this letter can be authorized and sent.

Mr. Will made a motion to approve.

Deputy City Manager Hayden seconded.

The motion to approve passed unanimously.

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**V. ADJOURNMENT**

A motion to adjourn at 8:20 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 August 18, 2005.