

Use regulations and dimensional regulations stayed the same as the previous Memorandum, except the frontage went back to 300’.

Standards for Drive Through Facilities were reviewed. B.1. was changed to two drive through lanes. They split items C & D. They talked about not using speakers where feasible. F. was changed as the by pass lane was increased to 9’ and a table was replaced with #8. The last change was regarding the Board of Adjustment and a traffic impact study.

Mr. Will asked about screening, light and noise impacts. He was looking for a more definitive word than feasible.

Mr. Sullivan asked if that wasn’t already covered under the current ordinance?

Mr. Holden asked if they require that they not use speakers and if they are they shall be reviewed by the Board.

Mr. Taintor felt it was hard to talk to someone without a speaker. All drive throughs are lumped together so it is hard to separate them out.

Mr. Ricci felt they needed more info on audio systems.

Mr. Coker felt it was impossible for the City to enforce the noise ordinance. They have tried for years and it can’t be done.

Councilor Ferrini asked if they should enumerate out speakers as the recommendations are not specific.

Deputy City Manager Hayden asked if it wasn’t all about the technology that they want them to use? This gives a starting place to see what they can propose.

Mr. Coviello asked if they could specify speaker volume and decible level.

Mr. Sullivan felt they should try not to make it too complicated.

Mr. Ricci felt the speaker levels were a good idea.

Councilor Ferrini asked if they could say “Where possible speakers should not be used.”

Mr. Will felt by saying “where possible”, it leaves the window open.

Chairman Smith stated that the silent speaker in Hampton says they are using it in accordance with the Town Ordinance.

Deputy City Manager Hayden indicated they would get a copy of the Hampton Town Ordinance.

Councilor Ferrini asked about the dimensional regulations as he thought they changed them back. He disagrees with 2 acres and 200’.

Mr. Ricci asked where the lane dimensions came from?

Mr. Taintor indicated that he saw it in other ordinances.

Mr. Holden suggested having Debbie Finnigan and Steve Parkinson review the proposal.

Mr. Taintor referred to D 2 and suggested that maybe he should break it into two items so they can become stricter.

Councilor Ferrini thought they may want to limit the number of windows allowed in each individual lane.

Ms. Tillman referred to C 1 where it states 100' from a residential district and indicated that may be different in each zone.

Councilor Ferrini stated that he was likely leaving the Planning Board and since they passed the Master Plan in March this was the first opportunity to rewrite the Zoning Ordinance since that time. He felt the Master Plan mandated significant changes in zoning that limit congestion and development in ways that bring more difficulty than economical value in the City. As his next term as a City Councilor he intends to address that and he appreciates the efforts of the Planning Board. He feels that everyone is working very hard on this but as a City they need to made a bigger commitment towards that end.

Mr. Holden felt they were ready to start working on this. The Department will fine tune it for a public meeting next month. Mr. Holden asked Councilor Ferrini what his concerns were regarding the minimum standards as he will be gone soon from the Board.

Councilor Ferrini was concerned that the OR areas in some cases need to be looked at in terms of if they are developed at the same level of density that the existing general business development is in those areas and that is still not good enough. Those are the last areas of main artery development that the City has left.

Mr. Holden indicated that the way they have written this is they will have a Special Exception for drive throughs anywhere in the City.

Mr. Taintor confirmed that would be allowed in General Business, Business, OR and ABC and by Special Exception.

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FAREWELL TO CHAIRMAN KEN SMITH:

Vice-Chairman Ricci announced that this was Ken Smith's last meeting as he has been elected to the City Council. City Manager John Bohenko thanked Ken Smith for all of his hard work and past service to the City. He also thanked John Sullivan for his 35 years of community service. And, lastly, he thanked the entire Board as it had been a tough year. The Master Plan process was well done.

Mr. Holden worked with Ken for many years and thanked him for his firm leadership on the Board and indicated he will be very missed. A gift from his fellow Board members was presented and flowers were presented to Mrs. Smith.

Chairman Smith indicated that he enjoyed his 14 years on the Planning Board and thanked everyone for making it so enjoyable. He also thanked John Sullivan for his years of service.

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the November 17, 2005 Planning Board Meeting – There were no minutes to approve.

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II. PUBLIC HEARINGS

A. The application of **T-Beyer Realty, LLC, Owner**, for property located at **141 Banfield Road** wherein an amendment to Conditional Use Approval received on November 21, 2002 is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow parking on an existing area of pavement and revisions to the drainage swale within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 254 as Lot 3 and lies within an Industrial District.

The Chair read the notice into the record.

Mr. Holden indicated the applicant has requested that this be considered at the same time as their site review in January.

Mr. Will made a motion to table this matter. Councilor Ferrini seconded the motion.

The motion to table passed unanimously.

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B. The application of **Irving W. Spinney, Revocable Trust, Janice L. Karkos, Trustee, Owner and Dawn M. & Arthur R. Tobin, III, Applicants**, for property located **off Middle Road** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the construction of a two story residential building to be built on an existing concrete foundation within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 232 as Lot 122 and lies within a Single Residence B District.

The Chair read the notice into the record.

Mr. Holden indicated that this application was tabled at the Conservation Commission for more information so he recommended that the Planning Board table it until the next regularly scheduled meeting.

Councilor Ferrini abstained from the vote

Mr. Will made a motion to table this application to the January Planning Board Meeting. Deputy City Manager Hayden seconded the motion.

The motion to table passed unanimously.

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The next hearing was taken out of order.

E. The application of **Portsmouth Hospital Office Building Association (Jackson Grey Condominiums), Owner**, for property located at **330 Borthwick Avenue and Islington Woods, Owner**, for property located **off Borthwick Avenue** where Preliminary and Final Subdivision approval (Parking Lot Easement) is requested to allow a 22,738 ± s.f. (0.52 acre) parking lot easement on the southeasterly portion of property shown on Assessor Plan 234 as Lot 52. Said properties are located in an Office Research district and are shown on Assessor Plan 240 as Lot 2-2 and Assessor Plan 234 as Lot 52. (Plat plan is on file in the Planning Department Office and is identified as Plan #18-01-05). (This application was tabled at the November 17, 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. Deputy City Manager Hayden seconded the motion.

The motion to take the application off of the table passed unanimously.

Mr. Holden indicated that the Planning Department and the Legal Department met with the applicant. A potential strategy is before them and he recommended that this matter be tabled to the January meeting AND he expects a resolution shortly.

Mr. Will made a motion to table the matter to the regular January meeting. Deputy City Manager Hayden seconded the motion.

Councilor Ferrini abstained from the vote.

The motion to table passed unanimously.

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City Council Referral:

A. Request to purchase "Unnamed Lane" abutting Pleasant Street;

Mr. Holden indicated that they did not receive any information from the interested parties so he recommended that the matter be tabled.

Mr. Will made a motion to table to the January meeting. Councilor Ferrini seconded the motion.

The motion to table passed unanimously.

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B. Report back from DPW on current standard for monuments;

Mr. Holden recommended tabling this matter to the January meeting. He is working with Steve Parkinson on a report. The standards are in the Subdivision Rules and they will be looking at them to see if they want to "clean them up".

Mr. Will made a motion to table to the January meeting. Mr. Savramis seconded the motion.

The motion to table passed unanimously.

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C. The application of **Frank J. A. and Irja Cilluffo and Four Seas Partners, Owners** for property located at **179 & 181 Pleasant Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Change) is requested between two lots having the following: Lot 15 increasing in area from 32,395 s.f. (.743 acres) to 40,204 s.f. (.923 acres) and with continuous street frontage off of Pleasant Street and Lot 16-1 decreasing in area from 15,787 s.f. (.362 acres) to 7,977 s.f. (.183 acres) with continuous street frontage off Pleasant Street; and, lying in a zone where a minimum lot area of 7,500 s.f. and 100' of continuous street frontage is required. Said properties are shown on Assessor Plan 108, as Lots 15 and 16-1 and lie within the Mixed Residential Office District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Dennis Moulton, of AMES- MSC, appeared on behalf of the applicants, as Corey Colwell was unavailable. Dennis thanked Chairman Smith for all of his years of dedication to the City. He wished him well on the City Council.

Mr. Moulton stated that the application is actually a re-application of a lot line change approved a few years ago. The lots are oddly shaped. The lot line relocation would put the entire building on one lot. When this was approved two years ago, one stipulation was that the entrance driveway off of Richmond Street be removed. That was never accomplished and the approval ran out. The only difference this time is that the line divides the lots slightly different. Mr. Moulton had a slightly different plan indicating that the pavement will be removed up to the setback.

Mr. Holden added that the Planning Department worked with the applicant on this and reviewed the stipulations from the last approval with DPW. The curbcut will accomplish what the City is looking for. There are four recommended stipulations. They are also recommending that the pavement be removed which is why new plans were being distributed. The Department recommends that they include the four original stipulations plus a fifth stipulation that no curbcut is authorized off of Richmond Street.

Mr. Ricci asked if the railroad spike that was set in 2003 should be removed?

Mr. Moulton believed that once a monument is set, it cannot be removed legally, however, he will look into that.

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. Sullivan made a motion to approve with six stipulations, with the sixth stipulation being that the applicant look into removing the monument.

Deputy City Manager Hayden seconded the motion.

The motion to approve with stipulations passed unanimously.

- 1) Elimination of one curb cut from lot 16-1 as recommended by John Burke, Parking and Transportation Director;
- 2) Plat to be amended to document this change;
- 3) Installation of permanent boundary monuments per the requirements of the Public Works Department;
- 4) That digitized GIS data shall be provided to Department of Public Works as per the City's requirements for updating relevant land records;
- 5) That the pavement to the yard setbacks from Richmond Street shall be removed;
- 6) No curbcut it authorized off of Richmond Street; and
- 7) That the applicant will research whether the monument set in 2003 can be removed and report back to the Planning Department;

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D. The application of **Portsmouth Farms, LLC, Owner, and Starbucks Coffee Company, Applicant**, for property located at **1855 Woodbury Avenue** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the renovation of an existing building and the addition of a drive-thru window within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 215 as Lot 11 and lies within a General Business District. (This application was tabled at the November 17, 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: Mr. Sullivan seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Attorney Bernie Pelech appeared on behalf of the applicant. He gave some background information. They made two appearances before the Conservation Commission, resulting in a favorable recommendation to this Board. Last month they were tabled for a Site Walk that occurred on December 1st.

Attorney Pelech felt it has been difficult to separate Site Review issues from Conditional Use issues. Mr. Britz was able to explain to the Conservation Commission the distinct differences between the two and he hopes they can center in on Conditional Use issues this evening as well. He believes the Conditional Use permit is warranted. They are improving a situation of untreated stormwater run off into the wetlands. They will capture and treat all run off. They also plan to place fencing around a large portion of the property to contain debris. This will be a great benefit and will enhance the wetlands. He also mentioned that were it not for the creation of a drive thru and pass by lane, Starbucks could go through without any approvals. That would result in the same stormwater situation as currently exists. However, this will improve the situation tremendously

Luke DiStefano of Bohler Engineering, addressed the Board. He explained that this is a rehab of an existing developed parcel on Woodbury Avenue. There was a Site walk after the November 17th Planning Board meeting to discuss outstanding issues, including impacts on the location. There were concerns raised at the Conservation Commission and the Planning Board meetings relative to the accuracy of the Existing Condition Plan that was used. They have received a formal boundary location survey prepared by AMES MSC which reiterated what their original plan showed. There was a small error located in the parking spaces in one corner of about 7', which increased the impervious surface in the wetland buffer by about 230 s.f. What they did not notice, and what worked out to the applicants favor, was a bonus of 214 s.f. in another area. The concern was that the numbers originally used of 1200 s.f. of additional impervious surface, if this project were to proceed forward, would increase dramatically. They have since determined that even with the addition of the drive thru, they are only looking at a 300 s.f. increase in impervious coverage. They will off-set that impervious surface addition through the implementation of a stormwater infiltration system or a detention system in a closed pipe system which will be used to introduce water back into the wetland. In addition to stormwater quantity issues, they have also represented that they will install at least two and up to four deep sump catch basins with oil water hoods. They are also proposing a Vortecnic stormwater unit. They feel that the introduction of those stormwater quality devices will greatly off set any impact from the 400 s.f. of additional impervious surface area within the wetland buffer.

Another concern was the removal of some mature evergreens that provide screenings between the site and the existing mobile home park to the north. There are approximately 6 trees located in the wetland buffer and out of those 6 trees 4 would be removed and 2 would stay. They can off set the impacts of noise and light with the addition of a retaining wall and a 6' high solid fence which would more than adequately buffer the Starbucks facility from the adjacent mobile home park. The fence would also

prohibit trash and debris from getting onto the adjacent property. They would get into the wetland with non-invasive means to clean out the debris that is already in the wetland.

Mr. DiStefano felt that this project meets the four criteria required to receive approval.

Mr. Will asked about the four criteria and indicated there are two that he is particularly concerned about. He is concerned about the six mature trees and the very healthy understory and in the summer the "forest" probably provides screening. He is concerned about the wetland values of the surrounding area. Mr. Will was particularly taken with criteria #3 which says that the Applicant shall demonstrate that alterations of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. Walking the site, Mr. Will could not see those goals being met without the destruction of the natural vegetative state. His concern is how this plan, which takes six healthy trees and understory, and turns it into a drive thru, somehow meets criteria three.

Adele Foriello, a certified wetland scientist, from NH Soil Consultants, appeared on behalf of Starbucks. Last month she presented their analysis of the wetland functions and values and based on that it was their opinion that the project was reasonably suited for a Conditional Use permit and enhanced water quality treatment was an important component. The other proposal component was to plant buffer plantings to the rear of property. After the site walk, they requested a tree removal plan. Her count is that 2 trees need to be removed from the buffer. She stands by her opinion that the trees that are to be removed do not provide any buffering to the wetland. All of the topography slopes to the roadway and the drainage swale. Therefore, the trees and vegetation on that slope are not providing any infiltration component. Also, she felt that the large culvert should be considered as it goes underneath the high slope area that is going to very soon be compromising the integrity of the drainage system. The trees are very mature and are eastern hemlock and they are not very long lived. She believes they were planted by Pizza Hut. Over time, the visual buffer and/or screen that is being enjoyed by abutters will disappear. As far as the Conditional Use Permit, the value of the trees is not a component. They are a visual screen but are not buffering the wetlands.

Mr. Will stated that she covered Criteria #1 & #2 but not #3, which is his biggest concern. He is satisfied with her analysis of the Wetland values.

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

Dorothy LaPlume, of 203 Oriental Gardens, lives right behind Starbucks and she stated that the run off runs right into her home. Every time it rains, it gets higher and higher. She wanted to know if they will be effected by any changes to the site. She is also concerned about traffic and understands that it will be brought up at Site Review, per Chairman Smith. She wanted to know how high the retaining wall would be. Also, the fumes from the drive thru through worry her.

Mr. Coker asked exactly where her home WAs.

Ms. LaPlume indicated that, looking down Woodbury Avenue, she is the first on the right.

Phyllis Cheslock, of 202 Oriental Gardens, felt that the trees are more valuable than just a buffer. She received a plan showing the retaining wall and the fence and it appeared that it will be higher than her mobile home. It will block the sun from going into her kitchen and also from melting THE snow on her roof. She just bought her mobile home in September and now she will have major changes to her environment. She wanted to know what hours they planned to be open.

Attorney Pelech confirmed that their hours would not be 24 hours/7 days and felt it would probably be closer to 6:00 a.m.to 11:00 p.m.

Ed Grecco, of 209 Oriental Gardens, stated that he already has run off from the wetlands to the middle of his property. The trees looked good and he would not want to see the retaining wall replace the

trees. The Mobile Home Park has a lot of elderly homeowners and they don't want any noise or changes. He would like to have them keep the property like Pizza Hut, without the drive thru.

Mr. DiStefano addressed the concerns of the abutters. He stated that they will take the stormwater run off very seriously. From their review they determined that by infiltration or by retention of stormwater, they will reduce the run off rates into the wetlands. It will not create any more wetland running downstream. There will be a decrease in run off. They will slow down run off into the wetlands with no negative impact. They will not make it go away but they will attempt to make it better for the residents. If the soil allows, they will infiltrate the stormwater run off from the existing rooftop by discharging it back into the groundwater. If they cannot infiltrate then they will put in a subsurface system. 100% of the run off from this site under the existing conditions remains untreated and runs into the wetland. They will improve quality and quantity of run off being introduced back into the wetland.

Mr. DiStefano indicated that their fence will be about 7' above the drive thru. Their fence will be 23' – 24' lower than the trees. This will not result in lack of sunlight or increase in shadow but rather will result in more sunlight. The fence adds a lot of benefits that the current landscaping does not.

Mr. DiStefano addressed criteria #3. They looked at other ways to develop the site, including tearing down the building, but due to the extremely narrow width of the site, they could not get it in without major impact to wetlands. In order to get a drive through on the lot, they could not make it fit. To limit the impacts and maximize the benefits of the site, they decided to use the existing structure.

Chairman Smith felt the fence issue could fall under either Site Review or Conditional Use. Before Site Review, Chairman Smith strongly encouraged them to have a meeting with their neighbors to discuss the fence, the height, type, style, in an attempt to work that out.

Attorney Pelech stated that Article V of the Zoning Ordinance requires an 8' fence where a business use is adjacent to a residential use. They intended to put a fence on top of the retaining wall, with a 4' strip to plant additional vegetation along with 15' on the mobile home side. The retaining wall would be typical retaining wall material and they are proposing a stockade fence.

Chairman Smith wanted to make sure that they have an opportunity to talk to the neighbors.

Attorney Pelech confirmed that they will. Attorney Pelech had spoken to Ms. Cheslock twice and they will continue to work with her.

Mr. Grecco, of 209 Oriental Gardens, indicated that no one has talked to him and he does not know what is going on.

Chairman Smith indicated that he encouraged the applicant to provide him with information.

Mr. DiStefano addressed condition #3 again and how they meet that. One issue was their ability to reduce their by-pass lane but that was frowned upon by some Planning Board members. That was one issue that they looked at but it is a better situation to have the bypass lane so they stuck with that plan. He also indicated that they are more than willing to have an informal meeting with the Mobile Home Park Association.

Ms. LaPlume indicated that there was no Park Association that she knows of.

Attorney Pelech indicated that he will work with Phyllis Cheslock as she has been distributing information to mobile home owners.

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

Chairman Smith confirmed that Ms. Cheslock's letter was distributed to Board Members.

Mr. Will asked Mr. Holden what discussions were had regarding alternative locations for the building on the site?

Mr. Holden indicated that, to his knowledge, the Department has not had any discussions regarding alternatives.

Deputy City Manager Hayden asked the Wetland Scientist what was the amount of square feet of existing condition vs. the amount of square feet of impervious in the buffer area.

Ms. Foriello indicated there was a note on the plans. On Sheet 5 of 5, with a revision date of October 28, 2005 included in the tables. The on-site wetland buffer area is 11,903 s.f. and under existing conditions the building would stay the same. Pavement and impervious cover would be going up about 300 s.f. and landscape would be going down slightly by about 200 s.f.

Deputy City Manger Hayden asked what was the percentage increase of impervious existing condition vs. proposed in the wetland buffer.

Mr. DiStefano stated that under existing conditions, impervious cover in the wetland buffer is just under 6,000 s.f. or a little over 25%. When you get to proposed conditions you go to 6,104 s.f. with a 300 s.f. increase or 1-2 % increase.

Mr. Sullivan asked about taking out the window. He asked if they had looked at putting the window on the opposite side of the building which would give them a stacking lane and would require less asphalt. Why can't that be done?

Mr. DeStefano indicated that they could put the window there but they wouldn't be able to access it without having direct impact on traffic going though the site. They have attempted to maximize the amount of stacking ability without creating a conflict with parking spaces.

Mr. Sullivan asked why not have the parking spaces on an angle? At other Starbucks, what is length of time spent at window?

Mr. DeStefano stated that they looked at angled parking, internally at their office, and that would have resulted in significantly less parking and they are already below the required parking requirement. They felt this was the most viable plan.

Kevin Petru, Development Manager with Starbucks, addressed the Board. He indicated that drive thru times vary. Typically, a car would take 1-2 minutes at the drive thru window.

Mr. Sullivan asked if they roast coffee at their establishments?

Mr. Petru confirmed that they do not.

Mr. Savramis asked if anyone did research on whether the City made it a requirement for Pizza Hut to put in the buffer zone and if so, how can they do away with it.

Mr. Holden surmised it was a requirement of this Board and so it will be looked at as a part of Site Review.

Attorney Pelech stated that if those hemlock trees were shown on the site plan for Pizza Hut then they were planted in the wrong place. There is a great difference between what was approved for Pizza Hut and what exists on the site.

Mr. Coker was troubled by the application. It is difficult to separate the Conditional Use issues with Site Review issues at this point. He questioned the building at it sits now. They said they were already down 3-4 parking spaces. He asked how many spaces are required.

Mr. DiStefano indicated that 34 spaces are required and they have 27.

Attorney Pelech confirmed that they will have to get a variance for parking.

Mr. Coker is troubled by the size of the building on this lot for the proposed use, and in how it deals with the buffer zone and the retaining wall. He is just generally troubled by the application.

Mr. Ricci asked what percentage of customers are drive thru vs. walk in.

Mr. Petru felt that percentage varies but on average about 45% are drive thru and the balance are walk ins. Starbucks tries to create a nice environment inside.

Mr. Ricci asked if those statistics hold true for the northeast with inclement weather?

Mr. Petru thought that was a good question and he would look into that.

Mr. Ricci felt this might be more of a drive thru rather than a walk in and that would be an issue at site review.

Mr. Petru indicated that they have similar locations and they still have a high percentages of walk ins.

Mr. Ricci indicated that one of his concern was that the drawing showed 20 – 24 white cedars being proposed. Between the property line and proposed fence there are about 4-5 feet. With a 5' retaining wall and a 5' fence, that would result in zero sunlight. How will those trees fair?

Ms. Foriello felt they will do fine. Arborvitae is a good choice because of their growth habit. They grow taller and maintain the base of their tree. They will not get direct sunlight but they will get indirect sunlight.

Mr. Ricci asked about the salt and sand from the roadways?

Ms. Foriello felt they will do fine with that as well. It is not a high speed road so there will not as much splash. She doesn't have any concerns.

Mr. Ricci asked if this species is susceptible to these conditions?

Ms. Foriello confirmed that they would be fine.

Mr. Ricci indicated that the comment was made that this is the only way that the site could go. He asked if they could mirror image the plan with the drive thru on the opposite side. Currently as the cars stack they will be directly facing a residential neighborhood.

Mr. Coviello thanked the applicant for trying to reuse the building. They will be saving about 70 tons of debris that would go into landfill. He was not so sure that their point of making a better stormwater treatment system for the site was true. He did a lot of research on the Vortech system. He believes that they are exaggerating their claim on what they can do. This comes from the Director of the

Stormwater Management Center at UNH. He asked if their numbers are from Vortech, Best Management Practices or some other place?

Mr. DiStefano indicated that the numbers of 80% are provided by Vortech but these are also numbers that have been accepted by State Agencies. With catch basins, they believe it will be a huge improvement.

Mr. Coviello was concerned that the Vortech system was not doing what it was claiming to do. It is currently being tested at UNH and they claim it's not doing what it claims. He knows they are not trying to deceive anyone but he's not sure their claim is true. He doesn't believe they have a better system as he doesn't believe they know that.

Mr. DiStefano believes they have a better system than what is there now. Quantity vs. quality is the issue. Every bit of sediment and debris under existing conditions now make their way into the wetlands. They are using numbers that are acceptable for their need to address stormwater management. If they cannot infiltrate it, they will then detain it on site, at a much slower rate.

Attorney Pelech stated that one of the reasons that they are going with the Vortech system is because there is already one in Portsmouth and the Conservation Commission was very pleased with this. The Vortech system in place has been operating very well.

Mr. Coviello asked how do they know that?

Attorney Pelech indicated that the owner reports no problems and they have maintenance records.

Chairman Smith asked Mr. Ricci about retaining water on site and how do they calculate how to release the water into the wetlands without effecting flow.

Mr. Ricci indicated that the claims they hear is that they are maintaining run off but the problem is they have much more volume. They will always have more volume if they have more impervious surface. Certain areas have standing water that they didn't have 24 years ago. Volume, and not peak run off, is most important.

Mr. Will stated he was troubled with the application. The Memorandum warned the Board last month with the four criteria and #3 still troubles him. His initial thought was why not move the building? If this is the only way to go with this particular building, he has concerns about destroying a very healthy patch of trees. It comes down to alterations to the vegetative state. He has not seen any alternatives as per criteria #4. The least adverse impact to the City and alternative locations for the building have not even been discussed. He made a motion to table to allow the applicant to talk to the City about discussing other locations on site.

Chairman Smith stated that a comment was made about the possibility of not having the 2nd lane on the site walk. If they did away with the bypass lane and curb it so no one was driving up on it, it would then be an overall decrease of impervious surface, keep more trees and pull away from the neighbors. Did they ever look at that?

Mr. DiStefano indicated that they looked at that extensively. It was a logical approach but due to the extremely narrow width of the site, by eliminating the by-pass lane, they would create a significant pitch-point on site. There would not be enough room to maneuver.

Chairman Smith referred to a McDonalds in Wells, Maine, where the parking spaces near the drive thru were for employees only. There are not cars coming and going which allows other spaces to be available for customers. Would that alleviate the problem?

Mr. DiStefano indicated that there would only be about 4-5 employees, and it would only account for 20' of stacking. They need an additional 80' of stacking. It would alleviate some but it would still create a significant pitch point. And, the City is leaning towards drive pass lanes.

Councilor Ferrini seconded Mr. Will's motion.

Mr. Will asked if they needed more information? He was also thinking about getting the maintenance schedule of the other Vortech system in the City.

Councilor Ferrini was not persuaded that all construction opportunities have been adequately explored.

Chairman Smith confirmed that the tabling motion was for more information on how this was suitable for this suit and obtaining information from DPW on the Vortech system.

Mr. Will clarified that whether the building is suitable for the site as it stands, in its present form. Should they keep it as is or move it around on the site? This was never discussed with the Department.

The motion to table passed with Mr. Coker voting in the negative.

Mr. Holden indicated that many city employees also did the walk through at UNH so they are familiar with the information that Mr. Coviello was concerned with.

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F. The application of **Dennett-Prospect Realty Investments, LLC, Owner**, for property located at **69-73 Prospect Street** wherein site review approval is requested for the renovation of an existing multi-family dwelling on Lot 28 to convert structure from 6 dwelling units to 4 dwelling units and the construction of a two dwelling unit structure on Lot 29, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 142 as Lots 28 & 29 and lie within a General Residence A District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Chris Mulligan addressed the Board on behalf of the applicant. Alex Ross handed out new pages to the Site Plans. Attorney Mulligan confirmed that they obtained variances in August and they consolidated the two lots. There are 6 residential units that are being relocated on the lots and they appeared before TAC on two occasions. He reviewed the stipulations from TAC.

They have produced the Roto Rooter camera tape to Dave Allen for his review. On Page 1 of the plans they show overhead utilities as they exist now and Page 2 shows underground utility lines. The third stipulation requested that the water lines be shown and a note was added on Page 4, which was all approved by David Desfosses. There will be a single water line for the combined lot. Fourth, all water lines shall be installed to City standards and that is shown on a detail. Fifth, all water lines are shown upgraded on Page 4, note D. They will be installing copper pipes. Sixth, the water meter is shown on the site plans and shown on Sheet 4. Seventh, temporary bench mark logs have been provided. Lastly, all water lines have been shown on the plans. Therefore, all issues raised by TAC have been addressed. This is an old lot that desperately needs repairs. They will be providing quality housing for the City.

Vice-Chairman Ricci thanked them for the motorcycle parking. He was confused on why the drainage pitches by the guardrail and why there is a swale in the middle when it should be up front?

Alex Ross, of Ross Engineering, indicated that it was their intent to collect all run off from the parking area to a low point, to run down slope into a level spreader control.

Vice Chairman Ricci asked why the swale was half way down the retaining wall and asked if it wouldn't be better to have a vegetative swale but added that he understands their intent.

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. Sullivan stated as a point of interest that they are taking down a historical building. That used to be Joe's Donut Shop, owned by the St. Pierre family, 70 years ago.

Mr. Will added that his brother and niece used to live next door. Also, after Mr. Sullivan's retirement, Mr. Will will be #2 in seniority.

Chairman Smith added that Mr. Coker becomes #2 in seniority.

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

The motion to approve with stipulations passed unanimously.

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III. CITY COUNCIL REFERRALS/REQUESTS

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

Ms. Tillman distributed a revised draft brochure. She indicated it has been sent to the State and no comments were received back concerning any information that should be added. They will go forward with the information contained in the brochure. She is open to suggestions for a picture to put on the front cover.

Mr. Sullivan suggested a historical home, possibly the Jackson Home on Northwest Street.

Mr. Will agreed.

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IV. NEW BUSINESS

A. Revisions to Planning Board Rules & Regulations;

Ms. Tillman passed out changes to the Site Review Regulations. Primarily it deals with deleting reference to the old application and makes reference to fees as set by City Council. The new application form was also attached. This will come back before the Board for a public hearing in January.

Chairman asked if they needed any action?

Ms. Tillman confirmed it was just informational. Will have a hearing next month.

Ms. Tillman also distributed changes to the Subdivision Rules and Regulations. The changes affect Section III and changing the application form. They are splitting the application into various different types of applications. Also, the changes refer to fees as set by City Council.

Mr. Will stated that during a recent Site Walk on a Conditional Use Application he spoke to David Holden about the criteria for the maps that he sees for Conditional Use vs. Site Review. He thought maybe they could re-visit what has been problematic in the past.

Ms. Tillman asked if he meant as part of what is required for submission for conditional use?

Mr. Will confirmed that was correct.

Chairman Smith stated that the applicants for a Conditional Use do not want to lay out a large amount of cash and photographs are feasible and inexpensive.

Mr. Will felt they should make it relatively simple but more than what is required now.

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V. OLD BUSINESS

- A. Request for Amendment to zoning Ordinance to re-zone land at Banfield Road and Constitution Avenue from Office Research to Industrial;

Mr. Holden indicated they have a request to re-zone land off Constitution Avenue. They made a switch for a new base for the new Zoning Map which is far more accurate and that made them aware that a portion of the land on the former Zoning Map was owned by the Seacoast Foundation.

Attorney Pelech indicated that the Foundation has indicated that they support the re-zoning of their property. Attorney Ralph Woodman has sent a fax indicating that they support the re-zoning of their property. Therefore, all property owners support this re-zoning request. Attorney Pelech submitted a Matrix and he looks for a favorable recommendation to the Council.

Councilor Ferrini stated it was quite possible that he will not be back on the Planning Board and he offers his great gratitude to John Sullivan and Ken Smith and looks forward to working with Chairman Smith on the City Council.

Mr. Will made a motion to concur that the Seacoast Foundation Land be recommended for re-zoning. Deputy City Manager Hayden seconded the motion.

The Motion passed unanimously.

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VII. ADJOURNMENT

A motion to adjourn at 9:05 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 March 16, 2006.

