

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

7:00 P.M.

CITY COUNCIL CHAMBERS

**FEBRUARY 16, 2006
Reconvened on
FEBRUARY 22, 2006**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

MEMBERS PRESENT: John Ricci, Chairman; Jerry Hejtmanek, Vice-Chairman; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; and George Savramis, Raymond Will; Donald Coker and Alternate Anthony Coviello

MEMBERS EXCUSED: M. Christine Dwyer, City Council Representative;

ALSO PRESENT: David M. Holden, Planning Director; and,
Lucy E. Tillman, Chief Planner
Peter Britz, Environmental Planner

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I. PUBLIC HEARINGS

Deputy City Manager Hayden made a motion to take Item B and F out of order. Mr. Will seconded the motion. The motion passed unanimously.

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C. The application of **Cicero A. and Ruth Lewis, Owners** and **Changing Places, LLC, Applicant**, for property located **off Falkland Way** wherein Final Subdivision approval is requested for the creation of an eight lot subdivision ranging in lot size from 10,029 s.f. to 27,454 s.f. with all of the proposed lots having access off of a proposed extension of Crescent Way extending through to Saratoga Way. Said property is lying in a zone where a minimum lot size of 5,000 s.f. and 80' of continuous street frontage is required. Said property is located in a General Residence B district and is shown on Assessor Plan 212 as Lot 123. (Plat plan is on file in the Planning Department Office and is identified as Plan # 17-01-05);

The Chair read the notice into the record.

Mr. Hopley made a motion to table this matter to the March 16th Planning Board meeting. Deputy City Manager Hayden seconded the motion. Mr. Will abstained from voting. The motion to table passed unanimously.

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F. The application of **Thomas J. Flatley, Owner** and **Home Depot, Applicant**, for property located at 500 Spaulding Turnpike wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to allow the demolition of the existing building, the construction of a 145,193 ± s.f. retail store and a 19,200 ± s.f. pad building and corresponding parking within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 238 as Lot 20 and lies within a General Business District.

The Chair read the notice into the record.

Deputy City Manager Hayden made a motion to table this matter to the March 16, 2006 Planning Board meeting. Vice Chairman Hejtmanek seconded the motion. The motion to table passed unanimously.

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B. The application of **Wenberry Associates, LLC, Owner**, for property located at **15 Congress Street** and the **City of Portsmouth, Owner**, for property located at **44 High Street** wherein Preliminary and Final Subdivision approval (Lot Line Relocation) is requested to allow for the conveyance of a certain parcel of land from Wenberry Associates, LLC to the City of Portsmouth. Said properties are shown on Assessor Plan 117 as Lot 12 and Lot 16 and lie within a Central Business B, Historic District A and Downtown Overlay Districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Holden represented the City in this request and stated that this was subject to a referral from the City Council. The present owner does not have a need for the land and it is adjacent to the High Hanover parking lot. The land used to be a rear access to Newberry's. It has since become an issue for the landowner and he has offered to convey it to the City. This Board's recommendation was that the City should accept this land and that recommendation was provided to the City Council. The City has prepared a subdivision plan and this technically this constitutes a subdivision. It is also recommended that abutter would relinquish any rights they might have in the adjacent property. This will help clear the title. The Department's recommendation to the Board is that they grant preliminary and final subdivision approval, subject to the placement of boundary monuments, that the deed conveying the parcel would relinquish any rights to the adjacent parcel so it will help clarify any remaining title issues and that the City Council should authorize the City Manager to take whatever steps necessary to secure ownership of this parcel. Mr. Holden assumes that the City will retain the rights for the public.

Mr. Coker stated that he didn't think it was the Board's purview to recommend that the City Council authorize the Manager to take whatever steps necessary to secure ownership of the parcel. He asked if this was being donated or was the City buying the parcel?

Mr. Holden confirmed that the parcel was being given to the City and in return the City paid for the cost of the subdivision plan.

Mr. Coker didn't think it was the Board's purview to recommend anything.

Mr. Holden indicated that he would not disagree with that as the Board has already recommended to the City Council that they acquire this land so it could be superfluous in that sense.

Mr. Will understood that, historically, any property that is sold or purchased by the City goes through this Board for a recommendation. The City follows its own regulations even though they are not required to. He felt just going through the process was half of the battle and very helpful.

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

Robert Kennedy, owner of Gilly's, stated that he had no feeling one way or the other but wondered if the Board is aware that a number of people have a right of way on the property.

Mr. Holden confirmed that the conveyance would not change any right of ways.

Mr. Kennedy felt it could get awkward and might cost the City some money.

Mr. Holden assured him that nothing would change.

Chairman Ricci asked if the City Attorney had looked at this?

Mr. Holden confirmed that everything has been reviewed by the City Attorney.

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. Savramis made a motion to grant preliminary and final subdivision approval with stipulations. Mr. Will seconded the motion.

The motion to approve passed unanimously with the following stipulations:

1. That boundary monuments be placed;
2. That the deed conveying this parcel should relinquish any rights to adjacent parcels so as to help clarify remaining title issues; and,
3. That the Board recommends to the Council that it should authorize the City Manager to take whatever steps necessary to secure ownership of this parcel.

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C. The Portsmouth Planning Board is conducting a public hearing to take public comment on proposed amendments to the City’s 1995 Zoning Ordinance, as amended. The amendments include changes to the following sections: 1) Article I, Section 10-102, Definitions, by adding certain definitions; 2) Article II, Section 10-209, Table 5, Uses in Industrial Districts, by adding a new use category; 3) Article III, Section 10-305 (A) Industrial, Table 11 Dimensional Requirements, by changing dimensional requirements; and 4) Article IV, Section 400, Supplementary Regulations, by adding a new Section 10-405 Standards for Drive-Through Facilities. Copies of the proposed amendments are on file in the Planning Department Office and available for public inspection.

Mr. Holden indicated this was a result of the Board’s work on the present Master Plan. There was a recommendation that they take a look at how they handle financial institutions and drive throughs. Mr. Rick Taintor was present to review the matter.

Rick Taintor, of Taintor & Associates of Newburyport, advised the Board that this had been reviewed in October and November. They reviewed various locations to see if they were appropriate for a zoning change. The primary questions regarding financial institutions dealt with traffic and past experience with impound lots. Based on the locations, it was determined that some financial institutions were appropriate and some were not. They broke them up into different groups.

They did not limit drive throughs to just financial institutions. The first section dealt with definitions of different types of facilities. He listed out the terms and how they were defined. The second section looked at proposed use regulations in the Industrial district. Lower volume businesses will be allowed in some districts but not in the waterfront industrial. Impound lot will be restricted to industrial uses and only by Special Exception. The last aspect was to allow drive through facilities in the Office Research district. That dealt with three changes to the dimensional regulations by reducing the minimum lot area, reducing minimum lot depth and reducing minimum side lot. It also corrected a footnote from the existing ordinance. They also dealt with the size of the facilities and the drive through lane. There is a 100’ setback from any residential facility and light and noise issues were addressed. They reiterated that sound levels be shall be monitored, along with access and circulation for safety and to avoid conflicts. The final requirement requires a traffic impact study.

Mr. Coker felt that Section 10 505 is virtually unenforceable. He lives downtown and has a great deal of experience with it. Why even include it? Mr. Coker indicated that the ambient noise level is higher than the allowable noise limit in the ordinance.

Mr. Taintor stated that there was a feeling that they needed to add something so that it was clear that noise was a concern and to encourage the applicant to work with them, especially if the facility is next to a residential facility

Mr. Hopley referred to modifying the definition of financial institutions and the altering Table 5. How do sub-categories effect other districts? Should they modify other tables?

Mr. Tainor felt that he is right and in the future they would want to do that.

Mr. Will asked about a prior discussion topic of using the word "feasible" which was used for one of the standards for drive-through facilities. He understood they were going to change that by eliminating speakers. He felt that "feasible" was too broad based.

Mr. Taintor remembers that discussion and it was pointed out that banking transactions would be impossible without a speaker.

Mr. Will felt maybe they should specify that when dealing with a financial institution.

Mr. Taintor clarified that this section is not limited to financial institutions.

Mr. Will felt that more specificity would be better.

Mr. Holden felt there were some good points. They are putting the burden on the applicant to demonstrate that what they are proposing is feasible and they would go to the BOA. They are getting some control but should probably still look at it.

Mr. Coviello asked how is an impound lot part of a Financial Institution?

Mr. Taintor stated that there has been some history of Financial Institutions repossessing cars and storing them on their lots.

Mr. Coker stated that a towing company has a need to store lots. Is that an impound lot under this language?

Mr. Taintor indicated that it was not.

The Chairman called for public speakers. Seeing none, the public hearing was closed.

Mr. Holden felt that the Board has benefited greatly from a narrowly defined issue to expand or clarify Financial Institution definition in the Office Research district. Another issue that came up was the issue of the drive through. The consultant worked on defining drive throughs. They are proposing to amend the Office Research to better recognize financial related uses, they have defined better uses and terms and defined drive throughs as an accessory use. Mr. Hopley picked up on an issue, and there is some confusion on which districts these amendments may applies to. He suggests that they direct staff to include drive throughs in the other districts of the City and to have the Department and City Attorney review all of the proposed revisions so that the Board can formally recommend them at the March meeting. This review would also be to put the language into the normal form that they use in the ordinances.

Mr. Holden recommended a motion to direct staff to review the language, explore the implication of the impound lot and expand drive throughs in other districts in the City at the March meeting.

Mr. Will made a motion as recommended by Mr. Holden. Mr. Coviello seconded.

The motion passed unanimously.

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E. 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 demolition of the existing building and the construction of a 1,815 ± s.f. building with 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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Bernard Pelech, Esq., appeared on behalf of the applicant. Also present were Luke DiStefano of Bohler Engineering, Adele Foriello, of NH Soil Consultants and Kevin Petru from Starbucks Company.

He indicated that they listened to the Board and followed their recommendations from a couple of months ago. The Board had concerns regarding whether Starbucks had explored all alternatives and found the one with the least impact on the wetland buffer and the mobile home park. They have changed the plan considerably. They are now talking about demolition and construction of a much smaller building. The advantage is that it will allow them to maintain the buffer zone in its entirety between the proposed structure and drive through lanes and the mobile home park. All hemlock trees will be maintained and none will be cut. Not only have they decreased the size of the building, they have also shifted the site to the south to maximize the buffer. They went back to the Conservation Commission and received a favorable recommendation. They are still proposing the fencing to eliminate debris going into the wetlands. There was a condition from the Conservation Commission to make sure there was no stormwater runoff down the slope which would effect the hemlock trees and they are proposing no run off in that direction. They are also bringing the fencing all the way around. The condition was that any trees which are damaged or destroyed shall be replaced by the applicant so that the buffer shall be maintained. They believe it is a much better plan with the same stormwater run off as previously proposed. He felt it was a win/win situation.

Luke DiStefano, of Bohler Enginerring, elaborated on some of the changed items. He reviewed renderings showing the existing Pizza Hut building and the proposed new building. They have accomplished an increase in green space, a primary concern of both the Conservation Commission and the Planning Board, and increased green space in the buffer. They have reduced the size of the building by 33%, or about 705 less s.f. of building in the wetland buffer. This plan has only 783 s.f. in the wetland buffer. The biggest improvement is the buffer strip in the northern portion of the property. There was concern with the previous plan that the existing trees were being destroyed. They went back to the drawing board to mitigate the encroachment into the buffer zone. They were able to maximize the buffer to the north and still maintain their design objectives. There was concern raised by Board Members that they had not come up with a design with the least impact to the wetland buffer. They now feel that this plan does without question address the four criteria necessary to grant the conditional use.

Mr. Hopley felt this was a much improved plan. Attorney Pelech mentioned on several occasions a fence. Even though the fence is a site review item, he couldn't find it on the plans.

Mr. DiStefano stated that it was not shown on the new plans and they will work with the neighbors and the Boards to determine what type of fence meets their objectives.

Mr. Hopley also asked about headlights and reiterated that the fence was not on the plans.

Deputy City Manager Hayden asked Mr. DiStefano to review the run off.

Mr. DiStefano explained that all devices previously proposed will still be used. On Sheet C-5 they show reiterating existing drainage patterns. The site is small enough that the introduction of 3 catch basins will catch all run off and convey it to the stormwater quality unit (Vortech), discharge through the vortech, back into the existing box culvert that runs from Woodbury Avenue to sump basins and catch basins. The design will significantly enhance stormwater quality on site.

Deputy City Manager Hayden asked how the water on the north side will make it into the system?

Mr. DiStefano indicated that the grading will be re-pitched into catch basins. They can mimic that and pitch in the proper direction.

Mr. Coviello asked if the catch basins have oil/water separators?

Mr. DiStefano indicated they will have hoods.

Mr. Coviello asked about a maintenance schedule?

Mr. DiStefano indicated twice a year or if sediment gets within 6" of the hood they need to be cleaned out. A drainage report will be a requirement of Site Review and the maintenance schedule will be part of that plan.

Mr. Coviello had concerns about Vortechnic. He asked if they had any plan to do street sweeping? Some organizations have done that.

Kevin Petru, of Starbucks in Ohio, stated they do routine maintenance and sweeping of parking lots.

Mr. Coviello asked if they could get a schedule of cleaning of the parking lot? He is not sold on vortechnic and he has read that sweeping is the more effective method. Other applicants have proposed doing this and that would alleviate his concerns on the Vortechnic. He would like that as a stipulation.

Mr. Petru indicated that was a good suggestion. As part of Site Plan approval process there would be specific maintenance standards. They are willing to do that as they are a very socially responsible company.

Mr. Coviello asked about snow storage in the parking lot.

Mr. DiStefano felt with the increase in green space there are areas to store snow, primarily in the northwest corner, outside of the wetland buffer. The site is relatively small and the green space on the trailer park side would be used and also a strip on the Jiffy Lube side. They will keep it outside of the wetland buffer.

Mr. Will asked if drive throughs are standard features for Starbucks?

Mr. Petru stated that this is a more recent initiative for the company and probably 60 – 70% of their new locations have them.

Mr. Will thanked him for a much better project than before. He believes it meets criteria 3 but criteria 4 still concerns him and wonders whether this project provides the least possible impact on the lot as no drive through at all would be better. He is concerned about a drive through next to a residential

area, and is concerned about least possible impact. Mr. Will asked what was the pressing need for a drive through?

Mr. Petru stated that when they are developing new locations they size the facility to meet the needs of businesses in that trade area. In a more commercial corridor, to be competitive and to offer what their customers want, a drive through is absolutely essential to receive an appropriate return on their investment.

Mr. Coker stated that they have their roof drainage run off in subsurface retention that is not stated and says "to be determined". Also, they made a representation that if trees die they will be replaced. He asked if those two items were made stipulations on the Conditional Use?

Mr. DiStefano had no problem with that. The trees are already a condition from the Conservation Commission. The roof run off will be taken care of through their vortechnic system.

Chairman Ricci asked if any of the existing foundation will be used?

Mr. DiStefano stated it was not being used.

Chairman Ricci asked if the existing pavement is going to be re-ground?

Mr. DeStefano felt they would probably take everything right up and remove it.

Adele Fiorello, of NH Soil Consultants, reiterated the positive aspects of the plan. They have been able to retain all positive aspects from the previous plan. The fence will be an important component. Also they can still maintain their buffer enhancement planting plan. They have a stormwater treatment plan and a tree buffer between the mobile home park. The proposed plan is now showing a much smaller building with more green space and it will have less impact than the original proposal.

Mr. Coviello asked Mr. Britz what he recommended as a frequency of street cleaning?

Peter Britz, the City Environmental Planner, stated that he did not have a lot of knowledge in that area. He could look into it and get back to them with a recommendation for Site Review. Some places do it every week and some only once a year.

Mr. Coviello asked for input on frequency and type of sweeper.

Deputy City Manager Hayden asked about the drive through and why it was in that location rather than the other more commercial side of the property? She stated they didn't have to answer now but it may come up later.

Mr. DiStefano stated quickly that it's typically set back 5 cars from the window. If there is an opportunity to the south, they could address that at Site Review.

Deputy City Manager Hayden asked if Starbucks used any new technology on speakers where there is no noise?

Mr. DeStefano was unaware of anything like that being used.

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

Phyllis Cheslock, of 202 Oriental Gardens stated that she still has concerns about the retaining wall and fence as she does not know how high they will be. She is concerned about lights from the drive through and fumes from the cars. She appreciates that the trees will stay. She would like to know what type of trees will be used to replace any that die. Another concern is that the car wash that is

right next to their driveway always blocks their driveway and she believes that their cars will also block the Starbuck driveway. She felt they should be aware of that.

Mr. Coker reminded Ms. Cheslock that they will be looking at traffic at the Site Review process.

Mr. Will asked if they were aware that one tree will be removed? The thickest and closest tree to the building will be removed.

Mr. DeStefano stated that was correct. That tree is planted in non-conformance with the approved plan and compromises the box culvert so it would have to come down anyways.

Mr. Will asked if the existing building was on a slab?

Mr. DeStefano indicated that it was.

Mr. Will asked if the new proposed building would also be on a slab?

Mr. DeStefano indicated that it would be.

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. Will made a motion, for the purpose of discussion, to deny the conditional use permit based on the fact that it does not meet criteria four and the project does not have the least impact on the wetland buffer.

There was no second on the motion.

Mr. Coviello made a motion to approve. Mr. Savramis seconded the motion.

Mr. Coker asked for stipulations that if and when the trees die they are replaced with a mature tree, and that the roof run off subsurface stormwater retention be "to be determined".

Chairman Ricci assumed that the stormwater will be reviewed by TAC.

Mr. Coker stated he would be more comfortable with it as stipulation.

Ms. Tillman asked for clarification on the replacement of trees. If a tree is lost, sometimes it is harder to get a replacement large tree that will successfully transplant. Smaller trees grow better and catch up and become healthier. She felt it would be better to stipulate that an appropriate tree that will match the variety would be better.

Deputy City Manger Hayden felt they were getting into a detailed discussion that is more site review. The roof run off is appropriate however the tree is more site review.

Mr. Will felt that was part of criteria 3, the vegetative state. He felt it was well within their purview if within the wetland buffer to discuss trees.

Mr. Coker agrees with Mr. Will. The trees within the buffer zone are within the purview of the Board. The stipulation should remain to insure that it happens.

Deputy City Manager Hayden felt they could augment the conditions during Site Review.

Mr. Will stated he would be voting against the motion. He thanked the applicant for determining which is the least possible impact. He feels it now meets criteria 3 but asks whether Starbucks needs a drive through and he believes it doesn't. He feels the Board can ask that question in order to evaluate Criteria 4. The least possible impact would be the existing building with no drive through. He believes they are violating criteria 4 and that would be a big mistake.

The motion to approve passed with the following stipulations, with Mr. Will voting in the negative.

- 1) That any tree that dies for any reason on the northerly side of the lot between the proposed drive through aisle and the abutting mobile home park shall be replaced with an appropriate tree that will match the current variety and shall be approved by the Planning Department;
- 2) That the sub-surface storm water retention/detention system (identified on the Site Plans as "to be determined") shall be reviewed and approved by DPW prior to Site Review approval is granted;
- 3) That a vegetated buffer between the site and the mobile home park be maintained in the future.

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G. The application of **Portsmouth Hospital Office Building Association (Jackson Grey Condominiums), Owner**, for property located at **330 Borthwick Avenue** and **Islington Woods, LLC, Owner**, for property located **off Borthwick Avenue** where Preliminary and Final Subdivision approval (Lot Line Relocation & Lot Line Elimination) is requested between three lots to allow the following: Lot 2-2 as shown on Map 240 increasing in area from 4.093 ± acres to 4.973 ± acres; Lot 7-4A as shown on Map 234 increasing in area from 6.488 ± acres to 9.085 ± acres; and Lot 52 as shown on Map 234 decreasing in area from 3.477 ± acres to 0 acres. Said properties are located in an Office Research district where a minimum lot area of 3 acres is required and are shown on Assessor Plan 240 as Lot 2-2 and Assessor Plan 234 as Lot 52 and Lot 7-4A. (Plat plan is on file in the Planning Department Office and is identified as Plan #02-01-06).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Ralph Woodman, Esq., appeared on behalf of Portsmouth Hospital Office Building Association, with Steve Michaud of Doucet Survey and Bill Guppy, from the applicants. He pointed out the three lots that were effected. The intention is to build another new medical office building on the adjoining site in the future. The lots before the Board tonight are the two adjoining lots, owned by Islington Woods. They hope to divide the middle lot and split it between the Jackson Grey land and the Islington Woods land. The Jackson Grey land will construct additional parking. There is a right of way in the middle parcel which Islington Wood will retain for a private roadway.

Also, he pointed out that the plan shows 6 acres on the plan that is incorrect but the note on the side is correct, showing 3.477 acres.

This will result in two lots that will comply with all zoning requirements.

Mr. Coviello asked if they are trying to gain more land to build a medical building?

Attorney Woodman confirmed that was correct. And as a side benefit, Jackson Grey will get approximately 25 additional parking spaces and the proposed medical building will gain additional parking spaces as well.

Mr. Coker asked if this meets all zoning requirements?

Mr. Holden confirmed that it does.

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 three stipulations and with the additional stipulation that the acreage be corrected on the plan. Vice Chairman Hetjemanek seconded the motion.

The motion to approve passed unanimously with the following stipulations:

1. That the proposed deed/language creating the proposed, private right-of-way be reviewed and approved by the City Attorney and the Planning Department;
2. That the placement of permanent boundary monuments as required by DPW be completed;
3. That digitized GIS data shall be provided as per the City’s requirement for updating relevant land records; and
4. That the plan be revised to reflect the correct acreage of each lot.

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H. The application of **K & S Energy, Inc., Owner**, for property located at **1400 Lafayette Road**, wherein site plan approval is requested to construct a one-story 9’ 8” x 43’ 8” building addition, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 252 as Lot 7 and lies within a General Business district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Bernie Pelech, appeared on behalf of the applicant along with John Chagnon. Attorney Pelech indicated that this is a very small commercial site and is not served by public sewer so it has a septic system. This process started eight months ago. The applicant had an 8’ x 40’ building that was so narrow and small that he could not comply with ADA requirements. He wanted to expand the building to provide ADA bathrooms and he would like to get a liquor license to sell beer. They have doubled the size of the building. Site review had a problem with some of the parking spaces so they redesigned the building and made it a little smaller so they were able to reduce one parking space. They went to the BOA and received approval for a variance and went through TAC and received a favorable recommendation.

John Chagnon, of Ambit Engineering appeared and indicated that the proposal was to construct an addition on the rear of the existing structure. They received BOA approval in December and TAC approval in January. The only other items associated with the plan are that the PSNH electric service comes in the back and they will relocate it and remount it on the proposed addition. The septic system will be relocated as they are installing a smaller system. They are paving to accommodate a parking space and they will be striping the lot. They will remove a fenced in area that used to be used for waste oil. Mr. Chagnon stated that TAC recommended approval with 2 stipulations. The first was for a 5’ sidewalk easement, which would go over an existing 8’ DOT easement. The second was that a landscape plan be reviewed by the Planning Department. They will have a landscaped island in the front and will work with the department on that

Mr. Coker was surprised that they had a septic system and asked if there wasn’t a sewer line?

Mr. Chagnon explained that the Yoken’s sewer goes out the back of the building and across to Mirona Road. The sewer is on the shopping mall side of the street and goes out the back to Peverly Hill Road. There is a significant distance from the property to the nearest sewer.

Mr. Hopley asked if they explored an easement to tie into the Yoken’s lot?

Mr. Chagnon indicated that they tried to get in touch with the current owners of the Yoken’s lot and they were thinking of trying to get an access easement to park in the back of the building and they never received a call back. The timing just isn’t right as they haven’t started any development on their lot yet.

Chairman Ricci asked if the business will remain open during construction?

Mr. Chagnon confirmed that they would as all construction is in the back.

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. Coviello made a motion to approve with stipulations. Mr. Will seconded the motion.

The motion to approve passed unanimously with the following stipulations:

- 1) That a 5’ wide sidewalk easement on the easterly side of the property, in an area where there is already an 8 ½’ NHDOT easement, shall be prepared by the applicant for review and approval by the City Attorney and the Planning Department;
- 2) That the Landscape Plan shall be subject to review and approval by the Planning Department

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I. The Portsmouth Planning Board is conducting a public hearing to take public comment on proposed amendments to the City’s Site Review Rules and Regulations as amended. The amendments change the section entitled Applicant’s Responsibilities, #2, as well as the Site Review Application form. Copies of the proposed amendments and application forms are on file in the Planning Department Office and available for public inspection.

Ms. Tillman indicated that it was a very simple change. They are changing the title of the application and it keeps the regulations current as to the fees as set by the City Council by ordinance. Those are the only changes that are happening at this time to the Regulations.

Mr. Coker asked if the Board will get an updated copy?

Mr. Tillman confirmed that they will.

Chairman Ricci called for any speakers. Seeing no one rise, he closed the public hearing.

Mr. Coker made a motion to approve the amendments. Mr. Will seconded the motion.

Mr. Hopley suggested that they change “location” to “Street address” on the application.

The motion to approve was amended to include Mr. Hopley’s change.

The motion to approve passed unanimously.

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J. The Portsmouth Planning Board is conducting a public hearing to take public comment on proposed amendments to the City’s Subdivision Rules and Regulations as amended. The amendments change Section III, entitled Procedure for Subdivision, as well as the Subdivision and Lot Line Revision Applications forms. Copies of the proposed amendments and application forms are on file in the Planning Department Office and available for public inspection.

Ms. Tillman stated that the changes eliminate any reference to a fee schedule. They changed the names of the new applications and clarified the language on postage and advertising charges. They also clarified the procedure to deal with Lot Line Verifications. This basically will bring the rules in compliance with all fees as they evolve.

Deputy City Manager Hayden thanked Lucy for her work as it was very time consuming and the applications are much more professional.

Chairman Ricci called for any speakers. Seeing no one rise, he closed the public hearing.

Deputy City Manager Hayden made a motion to approve as presented. Mr. Will seconded the motion.

The motion to approve passed unanimously.

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II. AMENDED SITE PLAN APPROVAL

A. 100 Portsmouth Boulevard – Homewood Suites Hotel;

Mr. Holden stated that they were requesting minor site review revisions. The revisions have been reviewed with DPW and they feel they are all to the City’s benefit.

First, the gas main will come down the Dunlin Way side. All power and utilities will be brought in underground. Street lighting will be similar to what is currently there and will be less intense. All utilities will be placed in positions that meet all ordinances. The Department recommends that they approve all changes.

Mike Myers, of Homewood Suites Hotel, thanked the Board for allowing them to come back. The utility companies requested that they make some changes and they wanted to make their street lighting consistent with the surrounding area.

Mr. Holden confirmed that this was not a public hearing but the applicant was looking for Planning Board approval which would authorize the Planning Department to sign off on them.

Mr. Coker made a motion to approve the requested amendments. Mr. Will seconded the motion.

The motion to approve passed unanimously.

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VII. ADJOURNMENT

A motion to adjourn at 8:45 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 April 20, 2006.