

Mr. Coker was concerned about adopting these without some public input from developers. He is concerned that the OR zoning did not work out the way they hoped it would and he hopes that this doesn't go the same way. Before recommending to the City Council, he would like to hear about the cost impact.

Chairman Ricci hoped to get a draft of something for them to review as a result of this work session. He would like to see them focus more on design and less on height. The 50' doesn't bother him but they can work with other things. Then they can open it up to public comment.

Vice Chairman Hejtmanek agreed that all four items are appropriate. He felt that #2 applied everywhere. He again reiterated that HDC has authority over mass in this district and they are a little nervous that if they force a setback it will limit their control over design of buildings. Therefore, the HDC would like to see that design feature left to them rather than mandate it across the board.

Chairman Ricci felt that was the Board's biggest concern.

Mr. Coviello reminded the Board that they heard from an architect who indicated that the HDC had a problem with looking at the entire building rather than the details, but that was just a personal opinion. Vice Chairman Hejtmanek felt Mr. Coviello misinterpreted his comments. Ms. Roberts didn't think that he did but she didn't agree with the architect who said that and felt it was just one person's opinion. Vice Chairman Hejtmanek thought he said they are really good at the design of small buildings but when it gets to big buildings, it is overwhelming.

Mr. Taintor indicated that all four points are meant to be alternatives to the height restriction. The floor area ratio would be a way to have a different manner to regulate mass. If you go maximum height then you don't go maximum width. He asked if they have a sense about whether the current floor area ratio (95%, 4 floors) is appropriate or should that be cut down. For example a 3 FAR would allow 75% in four floors or 100% in three floors. This is floors rather than height. Mr. Coker asked if that would be a de facto limit on height. Mr. Taintor felt it was not the height so much as the full building coverage. Mr. Coker stated if they are still restricting the building of a building in some way, he reiterated his concern about cost to builders. He again referred to the unintended consequences. Councilor Dwyer felt that until they have a draft, they can't get public comment so it's important that they get something out there. It's not just the FAR but how it works with other variables also.

Mr. Taintor gave an extreme example of increasing the height to 60' and decreasing the floor area. They would maximize open space or reduce building height. A one story building covers the whole lot, a three second story building has a nice court yard, and the taller buildings cover much less of the lot. That is a way to maximize open space.

Ms. Roberts felt strongly that they are a city and they are talking about Central Business so it's important that they are fairly densely built out in their business core. She is concerned about open space and how they are going to manage that. She's not sure how the open space will "feel" in Portsmouth. Deputy City Manager Hayden felt that is why the 4 items work complimentary together. Mr. Taintor indicated they are talking about a fairly specific area so they need to strike a balance so this can be appropriate in other areas as well. Councilor Dwyer felt they could then strike a relationship between the ratio and the open space requirements. She felt that 3.8 seemed a little high for this area. They would make one and four work together as a trade off. Chairman Ricci agreed with Ms. Roberts. He would not want to see a 6 story building with a huge gap of lawn. The buildings all need to be a similar height. Mr. Coviello felt that if he had to pick a number he was leaning towards 3.5. Open space is good but it can be strained. They are transitioning from a very dense urban area to a residential area. Chairman Ricci added that would give them over 10% open space. He asked if staff could map out what would be 10% open space vs. 5% so the Board could see what it looks like. Mr. Taintor stated that open space can often be a tiny strip in the back so the percentage is not the important thing.

Chairman Ricci asked if they could close up item 1 and start with 3.8 which is 5% open space or where they are right now. Mr. Taintor asked do they want to go with more open space and a higher building? Councilor Dwyer felt she would like more open space than just redefine status quo in a different way. Mr. Taintor felt if their priority was open space then they didn't need the FAR. If they are looking for a variety of options, the FAR is the best approach. Deputy City Manager Hayden felt they needed to stick with a variety of options. Mr. Holden felt perhaps they want to see how those look and they may want to go somewhere in between 3.5 and 3.8. Mr. Taintor stated they could try to model things out to give them an idea. Chairman Ricci added they should also say that a certain amount of open space needs to be in the front yard. Mr. Taintor suggested they could just say that 75% of their open space should be contiguous area. Mr. Holden stated that he can attest that 5% of open space is meaningless. Mr. Taintor stated that the FAR is more flexible. Mr. Coker asked if there will be another work session because he wants to review the document prior to submitting to the City Council. Deputy City Manager Hayden indicated they have a February 1st joint work session with the City Council and they should have a more flushed out draft to discuss with the Council on February 1st. They are a long way from throwing this out to the public.

Councilor Dwyer asked exactly where did they leave this? Could they have an FAR with open space and not require a percentage but require how they use the open space. So, it's not one substituting for the other. Mr. Coker asked does she mean by how they used the open space and does she mean landscaping? Councilor Dwyer clarified she means where they put the open space. She doesn't see it as one trade off for the other. Mr. Taintor indicated they can present something where that open space is more of a distribution. Chairman Ricci suggested keeping it as "rigidly flexible" as they can.

Chairman Ricci asked them to address the second item, building height to street width.

Mr. Taintor referred them to Page 4, the top illustrations, and they are saying that the 6-16 Congress Street building is between the 3rd and 4th illustrations and it graphically shows the concerns of height. Generally the ratios that people tend to say in urban environments are the top two illustrations. The issue is if you go to 60' on a narrow street, then you get beyond the ratio. Chairman Ricci felt this is more appropriate for a linear street rather than Raynes Avenue. Mr. Taintor felt this is more illustrated. Mr. Taintor clarified that what he was saying was that somewhere between the 2nd and 3rd illustrations was what you have on Congress Street and people seem to be comfortable with that. Mr. Coker, who lives downtown, agreed it feels right. He felt this suggestion has some merit as there is more open space in terms of the street. Mr. Taintor stated that the question is whether they are comfortable with this or are the buildings too high. Mr. Coviello felt this section was not very useful as they will get this through the height. This seems like more of a concern on pedestrian thoroughfares.

Mr. Hopley stated this is very much what the HDC does in terms of streetscape and mass and it varies with every street. Vice Chairman Hejtmanek felt the setback on the top story is important but not when you are looking up. This is a question of walkability. He felt the sidewalks are too narrow next to the Hilton Garden. Chairman Ricci stated that one side of Maplewood Avenue will always be a cemetery, across from Raynes Avenue so he recommends eliminating item 2.

Mr. Will could see the northern tier being developed with the Parade Mall having its own little streetscape and without the item they are dealing with building heights in a vacuum. There is a good possibility that streets could be constructed in those borders. Councilor Dwyer felt that the variable is not the streets but rather the buildings. She felt it repeats what they do with the FAR and it is another check. It doesn't add anything additional but it is another perspective.

Deputy City Manager Hayden referred to the illustrations. One way to improve the streetscape is to set back the top floor and the HDC does not currently regulate that. She feels stepping back the upper floor is a really good idea. Also, street width is very important. She would like to leave it in as it may be important for other districts. Mr. Coker disagreed that the streets are already set. It is a possibility

at the Parade Mall that Fleet Street could be extended all the way out so streets are not set. He felt this was a good idea.

Mr. Will indicated that he would like to leave #2 in. This helps where they could deal with #1, giving more of a purpose to it. He is concerned about streets being constructed in the Parade Mall.

Mr. Taintor felt that Item 3 is a way to implement whatever they decide in #2. With #3 they can move the top floor back and they may have an effect this is not very different from dropping the building a whole floor. Mr. Holden felt that there may be more than one way to get where they want to. He respects their comment about building streets but with a 50' right of way, there is very little land to build city standard streets. Mr. Taintor stated they will come back with a draft but the sidewalk comment is another point.

Chairman Ricci indicated that they agreed that they will leave #2 in as a tool for future use.

Chairman Ricci moved to a discussion on to #3 which was to establish a three-story street wall, with upper story setbacks via "bulk control plane" or step-backs. Mr. Taintor stated this was an idea of establishing a street wall that is shorter than the entire building itself to have a vertical feeling at the edge of the sidewalk. Then other features can be added. He has not used the step back but he has seen it used very successfully.

Mr. Coker asked about the wording that the building be set back above a certain height. He is uncomfortable with the wording. Deputy City Manager Hayden felt maybe they should say floor. Mr. Coviello suggested using 4th floor. Mr. Holden stated they could do 5 floors. That was why Chairman Ricci felt the step back could be very effective. Mr. Coviello asked if this was just on right of ways or on all four sides?

Chairman Ricci asked if they will do a percentage or will that be in conflict with the FAR? Mr. Taintor explained that the objective was to provide as much flexibility as they can. Mr. Coker asked if that would leave enough room if they said the fourth floor? Chairman Ricci suggested saying the top floor? The Board all liked that term. Mr. Coviello felt they would have to define what the top floor was and they could be creative with that. Mr. Holden felt they might want to include the right of ways. Ms. Roberts pointed out there may be cases where that may matter, i.e. The Moffat Ladd House looking at 100 Market Street. Chairman Ricci suggested making calls to see what percentages are used for top floors. Mr. Taintor didn't think they wanted to do percentages but rather want to look at a certain number of feet back. They want a consistent feel to the whole downtown. He felt they should do a certain number of feet back or a plain option. Mr. Taintor indicated he would work on that item.

The Board moved on to Item #4, establish a requirement for usable open space, with additional consideration for continuous waterfront access.

Mr. Taintor wanted to add that there are places where open space is less important (like the cemetery and pond). It is not the amount of open space but rather the function of the open space. It is important to focus on the function of the open space to cross from one side to the other. Councilor Dwyer states that it is not just the openness but it is the public realm aspect of it. It's not just the concept of open space from an environmental perspective but it's open to a public realm perspective. Otherwise it doesn't have meaning. Mr. Coviello felt they should try to put into words that the Planning Board would have the flexibility of open space being provided as access to other open space as a trade off. Mr. Holden cautioned they may not want to set themselves up for that but there may be room to maneuver. Mr. Britz confirmed that the coastal set back is from the highest observable tide line which is basically the highest that the tide ever goes. The 50' is the Comprehensive Shoreline Protection Act which is governed by the State.

Deputy City Manager Hayden felt, regarding the wetland setback, it really matters what the elevation is from the water whether you end up with useable open space along the water.

Ms. Roberts commented that they have had the discussion of various forms that the open space can take and she does not want to encourage suburbanation with huge chunks of open space in front. She would like to see them be sensitive and she is worried about the “unintended consequences”. Mr. Holden indicated that it was the urban renewal restrictions are what created the Portsmouth Herald and all of the open space.

Chairman Ricci stated that the Board will direct Staff to draft something for the February 1st work session.

Mr. Holden indicated that they will have an additional hour after the joint session with City Council so he suggested bringing the other two items that they didn’t reach tonight. This will be a work session with no public input and the public meetings will be held in the future. Chairman Ricci agreed as they need to work things out in the future before bringing the public in.

2) Nonresidential Planned Unit Development (PUD) which would function as an overlay in the Office Research (OR) and Industrial (I) Districts;

3) Outdoor Entertainment;

Mr. Will made a motion to table these items to the February 1, 2007 work session. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

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John Ricci took the following items out of order – Public Hearings A, B, & C and City Council Referral. A.

Mr. Coviello made a motion to take Items A, B and C out of order. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

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A. The application of **SBG & RGB Ventures, LLC, Owner**, for property located at **1800 Woodbury Avenue** wherein an amendment to a Conditional Use Permit approval is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to relocate a dumpster, the restoration of two parking spaces and the replacement of two existing parking spaces with eco-stone pavers within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 239 as Lot 7-3 and lies within a General Business District;

The Chair read the notice into the record.

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

The motion to table passed unanimously.

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B. The application of **Michael Travis, Owner**, for property located at **66 Benson Street**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to remodel an existing 2-family structure and construct a 3 car garage, including pavement, within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 233 as Lot 73 and lies within a Single Resident B District; (This application was tabled at the December 21, 2006 Planning Board Meeting)

Mr. Hopley made a motion to take the application off of the table. Mr. Coker seconded the motion.

The motion passed unanimously.

The Chair read the notice into the record.

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

The motion to table passed unanimously.

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C. The application of **Meadowbrook Motor Inc, Owner, and Key Auto Group, Inc., Applicant**, for property located off **U.S. Route One By-Pass (Traffic Circle)**, wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to develop the site to include a hotel, a retail building, three restaurants, and a convenience store/gas station, within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 234 as Lot 51 and lies within a General Business District;

The Chair read the notice into the record.

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

The motion to table passed unanimously.

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V. CITY COUNCIL REFERRALS/REQUESTS

A. Request to replace the “Community Campus” signs at 100 Campus Drive with a large sign listing each of the agencies;

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

The motion passed unanimously.

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I. NEW BUSINESS

A. Election of Officers;

Chairman:

Mr. Will nominated John Ricci for Chairman. Deputy City Manager Hayden seconded the motion. Mr. Coker moved to close the nominations. Vice Chairman Hejtmanek seconded the motion.

The motion to close the nominations passed unanimously.

The motion to nominate John Ricci as Chairman passed unanimously.

Vice-Chairman:

Mr. Will nominated Donald Coker. The motion was seconded.

Mr. Coviello nominated Jerry Hetjmanek. Deputy City Manager Hayden seconded the motion.

Mr. Will moved to close the nominations. Deputy City Manager Hayden seconded the motion.

Jerry Hejtmanek was voted as Vice Chairman by a 9 – 2 vote.

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II. OTHER BUSINESS

Presentation of Capital Improvement Plan;

City Manager John Bohenko addressed the Board and stated that this was the Capital Improvement Plan for the fiscal year 2008 – 2013. This is a 6 year Capital Improvement Plan that they bring before the Board in accordance with State and local requirements. In August, a Memorandum went out to all Departments asking them to update this plan by identifying any new projects or equipment that they felt needed to be included. They were then reviewed by a Sub-Committee consisting of Planning Board Chair John Ricci, Vice-Chair Jerry Hejtmanek and member Raymond Will. City Staff on this committee included David Holden, Andrew Purgiel and himself. The plan before them was reviewed by this Sub-Committee and various Department heads. The fiscal year 2008 Departments submit a request to be appropriated in the general fund in the amount of \$2,537,000. Those requests were reduced to \$1,500,000, a reduction of \$1,037,000. Over the past two years, they have tried to maintain a general fund appropriation for the Capital Plan at \$1,500,000. In fiscal year 2007, the City Council reduced the Planning Board’s recommendation by \$300,000 for a total appropriation of \$1,200,000. The Committee felt it was important to continue at the level of \$1,500,000.

City Manager Bohenko stated that the total improvements for fiscal 2008 for all funds are estimated to be \$24,800,000, of which approximately \$9,000,000 will come from grants or private funds. The total projects in the six year plan are estimated to be approximately \$243,000,000 of which a large portion will come from grants or bonding.

City Manager Bohenko turned the presentation over to David Holden and City Staff. Afterwards, he indicated he would open it up for questions. He asked, in accordance with State and local requirements, that the Board approved this plan with any amendments so that they can send it on to the City Council for their work session and public hearings in March.

The following staff participated in the presentation:

- David M. Holden, Planning Director – Summary of Process
- Christopher LeClaire, Fire Chief – Fire Department Projects
- Bill Irving, Captain – Police Department Projects
- Robert Lister, Superintendent of Schools – School Department Projects
- Peter Torrey – Trustees of Trust Fund Projects
- Cindy Hayden, Deputy City Manager – Community Development Block Grant Projects
- Steve Parkinson, Director of Public Works – Public Works Projects
- Alan Brady, Communications Supervisor – Information System Projects
- Jon Frederick, Parking Manager – Parking Projects
- Debbie Finnigan, Traffic Engineer – Transportation Projects
- Peter Rice, Water/Sewer Engineer – Sewer Projects
- David Allen, Deputy Public Works Director – Water Projects

Paige Roberts asked about the electronic document management system and noticed that there was no money for on going costs or maintenance of this system. Captain Irving indicated that they are only looking at this at this point and this is basically to placeholder for some monies for the future. They are

also working in this direction for other departments in the City. City Manager Bohenko indicated that the same question was asked at the Sub-Committee and it is being evaluated now.

Mr. Coviello referred to the Middle School upgrade and notice they have a three year upgrade. City Manager Bohenko stated that ultimately the City Council would make a decision to bond the project. They show it as three years as they need to get an authorization by the City Council, subsequent to a mandatory public hearing. They would then spend a year designing the project so it's more about planning. This shows it is a large project and at the end it would probably be bonded over 20 years.

Councilor Dwyer stated that last year she asked that they add \$25,000 for looking ahead to planning related to the 3 elementary schools and that money was actually needed for middle school planning. Therefore, she raised the question again whether they want to advance that by looking at the elementary school building configurations. Mr. Bohenko felt it would probably be more appropriate to make that adjustment at the City Council level.

Chairman Ricci asked about the multi space parking pay stations. Jon Fredericks indicated it is a solar powered system that allows for patrons to purchase a ticket. One unit replaces up to 10 meters on the street and they take up very little space. Chairman Ricci asked if the maintenance would be less? Mr. Fredericks confirmed that it would be less. Councilor Dwyer asked how many units does the \$50,000 buy? Mr. Frederic stated, depending on the level, it runs between \$3,000 - \$5,000 per unit. Mr. Parkinson added that Boston has installed these meters on Newbury Street and they love them. Also Manchester has installed 60 units.

Councilor Dwyer thought the City already had the reverse 911 system. Captain Irving confirmed that they have a system but it's not a true reverse 911 system. He continues to hope that the State will install it so they won't have costs involved.

Councilor Dwyer asked about the traffic modeling project and whether it was software? Ms. Finnigan stated it was for software as well as modeling. The money will be used for the consultant to do the customization.

Ms. Roberts asked about the timing of the McIntosh building project. City Manager Bohenko indicated that the Federal Agencies will start design in February and expect to have the design done and start construction next year and move the offices in 2010. Our agreement is that the City cannot get in and do anything until all offices have moved. He would like to work with the City Council and start getting public input regarding the process of looking for a use for that site. They key is they want to start the process not too far out from when they have the site, or probably late 2007 or 2008. The amount of money needed for the actual project will depend on how they decide to develop the site.

Councilor Dwyer asked about the money for updates on the wastewater treatment plan. She asked what was included in the \$1 million and if that would include money for land acquisition? Peter Rice stated that the \$1 million is for a three year study to look at the City's entire wastewater infrastructure. The study will include modeling of our sewer system and monitoring the flows to better define the areas and it will also include an update to the long term control plan. They are not sure of the dollar amounts yet and that depends on the report conclusions. Mr. Rice confirmed that quite a bit will go into the study. Mr. Bohenko added that this is a huge policy decision for the City which will affect the City for 100 years. It will determine whether the treatment plant comes off of Pierce Island.

Mr. Coker referred to Item TSM-City-14, page 107 which is the Market Street sidewalk expansion and pedestrian improvement plan and it doesn't make sense to him. He lives downtown and he believes that the A frame signs are contributing to blocking the sidewalks more than anything. Also, the multi space parking units will take up less space. He urged the Board to note that to the City Council. Mr. Bohenko confirmed this item was more than the widening of the sidewalks and is a continued fulfillment of what they are doing in other areas of the City. This is being done due to input from the community and staff. Mr. Parkinson stated that they have been looking at this for years and the plan

has been to steadily increase the same aesthetic improvements throughout downtown. They have studied this and it is their feeling that the amount of pedestrian traffic conversing this walk is substantial and the size of the sidewalks are not adequate. There is still ample room to expand the sidewalks on Market Street and maintain the road widths. Mr. Bohenko indicated he will note this at the January 29th meeting. Mr. Coker asked what the process was regarding making amendments? Chairman Ricci confirmed that would be done at the end. Chairman Ricci also asked about traffic calming and he thought part of the process was to narrow this travelway. Mr. Parkinson confirmed that was correct and also pointed out it was also to eliminate the double parking and slow traffic down. Mr. Holden stated that another important reason it is in the CIP is because it is in the Master Plan. Mr. Coviello stated that section of sidewalk is impossible to navigate with a stroller.

Councilor Dwyer asked if the Committee wanted to comment on any of the choices made on reductions and requests. City Manager indicated that they spent approximately 6 hours reviewing this and it was a difficult task as they had to reduce \$1.3 million dollars. They worked together with the Departments to prioritize the items. They have about \$1.5 million available so they try to find out what the most important items are.

Mr. Will felt that rather than cutting a line item, they had demonstrated how they split it in two. In years past they did not spend the time reviewing each item. Mr. Bohenko added they also looked at past years to see what Departments had received.

Chairman Ricci stated that the prioritization of each Department was reviewed and collectively the Sub Committee worked on that.

Mr. Coker made a motion to amend the CIP by removing Item TSM-City-14, page 107. Mr. Will seconded the motion for discussion. Mr. Will stated he will vote against it as there are two separate issues. A frame signs are separate from traffic calming devices. Deputy City Manager Hayden would also vote against it as this is a very high use corridor for pedestrians. Mr. Hopley did not want to take away from the fact that A frame signs are definitely an issue but that it is separate from what is being addressed here. Mr. Coker lived downtown and walks it daily and he does not feel it is as bad as it seems and A frame signs contribute dramatically to the congestion that is there. As far as traffic calming, he does not see traffic as a problem. Councilor Dwyer stated she would also vote against the motion, although she recognizes the A frame problem.

The motion failed with Mr. Coker voting in the positive and all others voting in the negative.

Mr. Will made a motion to approve the CIP and to send it to the City Council for final approval. Mr. Coker seconded the motion. The motion passed unanimously.

Bohenko thanked the Board for their help.

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Presentation regarding **Stormwater Master Plan** by Department of Public Works;

David Allen, Deputy Director of Public Works, along with staff members and representatives of Edwards & Kelcey, made a power point presentation. No action was required by the Board. The purpose of the study was to review the subject and “get their hands around the stormwater issue”. It is highly regulated and is becoming more and more important.

Kristie Rabasca, P.E., of Edwards & Kelcey reviewed the stormwater master plan recommendations. In 1972 the Clean Water Act was enacted and in 1980 they discovered significant contaminants coming from the stormwater drain pipes. Therefore they amended the Clean Water Act to bring stormwater into the permitting program. New Hampshire became regulated in 1995 regarding the City

owned storm drains. Municipalities are required to do a 5 year permitting cycle plan. Portsmouth’s plan is composed of:

1. Public education
2. Public participation
3. Illicit Discharge Detection and Elimination
 - a. Mapping
 - b. Inspections/Removal
 - c. Legal Authority
4. Construction Runoff Control
5. Post Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

As part of the Master Plan project, ordinance enactments are required and one in particular deals with the CIP. Capitol equipment must be reviewed to make sure they have significant capitol for the street sweeping program and infrastructure condition evaluations. Specific operation and maintenance recommendations have been made. The City’s infrastructure is valued at \$250 million so it is a very valuable asset.

Ordinance recommendations from the Phase II program:

- 1) Regulation of discharges into system. Stand alone system & ability for DPW to do enforcement of violations
- 2) Construction runoff control. EPA Construction General Permit and develop internal checklist and backend checklist for compliance
- 3) Post construction Runoff Control. Acknowledge a good job done, Need Smartgrowth/LEED concepts, address long term maintenance.

Mr. Coviello asked if they currently have a stormwater user fee? Mr. Allen stated they do not however they are working with the Legal Department and the Planning Department on that as it is the trend that a lot of communities are going to. In order to fully comply they have to make a greater effort.

Mr. Will stated that Lewiston Maine recently imposed stormwater run off from roofs, called a “Rain Tax”, which was very controversial. He thought the City needs to get more involved in alternatives.

Chairman Ricci felt this was a great first step. Mr. Allen advised the Board that this is not completed yet but is about 90% done. When it is completed they will have a presentation on the overall plan.

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III. APPROVAL OF MINUTES

- A. Approval of Minutes from the December 7, 2006 Planning Board Meeting – Unanimously approved with one spelling correction (bazaar on page 8)
- B. Approval of Minutes from the December 21, 2006 Planning Board Meeting – Unanimously approved

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IV. PUBLIC HEARINGS

D. The application of **Jeannette MacDonald, Owner**, for property located at **86 Farm Lane**, and **William A. and Claris A. Lacey, Owners**, for property located at **125 Meadow Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots having the following: Lot 68 as shown on Map 236 decreasing in area from 31,875 s.f. to 18,750 s.f. and with

150' of continuous street frontage on Meadow Road and Lot 74 as shown on Map 236 increasing in area from 32,855 s.f. to 45,980 s.f. and with 187' of continuous street frontage on Farm Lane. Said lots are shown on Assessor Plan 236 as Lots 68 and 74 and lie within a Single Residence B District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Holden indicated there was a revised plan handed out that evening, showing a new approach to this request which is a lot consolidation of the existing lot and the status of Long meadow lane is unaffected. That issue was addressed in subsequent action but it would not be before the Board if that is the plan that goes forward.

Michael MacDonald of 86 Farm Lane, addressed the Board and indicated that they purchased their lot from the Lacey's and are looking to increase their lot by moving one lot line.

Mr. Holden explained that because the right of way has been eliminated, the Department recommends this should receive preliminary and final subdivision approval subject to two conditions which are that all boundary monuments shall be set in accordance with the Department of Public Works and the submission of electronic data to the Department of Public Works, suitable for updating the City's assessing records. The issue of the right of way can be addressed but it will be addressed under a separate action.

Mr. Coker asked if it was fair to call Longmeadow Lane a paper street? Mr. Holden felt that was a fair characterization but the issue is that there has to be some exhaustive title work to assure the status and there is also a sewer in the area so there is an interest on the part of the City to insure that the sewer is taken care of. That may not affect this property but it does effect the position of Longmeadow. The third and final is that the City Council has as a policy that it does not want to relinquish any rights that it may have in the right of way. That means their concurrence in a decision that they have no rights to relinquish or a decision that they have some rights that need to be relinquished or whether they have any rights at all have to be addressed. The applicant wisely decided that would be done at a later time.

Mr. Coker asked, if granted, the updated plan has no indication, as it did in the memo where there is some question about the impact. Mr. Holden confirmed there was no impact on the paper street issue. Chairman Ricci added that this plan takes Longmeadow out of the picture.

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 preliminary and final subdivision approval with the two stipulations. Mr. Hopley seconded the motion.

The motion to approve passed unanimously with the following stipulations:

- 1) That all property monuments shall be set in accordance with the Department of Public Works, and,
- 2) That the applicant shall submit to the Department of Public Works electronic GIS data, suitable for updating the City Assessing records.

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E. The application of SLF **Realty Group II, LLC, Owner**, for property located at **180 Mirona Road**, and **McLeod Enterprises, LLC, Owner**, for property located at **1190 Lafayette Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots having the following: Lot 002 as shown on Map 253 decreasing in area from 242,999 s.f. (5.579 acres) to 242,270 s.f. (5.562 acres) and with 409.44' of continuous street frontage on Lafayette Road and Lot 008 as shown on Map 252 increasing in area from 108,249 s.f. (2.485 acres) to 108,978 s.f. (2.502 acres) with 248.65' of continuous street frontage on Lafayette Road. Said lots are shown on Assessor Plan 253 as Lot 002 and Assessor Plan 252 as Lot 008 and lie within a General Business District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Robert Shaines addressed the Board on behalf of McLeod Enterprises. He indicated that this is the result of a Petition to Quiet Title in Superior Court and is a settlement between the parties. The area on the plan is the cross hatched area which has been used by the Comfort Inn since it was built. The settlement includes the conveyance of that triangular strip to McLeod Enterprises. This was the result of a dispute years ago between two surveys. He also added that at one time they had to go to the BOA as they required a 50' setback and needed a variance and this property was part of that issue.

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

DISCUSSION AND DECISION

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

The motion to approve passed unanimously with the following stipulations:

- 1) That all property monuments shall be set in accordance with the Department of Public Works, and,
- 2) That the applicant shall submit to the Department of Public Works electronic GIS data, suitable for updating the City Assessing records.

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VI. OLD BUSINESS

A. Prime Wetlands Up-Date;

Mr. Holden indicated that Peter Britz, the City Environmental Planner, had provided the Board with a Memorandum which recommended that they table this to the February meeting for a discussion with the Board on how to best proceed in this matter. They will also have access to Mark West's report by that time and they can take a look at it in terms of our Article VI and the PDA.

Mr. Will made a motion to table to the February 15, 2007 meeting. Deputy City Manager Hayden seconded the motion.

The motion to table passed unanimously.

.....

Mr. Will asked about the possibility of having the packets available to the public on the website so that people would have a better idea of which items were going to be tabled. He asked if they can they put the Memorandum on the website? Mr. Holden indicated that they will look into that and get back to the Board. He also added that quite often the hearings are tabled at the request of the applicant and three of today's applications weren't resolved until around noontime today.

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VII. ADJOURNMENT

A motion to adjourn at 8:55 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 February 15, 2007.