

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 P.M.

MARCH 15, 2007

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Jerry Hejtmanek, Vice-Chairman; Donald Coker; Anthony Coviello; Paige Roberts; and Timothy Fortier, Alternate;

MEMBERS EXCUSED: Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; Raymond Will;

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

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the February 1, 2007 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the February 15, 2007 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

A. 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 and additions to the following sections: Chapter 10, Section 10-102 – Definition: Floor Area Ratio; Section 10-304 (A) Business – Table 10 Dimensional Requirements; and Section 10-304 – New (E) and (F) for Central Business A District (CBA). Copies of the proposed amendments are on file in the Planning Department Office and available for public inspection.

Mr. Holden indicated that at the Board’s March 1st work session they voted to schedule this public hearing. The Department recommends that the Board favorably recommend this ordinance to the City Council and the City Council will then conduct a public hearing this coming Monday, March 19th. It was agreed that the Planning Board would do a courtesy public hearing to identify any issue that should be brought to the City Council’s attention. Mr. Holden introduced Rick Taintor to give a brief overview of the amendment.

Rick Taintor stated that this was initially in response to a request to reduce heights in the CBA district as it was felt the area would be too hemmed in. The Board tried a number of approaches to get to this point. This approach creates a definition of the Floor Area Ratio and they added notes to the dimensional table. No portion of a building within 10 feet of a street right-of-way line shall exceed 40

feet in height. This creates a step back before you get to the full allowed height. That creates a 1 to 1 relationship to the height of the buildings and the width of the street. The second piece of the proposal is using the FAR requirement which is set at 3.5 and can be increased to a maximum of 3.75 provided public amenities are provided. If they took their existing zoning regulations right now it is about 3.8 so this is a slight reduction. This is giving the FAR back if the applicant gives some amenities to the City. It is a way to balance the concern of height in the CBA district and get to the real issues of air and light.

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

Mr. Holden again stated that the Department recommends that the Board advise the City Council that a public hearing was conducted and there were no additional comments. The City Council will hold their public hearing on March 19th.

Mr. Coviello made the motion to forward the proposed ordinance amendment to the City Council and to advise them that there were no additional comments from the public. Mr. Fortier seconded the motion.

The motion passed unanimously.

Chairman Ricci thanked staff and Mr. Taintor for a tremendous job.

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Mr. Coviello made a motion to take Item C out of order. Vice-Chairman Hejtmanek seconded the motion. The motion passed unanimously.

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; (This application was tabled at the February 15, 2007 Planning Board Meeting)

The Chair read the notice into the record.

Vice Chairman Hejtmanek made a motion to take the application off of the table. Mr. Coviello seconded the motion. The motion to take the application off of the table passed unanimously.

Mr. Holden advised the Board that this application was before the Conservation Commission yesterday. At the request of the applicant, they have requested that this be tabled to the April 19th meeting.

Mr. Coviello made a motion to table this matter to the April 19th Planning Board meeting. Mr. Fortier seconded the motion. The motion to table passed unanimously.

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B. The Portsmouth Planning Board is conducting a public hearing to take public comment on a proposed amendment to the City's 1995 Zoning Ordinance, as amended. The amendment includes the addition of the following section: Nonresidential Planned Unit Development (PUD) which would function as an overlay in the Office Research (OR) and Industrial (I) Districts. Copies of the proposed amendment are on file in the Planning Department Office and available for public inspection.

Mr. Holden stated that the Board has been working on this for some time and this is their second public hearing. This differs from the first public hearing they conducted this evening in that it has not yet been referred to the City Council so there is no first reading being considered. At the last meeting there was a variety of comments from the public and this proposal reflects those comments. He hopes that the Board will forward this on to the City Council. He suggested that Mr. Taintor brief the Board on the new changes.

Rick Taintor, of Taintor & Associates, briefed the Board on the new changes. He indicated that extending PUDs has been mentioned in the Master Plan. Several months ago they developed a residential PUD. This is a way to be more flexible and create a more integrated development.

The first change is a new definition of light industry. This is industrial use that works with materials that are already processed and not with raw materials. The use could not result in any significant noise or odors and no high hazards would be allowed. The purpose is to create campus style development, minimize development impacts and minimize community impacts with mixed uses. There is a definition of mixed non residential uses and this would be a conditional use permit. In order to be eligible, the parcel would have to be in an OR district and abut an Industrial district. It has to have no less than 10 acres and must be accessible to municipal water and sewer. They are starting with a very narrow number of lots that would qualify and it could be expanded over time. It would have to have a permitted use in the OR district. It must be 75' from any residential property, no high hazard use and all uses have to be developed in a unified manner. Three uses that are allowed to the extent they are an allowed use are light industry, food processing and beverage manufacturing. Additional uses could be integrated with a principal use such as a hotel or motel, a restaurant, a gallery or museum and an arts and crafts studio or workshop.

Mr. Taintor moved on to the dimensional regulations. External minimum yard dimensions are 50' all around the perimeter of the site. There is a landscaping requirement with buffers. There is a review process that takes impacts into consideration and he reminded the Board that this is a conditional use permitting process.

Chairman Ricci asked about the 75' setback from residential district. Mr. Taintor explained it would be from the zone line, which could be the middle of the road.

Councilor Dwyer asked if there was a contradiction in the definition of light industry and the two high hazards that are described? Mr. Taintor stated that in the current Zoning Ordinance, the high hazard uses have different levels. Right now they do not allow H1 or H2 at all. So, this proposal references H3 and H4.

Chairman Ricci opened the public hearing and called for speakers.

Tom Grasso, of 35 Ocean Road, stated he was against the proposal. He felt this would bring industries too close to a residential area.

Byron Robine, of 406 Pleasant Street, stated he supports the amendment and felt it would be a good addition to the community.

Bob Reynolds, of 1801 Lafayette Road, was speaking "in the middle". He is concerned that the City is being over built and the infrastructure cannot handle it. He asked the Board to think about what they are doing. He doesn't disagree with this proposal but he expects some type of protection.

Mr. Coker thanked Mr. Reynolds for his thoughts and stated that he shared a lot of his points however he indicated that each Board member has to work within a set of rules and sometimes all they can do is minimize an impact. He will be very sensitive to whatever goes into that area.

Cathy Hersey, of 1761 Lafayette Road, spoke against the proposal. She did not believe Industrial was a good mix next to residential.

Elizabeth Staulcup, of 1953 Lafayette Road, addressed the Board. She understands something will go into this lot. She asked them to consider a variance rather than a zoning amendment. Mr. Holden clarified how a variance works and also added that that was not a good way to do zoning. He also confirmed that the conditional use that would be granted by this Board would also run with the property. Mr. Staulcup asked if the traffic survey been completed? Mr. Holden reiterated that there was no project before them so there was no report. When an application came before the Board, the traffic study would be required. Ms. Staulcup indicated that she had been shown plans and drawings regarding Smuttynose so she feels this is all being done solely to allow Smuttynose to develop there. Her major concern is traffic onto Lafayette Road.

Chairman Ricci encouraged the speakers to appear before the City Council for their public hearing and also when an applicant appears. He also sees traffic exiting onto Lafayette Road from the Casey Home and that also bothers him.

Mr. Coker clarified that there is no plan before them and, by law, they cannot address an application that is not before them. But, he too encouraged her to continue to speak at the public meetings.

Mr. Coviello explained that a Conditional Use Permit requires that any applicant must come back before the Board and request approval. He also confirmed that he has not seen any plans for Smuttynose and the Elwyn Park residents probably know a lot more about that proposal than the Board does, which is the way it should be at this point. This ordinance creates a vehicle for people to develop land in harmony with the Master Plan.

Mark Allinson, of 2007 Lafayette Road, spoke against Smuttynose Brewery going into the lot. He lives across from the NH Employment Security Office and cars constantly exit onto Lafayette Road. He is concerned about Smuttynose being so close to the road. He doesn't think industrial use should be allowed next to a residential neighborhood. This will decrease their property value.

Tom Grasso, second time speaker, asked when a property abuts two different zones, how does industrial take precedence with this new NR-PUD and how does a residential zone fit in? Mr. Holden confirmed that none of them have precedence. He confirmed it was the district designation that defines the surrounding uses. Mr. Holden also added that any property on Lafayette Road has the right to a curbcut onto Lafayette Road. Therefore, those vacant lots have a guarantee of a curbcut out onto Lafayette Road. The Planning Board role is to balance those rights with competing interests.

Steve McHenry, of 4 Market Street, indicated that he was an architect with an interest in development issues. Mr. Eggleston was unable to attend tonight's meeting and asked Mr. McHenry to say a few words on his behalf regarding the zoning amendment. He wanted to remind everyone that it is important to work on the coordination of Master Plan issues with the express desires of the citizens of Portsmouth and Portsmouth Listens development plan that influence the Master Planning process. He asked them to make sure when looking at any kind of project, they try to make sure those goals are in concert. Among those goals, as expressed in the Master Plan outline, are to encourage sustainable development, improve the look and function of the City's primary transportation corridors, to promote high quality mixed use development along those borders, define ways to make those neighborhoods as special as the downtown and to develop better transportation modes including pedestrian and bicycle access. All of those goals are highly sought after and should be part of the Master Plan process. Anything that is being done to change the current Zoning should have all of those features.

Mark Allinson, second time speaker, asked Mr. Holden if he was telling them that, no matter what, an applicant would get a curbcut onto Lafayette Road? Mr. Holden stated that, more than likely, they will get a curbcut. That lot doesn't have frontage off the back to an accepted street. He also added that

there are other options that are available but they have not gotten into those because there is no project. Mr. Allinson indicated that for that sole reason he would be against the project.

Chairman Ricci again clarified to the public that they are talking about two different projects. Tonight they are talking about an amendment to the Zoning Ordinance, and not the Smuttynose Brewery. Nobody on the Board has seen anything regarding the Smuttynose proposal.

Elizabeth Staulcup, second time speaker. She asked how Mr. Holden can remain objective when he is familiar with the Smuttynose project and she asked if he was a voting member. Chairman Ricci confirmed he is not a voting member and he reiterated that the Board has not seen any Smuttynose plans. Councilor Dwyer advised Ms. Staulcup that their last discussion was about other industry and they looked at this to fit into other areas of the City for different type of projects. Chairman Ricci added that this has been designed for parcels throughout the City for many uses. There is a big matrix and it is not one parcel for one use.

Mr. Coviello added that this vehicle is coming forward to help with land development in various areas of the City.

Mr. Holden indicated that this area is in the Master Plan because other scenarios for that area were not acceptable. They looked at residential and retail and neither were deemed acceptable. Therefore, the Board has been asked to address this specific property in a very public process. Mr. Coker felt that Mr. Holden has a very difficult job and he does it very well. It is his job to know what will work best in a certain location. The Board has worked on this proposal relentlessly and one major change was to eliminate outdoor entertainment. He again encouraged residents to continue to attend public hearings and voice their concerns.

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

Mr. Taintor referred to Mr. Grasso's questions about industrial uses next to residential areas. He reiterated that in doing this type of zoning they are recognizing issues that came up in the Master Plan process and there were not a lot of choices. They are trying to adjust the zoning so they will not have the pressure for a variance and the Conditional Use Process is a better planning process.

Mr. Coviello asked if the zoning goes to the center line of the road? Mr. Holden confirmed that was correct.

Mr. Holden indicated that the Department recommends, after working on this for a year, that it represents another planning tool. When there is a project, there will be a variety of public hearings on it. The Department recommends that the Board favorably forward this on to the City Council.

Mr. Coviello made a motion to favorably recommend the proposal to the City Council. Mr. Coker seconded the motion for discussion.

Councilor Dwyer thought it would be very difficult for someone who hasn't been involved in the whole process to understand what has gone into this. She recommended when this goes on to the City Council be provided with a list of the places in the City to which it would apply and a map of the possible areas that this is relevant to because she thinks it would continue to be hard for people to look at this and see it as a part of our zoning, as opposed to a project. She felt this was very important because no one knows what will happen to the project. Mr. Ricci asked Mr. Holden if staff would be able to prepare a colored map for City Council and they could also leave some out front for the public to review. Mr. Holden agreed, if there is a motion, that that could be part of it.

Chairman Ricci confirmed they will provide a colored map to the City Council.

Mr. Coker felt this has been one of the more interesting changes that he has ever worked on. This helps to shape the City and he is very happy with it. He does not like the fact that there is a rumor of a project that will abut a residential area and he is troubled by that. As a Board, if a project comes up, they will be very sensitive to the residents of the area. As a downtown resident, he understands that it is difficult to live in a noisy area. He commended the staff and Rick Taintor for all of their hard work.

The motion to make a favorable recommendation to the City Council passed unanimously.

Chairman Ricci thanked everyone that came out to speak. He also agreed that this was an arduous process. He believed this will probably be on the City Council's April schedule.

Mr. Coviello and Mr. Holden stepped down for this hearing.

D. The application of **Steven and Christie Scott, Owners**, for property located at **293 Dennett Street**, **Danny Medeiros, Owner**, for property located at **287 Dennett Street**, and **Walter and Patricia Holt, Owners**, for property located **off Dennett Street**, wherein Preliminary Subdivision Approval is requested to subdivide Map 142, Lot 15 and combine it with Map 142, Lots 1 & 2, as follows: Map 142, Lot 1 increasing in area from 7,313 s.f. to 14,436 s.f. and with 59.85' of continuous street frontage on Dennett Street (unchanged) and Map 142, Lot 2 increasing in area from 3,655 s.f. to 10,778 s.f. and with 28.04' of continuous street frontage on Dennett Street (unchanged), and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of street frontage is required. Said lots are shown on Assessor Plan 142 as Lots 1, 2 and 15 and lie within a General Residence A District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Corey Colwell, of AMES MSC presented for the applicants. He displayed the plan and showed the three separate lots of record. Behind both of the Dennett Street lots is a vacant lot of record. They are proposing to eliminate that lot by drawing a new lot line down the middle and add half of each rear track to each front lot. That would give each house a much bigger back lot. They are reducing three lots to two lots. Both lots are increased significantly. They will set the monuments and provide the necessary documents to the City for final subdivision approval.

Mr. Coker asked what the minimum lot size in GRA was. Ms. Tillman indicated it was 7,500 s.f. Chairman Ricci confirmed that they are making non conforming lots almost conforming.

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

A resident of 144-146 Kane Street asked to look at the plan but had no questions.

The Chair again asked if there were any speakers. Seeing no one rise, he closed the public hearing.

DISCUSSION AND DECISION

Mr. Coker made a motion to approve preliminary subdivision approval with stipulations. Ms. Roberts seconded the motion.

The motion passed unanimously with the following stipulations:

1. That boundary monuments shall be placed in accord with DPW requirements;
2. The submission, to Department of Public Works of electronic data, suitable for updating the City Assessing Records; and,

- 3. That when the aforementioned stipulations are completed that a request for Final Subdivision Approval shall be submitted to this Board.

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Chairman Ricci stepped down for Items E & F. Vice Chair Hejtmanek chaired the hearings.

E. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, wherein Site Review approval is requested to construct a 23,000 ± s.f. 3-story office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 216 as Lot 1-8B and lies within the Office Research/ Mariner’s Village district. (This application was tabled at the January 30, 2007 Technical Advisory Committee Meeting)

F. The application of **Tain Properties, LLC, Owner**, for property located at **215 Commerce Way**, wherein amended Site Review approval is requested to re-stripe an existing parking area and add a paved aisle to the abutting parcel, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 216 as Lot 1-8A and lies within an Office Research/ Mariner’s Village district. (This application was tabled at the January 20, 2007 Technical Advisory Committee Meeting)

The Chair read the notices into the record.

A motion to combine the two hearings was made by Mr. Fortier. Mr. Coker seconded the motion.

SPEAKING TO THE APPLICATION:

Attorney Malcolm McNeill was present along with Bradlee Mezquite, of Appledore Engineering. He stated this matter has been before the City for some time resulting in a list of stipulations from the TAC committee. The matter that has delayed this project is the improvements to Commerce Way and making it public. After Mr. Mezquite makes his presentation, Attorney McNeill indicated he would address that point.

Bradlee Mezquite, of Appledore Engineering, pointed out the two separate projects on the Site Plans. They are proposing a 69,000 s.f. building on the corner of the lot with 339 parking spaces. They propose underground detention to mitigate the stormwater, to be discharged to the large wetland that sits between Commerce Way and K-Mart. The project on 215 Commerce Way is basically a modification of the parking lot and creating a retaining wall between the two parcels. They are re-doing the parking lot between the projects and then creating the project at 235 Commerce Way. They attended the TAC meeting on February 27th and received approval and the attended the February 8th Traffic & Safety Committee meeting and received approval. He reviewed the TAC stipulations.

Outstanding stipulations for 215 Commerce Way:

- 1) That the applicant shall prepare Access Easements for both properties, to be approved for content and form by the City Attorney;

Attorney McNeill will explain this at the end of the presentation.

- 2) That all existing catch basins shall be reviewed and any that can be retrofitted with snorkel hoods shall be provided;

This is shown on Sheet C-2.

- 3) That the applicant shall meet with the Legal Department and the Planning Department to complete a proposal for putting existing utilities on Commerce Way underground, constructing the sidewalks along the length of Commerce Way in two phases, detailing with how contributions or funds shall be set aside for this process;

Attorney McNeill will explain this at the end of the presentation.

- 4) That the applicant shall also be responsible for reconstructing Commerce Way in conjunction with Stipulation #1 above;

Attorney McNeill will explain this at the end of the presentation.

- 5) That the Landscape Plan be reviewed and approved by Lucy Tillman of the Planning Department;

This was done and Ms. Tillman approved the plan.

Outstanding stipulations from 235 Commerce Way:

- 1) That the applicant shall meet with the Legal Department and the Planning Department to complete a proposal for putting existing utilities on Commerce Way underground, constructing the sidewalks along the length of Commerce Way in two phases, detailing with how contributions or funds shall be set aside for this process;
- 2) That the applicant shall also be responsible for reconstructing Commerce Way in conjunction with Stipulation #1 above;
- 3) That the meeting with the City also include any outstanding issues that may be brought to the City's attention, such as street ownership and the undergrounding of utilities;

Attorney McNeill will address #1, #2, and #3 at the end of the presentation.

- 4) That the issue of street lights will remain under review of David Desfosses of DPW;

Mr. Desfosses has approved this.

- 5) That on Sheet C-8 where the fire hydrant shows an 8" gate valve and 8" lateral feed to the hydrant, should be changed to 6";

This has been done and is shown on C-8.

- 6) That the Xeriscaping method shall be used for the planting of native species;

This is with respect to the landscaping which Lucy Tillman has reviewed.

- 7) That the Operation and Maintenance Plan be included on the Site Plans and the Applicant shall work with DPW to determine the frequency of future reporting to the City;

This has been added to the Site Plan on Sheet C-2.

- 8) That the Applicant shall make a photo log of the existing outfall and updated photos shall be incorporated as part of their Operation and Maintenance Plan to the City;

This was added to the Operation and Maintenance Plan on Sheet C-2.

- 9) Page That a Knox Box and Master Box shall be added to the Site Plans;

A note has been added to Sheet C-1.

- 10) That the Applicant shall work with the City Dispatch Office to verify that the Police and Fire Departments can communicate with their base station;

A note has been added to Sheet C-1.

- 11) That a Construction Management Plan shall be prepared by the Applicant for review and approval by the City Legal Department, Planning Department, City Traffic Engineer and City Manager;

They have agreed to this and it will be completed prior to construction.

- 12) That the proposed alignment of the driveways of this site and the hotel site across the street shall be reviewed by the Traffic & Safety Committee and a report shall be provided to the Committee;

They received approval on February 8th from the Traffic & Safety Committee.

Mr. Coker asked Mr. Mezquite to review the stormwater runoff and flow.

Mr. Mezquite explained that the majority of the water shed flows in the same direction. All catchbasins flow to the wetland and are untreated. There is also a high point on Portsmouth Boulevard that a small portion flows down to. They have collected everything except Portsmouth Boulevard and put it underground detention, to a mechanical treatment unit. The Portsmouth Boulevard flow will go to a rain garden and will discharge to the wetland.

Mr. Coker recalls reading in the memo that the underground was no longer applicable. Mr. Mezquite explained that previously there was a different engineer who proposed a different system and Appledore redesigned it.

Mr. Coviello asked why they had so much parking? Mr. Mezquite agreed it was almost twice as much as is required by ordinance however a conventional office park is 5 per 1,000 and they are just under that.

Councilor Dwyer also noticed the parking. Given the other design elements they are looking at, why put the building in a sea of pavement? Mr. Mezquite explained that they put the building in the middle to give parking in the front of the building. Also, it allowed them to offset the main driveway from the hotel driveway across the street and it looks better when the building is set back a little bit from a presentation level.

Mr. Coker asked about snow storage and motorcycle pads. Mr. Mezquite pointed out motorcycle pads on the plans and he pointed out a parking lot section that would become snow storage if needed as they are over the parking requirement.

Mr. Coviello asked if the dumpsters are enclosed? Joseph Perschino, of Appledore, confirmed they were noted on plans on Sheet C-1.

Attorney McNeill addressed Commerce Way. He indicated the City's concern was the reconstruction of Commerce Way and how that would be done. The applicant has agreed to upgrade the road to municipal standards, to work with the City to secure financing for the upgrade, to complete the roadway and undergrounding utilities along with the other conditions contained in the stipulations, consistent with the plans to be approved by the City's Engineering and Planning Departments. At the conclusion of the upgrades, the street will be offered to the City to be accepted as a City street. The applicant was asking that the Board approve this pending the City Attorney approving the final document and he suggested that the only loose end with regards to that document is the security financing and he believes they are now in a position to provide the City with the security.

Mr. Holden asked if they would be opposed to a report back to the Planning Board when this is all done, indicating that all conditions have been completed? Attorney McNeill agreed to that.

Mr. Coviello asked about bicycle racks? Mr. Mezquite stated there were none on the plans but they could add some if requested.

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

DISCUSSION AND DECISION OF THE BOARD

Vote on 235 Commerce Way:

Mr. Coviello made a motion to approve with stipulations, including a report back, bicycle racks, and final approval by the City Attorney. Mr. Coker seconded the motion.

The motion to approve passed unanimously with the following stipulations:

Stipulations from the February 27, 2007 Technical Advisory Committee Meeting:

- 1) That the applicant shall meet with the Legal Department and the Planning Department to complete a proposal for putting existing utilities on Commerce Way underground, constructing the sidewalks along the length of Commerce Way in two phases, detailing with how contributions or funds shall be set aside for this process;
- 2) That the applicant shall also be responsible for reconstructing Commerce Way in conjunction with Stipulation #1 above;
- 3) That the meeting with the City also include any outstanding issues that may be brought to the City's attention, such as street ownership and the undergrounding of utilities;
- 4) That the issue of street lights will remain under review of David Desfosses of DPW;
- 5) That on Sheet C-8 where the fire hydrant shows an 8" gate valve and 8" lateral feed to the hydrant, should be changed to 6";
- 6) That the Xeriscaping method shall be used for the planting of native species;
- 7) That the Operation and Maintenance Plan be included on the Site Plans and the Applicant shall work with DPW to determine the frequency of future reporting to the City;
- 8) That the Applicant shall make a photo log of the existing outfall and updated photos shall be incorporated as part of their Operation and Maintenance Plan to the City;
- 9) That a Knox Box and Master Box shall be added to the Site Plans;

- 10) That the Applicant shall work with the City Dispatch Office to verify that the Police and Fire Departments can communicate with their base station;
- 11) That a Construction Management Plan shall be prepared by the Applicant for review and approval by the City Legal Department, Planning Department, City Traffic Engineer and City Manager;
- 12) That the proposed alignment of the driveways of this site and the hotel site across the street shall be reviewed by the Traffic & Safety Committee and a report shall be provided to the Committee;

Stipulations from the March 15, 2007 Planning Board Meeting:

- 13) That bicycle racks shall be added to the Site Plans;
- 14) That the City Attorney shall review and approve all necessary agreements and easements as to content and form;
- 15) That the applicant shall provide a report back to the Planning Board when all of the conditions of approval have been met;

Vote on 215 Commerce Way:

Mr. Coviello made a motion to approve with stipulations, including a report back and approval by the City Attorney. Mr. Fortier seconded the motion.

The motion to approve passed unanimously with the following stipulations:

Stipulations from the February 27, 2007 Technical Advisory Committee Meeting:

- 1) That the applicant shall prepare Access Easements for both properties, to be approved for content and form by the City Attorney;
- 2) That all existing catch basins shall be reviewed and any that can be retrofitted with snorkel hoods shall be provided;
- 3) That the applicant shall meet with the Legal Department and the Planning Department to complete a proposal for putting existing utilities on Commerce Way underground, constructing the sidewalks along the length of Commerce Way in two phases, detailing with how contributions or funds shall be set aside for this process;
- 4) That the applicant shall also be responsible for reconstructing Commerce Way in conjunction with Stipulation #1 above;
- 5) That the Landscape Plan be reviewed and approved by Lucy Tillman of the Planning Department;

Stipulations from the March 15, 2007 Planning Board Meeting:

- 6) That the City Attorney shall review and approve all necessary agreements and easements as to content and form;
- 7) That the applicant shall provide a report back to the Planning Board when all of the conditions of approval have been met;

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G. The Planning Board is conducting this Public Hearing in order to solicit Public Comment on a proposed amendment to the Planning Board’s *Site Review Regulations*. This amendment applies to the

Section regulating “Applicant’s Responsibilities” by adding a new Subsection 6 that requires the party seeking Site Review Approval to complete and submit for the City’s review and approval as to content and form a Construction Management and Mitigation Plan. Copies of this amendment are available for public inspection in the Planning Department Office at the Municipal Complex.

Mr. Holden stated that they have had many issues with site plan development such as how they impact adjacent properties, what streets are closed, what sidewalks are closed, how they will work in the right of way, who the contact people are and various other issues. They have traditionally prepared a management plan rather informally and it has worked reasonably well. However, the pace of development and abutter concerns are becoming more pronounced so they are proposing an addition to the Site Review Regulations to set up the authority of the Board to do a check list. If the Board were to approve this amendment, it would read as follows:

“The applicant or authorized representative shall be responsible to prepare a Construction Management and Mitigation Plan (CMMP) in conjunction with the Site Review Technical Advisory Committee and, as appropriate, the Planning Board. No site work is authorized nor shall work commence before the CMMP has been accepted and approved as to content and form by the City.”

Mr. Holden indicated that the checklist provides the Board with items that would be considered. He pointed out the Westin proposal for a new Hotel and Conference Center where a parking area that is widely used today that will become a construction site so there will be a number of issues. Mr. Holden indicated that Ray Will provided an email and expressed his regrets for not being able to attend the meeting but he expressed his concerns about having a contact person available for projects and Mr. Holden noted that there will be a variety of contact information required for the CMMP. Mr. Holden reminded the Board that they are currently doing this informally but they need to become a little more formal.

Chairman Ricci read from Mr. Will’s email where he indicated that he would like to suggest that as part of any CMMP that they have contact numbers. The purpose would be if there are questions or concerns regarding noise or objectionable nuisances. He was concerned that without proper contact numbers, downtown residents would not know who to contact.

Mr. Coker asked who determines whether it is appropriate or not to also present this to the Planning Board and what would be the criteria for presenting that? Mr. Holden stated that ultimately it would be the Planning Board that would decide both. He also added that some of the projects may be so minor that the Planning Board does not have to see them but the Planning Board would have the final say.

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

Mr. Holden stated that the Department would look for authorization to add this to the Site Review Regulations and they would work with the Board as to process involvement.

Vice Chairman Hejtmanek made a motion to adopt the Site Review amendment and make it a part of the Site Review Regulations. Mr. Coviello seconded the motion.

The motion to adopt passed unanimously.

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III. 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. Coviello made a motion to take the referral off of the table. Mr. Fortier tabled the motion. The motion passed unanimously.

Mr. Holden advised the Board that the Department continues to work with the Community Campus and they are not sure how this will evolve. Therefore, they recommend tabling this to a time indefinite.

Mr. Coviello made a motion to table indefinitely. Mr. Fortier seconded the motion.

The motion to table indefinitely passed unanimously.

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Chairman Ricci reminded the Board that their next Work Session is scheduled on April 5th from 7:00 – 9:00 to work on the Zoning Report Audit Report.

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Mr. Coker asked about the Prime Wetlands. Mr. Holden stated they are still working with the Town of Newington, the PDA and Conservation Commission and there may be a joint meeting scheduled shortly. Mr. Coker indicated that they still have some unfinished business with the designation of the prime wetlands with some qualifying but not being recommended. The last time it was left that they would meet with Mr. West. Mr. Holden agreed that was the process that was in the works.

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IV. 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 April 19,2007.