

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

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

7:00 P.M.

JUNE 28, 2007

MEMBERS PRESENT: John Ricci, Chairman; Jerry Hejtmanek, Vice-Chairman; M. Christine Dwyer, City Council Representative; Donald Coker; Raymond Will; Anthony Coviello; Cindy Hayden, Deputy City Manager; Richard A. Hopley, Building Inspector; and MaryLiz Geffert, Alternate;

MEMBERS EXCUSED: Paige Roberts and Timothy Fortier, Alternate

ALSO PRESENT: David M. Holden, Planning Director

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E. The application of **7 Islington Street, LLC, Owner**, for property located at **7 Islington Street and 40 Bridge Street**, wherein Preliminary and Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 51 as shown on Map 126 decreasing in area from 9,258 s.f. to 5,078 s.f. and street frontage on Islington Street remaining at 71' and Lot 52 as shown on Map 126 increasing in area from 2,931 s.f. to 7,111 s.f. and street frontage on Bridge Street increasing from 50' to 120', and lying in a zone where a minimum lot area of 1,000 s.f. and no street frontage is required. Said lots are shown on Assessor Plan 126 as Lots 51 and 52 and lie within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District A;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, appeared representing the applicant to relocate a lot line between two lots. He explained that the newest plans included an information box regarding zoning. They are eliminating an existing easement along the current lot line which was an access easement and is no longer needed. They are creating an easement along 7 Islington Street to provide access around the back of the building. There was a detail on the plan for the pedestrian easement and another box showing the current zoning lines. The Department Memorandum had 4 items of concern and one item was the zoning lines. The question came up whether the historic line would move but Mr. Chagnon felt the line would stay. Lot 52 is bifurcated by the HDC zone and will be part of the record to avoid any confusion. They have complied with the other issues.

Deputy City Manager Hayden asked if the Legal Department approved the documents he submitted? Mr. Chagnon was not sure. Mr. Holden confirmed they have not yet been reviewed.

Mr. Coviello asked how the HDC line came about? He thought it would be easier to just drop the line back. Mr. Holden explained that they can't move it as it is the ordinance. They do not change as the result of a subdivision.

Mr. Holden stated that the Department was also requesting a condition that any parking needs should be identified at the time of the filing of the plat plan.

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

Deputy City Manager Hayden made a motion to approve with the four Department stipulations plus the stipulation addressing the parking needs. Mr. Will seconded the motion.

The motion to approve passed unanimously with the following stipulations:

- 1) That zoning district boundary lines shall be identified on the Plat so as to identify HDC, CBB and overlay boundaries;
- 2) That all necessary plat plans, deeds, easements and/or licenses necessary for the above should be prepared by the applicant for review and approval by Legal Department as to their content and form;
- 3) That boundary monuments shall be placed in accord with DPW requirements;
- 4) That electronic data, suitable for updating the City Assessing Records shall be submitted to the Department of Public Works; and
- 5) That the applicant shall work with the Planning Department to identify any parking needs prior to the filing of the plat plan.

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Chairman Ricci introduced ML Geffert and welcomed her as the newest member to the Board.

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F. The application of **Deborah Philips, Owner**, for property located at **92 Pleasant Street**, wherein Site Review approval is requested to construct a 9'6" x 15'6" one-story addition off of the existing one-story rear addition, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 107 as Lot 76 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District A.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, represented Deborah Philips, owner. The property is located at 92 Pleasant Street and the proposal is to add a 147 s.f. addition on the Church Street side which would allow the barber shop an additional two chairs. As a result they are adjusting the parking behind the building as they will lose a space and they are adding signage to make sure people don't park and block the street. This is the last step to their process. He referred to the TAC stipulations.

He confirmed that a Construction Management & Mitigation Plan will be prepared. A note has been added to the plans indicating that the small roof overhang in the rear of the building will be removed, They plan to work with the Department regarding any unmet parking needs. Mr. Chagnon stated they have submitted a waiver of the sidewalk requirement.

Chuck Meade, Attorney for Ms. Philips, referred to his previous letter which was provided to the Board. This project has become increasingly costly to his client, up to \$60,000 at this point. David Witham, architect, indicated the projected cost of the sidewalks would be approximately \$10,000

which would put the whole project out of reach for his client. He asked that the Board waive this requirement.

Deborah Philips, applicant, stated that a number of years ago the sidewalks were being replaced and she had the opportunity to pay 50% of the cost of replacing the sidewalks and as it was optional she did not do so. She does not understand why this is being required of her now at full cost.

David Witham, Architect for the project, indicated that he wrote a letter previously which the Board has. He also wanted to address the brick sidewalks and how it would affect the project. Mr. Witham spoke to DPW about the sidewalks and was told that this was standard procedure which is why they added it as a stipulation. This is a 9 ½ x 12 addition which has been in the works for two years. The major hurdle now is the sidewalk cost.

Mr. Will understood that the brick sidewalk would be in front where the concrete sidewalk currently is. He asked if there was a middle ground rather than a brick sidewalk. Mr. Witham confirmed the City has set a standard for downtown and all sidewalks must be brick.

Mr. Coviello asked if there was any work being done on the Pleasant Street side of the building? Mr. Witham stated there was not.

Councilor Dwyer asked when the practice changed from optional? Mr. Holden stated that at the time the program was in place the City was cost sharing. Now, as a project moves forward it is their policy to change the sidewalk to brick. He would recommend to the Board that there are issues that differentiate this from other projects. TAC did what they had to do but he sees no reason why this Board cannot reconsider the requirement.

Mr. Hopley asked what type of construction they are using on the addition? Mr. Witham indicated it was a wood frame and Roger Clum advised him that they will allow a cinder block wall to be the fire wall. Mr. Witham had not designed it yet or worked out the details with Mr. Clum yet.

Mr. Coker indicated that it was his understanding that putting brick sidewalks in front of their business was optional and it was on a share basis. Mr. Holden stated there have been a number of projects to bring brick sidewalks into downtown. The City knows the cost is considerably less than what has been presented this evening but that is not germane to the issue. Mr. Coker said that he walked around and spoke to business owners and none were aware of having to pay for their sidewalks. Mr. Holden responded that the past projects were optional and there are various methods that have been applied over the years. Mr. Coker asked if a waiver would be recommended by the Department? Mr. Holden felt it could be considered.

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 Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Hayden made a motion to approve with the three stipulations and that they waive the fourth regarding sidewalks because this is a small project. Vice Chairman Hejtmanek seconded the motion. Mr. Holden added that there may be some additional cost as a wood frame may not be allowed and the money could go towards those costs.

Mr. Coviello agreed and wished the Department would come up with a scale for contributing towards sidewalk costs.

Ms. Geffert wanted the reason for the waiver to go on the record. This is a very small addition and it does not abut the sidewalk in question and it does not warrant a sidewalk up grade. Councilor Dwyer

did not feel the size had anything to do with it but rather the location. She doesn't want to have a precedent.

Mr. Will tended to agree that projects come forward and a new Board will see things differently. Guidance for future board would be a good idea.

The motion to approve passed unanimously with the following stipulations:

- 1) That a Construction Management Plan shall be prepared for review and approval by the City prior to the issuance of a Building Permit;
- 2) That a note shall be added to the Site Plans indicating that the small roof overhang in the rear of the building over the parking lot will be removed in its entirety; and
- 3) That the applicant shall confirm any unmet parking needs with Lucy Tillman and a note shall be added to the Site Plans.

Mr. Holden reminded the Board, for future reference, that a waiver requires a 2/3 majority.

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Chairman Ricci stepped down from this application as he was an abutter.

G. The application of **The Foundation for Seacoast Health, Owner**, for property located at **100 Campus Drive**, wherein Site Review approval is requested to construct playing fields and ball courts to accommodate softball/baseball, soccer, tennis and basketball activities, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 266 as Lot 4 and lies within an Industrial District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Peter Loughlin appeared on behalf of the Foundation. Also present were Ted Connors, Bob Iafolla, and Phil MacDonald. They were seeking Site Plan approval. The history of the application is Mr. Iafolla has been working with the Department on this for 2 years, they received Conservation Commission approval and Planning Board approval on April 19th for a Conditional Use Permit. They appeared before TAC on June 5th and received a favorable recommendation with stipulations for Site Review. All conditions have been met and Mr. Ecker was pleased with their meeting. They are present for Site Review approval tonight. He felt this was the most important land use tool in any municipality. He referred to the Parade Mall which came in just before the City started Site Review. The proposed changes are consistent with the regulations and what exists now. Parking is screened, they are proposing porous pavement in the parking lot, the basketball and tennis courts fit into the site, the playing field involves minimum cutting and landscaping and water will be redirected and treated before reaching the wetlands. In a previous meeting they brought speakers who were connected with the Foundation, attesting to the need for approval but they are not doing that tonight. He handed out a letter tonight from David Krempels, on behalf of the Stepping Stones organization which is housed at the Community Campus, attesting to the remarkable work that they do with 70 people associated with the project, working with people who have had brain trauma. Unlike some organizations at Community Campus, this organization is something that everyone could be involved in. Many of the people that use that program use handicapped parking. This adds to the need for parking. Attorney Loughlin confirmed that they have included material for the Board that shows that they have addressed all concerns.

Phil Macdonald, Underwood Engineers, displayed an existing drainage conditions plan and pointed out where the drainage is currently discharged. A lot of drainage ends up filtering through the driveway.

Most of the water comes off Water Country and there is a 28 acre swamp and red maple swamp that is basically conservation land. They use natural holding areas between the roadway and the parking lot for natural treatments before they are discharged into the wetlands. The detention ponds are heavily wooded and have been working to this point. He pointed out the area that was mapped for Mr. Ecker and the run off heads in a different direction, through the 20 acre swamp where there are a few culverts and flows down towards Peverly Hill Road. The way the drainage will be handled has not changed as a result of this project, with the exception of Water Country where it runs through the wetlands and they have designed it to pick up that flow and route it through the Foundation treatment. The fields will sheetflow off a natural grass surface to the wetlands. The tennis courts and parking lot will drain off to a treatment swale in the corner. Porous pavement has been proposed in the parking lot and the run off will be treated underneath the parking lot and will drain to the treatment swale. Some of these ideas were put forth by the Conservation Commission and the Foundation followed through with them.

Mr. Coker noted that the tennis courts drain to a treatment swale. On Sheet 4 of 8 it looks like the wetland butts up against the tennis court so there is not much room for a treatment swale. Mr. Macdonald indicated there is a divide in the middle of the tennis courts. The northerly tennis court will sheet flow into the wetland. The easterly will also sheet flow but ultimately will end up in the treatment at the cul-de-sac. One tennis court sheets off to the wetlands. Mr. Coker stated that when he hears that it sheet flows into the wetland it makes him question it. Maybe a tennis court is not a polluted surface? Mr. Macdonald stated that the surface is asphalt that is painted and that serves as a sealer. They don't see that sport as a high pollutant.

Mr. Coviello asked if the parking lot is partially porous pavement? Mr. Macdonald confirmed that the entire parking lot is porous. Mr. Coviello asked about signs so that the porous pavement is properly maintained. Mr. Macdonald stated that the maintenance procedures have not been worked out. The court should be vacced occasionally but they don't know how often until they see the amount of the operation. Mr. Holden suggested that the Department work with the applicant to post signs so that it doesn't get sealed. The City has not had a lot of experience on this but will work with them.

Councilor Dwyer assumed, given they anticipate more handicapped use, they will change the configuration of parking lot spaces and she asked what is the plan for that? Attorney Loughlin thought that was a very fair assumption. With the new parking additional spaces will be freed up. Councilor Dwyer asked what is the number of handicapped spaces they will need? Attorney Loughlin did not know but they will have to work that out with their tenants. This will give them some flexibility.

Robert Iafolla, Project Coordinator, stated that one main reason for this project was because of the success of the camp over the years and the basketball camp. About 40 parking spaces in the lot are taken up by the summer camp. Those are the ones closest to the building. The fields and courts free up additional parking spaces.

Deputy City Manager Hayden was interested in the connections between the parking area and the tennis area. Mr. Iafolla stated that was a result of a request by TAC to connect the parking lot and was the only way they could do it without jeopardizing the ecological balance on the site. Deputy City Manager Hayden asked if the court was fenced in? Mr. Iafolla confirmed that it was. Deputy City Manager Hayden asked about curbs. Mr. Iafolla stated there were no curbs. She was wondering how that might work. If she is in a wheelchair, how does she get to the tennis court sidewalk? Mr. Iafolla explained that the sidewalk connects to the parking lot and on Site Plan Sheet 5 it shows how it wraps into the existing sidewalk. Deputy City Manager Hayden asked if it was an ADA question. Mr. Iafolla said they would have to put in a handicapped curb cut. Deputy City Manager Hayden indicated that she would like to see some sort of safety consideration used.

Mr. Coker wished he could roll back to the Conditional Use Permit because there are things now that trouble him. He is concerned about the protection of the wetlands. He is troubled by the baseball field grass surface. That field is half within the buffer zone. Mr. Iafolla felt that generically they are correct

about the sheetflow but there is a system of drainage that separates this site from Water Country. Those swales keep water sheetflow from going across the field. In other cases, as that comes down it goes into a piped area that goes into swales and detention basins. This was brought up and addressed before the Conservation Commission and the Planning Department for the Conditional Use Permit. Mr. Macdonald added that they worked on some restrictions and worked with Best Management Practices. He referred to Site Plan Sheet 1, Note 6 where their maintenance plan is laid out. This is enforced through the site plan and their maintenance division will monitor them.

Mr. Will asked if it wouldn't be simpler to use some green stipulations regarding maintenance of the athletic fields. Mr. Iafolla responded that this was also brought up at the Conservation Commission but they have not been able to find any such plan. They are talking about a procedure that will be enforced by the Campus, who have done a great job over the past 10 years.

Mr. Coviello suggested that the backstop or batting cage have a sign indicating that the area is located within a wetland protection area and is protected by not using fertilizers, or language that is approved by DPW.

Mr. Geffert had questions regarding pedestrian access. Her concern is how to get from the Community Campus building to the playing fields and secondly what sort of handicapped access is there from the lower parking lot to the ball field. Where are the bleachers or chairs? Mr. Iafolla responded that they do not anticipate more than 20-30 spectators at any event. It is mostly camps or after school activities. In terms of the parking lot access, he pointed out the concrete sidewalk that connects to an asphalt sidewalk which connects to the final sidewalk to the courts. In the past, because it is environmentally and ADA friendly, they have used black pack which is crushed stone on the black top pavement. There is no wheelchair access to the backstop diamond.

Councilor Dwyer noticed in the Memorandum a discussion at TAC regarding the artificial fields but she doesn't understand its meaning. She felt they need to have a policy for future applications. Mr. Holden stated that a considerable amount of discussion went into that but they felt more site work would be required to put the artificial turf in which would be more disruptive in the short and long run.

Mr. Coviello contacted the UNH stormwater center and they both agreed with that statement, that they should go with natural grass.

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

Mr. Coviello made a motion to approve with the five Department stipulations as well as a stipulation regarding the signage for the porous pavement and the signage for the backstop area.

Deputy City Manager Hayden requested that they stripe three of the parking spaces for ADA and also create a curbcut from the parking area sidewalk.

Mr. Coviello clarified his stipulations that he would like the applicant to work with the Department.

Mr. Coker referred to the multi purpose field and requested that the applicant work with both Peter Britz and the Conservation Commission to develop a maintenance manual for that field. He felt the parking lot was taken care of regarding drainage and the tennis court is sealed but the multi purpose field raises concern for him. Mr. Will stated that was agreeable to him. Mr. Coviello stated that was agreeable to him also.

Ms. Geffert asked them to enable wheelchair access all the way to home plate on the baseball diamond for spectators to use.

Mr. Iafolla stated that they have no objection to that however the reason they didn't do it originally was to minimize the impact to the property and preserve as much natural vegetation as they could. They have invited the Conservation Commission to become involved in a pre construction meeting. The extended walkway would mean more land disruption. At the urging of the Conservation Commission they cut down the scope of the fields quite a bit by following field sizes for younger people.

Deputy City Manager Hayden understood where they are coming from and feels that they cannot make it completely accessible. Ms. Geffert understood their position and withdrew her stipulation.

Deputy City Manager Hayden suggested that they think about a barrier between the parking and the fields as they have found when designing City parks that cars tend to drive out and get stuck in the mud.

Councilor Dwyer asked if the other fields are accessible by wheelchair? Mr. Iafolla confirmed that they were, by the black packed path. It is a half mile path and isn't used much for that purpose.

The motion to approve passed unanimously with the following stipulations:

- 1) That the Site Plan shall label the surface type that is being used for each section of the plan (i.e. parking lot, tennis court, softball field);
- 2) That a note shall be added to the Site Plan Detail Sheet, indicating that only one of the porous pavement details will be used, to be determined at the time of bid;
- 3) That a note shall be added to the Site Plans indicating that no site lighting for the parking lot or ball fields was approved;
- 4) That the applicant shall prepare a site plan that delineates the drainage patterns of the parcel for review by DPW, to be available for the Planning Board;
- 5) That the applicant shall meet with Harold Ecker to review the revised drainage site plan;
- 6) That the applicant shall work with DPW and the Planning Department to create signage for the backstop/batting cage area, stating that it is located in a wetland protection area;
- 7) That signs shall be added to the Site Plans indicating where porous pavement is located so that it is not sealed in the future;
- 8) That three ADA parking spaces and a curbcut from the parking area sidewalk shall be added to the Site Plans; and
- 9) That the applicant work with Peter Britz, City Environmental Planner, and the Conservation Commission, to develop a maintenance manual for the multi-purpose field;

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Chairman Ricci stepped down from this hearing and Vice Chairman Hejtmanek chaired the hearing.

H. The application of **Pike Industries, Inc., Owner**, for property located at **650 Peverly Hill Road**, wherein Site Review approval is requested to demolish two existing asphalt plants and replace with one new 6,353 s.f., 66.5' high asphalt plant, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 254 as Lot 7 and lies within the Industrial (I) District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernie Pelech appeared on behalf of Pike Industries. They appeared before TAC and they unanimously granted a favorable recommendation. They are looking to replace two fairly old asphalt plants with one new plant that will have the same output. An asphalt plant is actually a piece of machinery that is assembled on site. The output of the new plant would equal the current output of the two plants. It will be more economical and preferable environmentally. The site is a paved impervious surface now. There would be no change in drainage or traffic patterns. With him was Brian Sleven, Jonathan Oakes, Larry Major, Al D'Antonio and Corey Colwell. They have also filed a spill prevention control plan and they meet all requirements of zoning.

Corey Colwell of AMES MSC referred to the plans which were provided. The first is an existing features plan and Sheet two shows the new plant location. The proposal is to remove the two existing plants and replace them with a more modern and efficient plant. The new plant is 6300s.f. in size and is 67' high. The new plant will have a new electrical service from a new electrical fault in the right of way. In the cul-de-sac there is a transformer which they are relocating closer to the plant. Pike will relocate the existing quality control lab which is in the right of way. The existing plant is partially in the side yard set back but the new plant is completely outside of the side yard setback. Everything is brought into conformance. The side is completely paved today so there will be no increase in run off. Along the southerly line they are proposing additional screening between the plant and the city properties, including a stockade fence and a row of trees. This proposal went before TAC where they received a favorable recommendation with two stipulations.

The first stipulation stated that while the project was being built, trucks could not be on the driveway of DPW and should be on their own site. The second stipulation was that the applicant would be responsible for milling and overlaying the section of Peverly Hill Road southbound. Those have been added to the Site Plans Notes 11 & 12. Brian Sleven and Jonathan Oakes were present from PIKE to answer any questions.

Mr. Holden asked about freeing up a utility line when relocating the building. Mr. Colwell pointed out the existing water line which ran underneath the plant. They will relocate that line so that it no longer runs underneath the building and they are installing a new hydrant.

Mr. Coviello asked about a City easement? Mr. Colwell confirmed that the deed has a condition that gave special conditions for half of the easement. "See Note 9" should be crossed out. Mr. Coviello asked if they were adding trees to the property and if there will be a planting detail? Mr. Colwell indicated they can do so if appropriate.

Mr. Coviello asked about drainage. The lot is currently paved. What is the run off treatment now? Mr. Colwell pointed out the high point on the lot and the contours and which way it is running. In the 90's the State came in and designed a protective swale so all run off is going into the protective swale and all run off is being treated. Mr. Coker asked if it was within their purview to take a further look at drainage or run off treatment?

Mr. Holden did not believe they would be able to show that this project increased the run off. They should just satisfy themselves that this project is meeting current standards.

Mr. Coker asked the applicant if the site run off is being treated to current standards? Mr. Colwell confirmed that it is. He originally designed it and it continues to function well. Mr. Coker would like a maintenance plan for the treatment swale and a report to DPW. Mr. Colwell was fine with that.

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Coviello made a motion to approve with the two Department stipulations plus a stipulation that a planting detail be provided to DPW and that a maintenance plan on the treatment swale be provided to DPW. Deputy City Manager Hayden seconded the motion. Mr. Coker asked to clarify the stipulation. He would also like to have the maintenance plan reviewed by Peter Britz to ensure to the satisfaction of the Environmental Planner, and twice annual reporting to DPW. That was acceptable to Mr. Coviello and Deputy City Manager Hayden.

Mr. Will noted that this was originally constructed before the wetland ordinance was in place so he agreed an update would be helpful.

The motion approved passed unanimously with the following stipulations:

Stipulations from the June 5, 2007 Technical Advisory Committee Meeting:

- 1) That when the project is being built, the loading and unloading and weighing of trucks bringing materials to the site should not be on the driveway of DPW but should be on their site; and
- 2) That the applicant shall be responsible for milling and overlaying the section of Peverly Hill Road southbound going up hill road coming up to the site;

Stipulations from the June 28, 2007 Planning Board Meeting:

- 3) That a planting detail be added to the Site Plans and approved by DPW;
- 4) That a maintenance plan be prepared for the treatment swale, for review and approval by Peter Britz, Environmental Planner, and bi-annual reports filed with DPW;

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I. The application of **Millennium Borthwick, LLC, Owner, and Fresenius Medical Care North American Dialysis Services, Applicant**, for property located at **155 Borthwick Avenue**, wherein Site Review approval is requested to install an 18.5' x 11' above grade concrete emergency generator pad, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 259 as Lot 14-1 and lies within the Industrial (I) District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, Altus Engineering, appeared for the applicant. Lynn Banford, from Fresenius Medical Care was also present. This is within the aquifer protection district. They are proposing an 18' x 11' concrete pad for an emergency generator. It is currently vegetated and they are proposing a chain link fence. The system will be tested once a week and there will be a monthly 20 minute load test. The pad will have a curb to prevent spillage. They received two stipulations at TAC. They have added Note 8 on the plan and they have provided a photograph of a similar site. The plans include an overall plan from VHB who did the engineering for the entire site. The second sheet is the generator plan showing the fencing and details.

Mr. Coker noted that it is about 10' from the edge of the wetland. Mr. Weinrieb stated it is not within the City jurisdictional wetlands as it is a man made wetland.

Mr. Will stated that a few years back they had a debate regarding man made vs. natural wetlands. Is this less than 1/2 acre? Mr. Weinrieb explained that he took the previously approved plans which

identified it as a man made pond. It is contiguous to the Liberty Mutual pond. Knowing that the wetland in question is more than 1/2 acre, Mr. Coker asked if they have identified what is a natural wetland vs. a man made wetland. They had a debate over a project in Osprey landing. Mr. Holden confirmed this building has gone through an entire approval process so that has already been decided. What may be helpful is that they are working with the Conservation Commission at staff level regarding their ordinance concerns.

Ms. Geffert asked what the silt fence did? Mr. Weinrieb explained that they will excavate and create an area of disturbance. Should it rain, there would be some silt and erosion that could run towards the wetland.

Chairman Ricci asked if they would be opposed to adding a detail showing how thick the slab is? Mr. Weinrieb indicated that he did not know the thickness as that would be handled by the contractor as a structural detail. Chairman Ricci asked for a detail on the detail sheet.

Chairman Ricci referred to the end of the silt fence and requested that they run legs up perpendicular to the building. Mr. Weinrieb thought that was well beyond the construction limits but they can add that.

Chairman Ricci asked about grading around the pad? Mr. Weinrieb confirmed that the grades are on the south end.

Mr. Holden felt there should be plenty of time for modifications to the drawings while the SRA is being finalized.

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

Mr. Will made a motion to approve with the Department stipulations. Deputy City Manager Hayden seconded the motion along with Chairman Ricci's two stipulations.

Chairman Ricci indicated that he would like the applicant to add the concrete slab detail with the 6" curb and to turn the ends of the silt fence towards one end of the building and one end up the slope.

The motion to approve passed unanimously with the following stipulations:

Stipulations from the June 5, 2007 Technical Advisory Committee Meeting:

- 1) That the applicant shall provide a photo of the proposed fencing to the Planning Board for their review; and
- 2) That a note shall be added to the Site Plan indicating that the weekly test exercises shall be done during normal weekday business hours.

Stipulations from the June 28, 2007 Planning Board Meeting:

- 3) That the concrete slab detail with the 6" curb be added to the Site Plans; and
- 4) That the ends of the silt fence shall be turned towards one end of the building and one end up the slope, and shall be added to the Site Plans.

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J. The application of **82-86 Congress, LLC, Owner**, for property located at **82-86 Congress Street**, wherein Site Review approval is requested to add a 4,712 s.f. 3rd story to an existing building, renovate storefront and add mechanical equipment, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lot 45 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District A;

The Chair read the notice into the record.

Mr. Coker stepped down as he was President of the Macintosh Condo Association.

SPEAKING TO THE APPLICATION:

John Chagnon, Ambit Engineering, appeared on behalf of the applicant. The proposal was to add a 4,712 s.f. third story addition to the existing building. There is an existing 3rd story area that will be removed which can't be seen from the street side. He displayed architectural boards done by the same firm that did the back addition 6-7 years ago. In addition to the 3rd story they will renovate the store front on Congress Street and add an awning on the Chestnut Street side and add some HVAC rooftop equipment. TAC recommended approval with 10 stipulations and the applicant has no problems with any of them.

Mr. Holden asked Mr. Chagnon to address the awning. Mr. Chagnon confirmed it will require City Council approval.

Councilor Dwyer was curious about how the staging of equipment would relate to the fact that the City Council has approved the experimental closing of Chestnut Street. Mr. Chagnon stated that the funding for the contemplated project is primarily going to be the applicant paying for that and the applicant is involved with the Music Hall to design with them. The applicant is intimate with the Music Hall and will work with them. He anticipates that they proceed right to construction and will coincide with that which is a good thing as there won't be additional street closures. They will install scaffolding on the Congress Street side for the majority of the 3rd floor construction and pedestrians can go under it. The temporary erection of steel is the only time they will need storage of materials. Councilor Dwyer was concerned with the timing of the experimental closure. She also referred to a gateway arch at the entrance to the street and with what is being done across the street, she asked how the design might connect to a pedestrian only street and how the arch will fit in. He is sure the applicant is willing to work with the Council relative to these issues.

Deputy City Manager Hayden asked if this project has been in touch with the Music Hall? Mr. Chagnon stated that they have and the applicant is the prime motivator and benefactor of the street closure.

Chairman Ricci called for public speakers.

Donald Coker, 80 Fleet Street, President of the MacIntosh Condominium Association, asked that they add another stipulation to restrict construction hours before 7:00 a.m., including unloading trucks, which is the City ordinance.

Elaina Maltese, representing the Music Hall, read a letter from the Executive Director, supporting the application. They felt the design will enhance the area and the applicant has agreed to work with them for minimal disruption.

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 Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Hayden made a motion to approve with the ten TAC stipulations, plus an additional stipulation that particular attention be given to construction hours and that they are strictly adhered to and that the Music Hall is given particular consideration regarding construction plans relating to the City approved pilot program to close Chestnut Street.

Mr. Hopley seconded the motion.

Ms. Geffert liked the architecture and commended the landscape planters shown on the plans. Mr. Chagnon stated there is no landscaping as the building goes right to the property line.

The motion to approve passed unanimously with the following stipulations:

Stipulations from the June 5, 2007 Technical Advisory Committee Meeting:

- 1) The applicant should comply with the Site Review Regulations. See Page 5 which lists a minimum of 16 items that should be included;
- 2) The major drainage outfall on the lot needs to be shown on the plans as it is very important to the City;
- 3) The applicant should confirm whether they have a drainage easement for the drainage pipe;
- 4) That the Site Plans should label the traffic pattern coming in and going out of the site, as well as truck turns;
- 5) The edge of the Piscataqua River should be identified on the Site Plan (i.e. high tide line or low tide line);
- 6) That more detail should be provided concerning the intersection at Market Street and Deer Street where the driveway cuts are, by the brick wall;
- 7) That abutters should be shown on the Site Plan;
- 8) That the Site Plan Set should consist of an Existing Features Plan and a Proposed Conditions Plan;
- 9) That the water service needs to be clarified, both existing and proposed;
- 10) That the applicant will be responsible for upgrading the sidewalk in front of the site.

Stipulations from the June 28, 2007 Planning Board Meeting:

- 11) That particular attention be given to construction hours and that they shall be strictly adhered to, and a note shall be added to the Site Plans; and
- 12) That the Music Hall shall be given particular consideration regarding construction plans relating to the City approved pilot program to close Chestnut Street.

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Chairman Ricci indicated that the Board had a few items to discuss before adjourning. He referred to the Work Session Schedule which had been handed out to the Board members, along with recent Zoning Ordinance updates.

Deputy City Manager Hayden handed out a revised Zoning Ordinance re-write schedule. She felt that the City Council was asking them to take another look at the NR-PUD and she suggested a work session from 6:00 – 7:00 before their July meeting.

Councilor Dwyer asked if minutes could be done from the webcast of the Council meeting as no minutes were taken at that meeting. Mr. Holden indicated that could be done.

Mr. Coviello asked if the Department could provide another copy of the PUD for the work session next month.

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V. ADJOURNMENT

A motion to adjourn at 9:10 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 July 19, 2007.