

ACTION SHEET

RECONVENED PLANNING BOARD MEETING PORTSMOUTH, NEW HAMPSHIRE

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

7:00 P.M.

JULY 26, 2007

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

MEMBERS EXCUSED: Timothy Fortier, Alternate and MaryLiz Geffert, Alternate;

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

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II. PUBLIC HEARINGS

E. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street** (aka Parade Mall) wherein Site Review approval is requested to construct four buildings and an underground parking garage, consisting of the following: 1) a 52,138 ± s.f. (10,900 ± s.f. footprint) 5-story building, consisting of retail and 28 residential units; 2) a 98,303 ± s.f. (25,800 ± s.f. footprint) 5-story building, consisting of retail, restaurant and a hotel; 3) a 128,267 ± s.f. (45,600 ± s.f. footprint) 4-story building, consisting of retail, restaurant and office space; 4) a 95,490 ± s.f. (24,600 ± s.f. footprint) 4-story building, consisting of retail, restaurant and office space; and 5) a 135,859 ± s.f. underground parking garage, after demolition of the existing building, all with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the Central Business B (CBB) District, the Historic District A and the Downtown Overlay District (DOD);

Voted to **grant** Site Review approval with the following stipulations:

Stipulations from the July 3, 2007 Technical Advisory Committee Meeting:

1. That the connection to the Vaughn Mall shall be detailed and the applicant should attempt to make it more “seamless”;
2. That the applicant shall meet with Tom Cravens regarding water issues;
3. That a detailed Construction Management Mitigation Plan shall be required, including demolition and the effect on City Streets. Said Plan must be approved prior to commencement of any demolition or construction on site;
4. That a plan of trash removal, including hours, shall be identified on the Site Plans;
5. That a detail showing the type/location for trash receptacles shall be added to the Site Plans;
6. That a plan delineating truck movements to access loading areas shall be submitted for review and approval by Deborah Finnigan;

7. That all tip downs shall be identified that are located on private property and so noted on the Site Plans;
8. That the applicant shall coordinate with Gil Emery, City Communications Supervisor, regarding the use of a digit other than "9" for outside calls;
9. That testing shall be done at the expense of the applicant to determine whether a repeater needs to be installed and said analysis shall be coordinated with Gil Emery, City Communications Supervisor;
10. That any outdoor screening required by the State Liquor Commission shall require HDC review;
11. That the physical tie in, including the sidewalk, to the Vaughn Mall, as well as on the Maplewood side, shall be added to the Site Plans;
12. That the applicant shall report back on Mass Transit Facilities and accommodations for bicycles;
13. That the applicant shall review the Site Review Agreements and approved Site Plans for the Hilton Garden Inn so as to avoid and address any potential conflicts with prior stipulations;
14. That the applicant shall list all State and Federal permits on the Site Plans;
15. That the applicant shall report on how they shall handle the closings of the private street for special events;
16. That a Memorandum of Understanding relative to the private street between the Police Department and the applicant shall be presented to the Planning Board for their July 19th meeting;
17. That the private right of way name and labeling of the right of way shall be approved by the Emergency Operation Center and Deputy Police Chief Len DiSesa;
18. That a meetings shall be held with David Desfosses, David Allen, Peter Rice, Deborah Finnigan, Thomas Cravens and David Holden at DPW to discuss final details of the Site Plans;
19. That the signals at High Street and Deer Street where they meet Maplewood shall be shown on the Site Plans;
20. That a final paving and street marking plan shall be presented for final review to David Desfosses prior to the Planning Board meeting;
21. That a final electrical plan for street lighting on City property, showing where the electrical meter will be located, shall be reviewed and approved by David Desfosses;
22. That the applicant review the on street parking and the transition in front of the Hill with David Desfosses;
23. That the applicant shall consider extended hours for one of their loading areas to accommodate tenants who are not open before 9:00 a.m.;
24. That the Left Turn Lane Sketch for Deer Street be further reviewed and approved by Deborah Finnigan;
25. That once construction is completed, all pavement markings shall be repainted on Deer Street, Maplewood Avenue and Hanover Street and if any roadway is damaged due to construction, it shall be repaired to City standards;
26. That all crosswalks shall be City standard and so noted on the Site Plans;
27. That the three parking spaces near the relocated crosswalk need to be removed due to a 20' minimum requirement from sidewalk to parking stall;
28. That on Sheet C-6A, Note 4 shall be changed to require an 18" Stop Bar;
29. That the traffic control signs on the pedestrian paths shall be relocated as they are in the way of pedestrians;
30. On Sheet C-16 pavement markings need to be restriped in their entirety on Maplewood Avenue;
31. On Sheet C-7 the Left Turn Only sign should be moved closer to the inside of the garage;
32. That the right of way name should be added to the "street legend" on the site Plans;
33. That the handicapped signs need to be labeled consistently in the Site Plan details;
34. On Sheet L-1B, the applicant should verify that the meter next to the light pole is acceptable and there is enough room for manholes and wires;

35. That a note shall be added to the Site Plans that all trees shall be a minimum of 5' from the ground to the bottom of the leaves;
36. That all loop detectors shall be identified on the Site Plans and that when the curbing is reset around the entire block applicant shall be responsible for replacing them;
37. That the applicant shall continue to work with PSNH and the City on the development of temporary power and the relocation of the switches;
38. That if the PSNH switches extend all the way across the street, then the applicant shall be responsible for paving the entire street section to avoid finger trenches;
39. That the fire service be upgraded to 8" and labeled as a fire service only on the Site Plans;
40. That the applicant meet with Peter Rice to review the grease trap locations and details to confirm appropriate covers and access;
41. That every entrance where there is access to a fire alarm enunciator or fire alarm system shall require a knock box; and every building shall provide automatic notification for emergency forces;
42. That the cost of the traffic light at Market Street and Deer Street shall be shared between the applicant and those of the Westin project. The design and the construction shall be a City project and cost allocations shall be part of the agreement;
43. That an independent consultant shall be retained to look at the timing and coordination of the Maplewood and Deer Street corridor and the cost shall be shared between the applicant and those of the Westin project;
44. That the type of brick being used shall be coordinated with DPW to insure continuity;
45. That parking spaces in the indoor parking garage shall be identified as to which are contributing to the parking count and which can be dedicated for another non-public use, i.e. substandard size;
46. That BOA and HDC approval may be required for public or private substations, to be considered as the plan further evolves;
47. That all easements and licenses shall be approved as to content and form by the Planning Department and City Legal Department;
48. That the TAC Committee recommends to the Planning Board that there should be a Memorandum of Understanding between the abutting properties and that the Planning Department and the City Legal Department will assist the parties;
49. That the Landscape Plan shall be reviewed and approved by the Planning Department Chief Planner;
50. That any trees on public property shall require review and approval by the City Trees and Greenery Committee;

Stipulations from the July 26, 2007 Planning Board Meeting:

51. That the letter dated July 11, 2007 from Waste Management be revised to reflect the City's noise regulations;
52. That the loading area off of Garden Way be reflected on The Hill Site Plan;
53. That the recommendations of the Traffic & Safety Committee be included as part of this approval and are as follows:
 - 1) That the Police Private Street Enforcement Agreement and Memo of Understanding For Closing Off The Private Street will be completed and approved by the City.
 - 2) That the four items from page 1 of Attorney Somers' letter are included in this approval (see attached letter dated June 28, 2007 and this letter was read in its entirety into the minutes beginning on page 4)
 - 3) In the event that a site plan presented by the Hill Condominiums Association and which depicts a truck loading area serving the Hilton Garden Inn and the Hill Condominium fails to obtain approval, then Parade Office, LLC shall present an alternative truck loading plan for review by the Traffic & Safety Committee, which shall be a proposal to resolve truck delivery issues which exist on Garden Way.

- 4) The loss of parking spaces on Hanover Street as well as the additional spaces on Deer St. is referred to Parking Committee for approval.
- 54. That the Trees & Greenery Committee shall be involved in the Landscaping Plan.

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D. The application of **David F. Mahoney Marital Qtip Trust, Owner, and Granite State Minerals, Applicant**, for property located at **227 Market Street**, wherein in Site Review approval is requested to relocate an existing 24' x 58' scale building and to install a second scale, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 119 as Lot 6 and lies within the Waterfront Industrial (WI) District;

Voted to **grant** Site Review approval with the following stipulations:

Stipulations from the July 3, 1007 Technical Advisory Committee Meeting:

- 1. That the applicant shall comply with the Site Review Regulations. See Page 5 which lists a minimum of 16 items that should be included;
- 2. That the applicant add the drainage easement for the drainage pipe to the Site Plans, and that they work with the City Attorney to have appropriate language so that the City would not be responsible for relocating the scale, which is located over the easement, should any work be required by the City;
- 3. That the applicant shall schedule a meeting with Deborah Finnigan to discuss traffic patterns coming in and going out of the site, as well as truck turns, prior to the Planning Board meeting;
- 4. That the edge of the Piscataqua River should be identified on the Site Plan (i.e. high tide line or low tide line);
- 5. That the two water services need to be identified on the Site Plans, that the shut offs need to be added and the rest of the line needs to be shown on the Site Plans;
- 6. That the proposed electric and telephone services shall be underground and added to the Site Plans;
- 7. That the applicant shall meet with Mr. Holden and Ms. Tillman to review the revised Site Plans prior to the Planning Board meeting.

Stipulations from the July 26, 2007 Planning Board Meeting:

- 8. That the applicant shall meet with representatives of DPW regarding replacement of the sidewalk and shall be responsible for 25% of the cost of the sidewalk replacement;
- 9. That all site lighting shall conform to the Site Review Regulations.

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F. The application of **C. Frederick Lowell and Alfred J. McElaney, Owners**, for property located at **62 Deer Street**, and **The Hill Condominium Association, Owners**, for property located **off Deer Street**, wherein Site Review approval is requested for the installation of a trench drain to facilitate site drainage, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lots 26 and 27 and lies within the Central Business B (CBB) District, the Historic District A and the Downtown Overlay District (DOD);

Voted to **grant** Site Review approval with the following stipulations:

Stipulations from the July 3, 2007 Technical Advisory Committee Meeting:

- 1) That the review of this Committee is limited solely to the drainage and no other details were considered;
- 2) That a note be added to the Site Plan confirming #1 above.

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G. The application of **85 Heritage Avenue Holdings, LLC, Owner**, and **Mike MacDonald, Applicant**, for property located at **85 Heritage Avenue**, wherein Site Review approval is requested to modify the existing building by increasing the gross floor area from 7,200 s.f. to 9,000 s.f. by adding a second floor to the northern half of the interior of the building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 285 as Lot 5 and lies within the Industrial District;

Voted to **grant** Site Review approval with the following stipulations:

Stipulations from the July 3, 2007 Technical Advisory Committee Meeting:

1. That a sidewalk be provided from the bottom of the emergency stairwell to the nearest paved area and added to the Site Plans;
2. That the applicant provide the Planning Board with full size site plans;
3. That the side and front set backs shall be added to the plans to confirm that the stairs meet the zoning requirements.

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H. The application of **Bellwood Associates Limited Partnership, Owner**, for property located at **2300 Lafayette Road**, wherein Site Review approval is requested for the installation of a new water park slide and pool, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 273 as Lot 5 and lies within the General Business and Industrial District;

Voted to **grant** Site Review approval with the following stipulations:

Stipulations from the July 3, 2007 Technical Advisory Committee Meeting:

1. That the applicant's site engineer shall contact NHDOT to verify whether land is needed at Division Six in Concord, in anticipate of the widening of Route One;
2. That the Site Plans shall show where the gate is on the fence and that a sign be posted stating it is for employees only.
3. That the applicant's site engineer show the hydrant on the plan and coordinate with the water department for the installation;

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I. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 500 of the Pease Development Authority Subdivision Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **177 Corporate, LLC, Applicant**, for property located at **177 Corporate Drive**, wherein Preliminary and Final Subdivision approval is requested with the following: Proposed Lot 1 having an area of 5.001± acres (217,859 ± s.f.) and 648' of continuous street frontage off Corporate Drive; and the remaining land area being decreased by 5.001 ± acres and constituting a portion of the Tradeport. Said lot lies within a Business/Commercial District where a minimum lot area of 5.0 acres and 200' of continuous street frontage is required. Said property is shown on Assessor Plan 314, as Lot 0001. (Plat plans are on file in the Planning Department Office and are identified as #08-01-07).

Voted to **recommend¹ preliminary and final subdivision approval.**

¹ See RSA 12-G:10 (c) "In all instances the authority (Pease Development Authority) shall retain the power to make the final decision regarding applicability, interpretation and enforcement of its land use controls, which shall require 5 affirmative votes."

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J. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **177 Corporate Drive, LLC, Applicant**, for property located at **177 Corporate Drive**, wherein site review approval is requested for the construction of a 10,400 ± s.f. 1+ story building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 314 as Lot 0001 and lies within a Business/Commercial District;

Voted to **recommend¹ site review approval**, with the following **stipulations**:

Stipulations from the July 3, 2007 Technical Advisory Committee Meeting:

1. That the applicant shall work out a sidewalk contribution with the PDA regarding the sidewalk that is already constructed in front of their site;
2. That the applicant shall contact Scott Hilton at DES to verify whether the existing monitoring well is active. If it is not being used, that it should be properly decommissioned.
3. That the applicant make an appropriate contribution to the transportation fund at the PDA;
4. That automatic notification of emergency services and a knox box shall be added to the Site Plans.

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III. NEW BUSINESS

A. Request for One Year Extension of Preliminary Subdivision approval granted on July 20, 2006 for property located at 235 Commerce Way;

Voted to **grant** a one year extension.

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IV. OLD BUSINES

A. Proposed amendment to the City’s 1995 Zoning Ordinance, as amended, as it relates to the following section: Nonresidential Planned Unit Development (NR-PUD) which would function as an overlay in the Office Research (OR) and Industrial (I) Districts;

Voted to **recommend approval** to the City Council with the following stipulation:

1. That the amendment be written in an “easy to read” format.

¹ See RSA 12-G:10 (c) “In all instances the authority (Pease Development Authority) shall retain the power to make the final decision regarding applicability, interpretation and enforcement of its land use controls, which shall require 5 affirmative votes.”

B. Request of Borthwick Forrest, LLC, for two proposed zoning amendments to the City's 1995 Zoning Ordinance, as amended, to facilitate the development of an Elderly Congregate Care Facility. Amendments would include adding a definition for Elderly Congregate Care Facility and a revision to the Table of Use section to permit Elderly Congregate Care Facilities by Special Exception. Relevant materials are available for public inspection in the Planning Department;

Voted to **table** to the August 16, 2007 Planning Board Meeting.

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V. ADJOURNMENT

A motion to adjourn at 10:45 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board