

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

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

7:00 P.M.

SEPTEMBER 20, 2007

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

MEMBERS EXCUSED: MaryLiz Geffert, Alternate;

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

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6:30 – 7:30 pm – Work Session – Borthwick Forrest

Chairman John Ricci recused himself from this work session. Vice Chairman Hejtmanek asked the participants to introduce themselves. Not present for the work session was Tony Coviello.

Attorney Malcolm McNeill introduced his team: Karen Adams of Gerontological Services, Inc., Timothy Martin, Executive Director of the Milton Residences for the Elderly, a 621 unit facility in Milton, Massachusetts, and Maura Fitzpatrick, of the Kane Company.

Vice Chairman Hejtmanek asked Attorney McNeill for a ½ hour presentation followed by a ½ hour question and answer session.

Attorney McNeill pointed out the booklet which was provided to the Board for this meeting. He indicated that they reviewed previous minutes and comments from the Planning Department to identify major issues. This is just a re-zoning request however parties and boards are also interested in the underlying project.

The applicant is proposing a zoning change in the office research district for a campus style living environment for people 62 years of age or older.. The units vary in square feet from 900 to 2500, with entry fees from \$270,000 to \$450,000. He displayed the site plan and pointed out the access points. The project consists of multiple buildings on 10 acres and 27 acres in open space. The project would be state of the art design, with an indoor pool, fitness room, restaurants, and an array of amenities. The professional staff will enable residents access to age specific services. Each unit will be on a single floor and each building will have multiple units on multiple floors. There will be resident parking underground for each building. The right of way to Islington Street will be used for emergency use only. All streets on site will be private and privately maintained. General tax revenues will exceed the tax revenues anticipated for office development. There were discussions in April and May and then a public hearing was held on June 21st. Ms. Adams spoke at that hearing and a preliminary traffic study was prepared for this use. They presented a letter of support from Portsmouth Regional Hospital. They prepared a preliminary Environmental Study and a Market Analysis and Feasibility Study by Ms. Adams' firm and a fiscal impact study. All studies point to the fiscal and land planning benefits of the land rezoning. The Department then prepared a rezoning report and worked on the definition of

congregate care and how it fits in the Zoning Ordinance. The question of whether it was a zoning change if it referred to a change in the use table was discussed. The zoning report was prepared at the last meeting which brought them to this work session.

Vice Chairman Hejtmanek asked about the \$1,600 month fee and if that included property taxes? Attorney McNeill stated that it did.

Attorney McNeill reviewed their booklet with the Board. He attempted to write a zoning change for review and consideration. Ms. Adams was present as a national consultant to speak to these type of uses.

Attorney McNeill felt there were questions about whether the people of Portsmouth could afford this and what was it like. They wish to have a facility that is affordable to the people of Portsmouth. They also believe that this type of facility does not currently exist here. They believe it will be readily affordable to households with incomes of \$50,000 or more and will be affordable to many households in the \$35,000 - \$50,000 per year. They based that on practical experience. They expect the monthly fees would include taxes and would average between \$1,600 to \$2,000 per month. These fees would cover the basic proponents of living there.

They provided information based on the census and demographic studies they have done. They believe there are a broad range of households who would like to live in this facility. Councilor Dwyer asked to know more about how that was calculated. A lot of Portsmouth residents are renters and this depends on someone having to sell their home for the entry fee. Ms. Adams stated that their data shows that 80% are home owners and generally own their home free and clear.

Attorney McNeill addressed the affordable issue from two different perspectives. First, the monthly affordability and then the affordability of getting into the unit. They used the median value of occupied units in Portsmouth based on US Census info. The probability is that most people will leave their household and will not have a mortgage and the median value of those homes is \$357,000. Similarly that makes the housing available to younger people. What if people get into the facility and become unable to pay? Is the burden on the community? The facility will qualify people before entering. A portion of their entrance fees will be protected in the event they have trouble meeting their obligations, working as a reverse mortgage.

Mr. Coker stated that he read their document differently. He saw it if they move out and when the next person moves in, they will get their money back. Mr. Martin stated that what typically happens is the buyer provides them with the revenue to get their money back when they leave. As expenses go up over time, residents might not be able to pay the monthly fee anymore and the facility will supplement with the entrance fee.

Councilor Dwyer asked if they are they doing that somewhere else? Mr. Martin indicated that they have been doing it in Milton for 25 years. Councilor Dwyer asked how many have taken advantage of this? Mr. Martin felt it was around 5%.

Attorney McNeill explained what type of services are offered. This is the "a la carte" model and residents will have the option of choosing from a variety of services, some on site and some off site such as meals and housekeeping. Mr. Martin felt that the nice thing about their model is that it allows the residents to make their own decisions on what they need. Mr. Coker noted that the model they are using with \$1,600 on the lowest end is no services. If someone is fortunate to have no mortgage and they sell their house and pay \$1,600 per month, they are basically renting the space. Mr. Martin felt that was a fair assessment. It is not going to go beyond \$2,000 a month. Using the Fuller Village Development which has been operational since 2000, they sold the project out in 14 months. They were so successful that they were lucky enough to build Phase II with 165 units. They sold that development out in 16 months. The only increases that occur for the residents is the cost of running the real estate. Vice Chairman Hejtmanek stated that affordability is their major concern and they are talking about the lowest unit. People will come in at age 74 but what about when they are 84 and it

gets more expensive. Mr. Martin stated that the community helps them stay healthier and the staff will help them manage their health needs. They are also using private services or visiting nurses. If someone's health declines they would move to another facility. Ms. Adams referred to the Denver facility which is a case for Care Management Assessment. The residents only opt in for the services they need so it's cheaper overall.

Deputy City Manager Cindy asked what was the average age when they opened in 2000 at Fuller? Mr. Martin indicated it was 68 – 69 but it's 75 now. Deputy City Manager Hayden asked if there was some national statistic that 80% will end up in a nursing home. What if someone develops Alzheimer's, where do they go? Ms. Adams stated that not everyone needs a nursing home. Current statistics are 20% will need a nursing home. Assisted living has been a preferred choice. A lot of care can be delivered at that level. Dementia is the biggest problem and support for a spouse. This project is very aware of that need. The management team is there to coordinate the services and the next step is to assure they are delivered. Deputy City Manager Hayden asked where would the resident get referred to? Ms. Adams stated they are looking at having an Alzheimer's component to the facility as it is probably the single biggest problem. Mr. Martin stated that their facility has 412 units plus 60 –70 assisted living units. Their model is adaptable. The City of Portsmouth has nursing homes and other facilities available for those critically ill.

Mr. Holden assumed the Milton facility is a for profit model? Mr. Martin confirmed it is a non profit. Mr. Holden asked why they don't provide those nursing services. Mr. Martin stated the Case Manager would work with the family to identify the issues and the consumer is fully informed. Mr. Holden felt the consumer may not bear the ultimate burden in the end. He did not know of any nursing beds that are available in any nursing home in Portsmouth right now and he asked where that demand will go? Mr. Martin felt the demand would go where the market was. Mr. Holden stated the market is not providing for nursing beds as there is no money in it. Mr. Martin felt that the proliferation of assisted living throughout the nation is a by-product of nursing beds – the government doesn't reimburse it and people don't like it so assisted living is taking the place of the high intense care. Mr. Holden asked what percentage of residents in his complex originally lived in Milton before they moved in? Mr. Martin felt it was about 70% who lived 3-5 miles from the facility. Sometimes people move back to where their families are to be close to their children also. Mr. Coveillo asked about a resident who is ill and doesn't want to leave the facility. He asked if there was a power of attorney? Mr. Martin stated they usually have an emergency contact or POA.

Mr. Coker was hearing a lot of terminology he doesn't understand. At what point does a resident no longer fit their model? Mr. Martin felt that was a good question. The answer is when they need 24 hour skilled nursing. Mr. Coker asked what happens to their investment? Mr. Martin stated they are acutely aware of it when it starts and way in advance they have worked with the family to find a place for them to go. They are on top of it all the way as they care about the people who live there. Mr. Martin believed there are assisted living and beds in nursing homes in Portsmouth.

Mr. Brtiz asked how much it would cost if all meals and housekeeping was provided? Mr. Martin confirmed it was \$23.50/hour for incremental services. The dinner meal is \$12 or \$15. Councilor Dwyer could see how they get to the a la carte but this is also about the transition period. In a non profit financing model it is the ability to support that period of transition. Sometimes care can go up and down and the resident would not "lose their space" during that time. Mr. Martin stated that when people are care managed and case managed right from the beginning they can work with family to plan ahead. Ms. Adams added that they are dealing with a very traditional model and they are stumbling. They see a lot of people who think they can make some of their own decisions and the facility will support that. They will work with people all along their stay.

Mr. Coviello asked Mr. Martin if they have assisted living in the Milton, Mass facility? Mr. Martin confirmed that they do.

Deputy City Manager Hayden indicated that the rezoning request is made as a radius around the hospital. She asked what is full build out and what land would be affected? Attorney McNeill states it

was over 600 but they are not proposing it. He emphasized that they tried to describe in general terms what this is and he realized that Portsmouth did not have a definition of what they were doing and he also emphasized that the proximity to Portsmouth Hospital was important. His model is not necessarily the best one but they should attempt to put this use on this site with appropriate densities and protections for the City.

Vice Chairman Hejtmanek asked about affordability. How do you decide what size units and how many in each building? Ms. Adams stated they would research the market area and test it. They would question all of the residents. Ms. Fitzpatrick confirmed they have already started a focus group, associated with the Portsmouth Hospital. Ms. Adams explained that you take market surveys and send them to people to see what they are looking for and overlay that to the population. That is how they get demographics.

Mr. Coker asked about enforceability of age restriction. He asked what they envision as the enforcement action? Attorney McNeill indicated that the parties will sign a land lease. They have been going through this for 10 years in terms of age restricted projects. They provide for a model that goes to the community, provide for an enforcement authority and make it a condition of approval. Attorney McNeill added that the people who enforce it the most are those who live there.

Mr. Coviello felt this was purposely not a community center. Mr. Martin stated that they anticipate a wide variety of areas but the main lobby is the community center. They want to have things happening everywhere and not in the same place all the time. Mr. Coviello would really like to see their community attached to this facility. He thinks the Islington corridor should be used.

Ms. Roberts followed up on the market and affordability. She referred to Section 5 of their original packet which addresses household distributions. She referred to a pie chart addressing Households and Distributions and her impression is that 65% of people have household incomes below \$50,000. Also the issue of market area in general delineates three areas, on page 2, one goes down to the North Shore, Mass, the second is just in New Hampshire and the third is the local area which is Portsmouth and Rye. She didn't feel this was particularly representative of the seacoast. She was thinking of who we are as a community and culturally but it doesn't include towns such as Beverly, Mass or Manchester, Mass which are incredibly wealthy. She felt it skews the sense of the income of the community. Ms. Adams responded that people who live along the coast tend to stay. This study created some confusion by using \$100,000+ income. It was used to determine whether it was feasible before they proceeded. It's job is to say, conservatively speaking, is this feasible. When a survey is done, they go out and test the areas. Some areas will stay in and some will be thrown out. They need to know whether the demographics will support their research.

Vice Chairman Hejtmanek felt they picked a big geography to justify that first project and now they are saying little old Portsmouth can justify this project. He was also having trouble making that transition.

Mr. Holden indicated that he wished they had put some of those caveats in their original presentation. They now talk about marketing the units and what if everyone wants the higher units and Portsmouth can only afford the lower models. They are for profit yet are comparing to a non-profit. He thought some of the comments in the Department's report are still very much valid and he doesn't feel they have addressed those. He felt they have equivocated to try to put a different face on the project. Ms. Adams responded that they are not saying the market is any smaller. They are saying what is the depth of the specific Portsmouth market that will afford this. They are saying, based on the data from Portsmouth, 25% of the units could be absorbed by the Portsmouth market. One report was totally intended to measure the viability of the product in this marketplace. Mr. Holden stated that he wished they had clarified that earlier in their documentation.

Vice Chairman Hejtmanek felt that as they market this, he does not see this as a project that Portsmouth residents can afford. He hasn't heard anything tonight to convince him of this application and felt it had been a waste of their time. He asked where the Board goes from here?

Mr. Holden asked Attorney McNeill about his comment that this site could be built up to 600. Related to that, what other parcels might this apply to that might be under consideration. Attorney McNeill indicated there were other parcels within one mile of the hospital but they are not under consideration at this time. He would rezone this parcel only.

Councilor Dwyer referred to the table of uses and indicated that she would like to hear the department talk about. Before getting into that, she asked what would the scale look like? Would they built half and test the market? Mr. Martin indicated that when they built Fuller Village they did not go deep into the market nor did they presume everyone wanted a \$450,000 unit. They had all different sized units. Attorney McNeill felt they should come in with a phased schedule.

Mr. Coviello felt they have a lot more questions left and he asked for another work session. Attorney McNeill indicated he would like a chance to have the Department work with him on language. On the June 21st meeting there was discussion of that and there was also discussion about working on the congregate definition.

Deputy City Manager Hayden did not get a sense they are at that point yet. There are a lot of questions tonight so she doesn't want staff to spend a lot of time on this yet. Mr. Coker felt the fundamental question of whether this is the direction that this community wants to go has not even been addressed yet. All details aside, that debate needs to be held very soon. Councilor Dwyer asked for clarification of what he means. Mr. Coker felt that planning could be single family homes, PUDs or projects such as this. The debate of what impact this will have on the community for each type of project is important on behalf of this community. Mr. Coviello would like to have another work session and public hearing. He asked at the last meeting what this area should be. Their population is higher in age than average. In the beginning tonight he thought he heard more local residents would be buying in and freeing up houses but then they brought up Massachusetts and Maine areas. Deputy City Manager Hayden felt that getting public input earlier rather than later is the best way to go. Attorney McNeill indicated he would invite that process.

Vice Chairman Hejtmanek asked if the Board felt that the next step was a public hearing and then a work session. Mr. Holden suggested having a work session with some TAC representatives, such as the Fire Department, the Welfare Department, utility issues. Councilor Dwyer felt that would be helpful but also felt that a public hearing would be helpful. She was concerned that they need to have a theory of what they are trying to do and this has a lot to do with experience with aging parents as well as having a good understanding of who we are as a community. She would like to avoid a process that confuses that rather than brings it into a coherent approach. She would like more information and sees this resting more on "who are we as a community". Attorney McNeill felt one more work session would be best. Vice Chairman Hejtmanek agreed. Mr. Coker felt a public hearing made more sense. Deputy City Manager Hayden asked if they could they do both on the same evening?

It was the general consensus of the Board to schedule a work session, followed by a public hearing, both on the same night. The exactly date will be announced at their October 4th meeting.

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the August 16, 2007 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

A. The amended application of **Harborcorp, LLC, and City of Portsmouth, Owners**, for properties located **off Deer Street, Green Street, Russell Street, and Maplewood Avenue** to delete the stipulation of approval on August 16, 2007 whereby Preliminary and Final Subdivision approval was granted to reconfigure three existing lots into two proposed lots, as follows: 1) Eliminate lot line between lot 12 as shown on Assessor Plan 124 and as Lot 28 as shown on Assessor Plan 118; 2) Eliminate lot line between Lot 28 as shown on Assessor Plan 118 and Lot 21 as shown on Assessor Plan 125; 3) Subdivide the aforementioned lots into two proposed lots, with proposed lot 1 consisting of 38,084 s.f. and proposed lot 2 consisting of 65,011 s.f. Said lots are shown on Assessor Plan 118 as Lot 28, Assessor Plan 124 as Lot 12 and Assessor Plan 125 as Lot 21 and such other land of the City as shown on the subdivision plan and lying within the Central Business A (CBA) and the Central Business B District (CBB), the Downtown Overlay District (DOD) and the Historic District A.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Holden stated that the Board had been asked to consider postponing this to the October 4th meeting as there will be a Non-Meeting with Council and it would be appropriate to consider this afterwards.

Mr. Coviello made a motion to postpone this matter to the October 4th Planning Board Meeting. Mr. Fortier seconded the motion.

The motion to postpone to the October 4th Planning Board meeting passed unanimously.

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B. The Planning Board is conducting a Public Hearing in order to solicit public comment on a proposed Prime Wetlands Designation list. A copy of the Prime Wetland Analysis Report prepared by West Environmental, Inc., is available for public inspection in the Planning Department Office at the Municipal Complex.

Peter Britz, City Environmental Planner, advised the Board that this was reviewed at their June meeting. He indicated that this has gone through the Conservation Commission and Planning Board numerous times to get to this point. He gave a brief background for the public. The State offers communities a special designation process called Prime Wetlands. They have gone through the City and looked at all wetlands and they came up with a map of wetlands throughout the City which they recommend for designation. The State requires that a public hearing be held and Staff would ask that a public hearing also be held at City Council if they move this forward. If a wetland is designated as prime, any project that occurs adjacent to a prime wetland under the DES rules would require a public hearing which would add an additional level of protection. It doesn't change the City's wetland protection ordinance of 100' but it does add an additional level of protection for the State and it opens it up to a public hearing process. There are 26 communities that have designated prime wetlands.

Mr. Britz did a powerpoint presentation and pointed out the wetlands. He pointed out wetland #7 which is on Pease and indicated that they are not recommending that wetland to the State but rather are sending a letter to Pease encouraging them to take action. In the Board's memo, there was a staff recommendation recommending the stipulations from the Conservation Commission and this Board from the June meeting. Mr. Britz recommended putting all of those stipulations on their recommendation.

Mr. Coker indicated that he is color blind and asked Peter to show areas 13A, 22, 13B and 29, which are essentially the Jones Avenue site. None are marked for prime wetland designation. In their prior discussions, those wetlands qualified but they were not recommended. Mr. West stated that essentially there is a lot of leeway on what they want to designate and it is a judgment call. Mr. Coker asked if it

would be an unreasonable question to say, in Mr. Britz's professional opinion, would he agree with Mr. West's designation? Mr. Britz confirmed that he would agree and it is a professional judgment call. Those wetlands were clearly in the lower end of the report and Mr. West's recommendation was that the City could come back and revisit them but his list consists of the best prime wetlands.

Coker also asked about area 29. The staff recommendation felt it had unique values and recommended seeking additional protections but not through designating it as a prime wetlands. He asked what Mr. Britz would specifically suggest? Mr. Britz stated that the Conservation Commission is currently working on a re-write process of the zoning ordinance to include vernal pool protections. That area is not eligible for designation because the vernal pools do not all connect. The idea is that the Planning Board will support adding a vernal pool protection to the Zoning Ordinance. There is an effort underway at the State as well. Mr. Coker asked exactly what was meant by recommending additional protections? Mr. Britz stated that vernal pools are very unique as amphibians rely on them. Vernal pools are a very small area so the Conservation Commission is working on that now and they will be bringing their recommendation forward to the Planning Board. Mr. Coker suggested holding off on a prime wetland designation to see what happens with the vernal pool recommendation. Chairman Ricci asked if they can designate now and revisit it further down the road. Mr. Britz confirmed that was correct and added that he was not sure that a vernal pool was eligible for prime.

Deputy City Manager Hayden felt that as this area does not qualify as a prime wetland she doesn't understand Mr. Coker's point. Mr. West felt it was mapped incorrectly in 2000 and it is much smaller than it actually was thought to be. Mr. Britz felt the confusion was the size of the wetlands and the vernal pools are in a very specific area. Because they are not connected and there is no connectivity between them, they have to identify that as a vernal pool complex.

Mr. Coviello reminded the Board that the area in question is owned by the City which is an inherent protection. He would like to see some wording for the City Council from the Conservation Commission. Mr. Coker added that the City is not required to follow their own regulations.

Councilor Dwyer had a lot of concerns last time. She understood that as a City they are allowed to add criteria and they can do that by amending their Zoning Ordinance through the Conservation Commission. What is confusing is how #4 is worded. Maybe they could work on the wording. At the last meeting, they felt comfortable treating this as a different item and not as a prime wetland. Instead they are building criteria for vernal pool complexes. They need to work on the wording for #4.

Deputy City Manager Hayden indicated that if all wetlands in the City were ranked, the four wetlands ranking 17, 18, 19, 20 they should also include 14, 15, 16 which all had reasons why they could not be designated. If they are going to go further down in the ranking to pick up prime wetlands, where does it end? She'd rather get those 13 wetlands designated. Chairman Ricci reminded the Board that they can revisit this.

The Chair opened up the public comment session.

Nancy Johnson, of 81 Clinton Street. She studied the report by West and felt they have done a great job. She would like the Board to accept the recommendation as presented. She addressed the benefits of the wetlands and marshes in the City and the problems that are created when they are degraded. It is essential to protect the headwaters as well as the mouth of the river. Sagamore Creek and Hodgson Brook are in a watershed restoration plan that are essential to the City. All wetlands need protection from invasive plants. Fragmenting a wetland with roads and ramps degrades the wetlands. She urged the City to recommend the 12 wetland areas for prime, and for the Pease to recommend #7. She discussed this with Ms. Straus and it brought tears of joy to her eyes and she is 100% in favor of the recommendations.

Chairman Ricci called for public speakers a second and third time and seeing no one rise, he closed the public comment section.

Deputy City Manager Hayden made a motion to follow the recommendations from the Conservation Commission, that the 12 wetlands be nominated within the City and the wetland on the Pease Tradeport be identified as a prime wetland candidate to the Pease Development Authority with a recommendation that they nominate that wetland as prime, as identified in the West Report. Also, that the Planning Board request that the Conservation Commission provide an amended wetland protection ordinance to include protection for vernal pools, including, but not limited to, the vernal pool complex adjacent to Jones Avenue or closest to wetland #29 as identified in the West Report.

Mr. Coviello seconded the motion.

Councilor Dwyer suggested wording regarding the vernal pools, to the effect that the Planning Board recommend that they develop criteria in the Zoning Ordinance for the protection of vernal pools and designated area 29 to the highest level of protection. Deputy City Manager Hayden was not sure they should do all of area 29 because the vernal pools are not in area 29 but rather they are near it. Councilor Dwyer changed it to say the vernal pools that are near area 29. Deputy City Manager Hayden felt they should do vernal pools everywhere as there may be vernal pool that they don't even know of. Mr. Britz felt it would be a good recommendation to map the vernal pools in Portsmouth. There are six in the report and there maybe one or two more.

The motion to **favorably recommend** the adoption of Prime Wetlands to the City Council passed unanimously with the following recommendations:

- 1) That all of the areas designated in green in the prime wetlands study with the exception of wetland 7 located on the Pease International Tradeport be nominated as prime wetlands by the Planning Board and approved by the City Council.
- 2) That the City Council recommends to the Pease Development Authority that they nominate wetland 7 located on the Pease International Tradeport (shown in green in the West Report) as a prime wetland.
- 3) That in correspondence to the NH Department of Environmental services in reference to the nomination of Prime wetlands that it be clearly stated that the City of Portsmouth is making a strong recommendation through its Conservation Commission, Planning Board and City Council, to adopt all of the Prime wetlands referred to in item 1 above.

The Planning Board further requested that the Conservation Commission provide an amended wetland protection ordinance to include protection for vernal pools, including but not limited to the vernal pool complex adjacent to Jones Avenue or closest to wetland #29 as identified in the West Report.

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C. 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 **Two International Group, LLC, Applicant**, for property located at **75 New Hampshire Avenue**, wherein Preliminary and Final Subdivision approval is requested to create three lots from an existing lot area of 2,500 s.f. consisting of the remainder of the undivided Pease Development Authority property with the following: Proposed Lot 1 having an area of 5.833 acres and street frontage off of International Drive; Lot 2 having an area of 5.132 acres and street frontage off of International Drive; and Lot 4 having an area of 8.750 acres and street frontage off of New Hampshire Avenue. Said lots lie within the Airport, Business & Commercial District where a minimum lot area of 5.0 acres is required. Said property is shown on Assessor Plan 306, as Lots 0001, 0002 and 0004. (Plat plans are on file in the Planning Department Office and are identified as #10-01-07).

D. 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 **Two International Group, LLC, Applicant**, for property located at **75 New Hampshire Avenue**,

wherein site review approval is requested for the construction of a 29,900 ± s.f. 3- story office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 306 as Lot 004 and lies within the Airport, Business and Commercial District;

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Jennifer Viarengo, of Appledore Engineering, appeared on behalf of Two International Group. She addressed the subdivision plan and displayed the plan for the public. The lot is surrounded by International Drive, Manchester Square and New Hampshire Avenue. They are proposing a three lot subdivision. The first lot has frontage on International Drive and consists of 5.33 acres and includes the existing DEA building. The second lot is the old tennis court and gym building and consists of 5.123 acres and the proposed Lot #4 is the old simulation building and what is known as the BayRing switchgear consisting of 8.75 acres with frontage on New Hampshire Avenue.

As part of the proposed development, they are proposing a registered LEED certified 3 story office building, located on proposed Lot 4. The building will be 3-story, 28, 900 s.f. with a parking garage below. They have the associated parking of 70 spaces in the garage below and the remaining will be on the surface. Some are assigned car pool and preferred spaces for low emitting vehicles. From a utility standpoint, there is a proposed underground detention basin to the front that has been designed to mitigate the increase in impervious area. It ties into the existing system on New Hampshire Avenue and they will have standard sewer, water, gas and electric connections. A significant effort was made to save existing mature trees. There is a group of trees and they are trying to save as many as they can. After the TAC meeting, it came to their attention that there was a small section of trees in another area which they went back and looked at. They went to the BOA and asked for a variance for loading berths which was granted so they were able to save 4 of the large trees which are 2 –3.8' in diameter. That has allowed them to re-arrange their parking and they compromised with their additional effort to save trees. They had comments that were addressed during the TAC process and she indicated she could review those if requested.

Chairman Ricci asked the Board if they wanted her to go through the list of comments. Deputy City Manager Hayden felt they had provided a very clear explanation with their plans.

Mr. Coviello asked about parking. Ms. Viarengo indicated that the required parking is 1 per 200 s.f which equals the 406 you are allowed. Under regulations you get credit for cars that are van and car pooled. For every van pool space you get a credit of 6 spaces but you can only do that for up to 15% of the total spaces. The same calculation is used for the car pool spaces. There is no credit for the low emitting vehicle spaces. Mr. Coviello asked about the credit for the parking garage. Ms. Viarengo explained that it has to meet ½ of the parking demand. Mr. Coviello thought it looked like a huge parking area. Mr. Holden pointed out that this was following the Pease Zoning Ordinance and not the City's Zoning Ordinance.

Ms. Roberts asked what type of surface was being used in the parking lot? Ms. Viarengo indicated it was asphalt. Porous pavement would have given them a point but this site was not suitable for that.

Councilor Dwyer noted that because they have a more advanced plan since going to the BOA, they have been able to save 4 of 18 trees in that space. Ms. Viarengo felt that the other trees fall into another area. That was the amount they could build around.

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. Holden indicated that he believes TAC missed one. They usually requested a traffic impact fee assessed by the PDA. Ms. Stowell agreed. Mr. Holden added that the Applicant work with PDA to determine their traffic impact assessment.

Chairman Ricci asked for discussion or a motion on Item C, subdivision approval.

Mr. Coviello made a motion to recommend subdivision approval with the stipulations recommended by staff. Mr. Coker seconded the motion.

The motion to **recommend¹ preliminary and final subdivision approval** passed unanimously with the following stipulations:

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

Chairman Ricci asked for discussion or a motion on Item D, Site Review approval.

Deputy City Manager Hayden made a motion to recommend Site Review Approval with the TAC stipulations, based on the Site Plan that shows the trees being preserved. Mr. Fortier seconded the motion.

The motion to **recommend¹ site review approval** passed unanimously with the following stipulations:

Stipulations from the September 4,2007 Technical Advisory Committee Meeting:

1. That the Site Plans shall note that the access driveways shall be removed, curbed in and sidewalk sections repaired;
2. That the applicant shall look at the downstream drainage system and ascertain if it will be adequate regarding the difference in flow;
3. That, as New Hampshire Avenue was paved last year, if there is any damage to the street during construction, the entire cross section shall be milled 1 ½" and repaved (not including the driveway, curb inlet and the 1' section on the side);
4. That all utility cuts shall be repaired where the basin gets pushed out to the street;
5. That the applicant shall review the lighting on the drive entrance for spillage over the property line;
6. That the water service for 11 Manchester Square shall be shown on the Site Plans;
7. That the 8" and 4" water service shall be corrected on the Site Plans for clarity;
8. That the Site Plans shall reflect that the vacant building has been demolished;
9. That Note 21 regarding the Aquifer Protection Guidelines shall be also include that this project is within the Wellhead Protection Area;
10. That any irrigation system shall comply with the City Water Ordinance and operate during the hours of 10:00 pm – 5:00 am;
11. That 6" of top soil shall be provided for irrigation purposes;

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."

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."

- 12. That the applicant shall meet with Tom Cravens, of DPW, regarding dual water services on the lot;
- 13. That the applicant shall meet with representatives of DPW regarding the disposition of floor drains in the garage;
- 14. That the applicant shall be responsible for providing concrete sidewalks along the property line;
- 15. That the applicant shall meet with representatives of DPW to discuss the elimination of the loading berths, the relocation of parking spaces and their efforts to save as many mature trees as possible;
- 16. That the applicant shall provide anticipated water and sewer demand for the project and include references of where that demand came from, ie., a similar type of office building in another area or industry standard, and said report shall be stamped by a licensed engineer;
- 17. That the Landscape Plan shall be reviewed and approved by the Planning Department;
- 18. That all construction activity and street closures shall be coordinated with DPW and the PDA;

Stipulations from the September 20, 2007 Planning Board Meeting:

- 19. That the Applicant shall work with the PDA to determine their traffic impact assessment;
- 20. That the plan being approved is revised on 9/20/07 to reflect the variance which was granted by the BOA on 9/18/07.

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E. The application of **EAB Realty Management, Inc., Owner**, of property located at **1628 Islington Street and 1674 Islington Street** wherein Preliminary and Final Subdivision (Lot Line Revision) approval is requested between two lots having the following: Lot 12 shown on Map 241 decreasing in area from 90,136 s.f. to 86,097 s.f. and street frontage on Islington Street decreasing from 184.35 s.f. to 145.20 s.f. and Lot 11 shown on Map 241 increasing in area from 46,101 s.f. to 50,140 s.f. and street frontage on Islington Street increasing from 78.15 s.f. to 117.30 s.f., and lying in a zone where a minimum lot area of 15,000 and 100' of street frontage is required. Said lots are shown on Assessor Plan 241 as Lots 11 and 12 and lie within a Single Residence B District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, Ambit Engineering, presented for the applicant. Ed Beevers was also in attendance. Mr. Chagnon explained that this was a lot line relocation between 1628 and 1674 Islington Street and both lots are owned by EAB Realty Management, Inc. This application is to clear up an existing encroachment of a building at 1628 Islington Street. They are angling the lot line to the west so that there is a 10' setback. The lots are conforming and 1628 will not have conforming frontage when it did not before. While doing that they also show on the plan a couple of easements which they can clean up with the same plan. The top one is the water line which comes in and crosses the other lot. Now 1628 will have an easement for 1618. The second easement is a driveway access easement. The driveway for all three lots comes off of Islington Street and is shared. This easement box shows the metes and bounds so they can write the proper instruments to make sure the driveway access is in easement format. They were asking for preliminary and final approval.

Mr. Coker noted that 1628 does not show a leachfield. Mr. Chagnon indicated it is basically a pipe that comes out and is only one line. Mr. Hopley stated that was an existing system. Mr. Chagnon added that before 1969 there were no regulations or design standards.

Chairman Ricci asked if they relocated that leach field on 1674? Mr. Chagnon confirmed that they did and that it was put in seven years ago. Chairman Ricci asked if they were creating nonconforming setbacks on the leach fields? Mr. Chagnon stated they were not as the State rule is 10’.

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 preliminary and final subdivision approval with the three stipulations. Deputy City Manager Hayden seconded the motion.

The motion to approve preliminary and final subdivision approval passed unanimously with the following stipulations:

1. That, as appropriate, any easements shall be reviewed by the Legal Department and approved as to content, form and proper recording at the Registry of Deeds;
2. That boundary monuments shall be placed in accord with requirements; and,
3. The submission, to Department of Public Works of electronic data, suitable for updating the City’s Assessing Records.

.....

F. The application of **68 State Street, LLC, Owner**, for property located at **68 State Street**, wherein Site Review approval is requested to construct a 7,370 ± s.f. 4/5 story mixed use condominium building, after demolition of the existing building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 105 as Lot 13 and lies within the Central Business B (CBB) District and the Historic District A;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, presented for the applicant. Also present was Stephen Kelm, Paul McEachern and Jen Ramsey. The project consists of a proposed 5 story building. The existing building will be demolished and replaced with this building. On April 19th they came to the Board with a lot line relocation plan between 58 and 68 State Street. This plan reflects that change and the proposed building at 68 will go up to the building under construction at 58 State Street. In the back there is access to a first level parking area and the retail is on the front on the State Street side. They are providing 10 covered parking spaces with access from Court Street. There will be new brick sidewalk on State Street and Court Street. The Court Street improvements ended at this property as the City knew work would be done and they will finish it up. There are landscaping and utilities. He reviewed the individual plan sheets. Rather than going through the stipulations he was open for questions.

Mr. Coker asked Mr. Chagnon to review the parking again. The calculations are pretty clear on C-2 but they are supplying 10 underground spaces. Mr. Chagnon indicated that Sheet C-2 shows the parking layout. As you come in there are two spaces straight ahead, 7 spaces (#3-#9) along the side and one space 180 degrees from the entrance for handicapped. Mr. Coker referred to the parking calculation. They are required to provide 26 parking spaces, less parking credit of 16. Mr. Chagnon explained that he first shows the parking base line. There was a grandfathered use of the property which was kept track of, leaving a credit of 12 spaces. Covered parking gives a credit of 3 for each covered space. Therefore, they are over by 16 spaces. Mr. Coker was concerned that the City was not addressing the parking properly as there will be no place to park eventually. He felt that the City needs to look at this issue in a hurry.

Chairman Ricci was fuzzy on the trench drain. He asked how the grading works? Mr. Chagnon referred to Sheet C-3 which shows a 30' trench drain in the garage space and it has no outlet and is not connected to a sewer or storm drain. It is there just to catch incidental water from vehicles from snow or rain. This is all under the roof so no rainfall is getting into the garage. The slope to the garage is front to back, and the drain is set in a trench which is 6" minimum and 8" maximum so the bottom of the trench will be level and the trench will slope a little bit. He also pointed out the notes about maintaining it. Chairman Ricci was concerned that maintenance is relying on people who come and go so he would like to see a maintenance schedule. He was also concerned about gas and oils that will sit in there and it infiltrates through the bottom. Mr. Chagnon felt it is no different than the garage surface in any garage. If there was a spill that would be an event but normally it is like any other garage and it doesn't pose a serious problem. Chairman Ricci asked where this design came from? Mr. Chagnon stated this went back to other buildings. If they put an outlet in they are basically providing someplace that is connected to the water resource.

Mr. Coviello asked if the garage was heated? Mr. Kelm confirmed the temperature would be at 40 degrees.

Councilor Dwyer notes a discussion in the TAC minutes about landscaping and open space. She would like to hear them say on TV what urban landscaping is and what their thinking is on this and what they are offering in the spirit of City beautification. Mr. Chagnon stated that in this application the open space area is along the side of the building and parallel to Court Street which total 5% open space which is the requirement. The roof was part of the HDC approval to help the building fit the streetscape. The developer is not going as far as they could with the coverage to provide the other HDC aspects. They have plantings along the front of the building which is urban landscaping between the building and the sidewalk. There is room for a small tree for a vertical appeal. There are brick walkways and along the front the idea of State Street is to keep the building right to the street. This particular building has a large area that is open to the floors above so the courtyard area is only above the garage level and they can't count it as open space. Councilor Dwyer asked if that will function as a common deck area?

Jennifer Ramsey, of Somma Architects, stated that the open courtyard is accessed by 3 units and it is open to the sky. It will be planted but not counted as open space. All units except 2 units in front will have a view of it.

Mr. Coviello asked if the rear of the building on Court Street could support some plantings and trees? Mr. Chagnon confirmed there is an area between the building and sidewalk where they will be putting some plantings and one tree.

Mr. Coker commented on the trench. He shared a personal experience of when he failed to put his gas cap back on and spilled fuel. He asked if it was customary to have a drain that doesn't go anywhere? Mr. Chagnon indicated that this has been done at 10 Congress and other places. Mr. Coker asked if they could actually connect it to someplace? Mr. Chagnon believes it will evaporate. They would have to route it through an oil/water separator first and they will not get enough water running through it to keep the oil above the drain. The building inspector may be able to address it. Mr. Hopley advised the Board that in the last proposal for 75 New Hampshire Drive, one of the debates was what to do with the drainage in a much larger garage. That item was left to David Allen and Peter Rice and the record shows that the oil water separator was taken out and they are just doing a trench drain that goes no where. He thinks this is the preferred method of the City.

Chairman Ricci asked if they would have typical maintenance of the trench? Mr. Chagnon stated that they have noted that the Condo Assoc will be responsible and he would think that every 6 months would be acceptable. The building owner at 82 Congress Street might be able to answer that.

Stephen Kelm advised the Board that he developed 10 Congress Street which has the same trench drains. They went into the garage recently and cleaned the whole garage and it was negligible how much material was in the trench drain. The main purpose is to collect water and it evaporates quickly.

Mr. Coviello indicated that he has done several buildings with this design. It is usually a self policing design.

Mr. Coker asked if they would be agreeable to a stipulation for a maintenance plan reportable to DPW on an annual basis. Mr. Chagnon confirmed that they are currently agreeing that the Condo Association would be responsible for it.

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

Ms. Tillman referred to TAC stipulation #21, and felt that the London Plane tree may mature to be too large and she is working with Mr. Chagnon for a more appropriate tree.

Mr. Holden advised the Board that the TAC letter of decision refers to comments that should be viewed as stipulations. And in talking with PSNH, they are still working with the applicant on the electric service. That electric service should be reviewed and approved by DPW.

Deputy City Manager Hayden made a motion to approve Site Review approval with those three conditions and TAC stipulations. Vice Chairman Hejmanek seconded the motion.

Councilor Dwyer asked about the appropriateness of open space landscaping. Since the second story courtyard will be a visible feature, is that a place potentially to have some review of the plan for what qualifies for landscaping. There is no note about that and it could just be open space. Mr. Holden felt there was quite a bit of discussion at TAC and the department worked to address that. This is an amenity for the occupants of the buildings and they would not normally get into it. The applicant has now satisfactorily addressed the open space. Councilor Dwyer asked if they care about amenities to occupants of the building? Mr. Holden responded no.

Mr. Coker asked to have the Condo Assoc report their maintenance of the trench to DPW on an annual basis. Deputy City Manager Hayden was concerned that they have never asked for this before and are they settling precedent? Mr. Coker withdrew his stipulation.

The motion to approve Site Review approval passed unanimously with the following stipulations:

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

1. at a recalculation of the open space should be noted on the Site Plans;
2. That a contribution towards repaving State Street shall be discussed due to the numerous patches in front of the three individual properties owned by the applicant;
3. That Court Street should show a tipped down area in hatched brick and the change in grading should be better delineated;
4. That a Construction Management and Mitigation Plan (CMMP) will be required;

Stipulations from the July 31, 2007 Technical Advisory Committee Meeting:

5. That the Site Plan shall be revised to show the correct placement of the building and that the setbacks off of the existing buildings shall be labeled;
6. That a note shall be added to the Site Plans stating that the Homeowners Association shall be responsible for the maintenance of the interior garage drain;
7. That a meeting shall be held with the City's Legal Department, Planning Department and Applicant's Legal counsel to determine whether the open space for this plan meets the spirit and intent of the Zoning Ordinance;
8. That all notes on the plan stating that Court Street is under construction should be removed;

- 9. That the sewer service shown coming out of the existing building needs to be verified and shown on the Site Plans;
- 10. That a meeting shall be arranged by the Applicant to meet with PSNH;
- 11. That subsequent to the meeting with PSNH, the City will determine what needs to be repaved and re-sidewalked;
- 12. That absolutely no excavation shall be allowed on Court Street until a time uncertain;
- 13. That a note shall be added to the Site Plans stating that the fire service shall be sized and a new fire service will come in from State Street;
- 14. That information for capacity use surcharge flow in gallons per day, gallons per minute and peak flow and at what times shall be provided to the City for domestic water service;
- 15. That a letter be provided from the utility company confirming that the gas service is adequate;

Stipulations from the September 4, 2007 Technical Advisory Committee Meeting:

- 16. That a City standard brick sidewalk shall be installed on State Street from the utility pole to the property line;
- 17. That the Street names on the pole details on the last page of the Site Plans shall be corrected;
- 18. That a note shall be added to Page 3-C stating very clearly that Court Street shall not be disturbed and, as part of the jacking or boring, if any accident shall occur, the applicant shall be responsible for a full milling and overlay for a section of the street to be determined by DPW;
- 19. That the notes on the Site Plans referring to re-striping for 58 State Street shall be deleted and replaced with a note indicating that re-striping shall be redone as shown;
- 20. That the water service shall be shown as an existing feature out to the shut off until confirmed by a review of the as-builts of Court Street;
- 21. That the tree shown on the Landscape Plan shall be a London Plane tree and so labeled.

Stipulations from the September 20, 2007 Planning Board Meeting:

- 22. That the applicant shall work with the City Planning Department to select an appropriate tree for the site;
- 23. That the electrical service to this site shall be reviewed and approved by the Director of DPW;

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G. The application of **Public Service Company of New Hampshire, Owner**, for property located at **400 Gosling Road**, wherein Site Review approval is requested to construct a 1 ½ story (5,260 s.f. footprint) warehouse building, after demolition of two existing warehouse buildings, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 214 as Lot 1 and lies within the Waterfront Industrial District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

David Still, engineer for PSNH, presented. Also present was Richard Despins. Mr. Still stated that they are looking to replace two older warehouse buildings on site with one new warehouse building. The proposed building will be in the same location, on Gosling Road, past the railroad tracks. On the site plans, the new building is shown as an overlay on top of the two older buildings. They received variances for front and side setbacks and landscaping. The current buildings are not landscaped. They attempted to make the warehouse building less non-conforming. All variances were granted. They wanted to make an upgrade with a minimal impact to the site. They can keep things going as they have been by using the same spot.

A rendering of the new building was displayed for the Board in color. They are showing a tan building with a green metal roof. It is a 5,260 s.f. building with a mezzanine area, for a total of 6,660 s.f. They currently have 3,000 s.f. They are adding parking to account for the increased space. The new building is 29' tall and will have one loading dock, two connecting entrances and a ramp. The ramp is not intended for loading and unloading but just to get a piece of equipment in and out. The building is metal. No full time staff will be operating out of the building. There will be a work station inside but no bathrooms. Type of materials inside the building will be what is already stored on site. One of the items discussed at TAC was lubricants and a list was provided to the Board in their packets. There is no requirement for sprinklers in the building. Lastly, there are roof drains on the building and the entire site is paved. It will flow to a catch basin to the river. They also intend to fit that basin with a type of oil/water separator.

Mr. Coviello stated this was the first time he has seen jet fuel tanks in a project. Mr. Still indicated there is a small generation unit and the two jet fuel tanks feed that. It is an odd item but the code is that the building be 10' away at a minimum. The new building at its closest point is 12' from the building. Mr. Coviello noted that there will be some major construction going on at the site. Mr. Still explained they will be keeping key pieces but will turn some control over. There is a concrete containment berm that goes around the building. Someone will have to put in some sheeting and excavate behind it. There are a lot of aspects with transmission towers right on the other side of it that is difficult but they are experienced with that. Mr. Holden advised the Board that this was discussed by the Planning Department and the Fire Department and jet fuel is not very combustible.

Mr. Coviello asked about the turning radius. Mr. Still indicated that what they have currently on site is a fairly defined parking area. Currently the trucks will drive through and turn around the back of the building. They revised striping so trucks could back in to unload and then proceed back around the back of the building and back out to the road.

Mr. Coviello asked about site lighting? Mr. Still confirmed there was no change overall. The current building has a couple of lights on top of the building and they will match that intent.

Mr. Coker asked about a shape on the right side of parking area. Mr. Still explained that is just striping. The intent is to end up with 9' wide spaces. Mr. Coker-asked if they were changing the edge of the parking lot? Mr. Still confirmed they are keeping it pretty much the same.

Chairman Ricci asked if the new building will be sprinkled? Mr. Still responded that it was not and it was not required.

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 Site Review Approval. Mr. Fortier seconded the motion.

Mr. Coviello stated that the presentation was well done.

The motion to approve Site Review approval passed unanimously.

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H. 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 **Emerson Process Management, Applicant**, for property located at **130 International Drive**, wherein site review approval is requested to expand an existing parking lot by adding 43 parking

spaces, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 306 as Lot 006 and lies within the Industrial District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Michael Mates, of HTA/Kimball Chase, presented on behalf of Emerson Process Management. Dave Unger and Maria Stowell were also present.

Mr. Mates explained that the proposed project is an expansion of the parking in the northwest portion of the lot. They are trying to mimic what is there currently. They have two bays of parking with landscaped islands for each. They will mirror that with a third bay of parking and they will mirror the drainage as well. Currently the drainage sheet flows over the lot to a detention pond. This expansion was accounted for in the original design so they are not planning to change the detention pond. They are adding 18 new shrubs and 4 new trees at the end of each island, to meet the PDA regulations. There is no underground drainage proposed and no utility work - just paving and landscaping. Based on their TAC review, they had six stipulations and they have address all of those.

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 recommend approval with the six TAC stipulations. Mr. Hopley seconded the motion.

The motion to **recommend¹ site review approval** passed unanimously with the following stipulations:

Stipulations from the September 4, 2007 Technical Advisory Committee Meeting:

1. That the applicant shall provide the PDA with the growth they experienced since the last building was constructed and provide some explanation of why they need more parking spaces;
2. That the applicant shall meet with the TMA provider and confer with the PDA regarding their parking needs and any concurrent fees that would be appropriate;
3. That the open space calculations that are on the Site Plans are old and the applicant should revise the plan to show the new standard;
4. That this lot has a 50' buffer that is being maintained and that should be shown on the Site Plans;
5. That a note shall be added to the Site Plans that all new lighting shall be Dark Sky Friendly;
6. That a note shall be added to the Site Plans that if this lot is within the Wellhead Protection area they will follow the Aquifer Protection Guidelines.

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III. CITY COUNCIL REFERRALS/REQUESTS

- A. Request for report back regarding property located at 5 Adams Avenue and Van Buren Avenue;

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.”

Mr. Holden stated that the interested parties are talking and one of the participants has asked that this be postponed until the October 4th meeting.

Mr. Hopley made a motion to table this matter to the October 4th Planning Board Meeting. Deputy City Manager Hayden seconded the motion.

The motion to postpone to the October 4th Planning Board meeting passed unanimously.

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B. Request for report back regarding street acceptance of Wholey Way;

Mr. Holden advised the Board that, in conversations with Steve Parkinson, Director of Public Works, the City now has the funds to complete this so he recommends that the Board favorably recommend to the City Council that they formally accept the street.

Deputy City Manager Hayden made a motion that they favorably recommend that the City Council formally accept Wholey Way. Mr. Hopley seconded the motion.

The motion passed unanimously.

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C. Letter and Petition from the Frank Jones Farm Neighborhood Group opposing the rezoning of areas of the neighborhood for commercial development (no action required – to be placed on file);

Mr. Holden indicated to the Board that they may recall that one rezoning request was in the vicinity of Granite Street and the Planning Board recommended that no action be taken. The Council accepted that report. In the meantime the neighborhood submitted this petition and the City Council wanted the Planning Board to be made aware of it. The general consensus of the Board was to put it in the rezoning file.

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D. Sheraton/Westin Easement and License Plan;

Mr. Holden indicated this had been referred by the City Council Monday night. The Department recommends that they postpone this to the October 4th meeting as well.

Vice Chairman Hejtmanek made a motion to postpone this referral to the October 4th meeting. Deputy City Manager Hayden seconded the motion.

The motion to postpone to the October 4th meeting passed unanimously.

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IV. AMENDED SITE PLAN REVIEW

A. Amended application of 85 Heritage Avenue Holdings, LLC, Owner and Mike MacDonald, Applicant, for property located at 85 Heritage Avenue, to remove an external staircase;

Mr. Holden advised the Board that the Planning Department made the decision that this was a minor amendment and this was to advise the Board of that action.

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Mr. Holden reminded the Board that on October 4th they will have a non-meeting with Council and then a work session on both Site Review Regulations and the Zoning Ordinance.

Councilor Dwyer indicated that she thought the Supreme Court decision was extremely interesting and she wondered if that should be addressed. Mr. Holden did not believe that needed to be addressed at the non-meeting but could be addressed at a future meeting. She felt it had huge implications for the residential and as they go into zoning it says something about how far or how little they want to go with zoning. She would like Attorney Sullivan to address them on that.

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V. ADJOURNMENT

A motion to adjourn at 9:40 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 November 15, 2007