

**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.

JANUARY 17, 2008

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

MEMBERS EXCUSED: Donald Coker

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

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I. NEW BUSINESS

A. Election of Officers;

Deputy City Manager Hayden made a motion to open the table up for nominations. Mr. Coveillo seconded the motion.

Mr. Coviello nominated John Ricci for Chairman. Mr. Hejtmanek seconded the motion. There were no further nominations. Mr. Hopley made a motion to close the nominations for Chairman. Deputy City Manager Hayden seconded the motion. The motion to close nominations passed unanimously.

As there was only one nomination, a secret ballot was not necessary. The Board voted unanimously to elect John Ricci as Chairman.

Deputy City Manager Hayden nominated Jerry Hejtmanek for Vice Chairman. Mr. Coviello seconded the motion. Mr. Hopley made a motion to close the nominations for Vice Chairman. Deputy City Manager Hayden seconded the motion. The motion to close nominations passed unanimously.

As there was only one nomination, a secret ballot was not necessary. The Board voted unanimously to elect Jerry Hejtmanek as Vice Chairman.

Chairman Ricci introduced Norman Patenaude as the new alternate to the Planning Board.

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II. OTHER BUSINESS

A. Presentation of **Capital Improvement Program;**

City Manager John Bohenko advised the Board that they will be presenting the City's proposed six year Capital Improvement Plan for fiscal year 2009 – 2014. Mr. Bohenko indicated that this process started last fall when a Memorandum went out to all Department Heads, including schools and Pease Development Authority, asking they submit their capital needs for the next six years. After receipt of those proposals, the Planning Board Sub-Committee, consisting of Chairman Ricci, Vice Chairman Hejtmanek, Donald Coker and Tony Coviello, met with various Departments to review those requests. For the fiscal year '09, Department Heads submitted requests in the amount of \$1.7 million that would directly effect the 09 fiscal general fund budget. Last year the Planning Board proposed funding of \$1.5 million, which was reduced in the budget process to \$1.2 million and was finally approved by the City Council in May of 2007. For fiscal '09, City Manager Bohenko indicated he will be proposing that the City Council appropriate in the general fund the portion of the Capital Improvement Plan that would amount of \$1.4 million. He noted that the projects that are bonded will require a separate two third vote of the City Council. Additionally those projects identified in fiscal year '10, '11, '12, 13 and '14 are for planning purposes with actual funding not required in fiscal year '09. The total Capital Improvements Plan scheduled for fiscal year '09, including general fund bonding and enterprise funds, water and sewer, is approximately \$93 million of which \$50 million is being leveraged with Federal, State and other sources. Therefore, for every dollar the City is spending on capital projects, 50 cents comes from other sources other than the local tax payer. He asked City Staff to present the details of the CIP for FY ' 2009 through FY' 2014. After the presentation, he asked the Board to vote that this plan be forwarded to the City Council for their review. The City Council will review the document on a work session on January 28th with a public hearing scheduled for March 3rd. Final adoption of the CIP is anticipated at the City Council meeting of March 17, 2008.

David Holden advised the Board that they have the CIP Sub-Committee report before them. It is recommending the infrastructure improvements necessary for the City over the next six years. The Committee consisted of Chairman John Ricci, Vice Chairman Jerry Hejtmanek, Tony Coviello and Donald Coker. Mr. Holden turned the presentation over to staff for a review of each project.

City Staff presenters:

Christopher LeClair, Fire Chief
Bill Irving, Police Department
Bob Lister, Superintendent of Schools
Peter Torrey, Trustees of Trust Fund for Prescott Park
Cindy Hayden, Deputy City Manager
Steven Parkinson, Director, Public Works
Alan Brady, Communications Supervisor
Deborah Finnigan, Traffic Engineer
David Allen, Deputy Director, Public Works
Peter Rice, Water/Sewer Engineer

At the conclusion of the presentation, City Manager Bohenko indicated they need a vote to the City Council for their deliberation. For fiscal year '09 there is \$93 million worth of work that is anticipated of which \$50 million comes from other sources outside the local tax payer. The CIP amounts for approximately \$300 million of which only two thirds come from the taxpayers. City Manager Bohenko indicated that they have developed this plan with the help of the Planning Board, the Sub-Committee and Department Heads. This will be on the City website, it will be an appendix to the fiscal '09 budget and copies will be available at the Public Library and at City Hall. This shows how they have planned for the future of Portsmouth. This plan did not happen overnight but has been on going over a number of years and items have been added. He thanked the Board for their attention and asked for their approval to move this on to the next level.

Ms. Roberts asked about the new police station upgrade and connecting that to the next three items in the CIP which talk about upgrading specific rooms in the Police station. City Manager Bohenko stated the money that is in there as a result of what was later on at the Doble Reserve Center. They need to

make a determination of the reuse and one proposal is to relocate the police station to that location. They would not go forward with the room upgrades if they planned to move the police station. They are only spending \$25,000 to study the location to make a decision.

Mr. Roberts also wondered about fuel for Coast Bus and City vehicles. What type of vehicles are those and can they be more environmentally friendly. Mr. Parkinson stated that the buses use biodiesel. They have been running a pilot since September on trash trucks and are using biodiesel. They are not working on the Fire Department. City Manager Bohenko stated they are also looking at LEED certification for any new buildings. There is a whole report on how they are evaluating sustaining energy and making that possible. David Allen confirmed that was available on the website. City Manager Bohenko indicated they try to look at the sustainable aspect of every project.

Ms. Roberts asked about elaborating on the IT upgrade bundles and the funding source. City Manager Bohenko confirmed that last year they had the funds in two different locations. They brought those two together. Last year they spent \$267,500 and this year they are proposing \$290,000. It will be a line number in the budget and the implementation of spending that money will follow the schedule. Ms. Roberts noted that the CIP is a huge improvement over the past years since she has been on the Planning Board. She appreciated all of their work.

Mr. Coviello asked if there was funding for the parking garage at the Portwalk project, assuming it gets passed? City Manager Bohenko explained that each bonded project has to go before the City Council individually and have two readings and the second reading is a public hearing.

Vice Chairman Hejtmanek made a motion to approve the CIP and recommend to the City Council. Mr. Coviello seconded the motion.

The motion to approve the CIP and recommend it to the City Council passed unanimously.

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III. APPROVAL OF MINUTES

- A. Approval of Minutes from the November 29, 2007 Planning Board Meeting – Unanimously approved.

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IV. PUBLIC HEARINGS

A. The application of **Parade Office, LLC, Owner**, and for property located at **195 Hanover Street**, wherein Site Review approval is requested to construct a 123,234 ± s.f. second basement level, 332 ± space parking garage and parking layout modification to first basement level parking garage which was previously approved, 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 District, Downtown Overlay District (DOD) and the Historic District A; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.
Chairman Ricci mentioned the three letters of support that were before them.

SPEAKING TO THE APPLICATION:

Gregg Mikolaities, of Appledore Engineering presented on behalf of the applicant. Also present was Attorney Alec McEachern, Lisa DeStefano from Destefano Architects, Josh Anderson and Jeff Johnston from Parade Office, LLC and Patrick Crimmins from Appledore.

Mr. Mikolaities explained they are before the Board for an addition to the Portwalk project. They were last before them in July of 2007 for approval of the mixed use Portwalk project. That approval included a one level underground parking garage. Tonight they are present for a second underground parking level. To support this they submitted Site Plans, last revised January 11th. Since last July the design team has been working very hard to construct the final design details of the project. Late last fall discussions started to add this additional level for municipal use and they have then been working with City staff to get to this point tonight.

He displayed the Site Plan which was approved last year. There are no changes to that plan with this proposal. What has changed is the first level of the underground parking garage. With the addition of the lower level they had to add the ramp system and ventilation system. They also found that going down an extra level there is substantial bedrock. The geo technical consultant came up with a plan to reduce the footprint 40' and it made sense to rotate the garage, which resulted in a loss of 7 spaces. To construct this second underground level there are engineering issues. Groundwater has to be dealt with and there was discussion on traffic. The easement plan shows the proposed easements to get the public from the first level to the second level and the public back up onto Maplewood Avenue. They have had a number of meetings regarding this. On July 7th they received their Site Review approval, on December 4th they attended a Pre TAC meeting with Staff, on December 11th they had a follow up meeting, during the afternoon of December 11th they had another meeting regarding code review; on December 13th they met in Boston with the City's parking consultant, who is overseeing the plans done by Portwalk. The City's consultants actually wrote the book on parking garage design standards and they have requested that this be a level B in parking garage design terms. On December 20th they had a meeting at DPW to discuss engineering issues; on January 2nd they attended Pre-TAC and TAC and on January 8th they attended Pre-TAC and TAC where they received a favorable recommendation. On January 10th they appeared before the Traffic & Safety Committee and they received a positive recommendation. Questions that came up at Traffic & Safety were about the queues in and out of the parking garage and they have enclosed a report from VHB on that in the Planning Board members' packets. VHB also updated the traffic study from the previously approved study in July. They used trip generations from the High Hanover Parking Garage. As a result of those meetings they come before the Board with 20 stipulations from TAC. They prepared a matrix which was handed out to the Board to assist them as Gregg walked through the stipulations.

- 1) That the plans detail the size of the total two-level underground parking facility;

Sheet C-2 summarizes the required number of parking spaces. On C-3 & C-4, they list the number of spaces for each level.

- 2) That the plans include for the garage entrance and exit. Additionally the applicant shall provide a table for queue and storage lengths;

On Sheet C-4 they have blow up details of the entrance, the stacking of lanes, and the lanes for tickets coming in and out.

- 3) That the applicant coordinate wiring for potential future camera system with the City Police and DPW;

The applicant agrees to this.

- 4) That the applicant coordinate repeater requirements and testing with Gil Emery, City Communications Supervisor;

The applicant agreed to this.

- 5) That the plans include standpipe locations at a 75' radius (or 150' apart) for Fire Department connection.

The applicant will work with the Fire Department, however, they have shown 6 standpipes per level with a note on the Sheet C-4 & C-5.

- 6) That the applicant provide a revised letter with updated groundwater pumping rates;

This is still a work in progress how they submitted a letter on January 7th from the project geotechnical consultants. Only going down one level the groundwater flow was not an issue however as they are now going down an additional level and it will require groundwater being pumped and removed. They have worked with the Peter Rice, David Allen and Peter Britgz regarding the pump station design, connections, electrical cost per year and all documentation.

- 7) That the applicant shall coordinate required permits with the city.

They have agreed to this.

- 8) That the applicant shall receive a recommendation for approval from Traffic & Safety Committee;

They received Traffic & Safety approval on January 10th.

- 9) That the applicant provide more information on the sanitary lines and groundwater pumping.

This is an ongoing dialogue with the City's technical staff and notes are added to Sheet C-11.

- 10) That the applicant shall review the location of eight call boxes and placement shall be reviewed and approved by the Police Department;

They have shown call box locations and notes on C-4 & C-5 that they will coordinate with the Portsmouth Fire Department.

- 11) That the proposed timing for the coordinated system for the Maplewood and Middle coordinated system show timing, phasing and coordination information shall be implemented by the applicant and approved by DPW;

The applicant agrees to coordinate all traffic signal requirements with DPW.

- 12) That the applicant shall address what will happen to the City's traffic control equipment during construction.

This will be included in the Construction Management & Mitigation Plan (CMMP).

- 13) That a recommendation is made to install a cell phone repeater in the garage;

The applicant agrees to coordinate this with DPW.

- 14) That as the pump station design is refined, it shall be reviewed and approved by Peter Rice, City Water/Sewer Engineer;

They will work final details out with Peter Rice.

- 15) That the applicant shall identify what type of fuel they will use for the generator and, if diesel fuel is used, the system shall be double walled rather than single walled as shown on the Site Plans;

They confirmed that an emergency generator will be inside the building to keep the pumps pumping. That discussion is on-going and they will coordinate with DPW.

- 16) That sound tenation shall be installed in the generator room, that the inside building design shall be addressed, the generator shall be labeled as emergency generator and the house of exercising shall be added to the Plans and reviewed by DPW;

The applicant agrees to all of these.

- 17) That should there be groundwater contamination, the issue shall be agreed to by the parties;

Mr. Mikolaities confirmed that the site has been tested and it is clean and everyone is confident that there is no issue. However, they agree to this condition.

- 18) That an agreement shall be prepared regarding groundwater, dealing with the possibility of exceeding the 200 gallon per minute estimate;

This shall be taken care of in an agreement between the two parties.

- 19) That prior to the issuance of a building permit, the developer shall record an easement and appropriate subordinations to assure permanent public access and egress to all levels of the parking garage. The easement is to be in a form deemed acceptable to the City's Legal Department;

Final drafts will go to the City's Legal Department.

- 20) That all conditions of the previous Site Review approval received on July 26, 2007 shall be incorporated directly into this approval;

The applicant is in agreement to this.

Mr. Mikolaities confirmed they have already received approval for the private public partnership for the construction of 40 additional parking spaces for municipal use. The City's parking consultant has been involved. There are no changes to the above ground previously approved site plans. Mr. Mikolaities stressed that time is of the essence as the entire design has been put on hold pending the approval of this additional parking level.

Mr. Coviello asked them to point to the northwest corner elevation for the bedrock. Mr. Mikolaities stated that the bedrock is higher and it tips down across the site. Mr. Coviello asked how the bedrock will be removed? Mr. Mikolaities indicated that the construction manager is now putting together a Construction Management Plan. Mr. Coviello asked if there will be a pre-construction survey? Mr. Mikolaities confirmed there would be and indicated that the City has a pretty good Construction Management Plan which they are diligently working to follow. Mr. Coviello indicated he would make that a condition.

Mr. Coviello asked if the landscaping had changed and if they had gone before the Trees and Greenery Committee. Mr. Mikolaities confirmed they had and that the Trees & Greenery Committee did not add any trees. Mr. Coviello had requested additional trees at the original Site Review hearing and he will make it a condition again tonight.

Ms. Roberts asked about the timing of traffic signals on Maplewood Avenue. What is the agreement in terms of payment if those traffic signals have to be changed? Mr. Mikolaities indicated that is still under discussion. There are additional conditions which have been discussed that were not part of the one level but are now part of the second level. It is his understanding that the City has a real good system on Maplewood Avenue right now. Their goal is to keep that traffic moving and they do not anticipate any problems.

Deputy City Manager Hayden noted that the Public Works Director was present if the Board wanted him to speak to that.

Ms. Geffert had a traffic question. She was concerned about the one level parking garage and traffic on Maplewood. With double the usage, is there an impact on the roadways and has that been looked at? Mr. Mikolaities confirmed that had been looked at and was part of the analysis that went to Traffic and Safety. Because Maplewood is working so well, it is a function of the gate and that can process 700 cars per hour. More people are trying to get in but the gate works faster than the cars can sack up. Both analysis' were submitted to T&S and were also in their packets. The applicant has agreed to work with DPW and the City's Traffic Engineer but they won't know until the project is built how it is going to work.

Steve Parkinson, Director of DPW, indicated that traffic has been studied quite extensively. It is a very sound study. The issue of the signals on Maplewood does not evolve around the equipment as much as it does the timing and phasing of it. There is currently more than sufficient time on the main line. The consultant and developer have agreed to have their people work with his staff in the whole retiming and re-phasing of the corridor. Looking back to their original proposal they also had the requirement to contribute monetarily to the installation of a light at the corner of Russell and Market Street and that is still their responsibility. Regarding the operation of the garage, the City's consultant has been working on that. A number of recommendations have already been made to improve the efficiency of the garage. They looked at stacking and they looked at turns and everything is fine.

Mr. Coviello asked if the exit from the parking garage is right turn only? Mr. Mikolaities confirmed that it was and there is a sign.

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

Karen Logan, owner of 410 The Hill is an abutter. They do business as the Blue Mermaid. She strongly supports this project. It is a win-win situation for the Portwalk project and the City as a whole. Parking has always been an issue.

Margaret Scott was an employee of Chooze Shoes and a resident of Portsmouth. They are constantly being asked for change for people to put in the new parking meters. Cars are an issue and parking is needed. This can only be an improvement for the future. She felt this was a win-win on a moderate profit scale.

Burt Cohen, 28 Market Street, spoke in favor of the project going for LEED silver. This was a goal of the City Council to make the City sustainable.

The Chair called for additional speakers. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Geffert made a motion to approve Site Review Approval with Mr. Coviello's condition. Deputy City Manager Hayden seconded the motion and suggested that they request that the applicant maximize the number of trees given the extent of the constraints that exist. Mr. Coviello was happy with that.

Mr. Coviello also stipulated that a preconstruction survey be done for blasting.

Mr. Holden was assuming that the maker of the motion was also including all previous stipulations from the first two approvals. .

Deputy City Manager Hayden also requested a Construction Management and Mitigation Plan.

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

Stipulations from the January 8, 2008 Technical Advisory Committee Meeting:

- 1) That the plans detail the size of the total two-level underground parking facility;
- 2) That the plans include a detail for the garage entrance and exit. Additionally, the applicant shall provide a table for queue and storage lengths;
- 3) That the applicant coordinate wiring for potential future camera system with the City Police and DPW;
- 4) That the applicant coordinate repeater requirements and testing with Gil Emery, City Communications Supervisor;
- 5) That the plans include standpipe locations at a 75' radius (or 150' apart) for the Fire Department connection;
- 6) That the applicant provide a revised letter with updated groundwater pumping rates;
- 7) That the applicant shall coordinate required permits with the City;
- 8) That the applicant shall receive a recommendation for approval from the Traffic & Safety Committee;
- 9) That the applicant provide more information on sanitary lines and groundwater pumping;
- 10) That the applicant shall review the location of the eight call boxes and placement shall be reviewed and approved by the Police Department;
- 11) That the proposed timing for the coordinated system for the Maplewood and Middle coordinated system show timing, phasing and coordination information shall be implemented by the applicant and approved by DPW;
- 12) That the applicant shall address what will happen to the City's traffic control equipment during construction;
- 13) That a recommendation is made to install a cell phone repeater in the garage;
- 14) That as the pump station design is refined, it shall be reviewed and approved by Peter Rice; City Water/Sewer Engineer;
- 15) That the applicant shall identify what type of fuel they will use for the generator and, if diesel fuel is used, the system shall be double walled rather than single walled as shown on the Site Plans;
- 16) That sound tenation shall be installed in the generator room, that the inside building design shall be addressed, the generator shall be labeled as emergency generator and the hours of exercising shall be added to the Plans and reviewed by DPW;
- 17) That should there be groundwater contamination, the issue shall be agreed to by the parties;
- 18) That an agreement shall be prepared regarding groundwater, dealing with the possibility of exceeding the 200 gallon per minute estimate;
- 19) That prior to the issuance of a building permit, the developer shall record an easement and appropriate subordinations to assure permanent public access and egress to all levels of the

parking garage. The easement is to be in a form deemed acceptable to the City’s Legal Department;

- 20) That all conditions of the previous Site Review Approval received on July 26, 2007 shall be incorporated directly into this approval.

Stipulations from the January 17, 2008 Planning Board Meeting:

- 21) That the applicant shall maximize the number of trees that are saved, given the extent of the constraints that exist;
- 22) That a preconstruction survey be done for blasting;
- 23) That the applicant shall prepare a Construction Management Plan for review and approval by the City Legal Department, Planning Department, City Traffic Engineer and City Manager, prior to permit approval;

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Mr. Hopley made a motion to take Items G, H & K out of order. Deputy City Manager Hayden seconded the motion. The motion to take Items G, H. & K out of order passed unanimously.

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G. 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 **200 International Drive**, wherein Preliminary and Final Subdivision approval (Lot Line Revision) is requested to remove a lot line to increase the size of an existing lot identified as Assessor Plan 312, as Lot 3 from 443,886 s.f. (or 10.19 acres) to 888,157 s.f. (or 20.38 acres) and decreasing the remainder of the undivided Pease Development Authority property by 444,271 s.f. (or 10.19 acres). Said lots lie within the Industrial District where a minimum lot area of 10 acres is required. Said property is shown on Assessor Plan 312 as Lot 3 (Plat plans are on file in the Planning Department Office and are identified as #16-01-07). *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

Mr. Rice made a motion to postpone the Preliminary and Final Subdivision application to the next regularly scheduled Planning Board meeting. Mr. Coviello seconded the motion.

The motion to postpone this matter to the next regularly scheduled Planning Board meeting 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 **Two International Group, Applicant**, for property located at **180 International Drive**, wherein site review approval is requested for the construction of a two story 56,000 s.f. building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 312 as Lot 3 and lies within the Industrial District; *The Board action in this matter has*

been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

The Chair read the notice into the record.

Mr. Rice made a motion to postpone the Site Review application to the next regularly scheduled Planning Board meeting. Mr. Coviello seconded the motion.

The motion to postpone this matter to the next regularly scheduled Planning Board meeting passed unanimously.

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K. The application of **Catalpa Realty Trust, Owner**, for property located at **249 Islington Street**, wherein Site Review approval is requested to construct a 41' x 61' three story addition to an existing building, after the demolition of the existing rear section, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 138 as Lot 43 and lies within the Central Business B district and the Historic District A; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

Mr. Hopley made a motion to postpone the Site Review application to the next regularly scheduled Planning Board meeting. Vice Chairman Hejtmanek seconded the motion.

The motion to postpone this matter to the next regularly scheduled Planning Board meeting passed unanimously.

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B. The application of the **City of Portsmouth, Owner, and PHA Housing Development, LTD, Applicant**, for property located at **100 Lafayette Road**, wherein Site Review approval is requested to convert an existing vacant building to 10 one-bedroom units for seniors 62 or older, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 151 as Lot 8 and lies within the Municipal District; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

Mr. Hopley stated that he was an abutter of this project but believed he could vote with impartiality. There was no objection from any board member.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, presented on behalf of the Portsmouth Housing Authority. Also present was former Executive Councilor and Chair of the PHA Ruth Griffin and Executive Director Joe Couture. Mr. Weinrieb also noted that he lives in this neighborhood and is thrilled with this project. They were before the Board to present plans for the conversion of the Lafayette School to 10 one bedroom senior apartments.

They are proposing to build a new access road around the front of the building, they will allow head in parking in front and then loop back out around the property with a one way road. There will be 14

spaces, 10 spaces are required and 4 will be available for the public. Site improvement highlights include maintaining the playground areas and equipment. Additionally they are providing a 6' safe zone from the back of the guardrail and the playground, similar to the South Mill playground. This guardrail will be higher so people will see it better. They are removing a lot of the chain link fence and installing wood fence. There will be no parking behind the building. The front of the building is half above grade. They are providing a handicapped accessible ramp up the front with a new landing and stairway on both sides for handicapped accessibility. There will also be a gas fired emergency generator with exercises during normal business hours.

In the front they are providing a sidewalk access from Lafayette into the site as well as a sidewalk access from Lafayette Road into the play ground area. People coming from the Middle Road neighborhood will come from Monroe Street and through a break in the guardrail.

Mr. Weinrieb stated they will be doing various drainage and sewerage improvements. They have combined sewer and drainage in that area and they will be separating that on site, allowing for the future planning for when the City does their separation project.

Lastly, Mr. Weinrieb mentioned they will be doing detailed landscaping around the building and adding some specimen trees and a low level site friendly lighting with no spillage onto the abutting properties. Due to space and visual impacts, the dumpsters will be interior.

Deputy City Manager Hayden referred to the left where the generator is and she asked if she will be able to see it? Mr. Weinrieb indicated they will be able to see it as the ramp is not very high. They worked to figure out the best place for it. They did not want to put it in back due to potential sound impact to abutters. They decided on the least impact area. It is on concrete pad. It needs some sort of foundation and they decided to go around it and landscape it with grasses and they went with a drip edge, river stone edge rather than landscaping. Deputy City Manager Hayden asked if it would be a problem to add a detail to the plans so they can see what it looks like? Mr. Weinrieb agreed to add a detail.

Deputy City Manager Hayden asked if she were coming into the site from Monroe, the bumpout area has a tree. She asked if the edge of that against the guardrail was going to asphalt or concrete sidewalk? There is no real sidewalk and there is just grass. Mr. Weinrieb stated that they thought about a couple of different solutions and there are no sidewalks on Monroe Street so to direct someone out onto a sidewalk didn't make sense to them. They chose that once you leave the Middle Road area, you would be talking on Monroe Street. It is not a high traffic area.

Mr. Hopley asked if the sidewalk should have a tipdown at that driveway entrance for baby strollers for an easy transition, from Monroe onto the sidewalk? Mr. Weinrieb indicated they could easily put in a handicapped tipdown.

Mr. Coviello asked about the entrance to the ball park between the two handicapped places and was that a step up? Mr. Weinrieb indicated that isn't handicapped accessible now. It is not accessible into it unless you change the natural plate. Mr. Coviello asked if someone could get a stroller in there? Mr. Weinrieb confirmed that it was common practice to leave the strollers outside the playground. Deputy City Manager Hayden asked if there was a connection where they can go across a level surface to get there? Mr. Weinrieb stated that it is all depressed. Deputy City Manager Hayden would like to look at that to make a connection.

Mr. Hopley noted that the address for Random Road should be Rye rather than Portsmouth on the Site Plan. Mr. Weinrieb confirmed they will change that.

Ms. Roberts asked if they will be changing any of the pavement in the process of putting the drive through area in. Can they move towards more pervious pavement? Mr. Weinrieb confirmed that they

are staying with the traditional pavement surface. They are providing drains on the inside of the green spaces. They did look at some of the pervious surfaces and they do not think they are appropriate on this site.

Chairman Ricci asked about the south side of parking lot that abuts the playground, the grading is flat. He asked what are they trying to achieve? Where the angled parking ends up, it looks like a 2/10 pitch in 230'. Mr. Weinrieb pointed out the direction everything should be pitching.

The Chair opened up the public hearing and called for speakers.

David Witham, 238 Walker Bungalow Road. He has seen a lot of projects come and go for this site over the past 10 years. He feels this is a very good, well thought out plan for the area. This seems to have addressed all of the comments of the neighbors. The time has come to move forward with this and this is a great, low impact use.

John Grossman, 170 Mechanic Street, Board member of Portsmouth Advocates. He thought this is a magnificent program. It is important to maintain architectural features in the City and this is important as it is on the gateway coming into the City. They strongly support this project.

Ruth Griffin, Chairman of Portsmouth Housing Authority. The PHA has continuously and unanimously supported the development of the Lafayette school. Many people have worried about what would become of the Lafayette School and this will allow the building to be preserved and many of the seniors who went to school there will be living in the new apartments.

Steven McCarthy, 169 Lafayette Road. He advocates for this project. This has been the most detailed proposal to-date in front of the Board. To preserve this building would be a great asset to the City.

Steve Scott, 377 Richards Avenue, He is very pleased with the proposal that is before them now. He felt it is a wonderful plan and encouraged the Board to move forward with it.

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 TAC stipulations and an additional stipulation that the accessible route of travel into the playground shall be maintained by shifting the opening of the guardrail a little bit.

Mr. Coviello seconded the motion.

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

Stipulations from the January 2, 2008 Technical Advisory Committee Meeting:

- 1) That the sidewalk into the park on the south side shall have a break in the fence so people can access the park, and shall be so noted on the Site Plans;
- 2) That the transformer and power location shall be approved by PSNH and Verizon, as appropriate. If the service does not match the approved Site Plan then the applicant shall be required to come back before TAC and Planning Board for amended approval;
- 3) That the guardrail shall be relocated so that it is 3' behind the edge of the pavement, and so noted on the Site Plans;
- 4) That approval from the Traffic & Safety Committee must be received prior to the Planning Board meeting;

- 5) That a Construction Management & Mitigation Plan shall be prepared by the applicant for review and approval by the City’s Traffic Engineer, Planning Department, Legal Department and City Manager;
- 6) That on Sheet C-1, Note 3, shall be amended to read “All current state rules and regulations”;
- 7) That on Sheet C-1, Note 10, shall be amended to read “that all debris and sediment should be cleaned up to and including the first catch basin”;
- 8) That the directional arrows around the site shall be painted, and no noted on the Site Plans;
- 9) That a detail for the entrance from Lafayette Road to the site shall be prepared for review by Deborah Finnigan, and added to the Site Plans;
- 10) That the Site Plans shall be amended to include hatching where they are removing walkways and replacing with landscaping;
- 11) That a report regarding the site distance coming out of the driveway shall be prepared for review and approval by Deborah Finnigan;
- 12) That a note shall be added to the Site Plans labeling the generator as an emergency generator and indicating when it shall be exercised;
- 13) That the fence near the egress from the site should be brought back 5’ and so noted on the Site Plans;
- 14) That a 24” wide stop bar shall be added to the Site Plans;
- 15) That the Stop Sign and Do Not Enter signs on the Detail Sheet should be 30” x 30” and a posted detail should be added to the Site Plans;
- 16) That the Landscaping Plan should reflect that all trees must be 6’ from the ground to the bottom of the canopy;
- 17) That Automatic Notification of Emergency Forces and a Knox Box shall be added to the Site Plans;
- 18) That a note shall be added to the Site Plans that the elevator shall be installed per State requirements;
- 19) That the Site Plans shall be amended to use Standard manholes rather than doghouse manholes;
- 20) That a note shall be added to the Site Plans that the 6” water main is to be abandoned and the 20” water main shall be labeled as installed in 2002;
- 21) That the domestic water lines which appear to be going into a set of stairs shall be relocated to the mechanical room and so noted on the Site Plans;
- 22) That the recreational play area plans shall be reviewed by Tom Richter to confirm that they do not effect the recreational clear area;

Stipulation from the January 17, 2008 Planning Board Meeting:

- 23) That that the accessible route of travel into the playground shall be maintained by shifting the opening of the guardrail slightly.

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C. The application of **Portsmouth Regional Hospital, Owner**, for property located at **333 Borthwick Avenue**, wherein Site Review approval is requested to construct 15,417 s.f. (footprint) of building expansion, with 68,731 ± s.f. of gross floor space, to be located in four separate locations as follows: 1) 2,478 s.f. expansion of the front entrance; 2) 7,600 s.f. expansion of the loading dock area; 3) 1,889 s.f. expansion of the mechanical room; and 4) 3,450 s.f. expansion to the emergency room entrance, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 240 as Lot 2-1 and lies within the Office Research District; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

Councilor Dwyer arrived.

The Chair read the notice into the record.

Mr. Holden advised the Board that the Conditional Use for this project was scheduled for December 20th but that meeting was cancelled due to a snow storm and it is now scheduled for January 24th. He encouraged them to go forward with this application with the caveat that if this is approved that it be conditioned upon getting the conditional use approval next week.

SPEAKING TO THE APPLICATION:

Gregg Mikolaities, of Appledore Engineering, presented on behalf of the Portsmouth Regional Hospital. Also present was Bill Duffy, Vice President of Engineering, Portsmouth Regional Hospital, Mike Parma and Todd Hanson from JSA Architects and Patrick Crimmins from Appledore. They passed out colored plans to the Board. Mr. Mikolaities indicated that is a fairly large project expansion and renovation to the Portsmouth Hospital. What is unique is that the pink area represents powerline easements, the blue areas are wetlands and the yellow is the development envelop. About 68,000 s.f. of new expansion, the footprint is 15,400 s.f. so that the site plan change is relatively minor. The blue area is the massing and the vertical rise of the expansion.

The four areas that were called out in the public notice are in orange. The dark gray area is proposed new pavement. The intent of the hospital is to create a central entrance, connecting the two wings with a new drop off area. The existing entrance will still remain and will be a pick up area with additional parking added in the location. The loading area will be expanded and re-orientated with new pavement. Back in the far right corner is a mechanical room expansion to support the new construction. In the emergency room area there will be an extension of the emergency room with additional parking.

Mr. Mikolaities explained that the wetlands issue will be addressed next week but he pointed out on the plan that their expansion is within the 100' wetland buffer. They have had a comprehensive review with the Conservation Commission and 6,000 s.f. of new pavement in the buffer zone was approved but they made many stormwater improvements on the plans. They will add a couple of stormwater treatment units, a large area of enhanced buffer plantings, the construction of a rather large rain garden to accommodate roof water, removing some pavement in the back and adding some pervious pavers to reduce the amount of asphalt. Also, there were three stipulations as a condition of their approval. They wanted any disturbance in the buffer zone be replanted with perennial plantings rather than grass, a parking lot maintenance plan, including sweeping and catch basin cleaning, and making sure the rain garden does not get mowed and cut.

On December 12th they received a positive endorsement from the Conservation Commission. They appeared before TAC on December 4th and as a result of that hearing they made revisions regarding snow storage areas and they have agreed to construct 325' of sidewalk along Borthwick Avenue. The City has the rights to get on site and periodically monitor ground water for analysis. Two wells were lost over the years and those will be replaced.

TAC had eight stipulations as part of their approval and a matrix was handed out addressing those. Mr. Mikolaities reviewed each stipulation.

1. That an Easement Deed for monitoring wells shall be prepared by the applicant, subject to the approval of content and form by the City Legal Department;

This deed has been prepared and has been sent to the City on January 18, 1991.

2. That wastewater discharge calculations be provided to Peter Rice for his review and approval;

The applicant agrees to do that and they are in the process of coordinating the discharge with Peter Rice.

3. That a Construction Management & Mitigation Plan shall be prepared by the applicant for review and approval by the City's Traffic Engineer, Planning Department, Legal Department and City Manager;

The applicant agrees to prepare this document and a note has been added to the plans.

4. That the stop sign on Sheet C-2A shall be on the right side of the stop bar, rather than the left side, and so noted on the Site Plans;

The stop sign locations have been corrected on Sheets C-2A and C-2B.

5. That the "One Way" shall be added to both sides of the three site entrances, and so noted on the Site Plans.

They have clarified the one way circulations and drop off area and added "One Way" signs.

6. That all plantings near an intersection shall be 6' between the ground and the canopy;

They added a note to Sheet C-4A and C-4B.

7. That a turning radius for WB 50 trucks shall be prepared for review and approval by Deb Finnigan, prior to the Planning Board meeting;

They prepared a WB 50 truck movement plan and forwarded it to Deb Finnigan for her approval;

8. That the applicant shall contact Gil Emery, City Emergency Operations Center Supervisor, to complete a site survey regarding radio communications;

They agree to coordinate radio communications.

Mr. Coveillo noted that the plans show the existing building has four entryways and they are reducing it down to three. Are they doing anything to subdue entry that will be used for pick up? Mr. Hanson agreed that sometime there is confusion on the campus. The main entrance directs them to the Shoals entrance. The new design creates a new central entrance and central lobby. The existing front entry will become a discharge entry with signs clarifying that.

Mr. Coviello could clearly see the new construction on the color plan but he could not make out the minor renovations. Mr. Hanson indicated that the expansion they are reviewing tonight is in yellow.

Mr. Coviello asked if any existing roof is being replaced? Mr. Duffy confirmed that the existing roof will stay asked if there was any reason they can't go with a white roof for sustainability? Mr. Hanson replied that they are looking at as many things as they can do. One of the first things they looked at, considering the wetland buffers and power easement, they cannot encroach into the easement, while they are expanding the square footage of the hospital they are trying to do it vertically. Every few years hospital regulations become more stringent and they are forced to expand. They are no longer allowed to build semi-private rooms in hospitals and they must have only one patient rooms. They have been required to expand their square footage. It doesn't necessarily expand their parking need but just improves their care. They have discussed the green roof but it was not decided on for this project. The roof they are looking at is grey. Mr. Hanson indicated they are taking the more reflective of the two options.

Chairman Ricci asked if there is currently in place a Stormwater Management and Maintenance Plan right now? Mr. Mikolaities stated that there is but the Conservation Commission has requested quarterly sweepings. Chairman Ricci asked what is in place today? Mr. Duffy confirmed today they have a maintenance program including sweeping and stormwater cleanings. They will be identifying the catch basins and setting up an annual cleaning.

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 Site Review Approval with the TAC stipulations and that the applicant shall obtain Conditional Use approval. Vice Chairman Hejtmanek seconded the motion.

The motion to grant Site Review Approval passed unanimously with the following stipulations:

Stipulations from the January 2, 2008 Technical Advisory Committee Meeting:

- 1) That an Easement Deed for the monitoring wells shall be prepared by the applicant, subject to approval of content and form by the City Legal Department;
- 2) That wastewater discharge calculations shall be provided to Peter Rice for his review and approval;
- 3) That a Construction Management & Mitigation Plan shall be prepared by the applicant for review and approval by the City’s Traffic Engineer, Planning Department, Legal Department and City Manager;
- 4) That the stop sign on Sheet C-2A shall be on the right side of the stop bar, rather than the left side, and so noted on the Site Plans;
- 5) That a “One Way” sign shall be added to both sides of the three site entrances, and so noted on the Site Plans;
- 6) That all plantings near an intersection shall be 6’ between the ground and the canopy;
- 7) That a turning radius for WB 50 trucks shall be prepared for review and approval by Deborah Finnigan, prior to the Planning Board meeting;
- 8) That the applicant shall contact Gil Emery, City Emergency Operations Center Supervisor, to complete a site survey regarding radio communications.

Stipulation from the January 17, 2008 Planning Board Meeting:

- 9) That the applicant shall obtain Conditional Use Approval from the Planning Board.

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D. The application of **Cross Roads House, Inc., Owner**, for property located at **600 Lafayette Road**, wherein Site Review approval is requested to construct a 10,843 ± s.f. 2-story building, after demolishing three existing buildings, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 243 as Lot 2-A and lies within the General Business District; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

Chairman Ricci advised the Board that he was on the Building Committee for this applicant so he stepped down. Vice Chairman Hejtmanek chaired the hearing.

The Vice Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, presented on behalf of the applicant. Also present was architect Martin Ryan and Cross Roads Executive Director, Chris Sterndale.

Mr. Weinrieb stated that they appeared before the BOA and received three variances in November of 2007. They propose to immediately tear down the two buildings in the building envelop and keep the front building through the building construction phase and then when the new building is ready, they will take down the front building and complete the final site work. The utilities plan is probably the most complex and disastrous plan they have ever seen. They will clean up the utilities, put new sewer and water around the building to provide new services to the property. In addition, while keeping Crossroads operational, it is a two condo on the lot with Operation Blessing in the back. Part of the site design is drainage improvements and they wanted to incorporate as many LID low impact design elements as possible. The ledge is close to the surface and they have suspect soils so they utilized rain gardens to pick up the overflow into the drainage system. They have a landscape architect involved and provided a very detailed landscape plan with consideration to site lines so that it remains a safe site for people. There is a bus stop there now and there is currently a sidewalk in front of Bournival and they are extending that up to the bus stop so they will have a link access to the intersection and signalized crosswalk to the shopping center. Internally they are providing crosswalks and sidewalks for people to pass from the building to the bus stop. They looked for the best places for dumpsters and they provide front parking with a turn around area on the side where the dumpsters and loading would be. There will be a transformer pad in the back.

When they went for their setback variance they were asked to look at why the parking was in the front as it does not meet the master plan. They tried to put the building up front but they weren't able to provide access. The Portsmouth Housing Authority property is in the rear and the parking was a better buffer and more suitable for the Housing Authority.

There were 14 stipulations from the TAC meeting. The Board did not need a detailed review so Mr. Weinrieb turned the presentation over to the architects.

Martin Ryan explained that the Cross Roads facility is a two story building with a partial basement. The exterior envelopes are structural insulated panels and structural insulated roof panels, steel framed, concrete decking on metal decking and it is a type two non protected construction. The program consists of dormitory sleeping areas as well as individual sleeping rooms, a dining area, kitchen, laundry facilities, offices for the administration, and the building also has features that are certifiable such as a super insulated envelope, the metal exterior are recyclable materials, energy efficient mechanical systems, low energy use lighting, finishes which incorporate sustainable materials, recycled materials and natural materials. They also provide a clear story system which provides a strategy for daylight and uses artificial lighting. The mechanical system incorporates the use of a micro turbine which is a system that is gas driven and produces electricity at a certain level and the waste heat system is incorporated in heating the building itself or water.

Ms. Roberts asked him to talk briefly about the exterior lighting in the back. Mr. Martin stated that was a TAC concern. They have sconce style lighting attached to the building. None of the candle readings leave the property lines and they are assured that this lighting will not be visible from a certain distance.

Mr. Coviello asked if they have done a study on how the residents get there daily? Mr. Sterndale indicated that no formal study was done but a lot of anecdotal information to determine that they use Coast trolley and come by foot. They cross Route One which is a safety concern. The City has

attempted to improve safety with a crosswalk and new sidewalk. Not everyone chooses to use it and they go over the overpass. They have done what they can until the State decided to widen the road.

Councilor Dwyer asked how is the parking need determined for this site? Mr. Sterndale indicated they used a lot of anecdotal work once again. They have done some spot checks and counted on different nights. They are fortunate that staff is there doing the day and residents are there during the night. It was a hard thing to figure out from a zoning perspective. Their net is +4 presently. Their current parking arrangement is haphazard at best and this is better controlled and laid out. Councilor Dwyer asked what percentage of staff and residents would this cover? Mr. Sterndale stated that would cover 100% of their parking needs, 15% of their residents and 99% of their staff have cars. When you throw in volunteers and service providers, that adds more that come at different times of the day. Greater control and four more spaces will be better. Councilor Dwyer felt that people must park across the street and walk over. Mr. Sterndale indicated they don't see much of that. If there is an overflow situation, typically it would be during the dinner hour. Very little of cross route one traffic is parking related.

Deputy City Manager Hayden noted that some tipdowns are marked and asked if there tipdowns at the crosswalks also? Mr. Weinrieb stated there are tipdowns at all locations. At some areas there are tipdowns at the entrance and then the entire walk drops down to the pavement grade. It is more of a tipdown in the sidewalk and the entire walk at the handicapped egress tips down. That is why each one is shaped differently. The other crosswalk is a tip down but it is an existing walk that is raised and it ramps down so they did not provide handicapped accessibility.

Deputy City Manager Hayden referred to in front of new building, the lower part of the site where there is a grey area, is that green space between the red building and the plan shows snow storage in the back of the sidewalk. Mr. Weinrieb stated that depending on what they use for removal, that would be brought up and over the curb line.

Deputy City Manager Hayden asked why isn't that sidewalk closer to the building? Mr. Weinrieb explained that they wanted to have green space but to have proper movement and accessibility into the turning radius and to have treatment of stormwater in front of the building, there were competing interests.

Deputy City Manager Hayden asked if the bike rack was going to be on grass or asphalt. Mr. Weinrieb stated that had not been determined. It will be an impervious surface. Deputy City Manager Hayden felt if they have something like grass that they have to mow it never gets mowed and it doesn't look good. Mr. Weinrieb agreed and added that it gets worn down and gets muddy. They will work on a surface.

Mr. Hopley stated that he has tried to figure out how the fire service gets fed but he was confused. Mr. Weinrieb explained that currently the fire service comes up the back of the building and straight through the site to the hydrant. The domestic water comes up Route one and comes into the site through the front. They will cap off the back and run a fire service off and keep it live throughout the construction project. They will go straight through the building in a trench and up to the proposed hydrant. In discussions with the water department, someday the Route One project will happen and they will have water line improvements. TAC asked for a T and a dry line out to the right of way now so they will be able to service off the front when that time comes.

Mr. Coviello asked if a turning radius analysis of the turn around was done? Mr. Weinrieb responded that they recently purchased a program called Auto Turn and they looked at the small UPS size truck and they certainly can make the maneuver.

Councilor Dwyer noted that Mr. Weinrieb referred to the sea of parking in the front which is not what they hope to see on Route One. He also mentioned that the landscaping would be low rather than high.

She felt that their goal for Route One was to have some dense vegetative buffers and she understands why they don't want to do that but what will it look like in terms of some type of buffer? Mr. Weinrieb confirmed they are staying away from the shrubs. They will have low plants, ground cover and canopy trees on the property. There is a ledge outcrop as well as an 8" diameter oak tree that they will make every attempt to save. It will look like canopy trees with open area underneath and low ground cover.

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 TAC stipulations. Mr. Coviello made a second.

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

Stipulations from the January 2, 2008 Technical Advisory Committee Meeting:

- 1) That all necessary utilities shall be underground with an appropriate easement. Otherwise, it will be necessary for the applicant to come back before TAC or the Planning Board for additional review and approval;
- 2) That a stub line going to the hydrant to the front of the property line to make a connection from the Lafayette Road water main shall be added to the Site Plans;
- 3) That a Construction Management & Mitigation Plan shall be prepared by the applicant for review and approval by the City's Traffic Engineer, Planning Department, Legal Department and City Manager;
- 4) That the sidewalk tip downs next to the entrance shall be labeled on the Site Plans;
- 5) That a stop bar shall be added to the Site Plans where traffic goes around the loop into the driveway;
- 6) That a 24" stop bar shall be added to the Site Plans at the site egress;
- 7) That either a "Right Turn Only" or "No Left Turn" sign shall be added to the Site Plans in the same location as the stop sign;
- 8) That a note shall be added to the Site Plans that all trees must be 6' from the ground to the bottom of the canopy;
- 9) That automatic notification of emergency forces shall be required and a note added to the Site Plans;
- 10) That a Knox Box shall be required and a note added to the Site Plans;
- 11) That a long term maintenance plan for the rain garden be prepared by the applicant, to be reviewed and approved by the City Environmental Planner;
- 12) That approval from the Traffic & Safety Committee must be received prior to the Planning Board meeting;
- 13) That a note shall be added to the Site Plans that if NHDOT does not approve the driveway cut, this application shall require additional review by TAC;
- 14) That the lighting on the back sides of the building shall be reviewed with David Desfosses for his approval prior to the Planning Board meeting;

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5 MINUTE RECESS TAKEN

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E. The application of **The Hill Unit Owners Association, Owners**, for property located off **Deer Street**, commonly known as "The Hill", wherein Site Review approval is requested to add a loading area to be used in common with abutting property owned by Parade Office, LLC, and to add 11 on site parking spaces with the placement of bollards to prohibit traffic flow, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 26 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District A; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Corey Colwell, of Millette, Sprague & Colwell, presented on behalf of the applicant, The Hill Unit Owners Association. This is a 1.23 acre parcel at the intersection of Deer and High Streets with 12 condo units. There is also a service road that runs through the easterly portion of the property. They handed out a color version of the site plan. Their proposal has two purposes. One was to provide 11 on site parking spaces located adjacent to the service road and they are in two coloring sequences. They are dark blue and three spaces are shown in light blue. Dark blue spaces represent private deeded spaces to the adjacent condo unit. For example, there are two dark blue spaces labeled #7 & #8 and these spaces were deeded to the adjacent unit, Unit 7-2, when that unit closed on the property. All dark spaces are for the exclusive use of the adjacent condo unit. The three light blue spaces are for the benefit of the entire 12 unit owners. The site was created in the early 70's as a condominium and all existing brick areas were intended for pedestrian access. A safe area between vehicular access going through the service road into the parking spaces, and the pedestrian access was paramount. That was job one, trying to isolate those two so that they had a safe site. They are creating safe access with the installation of 8 x 8 granite posts or bollards shown in the locations with the dark circles on the plan. These granite posts prevent vehicles from going beyond the limits of the parking space and into the pedestrian accessway. There were two ways they could have done that. One way was to curb the entire site and that was not feasible. To further increase safety on the site, they are also proposing that the service road become one way traffic flow heading southerly through the site. All vehicles entering the site would do so via High Street. All parking spaces would back out onto the service road.

Mr. Colwell indicated that this proposal got a start almost four years ago with the City. There is a long history but when the Hilton Garden Inn was constructed, it was built on a 48 space parking easement that The Hill unit owners had access to. They have had many meetings with City staff to create these parking spaces with safe access.

The second part of the proposal is a shared loading area with the Hilton Garden Inn. Currently loading takes place on the two way accessdrive between the Hilton Garden Inn and the unit owners association. A truck comes in, parks in the two way street, blocks traffic, and unloads. They are proposing a loading area on the southerly portion. The truck could pull in and eliminate congestion on the two way street. On the northerly side of the loading area they are proposing a retaining wall to match surrounding retaining walls. The end result is a safer loading access and vehicular movement. It would also provide safer pedestrian movements on the site. There will be a lot of construction on the adjacent site for the Portwalk project and most access to the construction will be on Garden Way. The installation of the loading area will help traffic congestion.

Mr. Colwell indicated that last month at TAC there were four stipulations That the approval of the spaces are the only legal spaces and there are no other spaces allowed on site. That the loading area is on property of the Hill but granting access by the Hilton Garden Inn, to be reviewed by the City Legal Department. That they add a stop sign and the adjustment of a handicapped access ramp on the sidewalk. Those changes were made. Sheet 2 of 3 is the only plan that will be recorded as it shows the

easement plan. The City has worked very diligently to assist with this good alternative to what was there previously.

The Chair called for public speakers.

Karen Logan, owner of 410 The Hill and The Blue Mermaid. She wanted to expand on the importance of the bumpout and what they are experiencing now with the traffic flow. Once the Portwalk Project starts, The Hill will no longer have access to Deer Street. They will only have access to High Street. Today when they have a delivery and the hotel has a delivery, they are getting cars lined up and it will only get more congested. Also, the additional parking spaces is a win-win for the residents of the Hill and the City.

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 asked if the shared spaces will be signed? Mr. Colwell indicated that they will not be signed, that it is private property and they will enforce it themselves. The Condo Association does not park in the shared spaces.

Mr. Coviello made a motion to grant Site Review approval with the TAC stipulations. Deputy City Manager Hayden seconded the motion.

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

Stipulations from the January 2, 2008 Technical Advisory Committee Meeting:

- 1) That the 11 parking spaces shown on the Site Plan shall be the only legally recognized parking spaces;
- 2) That the text "One Way" shall be removed from the service road, leaving only the arrows on the Site Plans;
- 3) That the handicapped tip down in front of the Fitch House shall be verified with David Desfosses, of DPW;
- 4) That the Site Plans shall indicate that the brick sidewalk and granite curb will be replaced with paving where the service road enters High Street;
- 5) That the parking easement shall be approved for content and form by the City's Legal Department.

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F. The application of **Stephen Meade, Brian Donnelly and Nettie Thompson, Owners**, for property located at **159 Woodbury Avenue** and Antonina Cavalieri, Owner, for property located at **179 Woodbury Avenue**, wherein Preliminary Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 58 as shown on Map 162 decreasing in area from 23,019 s.f. to 22,596 s.f. and street frontage on Woodbury Avenue remaining at 106.9' and Lot 57 as shown on Map 162 increasing in area from 5,600 s.f. to 6,023 s.f. and street frontage on Woodbury Avenue remaining at 56.71, and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of street frontage is required. Said lots are shown on Assessor Plan 162 as Lots 57 and 58 and lie within a General Residence A District. *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Stephen Meade of 159 Woodbury Avenue was present. He explained that prior adjacent property owners built a garage which was on his property. Their plan shows the dotted property line which goes through the garage. They want to give that sliver of land to his neighbor, Frank, so that his garage is solely on his property.

The Chair called for speakers.

Frank Cavalier, owner of 179 Woodbury Avenue, confirmed that he accepts Mr. Meade’s proposal.

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 explained that the Board should be aware that the Department has looked this over and more than likely this is being presented in good form. If there is a zero yard they cannot maintain the structure. The Department recommended that this matter go before the BOA for further review. Mr. Holden believed there may be something in the files which gives an indication of a lot line dispute. They recommend that the Board not take an action until the BOA takes an action. The next BOA meeting would be February 19th so they should postpone it to their March 20th Planning Board meeting.

Mr. Hopley asked if the proposed new lot line is directly against the garage in question. Mr. Holden confirmed that was correct and that the BOA can get more information on the garage and the property line. The BOA can determine what the property yard should be.

Deputy City Manager Hayden made a motion to postpone this application to the March Planning Board meeting, pending BOA consideration at the February 19th meeting. Vice Chairman Hejtmanek seconded the motion.

The motion to postpone to the March Planning Board meeting, pending BOA consideration on February 19th, passed unanimously.

Mr. Holden explained to Mr. Meade that even if they have a subdivision he is going to have to get a yard from the BOA as he is creating a zero yard. Mr. Meade was unclear on what he meant by a zero yard. Mr. Holden stated he was moving a lot line right up against the garage and he was in a district where he needed a minimum of 10’. Mr. Meade asked what the issue was regarding the lot line that is currently down the middle of the garage. Mr. Holden stated that if he looked at a tax map, it was not. That was why there was some question about what was going on here. Mr. Meade stated that the tax map that he has seen ...Mr. Holden stated they were not debating it tonight. They are trying to keep him on target by sending him to the BOA for some relief. Rather than stop him until that gets done, they are allowing him to continue this process by going there. He may want to meet with Ms. Tillman and himself next week to get his application together for that. The present tax map does not show it in the same location as other tax maps and that is part of the confusion. Deputy City Manager Hayden confirmed that his next step should be to call the Department to schedule a meeting so that the BOA process can be explained to him. Mr. Holden advised Mr. Meade that in order to get his subdivision approval he is going to need the approval of both the Board of Adjustment and the Planning Board and the Planning Board is going to defer until the Board of Adjustment looks at it.

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I. The application of **The Home Depot U.S.A., Inc., Owner and Christmas Tree Shops, Inc., c/o Bed Bath and Beyond, Inc., Applicant**, for property located **Off Durgin Lane** wherein a Conditional Use Permit is requested as allowed in Article VI, Section 10-608(B) of the *Zoning Ordinance* to demolish the existing building and replace with a retail plaza within an Inland Wetlands Protection District. Said property is shown on Assessor Plan 239 as Lots 13-2, 16 & 18 and lies within a General Business District; *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Malcolm McNeill appeared on behalf of the applicant, along with Gregg Mikolaities, of Appledore Engineering. Also present was Dave Cameron from Bed Bath & Beyond from NJ. They are solely here because their previously granted Conditional Use permit has expired. This is the old Home Depot Site that is being converted to a 3-unit retail space. Most Planning Board members sat on that hearing. On November 18, 2006 the Conditional Use Permit was unanimously granted. The minutes of that proceeding were included in their packet. All impacts on this site were reduced. Site Plan approval was granted on November 17, 2007. The reason the permit expired was because of the delay in processing the Site Review conditions. Site Review has not expired. They were advised that their Conditional Use had expired by the Planning Department. The ordinance does not allow for an administration extension and they were required to have a public hearing. They are coming in today with the exact same plan. They are basically asking for, after the fact, for an extension of the Conditional Use Permit.

Mr. Holden confirmed that this application is identical to what was approved.

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. Geffert confirmed that this is exactly the same and there are no changes in circumstances to the knowledge of the Board? Mr. Holden confirmed that was correct.

Mr. Rice made a motion to approve conditional use with the existing stipulations. Mr. Coviello seconded the motion.

The motion to grant Conditional Use approval passed unanimously with the following stipulations:

Stipulations from the November 8, 2006 Conservation Commission Meeting:

- 1) That the areas being returned from pavement to natural be planted with a wildflower conservation seed mix;
- 2) That the areas at the edge of buffer not be mowed.

Stipulations from the November 16, 2006 Planning Board Meeting:

- 3) That the Stormwater Protection Plan (SWPP) shall include sweeping the lot once a month.

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J. The application of **Catherine R. Whelan, Owner**, of property located at **660 Middle Street** wherein Preliminary Subdivision Approval is requested to subdivide one lot into three lots with the following: Proposed Lot 1 having 19,428 ± s.f. (.446 ± acres) and 70' ± of street frontage on Middle Street; Proposed Lot 2 having 19,428 ± s.f. (.446 ± acres) and 0' of street frontage; and Proposed Lot 3 having 19,428 ± s.f. (.446 ± acres) and 0' of street frontage; and lying in a zone where a minimum lot area of 7,500 s.f. and 100' of continuous street frontage is required. Said property is shown on Assessor Plan 147 as Lot 19 and lies within a General Residence A (GRA) District and Historic District A. *The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

No one was present to address this application.

Mr. Holden recommended that the Board postpone this application to a time indefinite.

Deputy City Manager Hayden made a motion to postpone to a time indefinite

Vice Chairman Hejtmanek seconded the motion.

The motion to postpone to a time indefinite passed unanimously.

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V. ADJOURNMENT

A motion to adjourn at 10:00 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on February 21, 2008.