

**MINUTES OF
WORK SESSION**

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

FEBRUARY 7, 2008

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

MEMBERS EXCUSED: Paige Roberts and Norman Patenaude, Alternate.

ALSO PRESENT: David M. Holden, Planning Director;
Lucy E. Tillman, Planner I
Peter Britz, Environmental Planner
Robert Sullivan, City Attorney
Rick Taintor, Taintor & Associates

.....
I. SITE PLAN REVIEW REGULATIONS

A. Planning Board Review Draft #2

Chairman Ricci indicated that this was the only item on the Agenda. He advised the public that they are encouraged to sit and listen but they would not be taking any public comment.

Mr. Holden indicated that the Board has the second draft of the Site Plan Review Regulations and staff has worked on them considerably. They had the draft to review in preparation for this evening's work session and Rick Taintor was present to review the document with them. Chairman Ricci suggested going through the draft page by page and Mr. Taintor would address any comments they had.

Vice Chairman Hejtmanek, Page 1, Section 1.1.d. which speaks to protecting natural hydrology, preserve water quality and quantity of a site. He was confused about that section. Mr. Britz clarified that the intent is to preserve the quantity of the run off so that they try to capture as much of the run off on the site as they can. Deputy City Manager Hayden didn't believe they needed to word it as too fine of a point.

Mr. Rice referred to Section 1.1.h, to encourage preservation and enhancement of community character. If they get plans and can't see what the structure looks like, how can they encourage the preservation and community character of the building? He is not saying they should be in the design review business but they need to know what the building looks like. Councilor Dwyer agreed. She felt the draft responded really well to their past comments however what is lacking overall is the design element. Even if it is a placeholder section for places where they might have design districts or work sessions. Green buildings and sustainability has really been acknowledged and she would like to see something similar for design.

Deputy City Manager Hayden felt those were all great comments and that is why they will be working on brand new design review regulations but that phase has not even been started yet. She understands what they are saying but these are Site Review Regulations and she felt it dealt with landscaping and site design.

City Attorney Sullivan indicated that they discussed that very issue and he agreed with what Deputy City Manager Hayden said. These are site review regulations and they deal with drainage and traffic flow and the idea of design review has been under discussion for some time and he expects something will happen with that but not with Site Review Regulations. Councilor Dwyer asked if they can think of places where they can take some steps towards that? For instance she felt mass of building felt curiously absent. Chairman Ricci felt that was a question that the Board can ask of an applicant. Mr. Holden felt that Councilor Dwyer was getting at design review and that is not what they are looking at here. By looking at mass they are starting to get into the Zoning Ordinance. When they get into design review regulations they will deal with other things. These regulations do require that they get building elevations.

Mr. Coviello asked if these are rules that zoning allows the Planning Board to create? City Attorney Sullivan indicated that the basic rule of land use regulations in this state is that municipalities can only review what is specifically authorized by the State Legislature. The State says the Planning Board can conduct subdivision review and site plan review and they authorize them to adopt regulations to implement the authority given by the State. These particular regulations only deal with Site Review. Mr. Coviello asked if the City Council will have to approve these regulations? City Attorney Sullivan confirmed that the Planning Board adopts them. He recommended that the City Council will tell the Planning Board at what level residential development they want to see regulated.

Mr. Taintor indicated that zoning tells you what you can do and how much and Site Review tells you how to lay it down and protect adjacent property and traffic.

Mr. Coker stated that Site Review Regulations, as defined by Arthur Parrott, put buildings on lots.

Mr. Coker referred to Section 1.1.(h). He does not have a problem with the wording. He also touched on the design review and encouraged the Board to tread very carefully with it. Mass and scale may not be an area that they want to get into. Mr. Holden felt that was a discussion for another time.

Councilor Dwyer Section 1.1.(g) noted that in other cases they call out bicycles and they should be consistent.

Page 3, Mr. Holden pointed out Item f as something they have been looking at for a long time, the ability to have the Superintendent of Schools participate in any application they thought there might be an issue. He felt this was welcome but when full TAC is sitting it would be 9.

Mr. Coker noted that TAC is made up of 9 members, all of which are City representatives and asked why there was no citizen input. City Attorney Sullivan stated that when it comes to Site Review, the decision making authority is the Planning Board. TAC is advisory and the assumption is that paid staff members will be able to bring something to the Planning Board that citizens may not have.

Mr. Holden stated that if Attorney Sullivan were to go into the real history, this serves as a model for many other cities. City Attorney Sullivan confirmed that Portsmouth created a TAC Committee and it was overturned by the Legislature but that was overturned and they went back to doing it.

Page 4, Councilor Dwyer, Section 2.2.2, asked if TAC always recommends either approval or disapproval? Mr. Holden indicated, to his knowledge, TAC must approve or disapprove although they

have the power to postpone. If push came to shove it would go to the Planning Board with a recommendation to deny.

Councilor Dwyer, Section 2.4.1.1. felt this belongs above. It is really part of conceptual consultation prior to submission and she felt it fits in the review of plans (Section 2.3). Deputy City Manager Hayden felt that at those preliminary consultations they may not have any plans. They were trying to lay out everything they have to do but there is no requirement for a plan. Mr. Holden felt that key item was that there would be no application and it is informal. Deputy City Manager pointed out that it says "encourage". They can play with it.

Mr. Coviello asked about Section 2.3.2, regarding requesting technical assistance from experts in any field and he wondered if that meant City Staff.

Page 5. Mr. Coviello would like to see them just start hinting about submitting data electronically. Deputy City Manager Hayden felt there may be issues with someone changing the data and she would have to really talk about that. Mr. Holden added that once they get it, it would become a public record and that might not be everything that the Professional wants out there. Also, the public would come in and copy it. Deputy City Manager Hayden felt it was a good point to consider. It would be much easier to have a powerpoint presentation on the night of the public hearing.

Mr. Coviello felt something could be added to encourage powerpoint. Chairman Ricci stated that Derry requires everything to be on powerpoint. He struggles with reviewing them at home and he would like to have reduced sized sets. Mr. Taintor is doing work in Merrimack and they require so many copies of full size plans and so many copies of 11 x 17 plans. Chairman Ricci agreed and felt they could require something like 7 full size and 5 reduced. Deputy City Manager Hayden thought that was a good idea and they will look at that. Chairman Ricci asked if every Board member could get a reduced size set? Deputy City Manager Hayden felt that maybe Board members could state their preference. Mr. Rice confirmed he would love to get everything on a CD.

Page 5, 2.4.1.8. Mr. Holden stated this was a new requirement that staff has been pushing for. What that is if they get information at the meeting and if they feel it is not appropriate, the Board can raise that as an issue. That has been a problem in the past. Chairman Ricci felt that was important as he did not like receiving items at the "11th hour".

Mr. Coker, Section 2.4.2.1.a. regarding a detailed statement that lists green building components. He assumes as a City we encourage developers to build green buildings. He felt an applicant may think his application may be less than acceptable if it isn't green. Ms. Geffert felt he was raising a policy issue and she feels the opposite and it needs to be encouraged from the smallest to the largest. Deputy City Manager Hayden indicated that the policy debate begins with the City Council and they feel very strongly about sustainability. They have done a lot of research about green buildings and they do not cost that much more if they start designing green in the very beginning of the process. The check list will get them thinking about it. They are not going mandatory green building but hopefully it will get them thinking about it. Mr. Coker was worried about the cumulative effect of all the little things they are adding. Chairman Ricci thought that in 3-4 years, green will be a way of life. He asked if they need to explain what green is? Deputy City Manager Hayden indicated it will be in the definitions.

Deputy City Manager Hayden handed out a 2 page sheet from Julliette Walker, of Taintor Associates, which dealt with Sustainable and Smart growth site design.

Mr. Coviello understood where Mr. Coker was coming from. What if an application doesn't use any green measures? Chairman Ricci confirmed that would be fine. They want to push it but not make it mandatory and he felt that was the right way to do it. He agreed that a LEED building may cost more and might break a project.

Chairman Ricci advised the Board that there is a new business, Eastern Mountain, out behind Home Depot, who is using new lights and they are 8 – 9 feet tall and they are wonderful. Ken Smith would be very happy.

Page 6. Section 2.4.2.1.b. Mr. Holden noted they are using gross floor area and he assumes they will be defining gross floor area as it is used throughout. Deputy City Manager Hayden confirmed they haven't done the definition section yet because they are still working on that.

Section 2.4.2.1.d. Mr. Holden referred to where it says developer/applicant. In some cases they have indicated an option holder. Quite often they will get an applicant in that has no right to the property and could start a process that would involve a lot of staff time. Generally it would require an owner or a recognized option holder.

Section 2.4.2.1.e. Mr. Holden felt they should make sure that direct abutters includes those across the street. He felt it was assumed but they may want to put it in writing.

Section 2.4.2.2.a. Mr. Holden referred to where it says all approvals. It is difficult to get all State or Federal applications by the time they receive Site Review approval. He was unsure what the wording should be. Deputy City Manager indicated they will work on that.

Section 2.4.2.1.3. Mr. Hopley referred to line 17, asked if they should have the word "district" after the word "zoning".

Page 8. Section 2.4.3.1.d. Mr. Coviello noted that his engineer stamp said "Licensed" engineer, not certified so that should be changed.

Section 3.a. – bullets. Mr. Coviello asked what about vernal pools? Mr. Taintor confirmed they have had discussions about that and they will be taking care of that and vernal pool will be covered in that section.

Page 9. Section 2.4.3.3.d. Councilor Dwyer asked if they wouldn't want more information about parking, particularly on the downtown plan. Ms. Tillman stated that would be a zoning issue but it would be useful. Deputy City Manager Hayden believed it was in the regulations somewhere that they call that out. It's a good point.

Section 2.4.3.3.c. Mr. Coviello was looking for a truck turning radius template.

Section 2.4.3.3.c. Mr. Holden referred to where it says names of existing abutting streets. He would like the streets shown as well. There is more information later and this is setting up guidelines and headings. Would they put more detail here or elsewhere? Mr. Taintor asked if that would be the location of right of ways? Mr. Holden responded that it was under access and circulation so it is not clear that it is off site. Deputy City Manager Hayden felt they could just say names and layout of existing streets. Mr. Holden referred to buildings and structures and felt the total floor area as one item would be good and the number of useable floors to get a better idea of what they are looking at. When they do legal notices, they get confused where the gross floor area is. It would give them a better handle of how the building was being proposed. Mr. Taintor confirmed they need gross floor area by story and use.

Mr. Coviello asked if paper streets should be included? City Attorney Sullivan felt it was a good idea to have them shown on the plans.

Page 10. Section 2.4.2.2.m. Councilor Dwyer. Asked what does "type" refer to relative to open space. Deputy City Manager Hayden gave examples of swamp land, ball field, landscaping. She felt

maybe they could say "type/character". Mr. Coviello remembers having a discussion about useable open space. Ms. Tillman confirmed that was in the regulation later on.

Page 11. Section 2.5. Mr. Coker noted a waiver request required a 2/3 vote of full membership and he asked what that means? Chairman Ricci confirmed it was based on the full membership.

Councilor Dwyer also asked on waivers if they have any boundaries on what they can waive? City Attorney Sullivan stated this is a parallel to what comes up with the BOA. Is there anything the BOA cannot grant? He reads it that they can grant anything and he interprets this as the same. Councilor Dwyer noted a while back when a member of the Council was outraged that the Planning Board granted a waiver and that they would have any waiver authority. City Attorney Sullivan remembered that issue and believed it was an ordinance. This is a Planning Board regulation and it only gives the Planning Board the right to waive their own regulation. The Planning Board cannot give itself the authority to waive a City Council regulation. When the City Council implements the new regulations by giving the Planning Board new authority, anything that the City Council puts in that ordinance, the Planning Board would have to follow that ordinance and not waive it. Councilor Dwyer felt that should be spelled out. City Attorney Sullivan confirmed that when that gets to the City Council they will have that explanation in it. If they want anything to be non-waive able they will have to list that.

Page 11, Section 2.7.2. Mr. Coker referred to the 30 days. Is that only after TAC recommends or can an application request a public hearing anytime? Mr. Holden stated those were the regulations they looked at before regarding TAC either denying or approving.

Page 11. Section 2.7.1. Mr. Holden indicated they have a lot of minor Site Plan reviews and they have had the practice of having staff come and explain it as an amendment and they do it at an administration level. Or, it may be a minor application where they do a pre-TAC hearing and they will recommend a finding to the Planning Board. In other words, they do not hold a public hearing on all applications so that should be changed. Do they want TAC to review all applications or do you want flexibility? Mr. Taintor remembered that they did raise that and Mr. Holden didn't want it. Mr. Holden stated he didn't want it to be solely done by the Planning Director but rather wanted the Board to do it. Deputy City Manager Holden felt that is what they do in practice now anyways so they will re-write it.

Mr. Holden referenced the procedures for regional impact. He felt that got addressed somewhere else. Ms. Tillman noted it was 1.2.2 on page 2 and page 11 tells you how to implement it.

Page 11. Section 2.4.5. Mr. Holden felt that actually conflicts with what they are saying that TAC approves or doesn't approve. He doesn't think TAC can tell an applicant that they can't go to the Planning Board. Deputy City Manager Hayden felt the Planning Director should tell the applicant they can't have a public hearing. However, this is a staff issue and they can work on it.

Page 12. Section 2.7.5. Mr. Coviello felt this was too late at that point. Why don't they make it a requirement? Deputy City Manager Hayden explained that they talked about that internally a lot. The whole idea is to advise the public that a project is coming up. Mr. Coker felt better with too much public notice than not enough. Anywhere the public passes a piece of property he would like to see a sign posted. Deputy City Manager Hayden confirmed they will look at that further. Mr. Coviello asked about renters who don't get notified. Mr. Coker suggested they could change "may" to "shall" require and that the applicant should be responsible. Deputy City Manager Hayden felt you then depend on the applicant to pick up the sign and post it. Mr. Britz felt it should say prior to the hearing. Mr. Coker felt they should put a time limit on it. Chairman Ricci asked Cindy to work on that section.

Page 12. Section 2.8.2. Mr. Holden felt that somewhere they require the information on conservation preservation or agriculture and was that supposed to come from them or the applicant? Deputy City Manager Hayden felt they can require that they send it to anyone that is listed on the plan.

Page 12. Section 2.8. Ms. Geffert asked if it should be TAC and Planning Board shall determine “whether” the application satisfies or “they shall find that the applicant satisfies”? City Attorney Sullivan agrees it is awkward grammar.

Page 13. Councilor Dwyer felt that #9 has a lot in it. There is no specific reference to the Conservation Commission or the whole wetland buffer or is #9 everything? Mr. Holden felt it was pretty encompassing. Councilor Dwyer felt is it sort of a guide and they should try to put in peoples mind everything they have to think about. They review things in the buffer even if they are not discharging anything harmful. Deputy City Manager Hayden felt if they didn’t have a conditional use permit they would have to strengthen this but that is covered. Mr. Britz added that they wouldn’t get to this stage without going to the Conditional Use process. Mr. Holden stated that natural features include wetlands so maybe they should include that. Deputy City Manager Hayden suggested they could list things out. Mr. Holden felt this was a good place to list it out. Ms. Geffert thought it could fit under #1. Mr. Holden also felt that #8 could handle some. Deputy City Manager Hayden confirmed they will work on it.

Mr. Coviello stated that the Meadowbrook did a pollutant calculation that was very innovative. Where would that be covered in the regulations? Ms. Geffert felt that Page 5 includes those. Chairman Ricci noted they give the Board flexibility. Mr. Holden looks at it as a checklist. Mr. Britz felt they might want to go to section 7.2 , page 38, and see what they are not getting there to make them want that study.

Mr. Holden referred to water volume and quality. Would they interpret volume as a separate item or is it included? Mr. Taintor indicated it was in #7. Chairman Ricci noted he likes to just call it stormwater so that it covers both.

Page 15. Section 2.10.3. Mr. Coker indicated that they can ask for a one year extension. He was unclear on how many extensions they can get? Mr. Holden stated that the first year is automatic, the second year the Board is going to ask for a TAC review and a report will be made. If the Board is going to deny it they will hold a public hearing. He would not say that it is automatic after the first year. Mr. Coker confirmed that this means there is a third or fourth year. Mr. Holden noted that some projects are very complicated and they may have to get State and Federal permits and it takes a long time to put everything together. To be friendly to the public, the first one is pretty much automatic.

Section 2.10.6. Mr. Coker read “The Planning Board shall not deny a request for an extension without first having held a public hearing”. But if they approve it without a public hearing, he felt the answer was yes. Mr. Holden explained because their last action was to approve it.

Page 15 City Attorney Sullivan felt they should replace the word “Chairman” with something gender neutral. Mr. Taintor asked if that implies if the Chair of TAC deems it necessary the Planning Board shall hold a public hearing? They can have two public hearings. Deputy City Manager thought it should say Planning Board has the right and TAC has the right to recommend. They will work on that more.

Page 16. Line 5, Mr. Holden felt this should be shown on the approved site plan. That is what they will go back to look at. Chairman Ricci thought the first sentence covers it. Mr. Taintor indicated they will fix it.

Page 17. Section 2.12.3.2. Mr. Hopley asked if they are doing as built now? Deputy City Manager Hayden stated that Public Works feels very strongly that they should. Mr. Coviello asked if the as built include the building or just the site? Chairman Ricci stated typically they include anything that is outside.

Chairman Ricci asked if the as built plan is tied into a bond? Mr. Holden confirmed under these regulations it will be. Deputy City Manager Hayden noted it was included at the bottom of page 17. Mr. Holden indicated that they need to work on a partial release of the bond. They generally allow one reduction now.

Page 18. Section 2.12.5 Mr. Coker stated he would like to see a little more heat on this but he doesn't know what they can say or do. Deputy City Manager Hayden stated they have talked at great length about this. If they don't hold something like a bond it is almost impossible to force them to do something. Attorney Sullivan stated it is very difficult or impossible to go against a second owner if he was not involved in the site review process. In order for the property to be developed in any other way the owner would have to come back for an approval. Councilor Dwyer felt they should really work on this, particularly on things related to safety. She suggested an annual meeting of this board that does nothing but on a rolling cycle they have to have people come before them and present the findings that were required over the past two years. Mr. Coviello remembers a gas station that came and told them they are the best gas station in the world and it wasn't followed up on. Attorney Sullivan confirmed that if the property is sold, the new owner cannot be held responsible for a prior site approval. Mr. Coviello asked if they could include conditions in a deed. Attorney Sullivan felt it could be done but it would be a big administrative burden and it would be objectionable to a lot of property owners as a cloud to their title. Chairman Ricci felt it would be more practical to put the maintenance in a deed restriction. Attorney Sullivan felt what they do require is people to record easements. For some particular feature, especially environmental features, they could do that. Deputy City Manager Hayden reminded them that there is enforcement out there. Neighbors notify the City, staff picks up on things, and the City goes after them when they can. Mr. Coker was concerned about City enforcement. Attorney Sullivan stated that with regard to anything shown on the site plan, they have perfect enforcement ability with the original owner. They have bonds and they call many of them. When they don't have enforcement is when people say they will do something but it's not made part of the approval. Chairman Ricci felt as a Board they have to make these items a condition of approval and the Board needs to aware of that. Councilor Dwyer felt the second step is the transfer of ownership. Mr. Britz asked if they put on a plan they are going to do a stormwater maintenance plan and it's on the plan, that can't be enforced with a new owner? Attorney Sullivan confirmed that was correct, they cannot enforce it. They have to be aware of the important items and follow through on them. Similar to an easement, they should require some sort of easement or covenant in favor of the City. Then, the subsequent property owners take notice. Chairman Ricci felt they would then ask the applicant if they would object to making that a condition.

Mr. Coker indicated that Attorney Sullivan stated that making a stipulation of approval is how they get their hook into it. He believes they have lots of those. Attorney Sullivan confirmed it gives them enforceability and it highlights the items for staff.

Ms. Geffert thought they have to be aware of what would be appropriate for a deed condition. There are some things that aren't appropriate. Mr. Holden felt it has to be significant. Ms. Geffert referred to the hospital who said they will put in a rain garden and they can put a conservation easement to entertain a rain garden in that spot but they can't put in a mowing plan. Chairman Ricci indicated the point was to do this for sensitive sites, for example near the rotary or Hodgson Brook. Mr. Coker wanted a mechanism of enforcement. Mr. Holden asked if this was something that should be referenced in the regulations? Attorney Sullivan felt it wouldn't hurt. Mr. Holden felt it could be a good issue for TAC to set the ground rules and the Planning Board could determine what was appropriate. Councilor Dwyer felt if they knew more about the follow up enforcement it would give them some leverage. They need a Planning Board Auxiliary to follow up on enforcement. Mr. Holden added that the Zoning Ordinance says if you have a violation, you cannot get another permit and that is a useful tool. Deputy City Manager Hayden felt it was a pretty small town in a lot of ways and there is a lot of institutional knowledge which helps out. Attorney Sullivan felt that the Planning Board is not aware of what the City employees are doing every day. Maybe they should provide the Planning

Board with copies of enforcement letters and law suites. Deputy City Manager Hayden indicated that they will start doing that.

Ms. Geffert asked if it would be appropriate to go back to page 14, the last bit of evaluation criteria and add something along the lines of what Attorney Sullivan was saying. For example, implementation of restrictions on use that run with the land if appropriate. Mr. Taintor indicated that would be for the approval procedure instead. Ms. Geffert was thinking it was more of something to consider and not mandate. She asked if this board wants to be in a position to mandate it or if they should be able to consider it. She suggested "Implementation of restrictions on use that run with the land, if appropriate." Mr. Holden felt they could work with the concept.

Page 16. Mr. Taintor asked if there was anything here that says the approval isn't effective until the Site Review agreement is signed? Mr. Holden confirmed it was in there.

Page 19, Councilor Dwyer asked if there was such a thing as a definition of effected public streets. Mr. Holden indicated they generally do a scoping meeting with the applicant with Ms. Finnigan and they would come to an agreement of what streets need to be considered and where the impacts go. Councilor Dwyer felt that should be included in the regulations. The other word that is challenging is "maintain". Deputy City Manager Hayden pointed out as they move on to page 19, they deal with disciplines that TAC works with. Some lingo came from the individual disciplines. Mr. Taintor felt they should go out 5 years and they should look at that.

Mr. Taintor asked what they mean by TAC or Planning Board can "require"? Is that what they mean? Mr. Holden stated that under the requirements they say Planning Board can require traffic studies. Perhaps for consistency they should be saying it here also. Deputy City Manager Hayden stated that they talked about that wording and left it as the applicant pays for the service but the consultant will work for the City. Mr. Taintor felt it sounds very permissive. Ms. Holden stated that the issues come when you need the second one to evaluate the first one. Deputy City Manager Hayden confirmed they will follow up with Deb Finnigan on this.

Page 20. Section 2.2.3.3 Mr. Holden felt they should clarify with Ms. Finnigan regarding driveways being limited to one per lot. If it is a big lot, it may be more than one. Mr. Coker asked what do they mean by that? A large lot could easily have more than one driveway. Mr. Holden agreed this is inflexible. Mr. Hopley suggested say driveways shall be limited to one per lot or as approved (or recommended) by TAC. Mr. Holden suggested they check with Ms. Finnigan to make sure that was what she was thinking.

Page 21, Section 3.4. Mr. Coviello asked about the curbing issue. Snow storage is a concern of his and sometimes they tear up the curb with a plow. He felt language should be added to address that. Mr. Holden suggested adding "or such other sensitive areas". Mr. Taintor wanted to make it clear there are three different things for different situations.

Page 23. Section 3.6.4. Mr. Hopley felt the word "should" could be changed to say "or as required by the Planning Board". He felt they need a little more teeth in that.

Page 25. Section 3.9., Mr. Holden understands the intent of line 14 regarding Mass Transit Facilities. They want to build up a system. He had a problem with "high volumes of transit use". Perhaps they could get rid of "high".

Page 26. Line 20, Mr. Hopley. Section 1.17.1 After ANSI there should be an "A". Also on page 27.

Page 26. Section 4.2.2. Mr. Holden felt there was a wrong word where it says "disabled persons do not have to cross vehicular traffic". The majority of the members felt it made sense. Deputy City Manager Hayden felt "vehicular travel lanes" would be better.

Page 27, line 23. Mr. Hopley again requested an “A” after ANSI.

Mr. Coviello suggested, in hoping for a better future, at the end of the sentence it should say “at a minimum”. Mr. Hopley did not have a problem with that.

Page 28. Section 5.2.5. Mr. Coker referred to where it said sidewalks longer than 500’ and asked where do all these numbers come from? Mr. Britz confirmed that Juliette had indicated it was a landscape standard, or industry standard.

Page 29. Mr. Holden mentioned he has seen a lot of bike racks that don’t work and maybe the Planning Board should see what is being proposed. Mr. Coker asked what a tree guard was. Deputy City Manager Hayden confirmed it was a metal guard to protect the tree.

Mr. Coviello felt that the number of bikes should be based on building use. Mr. Taintor responded they have talked about that and are adding something to the parking regulations. Chairman Ricci suggested it should be proportional to the size of the building.

Page 33, Section 6.4.f. Mr. Holden thought it would be helpful to mention the use of a snow fence for areas that shouldn’t be disturbed. Deputy City Manager Hayden suggested adding to protect as necessary with snow fence or other durable protection.

Page 34. Section 6.6, 4 & 5 Councilor Dwyer felt the wording was awkward wording. They don’t always want every landscape area to include all three items. She suggested doing an “and/or”. In the next item they don’t always want a mix of colors so the wording should be changed to something such as “Variety of plant species”. Deputy City Manager Hayden suggested “with the goal of providing a mix of species”. Chairman Ricci felt on #4 it should say a combination of small and/or large trees. Councilor Dwyer felt that sometimes you only want evergreens, for example. Mr. Taintor felt they can they delete #4 altogether, or, combine 4 and 5. Everyone agreed.

Page 35. Section 6.7.2. Mr. Holden suggested removing “extensive” where it says “Visual relief from extensive paving.”

Chairman Ricci ended the evening’s discussion at page 35.

Deputy City Manager Hayden stated that Ms. Roberts was unable to attend but supplied comments which they will incorporate.

Chairman Ricci did a brief review of upcoming meetings.

February 14th they have a public meeting for Borthwick Forrest.
February 21st is their regular meeting with a work session on Atlantic Heights at 6:30 pm.
February 28th could be a continuation of their public meeting.
March 6th and 13th are work sessions.

Mr. Holden reminded Board Members that they have received correspondence from the principals of Commerce Way indicating they are not available for February 28th. The Conservation Commission will be coming and the Board will be reviewing the project on Lafayette Road. The Board needs to reschedule and confirm with the Conservation Commission a new day for the Commerce Way Master Plan.

Chairman Ricci indicated he would like to finish up tonight’s Site Plan Review Regulations draft on February 28th, following the joint work session.

The Board was in agreement to attempt to reschedule Commerce Way on March 6th. Mr. Holden will contact the parties.

Mr. Coker advised the Board he will be gone on March 27th.

Mr. Coviello stated that he felt their conversation tonight was very enlightening and he would encourage members to attend the Loon meeting.

.....

II. ADJOURNMENT

A motion to adjourn at 9:05 pm was made and seconded and passed unanimously.

.....

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on March 20, 2008.