

**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 28, 2008**

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

**MEMBERS EXCUSED:** John Ricci, Chairman; MaryLiz Geffert, Alternate and Norman Patenaude, Alternate

**ALSO PRESENT:** David M. Holden, Planning Director;  
Lucy E. Tillman, Planner I  
Robert Sullivan, City Attorney  
Juliette Walker, Taintor & Associates

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Vice Chairman Hejtmanek introduced everyone to the public watching from their homes.

**I. SITE PLAN REVIEW REGULATIONS**

**A. Planning Board Review Draft #2**

Ms. Roberts was absent at the lat meeting so she reviewed her comments regarding what was covered in her absence.

At the beginning, Section 1.1, she wondered if they could strengthen the purpose as she didn't see that it was addressed at the last meeting. Maybe they could add historic resources. Mr. Coviello suggested they could just get rid of "encourage". Deputy City Manager Hayden wanted to add historic as well. Ms. Roberts agreed that "encourage" was very weak.

On page 7, Section 2.4.2, she thought they could add the Construction Management and Mitigation Plan as well as in the other later section. Ms. Walker explained that because it was not part of the actual approval they left it out.

On page 17, Section 2.12.1, Compliance and Enforcement. They talk about inspections being done by an oversight engineer and she wondered if it would be appropriate to add other licensed professionals. Deputy City Manager Hayden suggested, for example, if there was a wetland compliance. Maybe they could broaden that.

Page 26, Section 4.3. Off Street Parking Space Design and Layout. Ms. Roberts thought they could put in something that the Planning Board could require bicycle racks. Ms. Walker indicated that was covered in the next section.

Page 35, Section 6.6.2. Landscaping Along Public Right of Ways. She wondered about the legal aspects of that. Who would be responsible for maintaining that? Mr. Holden stated it would generally become the City's responsibility. Ms. Roberts felt it should be checked.

Page 35, Section 6.6.2.2., Mr. Coviello asked if there has been an attempt to come up with new language so that they are not getting trees evenly spaced. They know the intent but applicants may not understand. Ms. Walker felt they addressed it with tree crowns. Councilor Dwyer clarified that it is the pattern they are referring to. Ms. Tillman stated they would like to see a more natural setting. This reminded Councilor Dwyer of their discussion at the last Planning Board meeting regarding the Trees & Greenery Committee and when they get involved. She wondered if they should have some language about that somewhere. Ms. Tillman confirmed anything that gets planted in a public right of way, the Trees and Greenery Committee would review it. They do not have the authority to review trees on public property. Deputy City Manager Hayden felt it doesn't come up that often. Mr. Holden added that staff will make sure it goes through Trees and Greenery. If they start doing things outside the lot, it starts to become more cumbersome. One time placement makes it more user friendly. They could have a "help" sheet showing when they would get involved. Councilor Dwyer would like something so that people know what this Committee is.

Page 26, Section 4.3.1.2. Mr. Coker asked why can't they mandate motorcycle pads and bike racks? Mr. Holden indicated it would be in the zoning ordinance. This is saying when you provide the pads, this is how you would do them.

The Board started where they left off last week, on page 36.

Page 36, Section 6.9. Ms. Roberts asked if they could add something about discouraging chemical fertilizers. Mr. Holden suggested a reference to sustainability.

Page 36, Section 6.9.3. Mr. Coker asked how is the maintenance of screening enforced? Mr. Holden stated that staff have made great efforts to enforce this. Durgin Square was an excellent example. A tree and fence was damaged and repaired last fall. Also, they will see a revised White Birch Plaza coming in soon. Mr. Coker was satisfied that there was a mechanism in place.

Mr. Coviello indicated that the Green Building Package they received was excellent. He would like to see LEED added Section 6.9, as an addition to Ms. Roberts' comment. Mr. Holden confirmed that he meant LEED as it applies to landscaping.

Page 37, Section 6.10.4. Mr. Hopley asked if they really irrigate with recycled waste water? Ms. Walker stated there is a difference between gray and waste water. Deputy City Manager Hayden asked her to look into that to make sure they have the right water. Mr. Holden asked her to double check with Peter Rice. Mr. Holden added that Tom Cravens often talks about using SMART controllers for irrigations. Ms. Walker confirmed that was in the regulations.

Page 37, Section 6.11.1, Councilor Dwyer felt they need some more information. They are trying to do what Mr. Coviello is saying. They should try to mark everything that has a LEED or sustainability notion. The next one is about orientation and it only talks about landscaping and she would like to see them talk about the site. Deputy City Manager Hayden indicated they should clarify that.

Mr. Coviello referred to the Smart controllers and indicated that there are different levels. The extreme one actually is hooked up to the internet and is alerted when it is anticipated to rain soon. Mr. Holden indicated they are requiring the top level but he didn't think they use the internet level.

Page 38, Section 7.2.2. Mr. Coker asked for example of what regulated substances are. Ms. Walker explained it meant hazardous which are regulated by State and Federal.

Section 7.2.3. Mr. Coker read where it said “Site development and use shall not adversely impact either the quality or quantity of groundwater.” That to him is a pretty definitive statement and it implies that anything that impacts the site in any way, they could say no to it. Deputy City Manager Hayden felt it was very specific and you have to read the whole sentence. Mr. Coviello felt they are missing something worse than they are looking at now. Ms. Roberts felt that was implied. Deputy City Manager Hayden suggested that they will touch base with David Allen. Councilor Dwyer felt the concept that they want in there is what Tony was saying. Mr. Coker felt they can’t diminish the level of service. Any pollution at all is impact. City Attorney Sullivan stated there is a difference between surface water and ground water. It is a more serious test.

Page 39. Mr. Hopley asked if Public Works had weighted in on this section? Deputy City Manager Hayden confirmed that they had very much so.

Page 39, Section 7.3.3. Stormwater Management. Ms. Roberts asked how enforcement worked with that? Attorney Sullivan confirmed they will be in the process of a much more intensely regulated stormwater as a result of mandates from the EPA and they will be followed much closer.

Page 40, Section 7.3.2.7. Mr. Coker asked what type of documentation will they have to provide? Deputy city Manager Hayden explained they would rely upon the TAC Committee for their input.

Page 41. Section 7.3.2.14. Ms. Roberts asked if they should add non-evasive? Ms. Walker stated they will investigate that.

Page 41, Section 7.3.2.11. Mr. Coker referred to stormwater management practices will remove contaminants from the runoff. He asked if this meant all, some, or most? He would read it to be all contaminants. Mr. Hopley stated they have been told no system is perfect. Mr. Coker recalled that UNH looked at systems such as the vortechnic system which is only about 70% of contaminants. He didn’t think this section was clear. Deputy City Manager Hayden said they can check with DPW. Mr. Holden stated they have the stormwater report from UNH which they can review.

Page 42, Section 7.3.3. Impervious Surface. Vice Chairman Hejtmanek asked where do they define how much “minimize” means? He felt they struggle with impervious surface a lot. Deputy City Manager Hayden felt a lot of locations cannot use pervious surface and it is hard to define. She felt the developer needs to defend why they can’t provide more.

Mr. Coviello felt that any site can be done with pervious material, it is just a matter of cost. He felt a section on street sweeping was missing as he felt a significant area of pervious surface should have a requirement. Ms. Walker confirmed they will find an appropriate location for it.

Page 43, Section 7.3.3.5. Mr. Coviello felt this should say “at the applicant’s expense”. Mr. Holden indicated it would be in all cases but it wouldn’t hurt to clarify it.

Page 43, Section 7.3.4.2. Mr. Coker asked if Portsmouth was Phase II sized community? Mr. Holden believed that was correct.

Page 44, Section 7.3.5.2. Mr. Hopley felt this should be at the applicant’s expense. Mr. Holden felt either that or they should add a general statement somewhere that all additional studies are at applicant’s expense. Mr. Coker felt they should be consistent. Ms. Walker confirmed they will make sure they are consistent.

Page 45, Section 8.1.3. Mr. Hopley felt they were trying to give two examples so after possible it should be “or” and not “and”.

Page 45, Section 8.2.3. Mr. Hopley thought they want to locate the hydrant within 500' of the building.

Mr. Holden asked if the 8" minimum for fire hydrants was the current standard? Mr. Hopley believed it had been around for awhile.

Page 46, Section 8.3.4. Ms. Roberts asked if it would be appropriate to add something about grease traps downtown. They have talked about it a lot. Ms. Tillman confirmed it is in the City Sewer Ordinance. Mr. Coviello noted they had issues with sites that aren't restaurants but may in the future and he asked if that was covered? Deputy City Manager Hayden confirmed that is high on their alert list.

Page 48, 9.1 Waste Accumulation. Mr. Coviello asked if recycling was required for businesses? Mr. Holden indicated if they are using the City then it is required. Mr. Coker indicated the City gets the glass, bottles and metals but a private hauler takes the trash downtown. Mr. Coviello was getting at maybe they should have something in there? Mr. Holden indicated the City doesn't want to be responsible for large scale private and in Site Review they make sure there is adequate space to handle their trash. The City doesn't want the obligation. Ms. Walker stated there is a section requiring space for waste containers. Deputy City Manager Hayden felt if he was going to mandate recycling in the City, they wouldn't do it in the Site Review Regulations. Ms. Walker confirmed that the regulations require that they show spaces for trash. Deputy City Manager Hayden referred to the top of page 49 where that is addressed.

Page 49, Section 9.4 Flammable and Combustible Liquids. Mr. Hopley indicated his goal would be to add the International Fire Code document. He asked for the structure of the sentence to be changed to include that.

Ms. Roberts had a thought about location. At some sites downtown, trucks that access waste containers seem to do significant damage to City sidewalk. Is there anything they can do to make sure the trucks don't drive up on the sidewalk. Attorney Sullivan felt that is a very well taken suggestion and Site Review would be the right place to review that. It would be fair for them to require that the developers demonstrate to them how they will do that.

Page 50, Section 10.3.d. Mr. Coviello doesn't know why it doesn't read they will "require" iso-lux plan. Deputy City Manager felt that not all projects have a lighting plan. Mr. Holden felt this way it wouldn't be produced for projects that don't require it.

Page 50, Section 10.3. Lighting Plan. Mr. Coviello wanted to be clear that they are not just talking about free standing lighting. They are also talking about mounted and building lights. Starbucks for example had a light mounted on the building and that wasn't included on their lighting plan. Deputy City Manager Hayden felt they could add "wherever outside lighting" and (pole and wall mounted). Mr. Coviello felt the bigger picture, a personal goal of his is for big box stores to turn lights off from midnight – 3:00 am. Ms. Walker confirmed that is in the proposed Zoning Ordinance. Mr. Hopley felt the police will say there is a balance. Deputy City Manager Hayden felt that is a good point and they have addressed it in zoning.

That concluded their review.

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Mr. Holden handed out a more formal Memorandum regarding the joint Work Session with the City Council on March 10<sup>th</sup> regarding Islington Street and the Planning Board is invited to attend. This is really the Economic Development Commission and the City Council so the Planning Board is the "guest".

Vice Chairman Hejtmanek requested that City Staff schedule joint work sessions with Conservation Commission. Mr. Holden indicated they will report back on that at the next meeting.

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**II. ADJOURNMENT**

A motion to adjourn at 7:50 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 April 17, 2008.