

**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.

APRIL 16, 2009

MEMBERS PRESENT: John Ricci, Chairman; M. Christine Dwyer, City Council Representative; Paige Roberts, Vice Chairman; Donald Coker; Anthony Coviello; John Rice; Anthony Blenkinsop; Richard A. Hopley, Building Inspector; and Norman Patenaude, Alternate

MEMBERS EXCUSED: Cindy Hayden, Deputy City Manager (present for Work Session only) and MaryLiz Geffert, Alternate

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

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Chairman Ricci called the Work Session to order and turned it over to Rick Taintor.

6:00 – 7:00 pm WORK SESSION on Off-Street Parking in Central Business District

Mr. Taintor referred to his handout and went through the main points of this section. This deals with an area that is very dense and the parking meets multiple needs. In 1997 the City adopted the regulations that are in use today whereby an applicant can buy out spaces rather than provide the spaces on site.

The ordinance treats different properties differently, depending on if they are pre or post ordinance and it goes by lot. It can get very complex and is difficult to understand and it is not transparent. His first point is that it treats different properties differently. Ms. Tillman explained how the unmet parking credit works now. Mr. Taintor also pointed out that the fee is very small. Each parking space would cost the City approximately \$25,000 to create and the developer pays \$1300. The whole point of the downtown is that all public utilities would be shared by all public users. Councilor Dwyer felt there are a lot of underlying philosophical principals that also determine how this would be done. For example, the kind of City that has large businesses might have a different theory about the developers contribution than what would be appropriate for Portsmouth. They shouldn't get too bogged down on the principals and shouldn't sweat the details or they get too many contradictory ideas going around. She didn't see the necessary correlation between the City's cost and the developer's cost. Mr. Taintor noted that some large communities don't have any parking requirement and provide all parking downtown. Councilor Dwyer thought it was important that they decide which type of community they are before going around in circles. Mr. Taintor indicated that his strategy is to move away from how they are doing it now and he has suggested that they revise the Zoning Ordinance to revise the whole

parking fee as set forth in the attached handout. On page 3, there are several steps. They focus on the downtown overlay district rather than the CBA and CBB. They would adjust the off street parking ratios to reflect the lower parking demands and would require all new residential uses to require parking on site. They would recognize small businesses and exempt them. Lastly, they would increase the in-lieu fee to represent the real cost of providing parking spaces.

Mr. Coker felt that would be a dis-incentive to put residential units downtown. Chairman Ricci agreed that it would be. Mr. Coker felt that was a danger because part what makes the downtown vibrant and alive are the people that live downtown. Mr. Coviello disagreed. He felt that developers are not interested in building residential downtown without parking. Chairman Ricci felt that to provide parking in-town would be impossible. Councilor Dwyer indicated that the City Council feels that they have tipped the balance and they have too much residential downtown. It seems like the people who complain the most are the residents that bought their condos without any parking. Therefore, she liked this part as it would solve a problem. Maybe they don't have to provide parking on site but they just have to provide it. Mr. Rice spoke from experience about people not wanting to buy property downtown without parking. Some have been for sale for over two years. Chairman Ricci didn't have a problem with requiring parking for new residential. Mr. Taintor reminded the Board that this was supposed to be an interim proposal. Now the parking requirement is linked to the development of the site and not to the use of the site. It will make more sense if private property would support its own parking requirement. He felt they should look at spreading the cost over all of the properties. Deputy City Manager Hayden added that the way they got to his point was the EDC asked them to look at this and Mr. Taintor and staff have been working on this. Councilor Dwyer asked if they had 3 more garages (fire station, Portwalk, and Westin) would they feel the need to do the fee? Deputy City Manager Hayden felt that gets back to this being an interim policy as they don't have those garages now but they would still do this for other reasons, i.e. equity reason. Mr. Taintor felt it was necessary because of a capacity issue. Mr. Holden felt that they still have a great deal of building capacity downtown. The Westin would use its parking garage and Portwalk is going to satisfy its own uses.

Mr. Taintor continued with Phase 2 which would be an assessment fee. Councilor Dwyer did not feel that these kind of assessments don't seem in keeping with their downtown. Mr. Taintor doesn't know what those assessments would be and it could be fairly small. Mr. Coker stated that as zoning evolves, things could be done before but not after. The larger developers who paid an impact fee 10 years ago would be different than what would happen now.

Mr. Taintor asked what if they go back to the old days when there was no parking requirement downtown. Mr. Holden confirmed that was the City's policy up until 1995. Mr. Coker asked if a City garage is self sustaining? Councilor Dwyer indicated that a garage would be self sustaining over 20 years. Deputy City Manager Hayden felt that this would really effect the "little guy".

Deputy City Manager Hayden pointed out that it's mostly the Northern Tier that is not developed and she would prefer to see parking required on site for future development. Also, she asked them not to lose the forest for the trees. The current system does not work. Councilor Dwyer noted that as more big development comes in, they need to deal with it. It is not the little businesses that are causing the problem.

Mr. Taintor indicated they would exempt all ground floor uses. For small to moderately sized buildings, they might pay less than previously. Mr. Coviello asked if a current business who has paid in will lose everything they paid in?. Mr. Taintor doesn't see how that would change their position. The parking assessment would allow them to recoup their investment.

Mr. Taintor felt that the Board needed to think about how they want to revise the parking requirements downtown in the short time and what is their long term policy would be, mostly user funding, tax payer funding or a chunk coming from businesses as parking fees.

Councilor Dwyer liked the interim direction. She felt the other discussion is they need a multi city group to really look at the parking studies and look at the big picture of parking in Portsmouth. But that shouldn't hold them back from doing this interim policy. Deputy City Manager Hayden felt that the parking assessment is more of a City Council issue than the Planning Board but they have to include it to get the zoning portion done. Councilor Dwyer felt that they needed more than a work session. She felt that separately the Mayor needs to set up a group to include some Planning Board members and other bodies to look at the big picture for a long term solution, which would take years.

Mr. Taintor understood where the discussion was going but asked for comments about the actual draft. Mr. Holden felt they needed a little clarity about what counts and what doesn't count as they take care of the small businesses. He felt, perhaps, the 2nd floor should be worthy of some consideration also for residential.

Mr. Taintor felt there should be a study process to look at the target number of parking spaces downtown, what the supply is, what the deficit is and look at alternatives and strategies.

Mr. Taintor noted that the covered parking space credit for 3 regular spaces has been eliminated.

Mr. Coker also mentioned that 20-30 spaces have been lost over the past 10 years for various reasons.

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the March 12, 2009 Planning Board Work Session – Unanimously approved.
 2. Approval of Minutes from the March 19, 2009 Planning Board Meeting – Unanimously approved.
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II. PUBLIC HEARINGS

A. The application of **Public Service Company of New Hampshire, Owner**, for property located at **400 Gosling Road**, wherein Site Review approval is requested to replace the existing coal loader located on the main dock, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 214 as Lot 1 and lies within the Waterfront Industrial district; *(The 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:

David Still, Engineer with PSNH, presented. He stated that this project is essentially a very large equipment replacement project. The unloader on their site is from 1984. He included a photo showing the piece of equipment they are replacing and pointed out that the existing unloader has reached the end of its useful life. The unloader is operated very infrequently but they still need the ability to use it. Most ships that come in have their own unloader. The current unloader will be disassembled and trucked off the site. They will sell some of the parts and the rest will be sold for scrap. The new unloader will arrive by ship, most work will be done on the ship and the old parts will be removed by ship. It should take about 24 months to complete the project. They are not expecting any changes to traffic, circulation, odors, noise, etc. There will also be no change in overall water use. They have a spritzing system they will use for dust control. Fire protection will be the similar to what exists today. A noise study was conducted which determined that the new unloader will not be any louder than the exiting one and will meet City standards and the manufacturer has a contractual obligation to met that criteria as well. Mr. Still addressed permits. It does not require any shoreland variance and it does not require wetlands fill permit. They are looking into the final details of air quality and dust issues as it applies to a Title Five permit from the State and they will probably have to get a temporary permit for this construction process that that is still being reviewed. They will do whatever the State requires. They will complete a CMMP with the City and they will provide a backflow preventer on site if they don't have one.

Mr. Coviello noted that they do not need an ADS permit but asked if they are putting any sort of boom in the water to protect anything from falling in? Mr. Still indicated they are not expecting a lot of small pieces and is largely large components. The hours of construction have not been established and they will work that into their CMMP. Chairman Ricci asked them to include that in the CMMP. Mr. Holden added that they also agreed to abide by City Ordinances. Mr. Still agreed.

Councilor Dwyer noticed that heights were done as an average and she asked if that was acceptable. Mr. Holden responded that this is waterfront industrial so there is a lot of lateral. They looked at what the maximum would be and it is within the height of the existing structure and meets the ordinance.

Councilor Dwyer asked about storage of extra coal during construction? Mr. Still indicated that they currently they get about 1-2 shipments per month. They can just move the barge when shipments come in.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Coviello asked, since it was not expected to have small parts, would it be appropriate to have a condition that during demolition they have the Planning Department inspect the project to determine if a boom would be appropriate? Mr. Holden felt that would be appropriate for the City to coordinate with them.

Mr. Coviello made a motion to approve with the two Department stipulations and his request to have the Department to arrange to visit the site during the dismantling and has the right to require environmental protection via a boom in the water. Mr. Rice seconded the motion.

The motion passed unanimously with the following stipulations:

Stipulations from the March 3, 2009 Technical Advisory Committee Meeting:

1. That a Construction Management and Mitigation Plan shall be prepared by the applicant and submitted for review and approval by City Staff prior to a building permit being issued;
2. That the water supply going this site shall be isolated from the rest of the drinking water on the site with a reduced pressure backflow preventer.

Stipulations from the April 16, 2009 Planning Board Meeting:

3. That the Planning Department shall arrange to visit the site and shall have the right to require environmental protection, such as requiring a boom.

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B. The application of **Ocean Properties, Ltd, Applicant**, for property located at **1 International Drive**, wherein Site Review approval is requested to construct a 72,000 s.f. 4-story office building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 303 as Lot 2 and lies within the Airport/Business Commercial district; This application was postponed from the March 19, 2009 Planning Board Meeting. (This application was postponed from the March 19, 2009 Planning Board Meeting) *(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).*

Mr. Coviello recused himself from this hearing.

The Chair read the notice into the record.

Mr. Holden indicated that one issue TAC and ultimately this Board will be looking at is a discussion regarding exactly where the boundaries exist between Newington and Portsmouth. They met several times and it appears that there is no part of the site improvements or the entire improvements for this project are within Portsmouth. The issue of the perambulation and lot line is an issue between Newington and the PDA and the City doesn't have to be in the middle of. If there were a motion to approve, Board would like to see they are acting on what is in Portsmouth since they lack the authority to do anything in Newington. They are also recommending to the PDA and they are not the fact finding Board and the final action would come from the PDA where Newington would have representation. The City does not have an interest in getting between the Town of Newington and the PDA and it is not for this Board to get formally involved in this matter. He is also unaware of how discussions between Newington and the Applicant have gone.

SPEAKING TO THE APPLICATION:

Bradlee Mezquita, of Appledore Engineering, stated that the project is located at the corner of International Drive and Pease Boulevard. It is an existing ten acre parcel with green space in the front that was created at the time that the hotel was built in 2000. They are proposing a shared use between the hotel and the office building with 310 proposed parking spaces on the whole lot. They are rebuilding the entrance lot to the hotel creating new sidewalk along the entire length.

Mr. Hopley made a motion to take the application off of the table. Mr. Rice seconded the motion. The motion to take the application off the table passed unanimously.

Mr. Mezquita stated that back when the hotel was approved, all utilities were planned for and are in place. The existing stormwater system is a closed drainage system that drains into a pond on Corporate Drive and ties into the same drainage system that was originally planned. The parking lot will use pervious pavement, infiltrating as much stormwater as possible and collecting the rest after

treatment and running it through the existing closed drainage system to the detention pond. They met with TAC and the Traffic & Safety Committee. They submitted a letter to this Board dated March 11th which addressed all TAC comments.

Councilor Dwyer asked him to clarify where the sidewalk is and what the entrance to the building ended up. Mr. Mezquita explained that because they are on a corner, the main access is going to be in the parking field. There was talk about having sidewalks exiting to the corner but those sidewalks have been removed. They will build sidewalk along the International Drive intersection to the corner of the building. It will be Portland cement.

Mr. Coker asked if the April 15th meeting took place? Mr. Mezquita confirmed that a meeting with the PDA, the City and Newington took place and the agreement was they will be going before the Town of Newington as well. Mr. Coker asked if that meant it was not satisfactorily resolved but they will meet with Newington to resolve it? Mr. Mezquita confirmed that was their intention.

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 felt that, in light of the issues that are out there, he was very pleased that the applicant will be approaching the Town of Newington but to make sure that this Board's action is clear, he suggested that if there is a motion to approve that the motion would be worded such that this approval would be for anything located within the municipal boundaries.

Mr. Rice made a motion to approve with the 31 TAC stipulations and that this approval would be for anything situated within the City of Portsmouth boundaries.

Mr. Blenkinsop seconded the motion.

Mr. Coker indicated that in his many years of sitting on the Planning Board he has rarely disagreed with the recommendation of the Department but he would like to take a moment and look at their site review regulations. Mr. Holden referred to not wanting to be between the PDA and Newington but he feels they have no choice based on their regulations, which he read from. He felt the Town of Newington has made a credible argument and he doesn't feel they can approve this based on their regulations. There is a significant difference in the opinions on the boundary.

Mr. Holden pointed out that they are using the PDA regulations and not the City's Site Review Regulations and the plan does conform to the PDA Zoning Ordinance. This Board is aware that they often times have conflicting surveys and they asked the applicant if they stand by what they submitted and they quite often indicated that they do which removes the Board from the next level. The PDA regulations are somewhat different but mostly the same as Portsmouth. He was just suggesting that they are only acting on what is in Portsmouth and the applicant has confirmed they will go to Newington after this review. The Planning Board is only advisory and should be based on what is in Portsmouth.

Mr. Coker respectively disagreed because they are before the Portsmouth Planning Board and using the Portsmouth Site Review Regulations. Mr. Holden confirmed that the PDA Site Review Regulations are what they use for this application. They follow State Statute, which gives the PDA control and this Board is only advisory. This plan complies with those regulations and the boundary issue is up to the PDA.

Mr. Coker moved to table this application until the resolution of the boundary line. There was no second to the motion.

The motion to approve passed, with Mr. Coker voting in the negative, with the following stipulations:

Stipulations from the March 3, 2009 Technical Advisory Committee Meeting:

- 1) That the existing irrigation system and a potential new irrigation system shall only be operated during the hours of 10:00 pm – 5:00 am and a note shall be added to the Site Plans;
- 2) That if a new irrigation system is installed for this project, it shall have 6” of loam and will use a SMART controller;
- 3) That the Landscaping Plan shall be reviewed to determine whether there are any conflicts with trees being planted on top of the water line where it is stubbed off of the existing water service;
- 4) If there are any plans for a cooking facility a plan shall be submitted for an external grease trap;
- 5) There shall be a note on the site plan designating the area for the potential future exterior grease trap;
- 6) That a capacity use surcharge shall be assessed for this property;
- 7) That a herbacious native mix shall be used, rather than lawn, in the section closest to the wetlands, where they are in the 25’ buffer;
- 8) That the Landscaping Plan shall be reviewed and approved by DPW and Planning staff prior to the Planning Board meeting;
- 9) That a note shall be added to the Site Plans that any snow that cannot be stored in existing show storage areas shall be trucked off of the site;
- 10) That a stop bar detail shall be added to the Site Plans;
- 11) That the handicapped sign shall be corrected to be blue and white on the Site Plans;
- 12) That a Construction Management and Mitigation Plan shall be prepared by the applicant for review and approval by City staff, prior to the issuance of a building permit;
- 13) That the applicant shall appear before the Traffic & Safety Committee for approval;
- 14) That the Site Plans shall show where the “to be relocated” light poles are being relocated to and shall be subject to DPW approval;
- 15) That Note 16 on Sheet C-2 shall be revised to read “That sediment deposits shall be removed after each storm event or *when the sacks are one third full*;
- 16) That an electronic version of all as-built plans and mylars shall be provided to DPW for inclusion into their GIS system, and so noted on the Site Plans;
- 17) That the site plans shall address dust control on surrounding streets as well as on site;
- 18) That the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in the project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are necessary to ensure this communication. If the test indicates that amplifiers are required, that cost, too, shall be the responsibility of the applicant. All testing and all installations shall be coordinated between the applicant and the police/fire communications supervisor;
- 19) That Note 31 on Sheet C-5 shall be revised to include that they shall coordinate with the Portsmouth Fire Department for the location of the Knox Box;
- 20) That a note shall be added to the Site Plans that the applicant shall provide automatic notification of emergency services;
- 21) That the applicant shall meet with David Desfosses, Deborah Finnigan and Maria Stowell to agree on the configuration of sidewalks, prior to the Planning Board meeting, and said changes shall be reflected on the Site Plans;
- 22) That the intersection shall be brought up to compliance, (including safe 4-way signal heads for pedestrians, handicapped accessible with truncated domes and re-striping of crosswalks and stop bars);

- 23) That the Traffic Impact Assessment shall be made to see if it would be off-set by off-site improvements;
- 24) That the pump house shall be relabeled on the site plan as a meter building;
- 25) That the Existing Features Plans shall include a statement by the licensed land surveyor, stating that the town line shown on the plan is correct and no part of the lot is in the Town of Newington;
- 26) That a note shall be added to the site plans that the dumpster shall not be located in a porous pavement area;
- 27) That a report shall be completed as to the existing detention area and provided to DPW;
- 28) That the existing drainage system shall be cleaned, post construction, and any accumulated silt or debris shall be removed as part of the original detention system;
- 29) That a report shall be prepared on the appropriateness of adding lighting down the driveway to Corporate Drive as there are none shown on the Photometrix Plan;
- 30) That an annual maintenance report shall be submitted to DPW;
- 31) That a landscaping fence shall be placed around the trees that are being saved to prevent the soils from being compacted.

Stipulations from the April 16, 2009 Planning Board:

- 1) That this approval shall be for anything situated within the City of Portsmouth boundaries.

Chairman Ricci commented that he was pleased to see the pervious pavement.

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C. The application of **The Mark Wentworth Home, Owner**, for property located at **337 Pleasant Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revisions) is requested to create two proposed lots out of three existing lots, as follows: Lot 62 as shown on Assessor's Map 103 consisting of 1,922 \pm s.f. and 64' \pm of street frontage on Howard Street and 59' \pm of street frontage on Pleasant Street; Lot 63 as shown on Assessor's Map 103 consisting of 6,449 \pm s.f. and 71' \pm street frontage on Pleasant Street; and Lot 64 as shown on Assessor's Map 103 consisting of 7,429 \pm s.f. and 72' \pm street frontage on Pleasant Street. Said three lots to be consolidated into two lots as follows: Proposed Lot 62 consisting of 6,555 \pm s.f. and 111' \pm of street frontage on Howard Street and 117' \pm of street frontage on Pleasant Street; Proposed Lot 64 consisting of 9,245 \pm s.f. and 84' \pm of street frontage on Pleasant Street; Said lots lying in a district where a minimum lot area of 5,000 s.f. and 80' of continuous street frontage is required. Said properties are shown on Assessor Map 103 as Lots 62, 63 and 64 and lie within a General Residential 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.

John Rice and Paige Roberts recused themselves.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, was present along with Tim Phoenix, counsel for the Home, and Bill Henson, President and a member of the Board of Directors. Mr. Weinrieb indicated that the Wentworth Home was proposing to consolidate the three lots opposite the Mark Wentworth Home into two parcels. Currently the parcel with the building on it is non conforming and has no on site area for parking. The middle parcel is conforming as far as area but is encumbered with a portion of the

building from the adjacent lot. They hope to sell off the land and felt they should clean up the non conforming issues. They have consolidated the three lots into two and have made the third lot have frontage on Howard Street. The minimum lot size of 5,000 s.f. and the new lots will both be conforming. They will both have conforming frontage as well.

Mr. Hopley assumed there will have to be language on the plan for easements for the driveways. Mr. Weinrieb confirmed that the existing driveway will be removed and two new driveways will be

Mr. Coviello asked if Howard is one way? Mr. Weinrieb confirmed that it was not.

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

Lee Roberts, 40 Howard Street. Ms. Roberts indicated that one of the new lots will be behind them and one will be next to them. She asked if there will be one access off of Howard into the two properties and then branching off to each lot to provide parking. Chairman Ricci confirmed that both lots will have their own driveways. Ms. Roberts wondered if it would be better to have just one entrance because Howard Street is so narrow. Mr. Holden stated that in this neighborhood, because they are conforming, they require their own driveway but a stipulation should be for DPW to look at it. Another advantage is that parking will be off street. Ms. Roberts asked if the vacant lot would have to be a single family home. Mr. Holden confirmed it would because each unit would require 5000 s.f. Ms. Roberts stated a neighbor was going to email a letter to the Department (which never arrived) regarding the need for a landscape buffer. Mr. Holden stated that this Board does not have any authority regarding those matters but it will have to go through the HDC. Ms. Roberts asked about lighting. Mr. Holden confirmed that lighting cannot extend over the property lines.

Tim Phoenix, Esq., counsel for the applicant, responded that, as always, the Mark Wentworth Home will be a good neighbor. There is not a whole lot they can do regarding landscaping as they will be selling the lots and he can't make any representation on behalf of a future home owner. He would anticipate that someone building a new home would want to be a good neighbor.

Mr. Holden asked if the existing residence is a single family? Mr. Henson stated that it's most recent use was for temporary office space. The last time it was residential it was apartments. Mr. Holden advised him that the apartment use has been abandoned and they have gone to the residential, it is limited to single family at this point. A future home owner could come to them for a variance to use the properties as something other than single family.

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 made a motion to approve with the six recommended stipulations. Mr. Patenaude seconded the motion.

The motion to approve passed unanimously with the following stipulations:

1. That driveway cuts shall be off Howard Street;
2. That a driveway permit for each lot shall be secured from DPW;
3. That the Final Plat shall be amended to show that the existing side lot line between the two lots is also being "eliminated";
4. That the final plat and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or else as deemed appropriate by this department;

5. That GIS data shall be provided to DPW in the form as required by the City.
6. That property monuments as required by DPW shall be set, prior to the filing of the plat; and,

Mr. Coviello felt this was a great way to create 2 conforming lots out of what could have been 3 tight non conforming which probably would have received approval from the BOA, and it solved a potential problem.

Chairman Ricci echoed Mr. Coviello's comments.

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D. The application of **RKDOLLA, LLC, Owner**, for property located at **198 Islington Street**, wherein Site Review approval is requested to construct a 3/4 story, 5,671 \pm s.f. addition to an existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 137 as Lot 20 and lies within the Historic District A and Central Business B Districts; *(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:

Jeff Clifford, Altus Engineering, was present on behalf of RK Dolla, for the redevelopment of 198 Islington Street. They are converting this building into 14 residential units. The site occupies 11,647 s.f. in the Central Business B district. The project received HDC approval on January 7th and TAC on March 31st and they were before Traffic & Safety on April 9th and received approval.

Bob Dockham, of owner of Dockham Builders, indicated that they recently had success on Dennett Street converting an apartment building to condos and they tried to keep the interior and exterior to the image of the neighborhood. It has been a long process to get to this Board on this project. They have addressed the HDC, drainage, sidewalks and traffic issues. The existing condition of the property is in need of renovation and does not meet the criteria of the Islington Corridor. The current use of the property is a hair salon and three rental units. They will vitalize the existing building and add an addition to the building with a garage under the building. They will install an elevator and each unit will have its own storage. They will bring a housing alternative to Portsmouth as they will range in size at more affordable costs. The goal of the Islington Street corridor study is to extend downtown down Islington Street. He introduced Carla Goodnight to review the plans.

Carla Goodnight, of CJ Architects, displayed photos of the existing building. Their goal was to provide a variety of housing options and layouts. They are looking to provide ample parking on site. They went through early studies with the HDC to remove the existing building but it was decided to retain the house and renovate it and provide one unit per floor and also retain the current streetscape on Islington Street. The building design has undergone several variations. The first floor is dedicated to parking and the upper levels are living space. They have plants in the front to create raised landscaping. She displayed front and rear elevations. They began working on establishing the greenery at the front and a landscape designer to identify the green space. They are steering clear of lawn and mulch and rocks and are leaning towards ground covers and perennials to keep it self maintaining and natural. They worked with Peter Loughlin regarding the big front tree and a tree has been recommended to replace it.

Jeff Clifford stated that the building is located between Brewster and Langdon Streets. They are adding an extension onto the existing building. This is in the CBB and setbacks are zero however they

provided green space around the building. They are providing 12% open space where 5% is required. There are 16 parking spaces on site which included 5 exterior and 11 in the garage. That's more than one per unit. They receive the extra bonus for the covered spaces. Regarding the Islington Street Corridor Study, they have added green space in front, added brick sidewalks and the street tree configuration came from working with TAC. The parking layout is slightly different than the existing condition. The entrance is on the other side and there is plenty of site distance. There was a lot of discussion about the garage at TAC. It was shorter at one point and spaces were 8 ½ feet. They made many changes and spaces are now 9' wide and they brought the back of the garage in from the property line and eliminated a door. There was a traffic study done by Don Rhoades. He looked at peak hour traffic. Because of the existing use which creates quite a bit of traffic, at peak hour there was no change in traffic. Site distance is fine.

Mr. Clifford addressed drainage. The existing patterns in the area come from State Street. The site sheet flows across the lot to the gutter line and then to a catch basin. It then goes down Brewster Street. They have a drainage system that goes around the building, ties into the subsurface system and out to Islington Street. They are putting a new 12" line that ties into the catch basin. Also, the planters have a stormwater system similar to a rain garden where water will filter through and it helps treat the stormwater. In the garage, any drippings go into an evaporation trench. DPW had comments about the stormwater system maintenance. They added a door to access the system and they put a series of cleanouts in the mechanical room and garage to access the drainage system and to help flush it out. Part of their application they prepared a stormwater drainage analysis. As there is an increase in the imperviousness on the site, there is an increase in the run off. They proposed to put in an underground storage system for detention, consisting of four large diameter pipes leading to the downstream system. They provided a maintenance plan and a series of cleanouts at the end of each pipe. DPW also identified some issues with Brewster Street and the municipal systems. There have been problems with lower Brewster Street. They received a letter today from Dave Allen, Deputy Director of Public Works, which he provided to the Board, showing that Mr. Allen concurs with the recommendation in the Altus report. They will put in a sewer system up to Summer Street and down Brewster to McDonough with a series of sewer pipes and some improvements at the intersections. They came up with a pro rated cost to do that in the amount of \$200,000.

Mr. Clifford also added that the Fire Department requested the knox box note and automatic notification of emergency forces which they added to the Site Plans. The Police requested a radio strength test which they also added to the Site Plans.

Mr. Clifford confirmed that he addressed the 13 stipulations in a letter to the Board so he did not review them again.

Councilor Dwyer asked about the planters and where they are in planters and where they are just in the ground. Mr. Clifford pointed them out on a displayed plan. Councilor Dwyer followed the TAC discussion about the limited open space and she wondered about the choice of planters which limits what they will put in the limited open space and it will give it less of a landscaped look. Why did they do so much in planters? Mr. Clifford explained that they have the opportunity to have the stormwater system with the planters and Best Management Practices try to get it below grade and rain gardens don't work when they don't have much lateral space to work with. Carla Goodnight also added that the HDC wanted to raise the green space up off the ground and create a raised lawn feel.

Mr. Coviello commented on the landscaping and felt that the crabapple tree produces crabapples that will land on the sidewalk and street. Mr. Clifford agreed they would have to deal with that although it appears they would fall on their property. Ms. Goodnight spoke with Peter Loughlin who specified a species that does not shed apples. But they will follow any recommendation of the Trees & Greenery Committee. The reason some things happened this way is because of the site line and there is a major communication duct bank on one side.

Mr. Blenkinsop referred to the tight parking spaces and asked where they will store snow? Mr. Clifford referred to a note on the plan that an area in front would be used for temporary storage and then removed from the site. They can store a 6"-7" storm on site. The owners wouldn't want to lose their spaces for very long. Mr. Coviello asked if the 8' columns are fireproof? Mr. Clifford indicated they are not and uses Bull Moose as an example. Mr. Coviello asked about any venting of the garage to adjacent properties? Mr. Clifford stated they have to mechanically vent it. The locations for discharges have not been selected at this time as a mechanical engineer has not completed his plans.

Mr. Coviello asked about plans for the property to the rear? Mr. Clifford responded that there are trees and a retaining wall with a parking area on the other side. There is a single family home and he's not sure what the other is.

Mr. Coviello noted that as the garage is on the property line, how will they maintain it? Mr. Clifford stated there is a shelf in the rear that they can step on and even put a ladder on. Ms. Goodnight assumes they will be venting onto their property.

Mr. Coviello understands they are meeting zoning requirements but realistically there will be 20+ vehicles for 14 units and he asked where will they park? Mr. Clifford felt that the type of units do not typically require 2 cars. They are installing a lift in the garage to provide additional parking spaces.

Mr. Rice noted that the stipulations talk about the Knox box and refer to Note 9 and it should be Note 10.

Mr. Hopley referred to the utility plan for the electric service and asked if it was their intent to service the new 14 units with the existing service? Mr. Clifford stated that to get good information out of the electric company, they have to put a deposit down, and they are not at that point yet. Mr. Hopley referred to the Site Review Regulations that required that utilities must be underground. He also asked where are 14 individual meters going? Mr. Clifford felt that could be a stipulation.

Mr. Hopley also hoped that the design team, through HDC approvals, is aware of the relationship between the building façade to the property line and the amount of windows allowed. Ms. Goodnight confirmed they are aware of that.

Mr. Coviello asked Mr. Clifford to review the site lighting. Mr. Clifford indicated that the site is quite compact and there is a light on the street light pole. Each door has to have its own light. They didn't propose any parking lights because they didn't want to impact abutters.

Chairman Ricci referred to Sheet C-1 where it says install backwater valve and it should be value. On the stormwater storage chambers, is there any infiltration in there or just storage? Mr. Clifford confirmed it was just storage. They talked about infiltration but DPW has had problems introducing more groundwater into the area and abutter basements are a problem. The design was to create a tight system so it didn't create groundwater mounding. The peak runoff has decreased. Chairman Ricci felt the volume increases so they are just pushing it off their property to some other place. Mr. Clifford felt it was like traffic where they get more traffic but your design is the peak hour. They are controlling peak rate of runoff. Chairman Ricci felt they are spreading it out and there is more volume leaving their site once this is approved. Mr. Clifford agreed, as there is with virtually any project that is approved with increased impervious.

The Chair asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Coviello unenthusiastically made a motion to approve with the 13 stipulations and additionally he would like more coordination with the Department on the location of the vents for the garage. His concern is with the proximity to the abutters. He would also like to get confirmation that either tree does not produce fruit falling on the sidewalk.

Mr. Hopley seconded for discussion.

Mr. Blenkinsop suggested a change to condition #3, as put forth by David Allen.

Councilor Dwyer appreciated all of the things being done to make this dense so there is relatively little that can be done to ameliorate the over built look of it except landscaping. Much of the year there is going to be nothing but brick planters there. She thinks a dense urban landscape look needs a bolder type of landscaping with year round plantings. She felt their plants may not live very long in those planters. Without more attention to landscaping this could be a very bare looking site. She would be interested in the applicant working with the Department to add some variety to the landscaping so that it will appear to be landscaped during most of the year.

Mr. Hopley stipulated that the site plan be amended to show underground electric service and there may even need to be a mounted transformer. They have an elevator, conditioning loads no doubt and the parking garage. Someone needs to engage PSNH soon and an electrical engineer soon as it will have an effect on the site. He is okay with the Department handling it internally. This level of development warrants underground electric. Mr. Holden suggested that if it need venting, it needs to go to HDC and if it needs a transformer pad it needs to go to HDC also, which would notify abutters.

Mr. Coviello was not excited about this as it is so dense and the parking situation but this is what work force housing is going to look like without the government involved. They have to either put up or shut up, which is why he is voting favorably.

The motion to approve passed unanimously, with the following stipulations:

Stipulations from the March 31, 2009 Technical Advisory Committee Meeting:

- 1) That the Applicant shall include a siltcock to allow for cleanage of the drainage system on the west side of the building;
- 2) That the tree shall be located on the east side of the property and a landscape easement in perpetuity shall be granted to the City, to be prepared for review and approval by the City Attorney;
- 3) The applicant shall contribute funds on a prorated basis, as determined by the DPW, for the proposed Islington Street and Brewster Street sewer separation work indicated on the sketch plan titled "Sewer Separation Concept Plan for Brewster Street and Islington Street" prepared by Altus Engineering Inc., dated April 16, 2009; (Amended at the April 16th Planning Board Meeting, per letter from David Allen, Deputy Director of Public Works);
- 4) That a sentence shall be added to the Traffic Memorandum that the minimum site distance based on 30 m.p.h. has been met;
- 5) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the Applicant for review and approval by the City, prior to the issuance of a building permit;
- 6) That the revised Landscaping Plan shall be reviewed and approved by Planning and DPW staff, prior to the Planning Board meeting;
- 7) That the Applicant shall receive approval from the Traffic & Safety Committee prior to the Planning Board meeting;
- 8) That the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in the project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are

- necessary to ensure this communication. If the test indicates that amplifiers are required, that cost, too, shall be the responsibility of the applicant. All testing and all installations shall be coordinated between the applicant and the police/fire communications supervisor;
- 9) That the Applicant shall provide automatic notification of emergency forces and a Knox Box, through an independent contractor, as there is a moratorium on new fire alarm boxes;
 - 10) That the CMMP and the Site Plans shall include a schedule and frequency for inspecting the stormwater cleanout areas;
 - 11) That the drainage system on Brewster Street shall be reviewed and approved by DPW prior to the issuance of a building permit;
 - 12) That the brick sidewalk detail shall be reviewed and approved by DPW;
 - 13) That amended approval shall be received from the Historic District Commission for the amended building plan;

Stipulations from the April 16, 2009 Planning Board Meeting:

- 14) That the applicant shall receive approval from the Planning Department regarding the location of the garage vents as there is a concern with the proximity to abutters;
- 15) That the applicant shall confirm that the trees shall not produce fruit that will fall on the sidewalk;
- 16) That the applicant shall work with the Planning Department to add variety to the landscaping so that it will appear to be landscaped throughout the year.

Chairman Ricci indicated that, however it turns out, he would like to know what the action was for exhaust and the transformer.

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E. The application of **Orchard Park Owner's Association, Owner**, for property located at **875 Greenland Road**, wherein Amended Site Review approval is requested for parking lot rehabilitation, new sidewalks, new lighting, and landscape improvements, with related paving, utilities, drainage and associated site improvements. Said property is shown on Assessor Plan 259 as Lot 12 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).*

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Gregg Mikolaities, of Appledore Engineering, appeared on behalf of the applicant, representing Kane Company. He displayed the existing Orchard Park plan and proposed Site Plan. This site was constructed in 1985 and is "tired". The pavement has reached its design life and requires an upgrade. They propose paving, landscaping, sidewalks, lighting and picnic tables. Paving will be totally removed and repaved. Sidewalks currently have a 2' gap between the sidewalk and pavement which is awkward so they will eliminate that and add tipdowns. There are a number of walkways out back. Originally the mailboxes were out back and that has become a security issue and they will now be inside in the front. They will no longer need the sidewalks and they will eliminate them and make it more of an open space for people to enjoy. Regarding landscaping, some plants will stay, some relocated and they will create a buffer along one side. The planting scheme is in line with colonial architecture. The lighting is 25 years old and will be replaced with period fixtures on 12' poles and on the outside the new lighting will be shoe box dark sky compliant, 20' high. Parking will have 6 extra parking spaces by re-striping and relocating a couple of islands. There was no ADA in 1985 and they are bringing it up to compliance. Security lighting will be improved. They met with TAC and Mr. Mikolaities believed they have satisfied all TAC requirements.

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

David Ferland, 888 Greenland Road, which is diagonally across from the site. Mr. Ferland stated that the Kane Company is a great neighbor. When they built in 1985 Portsmouth Avenue was a dead end at Liberty Mutual. He felt that the driveway for Orchard Park is a little convoluted. There are a lot of walkers around this area. He asked if it would make better sense to have the driveway come out to a four way intersection. There is currently a lot of headlight into the abutting residences. He also asked about the mega spotlights on the building and whether they will still need them.

Mr. Mikolaities responded that they are not aware of existing traffic problems so they did not address it. He will advise the applicant of the headlights and make that known. All new lighting will be dark sky compliant. Mr. Mikolaities did not believe the realignment of the intersection would work as it is a pretty blind curve coming around Borthwick. Mr. Holden added that they brought this to Deb Finnigan's attention and she thought maybe they could refer it to DPW for their review and consideration.

Mr. Coker asked if it would be safe to say no lighting will extend over the property lines. Mr. Mikolaities was fine with that and confirmed no site lighting will extend over the property lines. Mr. Hopley believed Mr. Ferland was talking about the building lighting, rather than site lighting. Mr. Mikolaities felt it was a fair stipulation that all lighting will not extend over the property line.

Mr. Coviello asked why they didn't get the lighting plan? He would like to have them remove the lighting from the top of the building. Mr. Holden cautioned the Board that they must be careful as they are here for the parking lot. The above stipulation would cover it.

Councilor Dwyer asked if there was a discussion about driveway relocation? Mr. Holden suggested working with DPW to see if it was possible.

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. Holden felt that this application is an applicant who is willing to bring an old parking lot into better compliance with existing regulations. He encouraged that the Board approve it with the stipulations and also that the applicant has agreed to work with the City on the building lighting and site lighting to ensure that there is no spillage and also that the applicant and DPW shall meet to review whether the driveway could be relocated. It probably cannot but at least it could be looked at.

Mr. Coviello made a motion to approve with the nine stipulations and Mr. Holden's suggested stipulations. Mr. Patenaude seconded the motion.

The motion passed unanimously with the following stipulations:

Stipulations from the April 7, 2009 Technical Advisory Committee Meeting:

- 1) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the Applicant for review and approval by the City, prior to the issuance of a building permit;
- 2) That a crosswalk from the sidewalk to the building shall be added to the Site Plan;
- 3) That a motorcycle parking pad shall be added to the Site Plan;
- 4) That the spigot in the middle of the courtyard shall be identified and shown where it goes;

- 5) That all service shut offs and gate boxes that are not shown on the Site Plan shall be located and raised to finished grade and any gate or service boxes that are not shown shall be dug up and replaced;
- 6) That as-builts shall be provided to DPW at the completion of the project for the Water Department and the GIS Department;
- 7) That light poles shall be no higher than 20' and no bulbs shall be brighter than 250;
- 8) That drainage hoods (Clean Stream Technology) shall be added to the Site Plan;
- 9) That all handicapped parking spaces shall be moved closest to the entrance;

Stipulations from the April 16, 2009 Planning Board Meeting:

- 10) That the applicant has agreed to work with the City on the building lighting and site lighting to ensure that there is no spillage over the property lines; and
- 11) That the applicant and DPW shall meet to review whether the driveway could be relocated.

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Mr. Hopley made a motion to read Public Hearings F. & G. together. Mr. Blenkinsop seconded the motion. The motion passed unanimously.

F. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street (as proposed subdivided Lot 1)**, wherein Amended Site Review approval is requested in order to amend existing Planning Board conditions of approval granted on September 18, 2008, so as to construct a 25,270 \pm s.f. 5-story building, consisting of a 128-key hotel, 7,500 \pm s.f. of retail and 2,500 \pm s.f. of restaurant, after the demolition of the existing building, with related paving, utilities, lighting, 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, the Historic District A and the Downtown Overlay District (DOD); *(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.)*

G. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street (as proposed subdivided Lot 2)**, wherein Amended Site Review approval is requested in order to amend existing Planning Board conditions of approval granted on September 18, 2008, so as to construct a 10,850 \pm s.f. 5-story building, consisting of 10,000 \pm s.f. of retail and 36 dwelling units, after the demolition of the existing building, with related paving, utilities, lighting, 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, the Historic District A and the Downtown Overlay District (DOD); *(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. Holden advised the Board that the Planning Department is largely the reason why this is before them. When this project was being proposed as one lot they approved it subject to 30 conditions. As the process moved to create 3 lots they kept those stipulations to make sure nothing was missed. Two of those stipulations need to be amended as to timing. One is regarding the cost of a new traffic light at Russell and Market Street as it was originally to be installed when the Westin was developed. The traffic conditions would also warrant a contribution from the Parade Office LLC if it were all developed at once. The traffic studies indicate that if Lot one is developed, there is no impact on traffic. The first recommendation is to remove the requirement that the traffic light be done at this time but instead that it go in whenever Lot 2 or Lot 3 is constructed, whichever comes first. If that condition is changed, it will come back to them again. The second amendment was to do the

coordination of traffic lights on Maplewood. The side streets are backing up and the timing is not right. DPW would like to bring that timing up and have it done with Lot 1.

SPEAKING TO THE APPLICATION:

Josh Anderson, of Cathartes Private Investments, was present but had nothing to add to Mr. Holden's comments. He thanked the City Staff and the Planning Board for all of their hard work regarding this project. They are pleased to be on the cusp of starting the hotel construction.

Mr. Coviello was curious to when the demolition will start. Mr. Anderson felt they were within weeks rather than months.

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**Proposed Subdivided Lot #1:**

Mr. Coker made a motion to adopt the recommended conditions. Mr. Coviello seconded the motion.

The motion passed unanimously to adopt the following two conditions:

1. As part of the Site Review Approval for Lots 2 or 3, which ever lot is developed first, the Developer will pay one-half the cost of design and construction for a traffic light at the intersection of Russell and Market Streets, including any associated roadway improvements made necessary by the light design, such amount to be determined by the City's Public Works Department. The intent of this condition is to remove this condition/obligation from Lot 1 and to place it on the next of two remaining lots to be developed;
2. That as part of the development of Lot 1, the Developer will pay for and provide new signal timing/coordination of the traffic lights along Maplewood Avenue in conjunction with the City's Public Works Department.

Proposed Subdivided Lot #1:

Mr. Coker made a motion to adopt the recommended conditions. Mr. Rice seconded the motion.

The motion passed unanimously to adopt the following two conditions:

1. As part of the Site Review Approval for Lots 2 or 3, which ever lot is developed first, the Developer will pay one-half the cost of design and construction for a traffic light at the intersection of Russell and Market Streets, including any associated roadway improvements made necessary by the light design, such amount to be determined by the City's Public Works Department. The intent of this condition is to remove this condition/obligation from Lot 1 and to place it on the next of two remaining lots to be developed;
2. That as part of the development of Lot 1, the Developer will pay for and provide new signal timing/coordination of the traffic lights along Maplewood Avenue in conjunction with the City's Public Works Department.

Mr. Holden added that the letter of decision will reflect both of these actions so that the conditions stay in tact. He also advised the Board that Staff was also approving some minor modifications to the sidewalks to maintain the minimum 5' by addressing some landscaping. Those are considered minor and no approval was required from the Board.

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III. CITY COUNCIL REFERRALS/REQUESTS

A.) Request of Anello's Gluten Free Café, for property located at 41 Congress Street, to install a projecting sign; *(The Board action in this matter has been deemed to be legislative 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.)*

Mr. Holden stated that the Department's recommendation states that this sign is going on an existing sign mount. The prior sign did not have a license so this is a recommendation to get it under a license and they recommend that they favorably recommend it back to the City Council subject to the Department's recommendations.

Mr. Rice made a motion per Mr. Holden's recommendation. Mr. Coviello seconded the motion.

Mr. Coker indicated that the sign is already there and asked if this is a case where it's better to ask forgiveness than permission as they seem to get this a fair amount. Mr. Holden indicated that the City Attorney is working on an agreement to cover this until approval is received.

Mr. Coviello understands the angst but added that it's nice to be able to see the sign and know what they are getting.

Mr. Hopley indicated that the inspection department is swamped complaints on how long it is taking to get their approvals. To get a projecting sign approval it is taking well over 2 months. Previously it would take about 2 weeks. Mr. Coker thought perhaps a letter from the City Attorney saying if the sign goes up it is totally at their risk would help. Mr. Coviello felt that Mr. Hopley was saying it is frustrating for the applicant and it is taking too long.

Councilor Dwyer agreed and she tried to shorten the process but didn't get support from her fellow City Councilors. She's not sure how they got here. Mr. Holden noted that in the past they had not worried so much about a license for these issues but the City's policy now is that they need to be licensed for an extra layer of protection to the Council. Councilor Dwyer asked why can't the Council approve it with a Department Memorandum? Mr. Holden felt that the fastest way to speed this up would be to review it simultaneously. Mr. Hopley shared that from a business person's perspective, they want to have their sign up on the day that they open. Mr. Coker thought perhaps there could be a temporary provision pending City Council approval and totally at their risk. Chairman Ricci agreed and felt it could be a temporary 3 month sign. Councilor Dwyer indicated she will try to work on this again.

The motion passed unanimously with the following recommended conditions:

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
 2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.
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B.) Request from John Ducci, Northern Tier Real Estate Acquisition & Development, LLC, for property located at 172 Hanover Street, to remove the current glass atrium enclosure and replace with a more permanent structure; *(The Board action in this matter has been deemed to be legislative 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.)*

Mr. Holden stated that the last time the Board looked at this, the idea was that Mr. Ducci would contact the department and change his request on this.

Mr. Holden assumed that no vote was necessary and that the Board will forward back the recommendation that Mr. Ducci made originally because they have not had any contact.

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C.) Request from Alex Vandermark, The Juicery, for property located at 51 Hanover Street, to install a projecting sign; *(The Board action in this matter has been deemed to be legislative 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.)*

Mr. Holden indicated that this is the same as the previous request for 41 Congress Street except this is a new sign.

Mr. Rice made a motion to approve. Mr. Coviello seconded the motion.

The motion passed unanimously with the following recommended conditions:

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works;

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D.) Request from Scott H. Segee, Fa La Lo of Portsmouth, LLC, for property located at 51 Ceres Street, to install a projecting sign; *(The Board action in this matter has been deemed to be legislative 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.)*

Mr. Holden recommended approval subject to stipulations.

Mr. Patenaude made a motion to approve. Mr. Coviello seconded the motion.

The motion passed unanimously with the following recommended conditions:

1. That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,

- 2. That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works;

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Mr. Holden indicated that they would like to schedule a Work Session on Borthwick Forrest for Thursday, April 30th at 7:00 pm. The Board was in agreement.

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VII. ADJOURNMENT

A motion to adjourn at 9:20 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 June 18, 2009.