

**MINUTES
OF
REGULAR MEETING**

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

8:00 P.M.

AUGUST 20, 2009

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

MEMBERS EXCUSED: Cindy Hayden, Deputy City Manager and Richard A. Hopley, Building Inspector

ALSO PRESENT:

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7:00 – 7:45 Non-Meeting with Counsel was held

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the July 9, 2009 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the July 16, 2009 Planning Board Meeting – Unanimously approved.
3. Approval of Minutes from the July 23, 2009 Planning Board Meeting – Unanimously approved.
4. Approval of Minutes from the August 6, 2009 Planning Board Meeting – Unanimously approved.

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II. PUBLIC HEARINGS

A. The application of **51 Islington Street, LLC, Owner**, for property located at **51 Islington Street**, wherein Site Review approval is requested to construct one 4-story, 7,718 ± s.f. residential building and one 5-story 11,995 ± s.f. mixed use building, after demolition of the existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 126 as Lot 33 and lies within the Historic District A and Central Business B Districts. This application was postponed at the July 16, 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.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, was present on behalf of 51 Islington Street LLC, along with Jennifer Ramsey, project architect, and Rich Verrier, from Advanced Drainage Systems, Inc. Last month the Board had some concerns and asked the developer to respond to several questions. Specifically, the Board had concerns about building the back building first and leaving the front building to be constructed later. Parking was also a concern.

Mr. Chagnon stated that the developer took the Board's concerns to heart and made changes to the project. The back building was eliminated from the site plan and the underground parking garage was replaced with a surface parking area. The front building is the same as the previous plan (except for the elimination of the garage), and building size, street grading and traffic circulation remain the same. They are retaining the two-way Parker Street widening to 24' and the dedication of land around the block to allow the City to widen the streets and add sidewalk.

The parking area in the back will be accessed from Parker Street as in the previous plan. There will be dark-sky lighting on 12' poles mounted 8' high between the first and second floors of the building, which will provide just enough illumination for the parking area and will not intrude on the neighborhood. The landscaping has been extended down Tanner Street with street trees interspersed with a fast growing sedgy brush material which will die back in the winter so it will not be crushed by the snow and it will grow back rapidly in the spring. The grading needed to be worked out which necessitated a small retaining wall. The transformer location moved slightly with retaining walls around it and the stairway accesses the sidewalk behind the building from Tanner Street. Mr. Chagnon referred to the color façade renderings which they submitted and the lighting plan and cut sheets for their dark-sky friendly fixtures.

Another significant improvement is the proposed widening of Tanner Court on the south side so the Court will have an unobstructed width of 22' of pavement, which provides an opportunity for one way flow with parking for the neighborhood, although that decision is best left with DPW and the Traffic & Safety Committee. The last exhibit is the Site Distance Plan on Islington Street and the Landscaping Plan showing the landscaped areas they are specifically counting in their open space calculations totaling 8.8%. Walkways are in red and total 12.1% of the lot. Open space has a 5% requirement and they total over 20% of the lot so they are keeping with the ordinance.

Last month the Board had comments which Mr. Chagnon wanted to address. The Board wanted computations showing compliance with the off-street parking requirements and documentation of the claimed parking threshold. They provided a Parking Threshold Plan showing that the existing property had a baseline parking of 90.4 spaces. The parking requirement for the revised plan is 42 for 28 residential units and 21 spaces for retail, totaling 63 spaces. This is a less intense use and they are reducing the parking demand with their revised plan.

The concern about parking spaces being used while the back building was under construction is no longer relevant.

There were concerns about updating their Traffic Study and they felt that as they are reducing the project by 40% and as they have reduced the number of residential units that the update is no longer warranted.

They no longer believe there will be a problem with vehicles circulating the neighborhood looking for parking spaces as there are more parking spaces than units. Also, sequencing problems go away as they are only constructing one building.

They now have a surface parking lot which they have to drain and they are providing a stormwater water quality unit. Essentially it is a two chamber plastic system which is designed to settle out the solids and the water flows over a baffle into a second chamber so that oils and other floatables are captured and clean water comes out the other side. They will also treat the majority of the roof water in this unit. Those specs were in their package. It is an off-the-shelf unit and Mr. Chagnon passed out brochures.

They feel their revised plan is a plus and that they have addressed all concerns of the Board. They understand that TAC has not had a chance to review the revised plan. They have already been before TAC and they hoped it would be possible to get Planning Board approval with a condition that they get the technical issues addressed.

Mr. Coker asked the height of the retaining wall along the back. Mr. Chagnon confirmed it was 4' – 5'. Mr. Coker asked if maintenance was performed by a truck for the stormwater quality unit. Mr. Chagnon stated that the site owner is responsible for the maintenance of the unit and it is pumped out twice a year. The truck backs up to the unit, takes the lid off and cleans it out. Mr. Coker indicated he would like to have them provide a regular maintenance report to DPW.

Councilor Dwyer asked how many parking spaces would fit along Tanner Court once it was widened. Mr. Chagnon stated there would be room for 6-7 spaces. Councilor Dwyer asked if the widening of Parker Street would create additional parking spaces. Mr. Chagnon stated it would not. Councilor Dwyer felt that 22 people would still be driving around looking for spaces to park; however, they could be adding 6-7 off site spaces.

Councilor Dwyer did not see types of plants that would screen the headlines from the neighbors on Tanner Court. Mr. Chagnon conceded that the landscaping plan was done by someone else so he was unsure but they can look at that as a condition. Snow banks will be a good buffer in the winter as he didn't think the City will be plowing the sidewalks in the back and side. The snow on their site would be placed in designated snow storage areas and they are also considering a heat zone to melt the snow.

Mr. Rice felt they were putting in a vast parking area which will have a large impact on the neighborhood. They did a good job on Tanner Street with the buffer but he felt that taller trees would have a greater impact to break things up. Would they consider a denser planting of trees every 15'? Mr. Chagnon understood that the ginko tree has a 30' mature spread. As this is an urban environment, they have to have a tree that is hardy but they were open to suggestions.

Mr. Coker asked for clarification on the parking calculations again. Mr. Chagnon explained that the zoning ordinance was changed in 1997 to provide a parking credit for properties in the Central Business districts. Specifically, the credit is computed by computing the parking requirement as of 1997 and then adding to this requirement the actual number of parking spaces that existed on site in 1997. For the Kline's site, the parking requirement for the furniture store use (at 1 space per 600 sq. ft.) was 74 spaces, and there were 16 spaces on site, for a total credit of 90 spaces. Chairman Ricci agreed it was confusing but confirmed that Mr. Chagnon's figures were correct.

Chairman Ricci asked about the buoyancy of the stormwater treatment unit and whether there was a concern with that. Mr. Chagnon explained that it is always full of water except when it was pumped out. Chairman Ricci asked if test pits or water tables were done. Mr. Chagnon confirmed it is a high point with ledge. Chairman Ricci noted that if the unit is empty and it is 5-6 below grade, it could be a problem. Rich Verrier, from Advanced Drainage Systems, Inc., stated the unit is a piece of conveyance pipe. Typically they have 2' overburden over the top of the unit and pavement over the unit so the buoyancy is offset by the overburden on top of the tank. They do not know where the water table is. When the truck pumps the unit out they will typically not empty all of the water out.

Councilor Dwyer stated that the whole first floor was retail and asked whether the parking spaces were open or dedicated. Mr. Chagnon stated there were 3 spaces along the front, there were spaces in the Bridge Street lot and spaces off the adjacent block and on Tanner Court. At least one space per unit would be dedicated in the parking lot. The loading area is in the front of the building and does not have to be dedicated as it is Central Business.

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

Steve Fowle, of 9 Tanner Court, indicated that after watching this project for some time, this strikes him as a brilliant effort to reduce the parking impact on the neighborhood.

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

Ms. Geffert was pleasantly surprised with the plan revisions and how responsive they were to the concerns raised at the last meeting. There are technical issues that still require some work but she recognizes their effort. She made a motion to postpone to the September 17th meeting to permit TAC to review the application and make recommendations. She also added that she would like TAC to look at the stormwater treatment, snow removal, and the landscaping and buffering toward the Tanner Court side. With that recommendation, she also wanted to commend this application to TAC as they have gone a long way in addressing their concerns. Vice Chairman Roberts seconded the motion.

Chairman Ricci also wanted to commend the applicant. They listened to the Board and when the neighbor comes up and says they did a good job, it doesn't get much better than that.

Mr. Coker asked to include a notation so that they don't forget for an inspection report to the DPW on the stormwater management system. He also commended the applicant and added that people rarely listen to them and it's refreshing when they do.

The motion to postpone to the September 17th Planning Board meeting passed unanimously, with the following stipulations:

- 1) The Technical Advisory Committee shall review the revised application, in particular for stormwater treatment, snow removal, and the landscaping and buffering toward the Tanner Court side, and make a recommendation back to the Planning Board.
- 2) The Board commends this application to TAC as they have gone a long way in addressing the Planning Board concerns.

Chairman Ricci asked that the Board members save their Site Plans and he requested that the applicant just provide 11" x 17" site plans at next meeting.

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B. The application of **J. P. Nadeau, Owner, and Witch Cove Marina Development, LLC, Applicant**, for property located at **187 Wentworth Road**, requesting a Conditional Use Permit under Article VI, Section 10-608(B) of the Zoning Ordinance to fill 6,730 s.f. of wetland area and an undetermined area of wetland buffer area, and to erect a mixed-use (commercial/residential) structure, all within an Inland Wetlands Protection District and Inland Wetlands Protection District Buffer Zone. Said property is shown on Assessor Plan 201, as Lots 17 and 18 and lies within the Waterfront Business District. *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

J. P. Nadeau, representing Witch Cove Marina Development, was present. He indicated that he had asked the Board to postpone this matter to their September meeting as the Conservation Commission has not completed their review due to lack of information. He handed out reduced plans to the Board.

Mr. Nadeau stated that they are proposing to remove the two garage repair buildings and one residential building at the top of the plan. The building across the street is a mixed use building which is grandfathered as an existing residential building and that is being moved across the street to replace a building that is being demolished. They need the Conditional Use approval across the street for parking. The grey on the plan represents the 6,730 s.f. of wetlands. That lot whole is an open field that has been used for parking cars and boats. His wetland scientist said it has marginal functional value. They hope the information the Conservation Commission needs will be completed next week.

Mr. Nadeau stated that they have removed the boat storage building and they are not proposing to rebuild it because it's close to the creek. They are getting rid of the business uses and they will be asking the Board of Adjustment for a variance to allow three residential units. Behind the two garage buildings that are being eliminated they are proposing to construct a yacht club. No clean up has been done to that sight for as long as it has been there and they will be reducing impervious surface on the water side. They know they are asking to fill in some marginal wetlands but they feel the trade off is increasing the pervious area. They will also be bringing sewer up Wentworth Road.

Mr. Nadeau stated that they will rehab everything but the Conditional Use Permit is what is required to get rid of the environmentally unfriendly uses in exchange for having a yacht club.

Mr. Coviello was aware that they were only dealing with the fresh water wetlands; however, he was surprised as the property slopes towards the water and there is nothing to stop the water from sheet flowing across the street into the water. Mr. Nadeau mentioned there is a culvert that goes under the road and enters into the Sagamore Creek. He understands that will all be taken care of and they are mindful of it. When the State doesn't maintain it, it creates a problem for them and they hope to fix that.

Councilor Dwyer noted that the proposed parking area is marked pervious and she asked if that was also true on the other side. She also asked why there are so many parking spaces. Mr. Nadeau stated it was all pervious. The size of the parking area is because of the different uses. Those will be addressed at a later meeting.

Vice Chairman Roberts drove by the site today and saw some trucks moving earth. Mr. Nadeau stated that was for BG's Boathouse as their septic system failed.

Mr. Coker noted they are bringing sewer up Wentworth Road. Mr. Nadeau confirmed they will be bringing sewer up to their property as they will need it to service the yacht club.

Mr. Coker asked what other permits they will need since they are on a shoreline. Mr. Nadeau indicated they have been working on this for 1 ½ years. The State went out to the site in February of '08 and he has received positive feedback.

Mr. Coker asked about the variances they are seeking from the BOA. Mr. Nadeau confirmed that Attorney Pelech is handing that.

Mr. Coviello asked what type of pervious pavement they will be using. Mr. Nadeau confirmed it is the porous asphalt pavement from the UNH Stormwater Management Center. He gave a pamphlet to Mr. Coviello. Mr. Coviello asked about boat storage on the Sagamore side. Mr. Nadeau did not believe there would be boat storage but it would depend on what develops.

Chairman Ricci stated his concerns. He felt there was a drastic increase in vehicles compared to what was there now. He has serious concerns about pervious pavement where the groundwater is 1' - 2' below what is there and they usually need more separation between the pavement and the ground water. He would like to see them using gravels instead of pavements as it is just a summertime use. He would like to see an agreement worked out with BG's to get them on the sewer as well. He felt that each dwelling unit may use dry wells to mitigate any run off from the site. In summary, Chairman Ricci had a lot of reservations but also saw an opportunity.

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

Don Green, former Conservation Commission member. He disapproved of the vagueness of what is being done in the State wetland setbacks. He would like to know what fraction of the total wetlands will be interfered with and what fraction of the total set back area will be interfered with. Chairman Ricci advised him that the applicant is only before them tonight for a preliminary presentation. They will have that information at their next meeting. Mr. Green felt that the Conservation Commission should see this first. Mr. Green also asked if there was any prior action by the Conservation Commission or DES in this area. Chairman Ricci again reiterated that they are trying to assist the Conservation Commission on a detailed application, to get their comments back to them so they have the Board's initial thoughts.

Mr. Coker was familiar with Mr. Green's good work and encouraged him to stay in close contact with the Planning Department and the Conservation Commission as this is just a cursory review tonight.

Jim Horrigan, Vice Chairman of the Conservation Commission. He was not present to speak on the merits on the proposal, for or against, but rather to bring the Board up to date on where the Conservation Commission was. Originally they filed an expedited application which was not granted due to the project's complexity. The Conservation Commission had a hearing and they had a professional appear and speak to "Phase A" of the plan on the northerly side of Wentworth Road. They asked repeatedly what Phase B was but never found out. The Conservation Commission recommended that the proposal not be approved due to lack of information. They received a letter from Witch Cove again addressing Phase A with an additional residential home but they never reviewed that as they had already voted. They then had a Conditional Use Permit request which he assumes is Phase B. This was discussed at their meeting last week however a new set of materials was provided at their meeting and they did not have a chance to review them. They did not even have a hint that there was a parking lot on the other side of the street. They feel this project is all one piece. Two professionals made a presentation to them but they have not yet had a chance to review this project in its entirety as each version changed. He pleaded with the Planning Board to allow the Conservation Commission to deal with this and not rush it.

Chairman Ricci reiterated that the Board was not making a decision tonight and they recognized that the Conservation Commission recommendation was important.

Dennis Graves, owner of BG's Boathouse. He had concerns with the project. The water run off from the proposed parking area was already a huge problem. The pipe that runs underneath the road cannot handle a big storm. Boatyards are notorious for pollutants and soils which run off into the creek. He is concerned there are pollutants in the soils that will just be covered up with fill to eventually run off into the water. He would like to see testing of the soils prior to any landfill. And, he would love to have sewer at BG's Boathouse.

Lenore Weiss Bronson, 828 Woodbury Avenue. She was concerned about wetlands in Portsmouth. She wanted to talk about the history of the wetland setback and referred to an approval 10 years ago on Wholey Way to fill wetlands and because of the impact and significance of that case, the setback was increased from 75' to 100'. She felt the more complicated they make this, the less the public will understand it and the 100' setback will become insignificant. This is not only violating the 100' setback requirement, it is completely over the top. She can see allowing a few feet here and there but this is too much. She doesn't agree with determining the value of a wetland and she is concerned about polluted water going into a pervious surface.

Mr. Nadeau stated that Witch Cove wants their trust. He agreed with Mr. Horrigan that this should not be rushed and they are getting additional materials for the commission. He clarified the State process and why they have changed their plans to better address things.

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. Coker was present 10 years ago when Joe Sawtelle brought a similar proposal for this site to the Board and he passed away before it was completed. The approach was a little different as it was to change the zoning. This project is requesting variances from existing zoning. He would make a motion to postpone consideration of this application until the September meeting. Mr. Coviello seconded the motion and felt that they have a new Planning Director and the application wasn't ready for their review so he can see why there was a misconception that they are rushing it but they clarified that very nicely. He also noted that Mr. Nadeau requested to have this postponed so he didn't bring his professionals.

Ms. Geffert felt it would be more appropriate to postpone indefinitely until the Conservation Commission has concluded their review. Chairman Ricci agreed and the maker of the motion also agreed.

Mr. Coker requested that the Board receive the minutes from the Conservation Commission when they next see this.

The motion to postpone indefinitely until the Conservation Commission has concluded their review passed unanimously

Chairman Ricci stated that he likes this format to informally review an application, which arms the Conservation Commission with more information. He hopes the Conservation Commission embraces it as well.

Mr. Coker made an observation that Mr. Nadeau is an attorney yet Attorney Pelech is doing the zoning part of the application.

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III. CITY COUNCIL REFERRALS/REQUESTS

Mr. Rice made a motion to consolidate Items A & B. Mr. Patenaude seconded the motion. The motion passed unanimously.

A. Bow-Ceres Street Waterfront Improvement Project – Acceptance of Passageway Easements. *(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.)*

B. Bow-Ceres Street Waterfront Improvement Project – Granting of Utility Easements. *(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. Coviello advised the Board that Appledore Engineering had a little bit to do with this and his wife used to work for them.

Robert Sullivan addressed the Board. Also present was David Allen, Deputy Public Works Director. Attorney Sullivan stated they are present because authority to either convey or accept any interest in property lies with the City Council and an advisory opinion must be received from the Planning Board prior to City Council action. Tonight is in furtherance of the Riverwalk Plan which has been in the works for 20 years. They are very close to constructing this project and bid documents will be open next week. The Planning Board has already approved two parts of this project, including a subdivision and exchange of property between the City and DiLorenzo Real Estate at the corner of Bow and Ceres Street and a lot line revision with Portsmouth Navigation to move a dumpster to allow public access to the water.

They are seeking a 10' utility easement from Ceres Street across City land. That would be for utilities serving properties further down the Riverfront walkway. Some properties already have sewer and water but in an undefined way and without proper approval from the City. Therefore, they would ask that the Board authorize the City Council to convey these easements in this area.

The areas on the plan reflect where the City wishes to acquire easements for the Riverwalk from private property owners. Given the support that the Planning Board has shown for this project in the past, this is really a routine matter and he asked for their approval of the acceptance and the conveyance of easements as shown on the plan.

Mr. Coker asked if these have been agreed to by the property owners. Attorney Sullivan stated they have not. Mr. Coker asked what method the City uses. Attorney Sullivan explained that the City does not use eminent domain for the Riverwalk. They have been in contact with all of these property owners and there have been numerous discussions but the final agreements have not been reached and they are meeting with the property owners next week to finalize the agreements. The City Council needs to have a recommendation from the Planning Board to move forward.

Councilor Dwyer was concerned about terminology and indicated that they are not really talking about the Riverwalk the way people had originally thought about it. Attorney Sullivan agreed that the Riverwalk project has drastically changed. The easements are to build a walkway.

Mr. Coviello asked if this will create an accessible means for the public to access the area. Attorney Sullivan stated that the area will be cleaned up, made safe and made available for pedestrian travel to the limited extent shown on the plan and is a dead end.

Mr. Coviello made a motion to recommend acceptance of the passageway easements. Mr. Coker seconded the motion. The motion passed unanimously.

Mr. Rice made a motion to recommend acceptance of utility easements. Mr. Coker seconded the motion. The motion passed unanimously.

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C. Request from Jason Scott, Applicant, for property located at 78 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.)*

Chairman Ricci pointed out that there was information in their packet. Mr. Coviello assumed this meets all requirements of the sign ordinance and has been reviewed by the building inspector? Chairman Ricci believed that it did and the Department Memorandum did not indicate anything to the contrary.

Mr. Coviello made a motion to recommend approval of a revocable municipal license, subject to conditions as recommended by the Planning Department. Mr. Rice seconded the motion.

The motion to recommend approval of a revocable municipal license passed unanimously, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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D. Request from Benjamin Nutter Architects, Applicant, for property located at 10 Commercial Alley, Suite 3, 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.)*

Chairman Ricci stated that the Planning Department Memorandum recommended approval with three stipulations. Mr. Coviello made a motion to recommend approval with stipulations. Mr. Coker seconded the motion.

The motion to recommend approval of a revocable municipal license passed unanimously, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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E. Request from Samantha Finigan and Whitney Swaffield, Applicants, for property located at 206 Market 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.)*

Chairman Ricci stated that the Planning Department Memorandum recommended approval of the revocable municipal license with three conditions. Mr. Blenkinsop made a motion to recommend approval with the 3 conditions. Mr. Coviello seconded the motion.

The motion to recommend approval of a revocable municipal license passed unanimously, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

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F. Request from Ted Mountzuris, of The Page, Applicant, for property located at 172 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.)*

Chairman Ricci stated that the staff report recommendation was to vote against the recommendation of a license unless or until the BOA grants a variance. Mr. Rice made a motion to recommend denial with the Staff recommendation. Mr. Coviello seconded the motion.

The motion (1) to recommend against approval of a license unless and until the Board of Adjustment grants a variance to allow the aggregate sign area to exceed the maximum for the lot; and (2) to recommend that if a license is approved, the projecting sign may only be illuminated with external illumination, passed unanimously.

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G. Offer by Packard Development to donate conservation land on Banfield Road. *(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.)*

Chairman Ricci stated that the Planning Department Memorandum recommended acceptance. Mr. Blenkinsop made a motion to recommend. Mr. Coviello seconded the motion.

The motion to recommend that the City Council accept the donation passed unanimously.

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H. Request to review the possibility of changing the name of the northern end of Woodbury Avenue, from the Market Street intersection to the Newington town line. *(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.)*

Chairman Ricci stated that the Planning Department Memorandum recommended postponing to the September meeting. Mr. Coviello made a motion to postpone to the September Planning Board Meeting. Mr. Blenkinsop seconded the motion.

The motion to postpone to the September Planning Board meeting passed unanimously.

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IV. NEW BUSINESS

A. Request of Seacoast Trust LLP for property located at 150 Route One By-Pass for a one year extension of Site Review Approval which was granted on August 28, 2009.

Mr. Coviello made a motion to grant a one year extension. Mr. Blenkinsop seconded the motion.

The motion to grant a one year extension of Site Review approval to August 28, 2010 passed unanimously.

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V. PLANNING DIRECTOR’S REPORT

Chairman Ricci recused himself.

A. 100 Lafayette Road (Lafayette School) - Administrative approval for amendment to approved Site Plan.

Vice Chairman Roberts advised the Board that administrative approval has been granted to site an emergency generator at the southeast corner of the lot, and to locate a pad at the rear of the building for trash and recycling containers. In addition, changes to the sewer line have been designed to address backflow problems, and administrative approval of these changes will be granted once the plans are received in the Planning Department. No motion was required.

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Chairman Ricci reviewed the September and October meeting schedule with the Board.

Mr. Coker stated that, on advice of City Counsel, he will not be attending the September 10th public hearing on the revised Zoning Ordinance.

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VI. ADJOURNMENT

A motion to adjourn at 9:45 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 September 17, 2009.