

**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.

SEPTEMBER 17, 2009

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

MEMBERS EXCUSED: John Rice;

ALSO PRESENT: Rick Taintor, Planning Director;

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the August 20, 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**, requesting Site Review approval to construct one 5-story 11,995 ± s.f. (footprint) mixed use building, which includes 28 residential units and 10,100 ± s.f. of retail space, 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. *(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:

John Chagnon, of Ambit Engineering, was present with principal Stephen Kelm, legal counsel Paul McEachern and architect Jen Ramsey. They were present in July with a very different proposal for 2 buildings but as a result of Board concerns the developer has reconfigured the project to eliminate the back building. There is now a building in the front and a parking lot in the rear. They went back to TAC to review the new design and TAC voted to recommend approval with stipulations which are design and technical in nature and the stipulations have been addressed in the revised Site Plan set. Staff now recommends approval with six stipulations that will be completed after approval.

Mr. Chagnon briefly reviewed the changes. They took the curb extensions on the bumpouts on Islington Street and moved them back to provide more free access for bicycles. They determined the location of the solid white line which they will place to the east of the bumpouts to steer traffic in the right direction. They made changes to the lighting schedule notes, they added a curved radius at the parking lot entrance, they put a pavement detail on the plan set, they added grading to show where the tipdowns were, they added a stop bar on the Parker Street entrance to Islington Street and they added a note regarding the abandonment of the sewer on Tanner Street. They also included a stamped engineered design for the retaining wall in the northeast corner of the parking area.

He added that they would like to have Parker Way two-way and asked if the Board could include that recommendation in their approval as the applicant will have to appear before the City Council for an ordinance change. It would save time if they added that to their motion.

Mr. Coker asked for the status of snow storage and/or snow removal. Mr. Chagnon confirmed that TAC was happy with their response that they plan on pushing the snow to the east side of the parking area, they will provide some heated pavement area and snow that interfered with the parking lot would be trucked away.

Councilor Dwyer asked for their justification for Parker Street being two way. Her concern is it would eliminate parking spaces along that street. Mr. Chagnon explained that the reason Parker Street is two way goes back to the traffic pattern and traffic analysis. They are both one way now and although their analysis indicated that there would not be excessive problems with Hanover Street but the City's Committees felt that not all traffic should be routed to Hanover Street. The only way to even out the traffic is to have some traffic go back out to Islington Street. This will only be two way to Tanner Court and the traffic will not further burden the Hanover Street area any more than it already is. Councilor Dwyer pointed out that the potential for 4-5 parking spaces would be lost if they did this.

Councilor Dwyer had asked them to consider some different landscape choices to better screen the parking lot lights from the Tanner Court homes during all seasons. Mr. Chagnon responded that TAC discussed this and felt that their initial proposal was appropriate.

Mr. Coker felt that Councilor Dwyer raised an interesting question. It seemed that it was beyond their purview to recommend whether a street should be one way or two way. Mr. Taintor felt that one of their responsibilities is to make sure they don't have traffic congestion or safety problems and this came about to provide adequate access to the parking area. An important point is that the street is not as wide now as it will be in the future as they are providing additional width. For that reason he felt it was appropriate for the Planning Board to recommend on traffic items.

Ms. Roberts asked if Deb Finnigan was at that TAC meeting and agreed with the discussion. Mr. Taintor confirmed that she was.

Councilor Dwyer asked who was the landscape person on TAC? Mr. Taintor stated they do not have a landscape person on TAC, however, the issue of the landscaping came up and as snow was going to be dumped at that location it was felt it would be inappropriate to have bushes there.

Mr. Hopley asked about the dashed line going north to south through the proposed building. Mr. Chagnon confirmed it was a dividing line through the building as it is going to be built in two parts and it is designed to be a phased building. That is how it was approved at HDC also.

Mr. Blenkinsop asked if the two phases would have any impact to the rear parking. Mr. Chagnon stated the parking lot would be built as part of the first phase.

In looking at their elevations, Councilor Dwyer wondered how they could build half of the building and not the other part.

Jennifer Ramsey, of Somma Architects, pointed out on the elevation plan that Phase A included the major gable and everything to the right and Phase B is everything to the left. The color rendition from the July 8th plan set best reflected this.

Deputy City Manager Hayden asked if the HDC approved the look of Phase A and if it will look like a complete building. Ms. Ramsey confirmed they approved a look that will look like a complete building. If Phase B was never able to be built, the HDC was satisfied with the elevation. They will have a full side with windows. This could be build all at once but in all likelihood there will be a few months lag between the two phases.

Mr. Coker asked for confirmation that the phasing on the front building had been discussed before. Mr. Taintor stated that the only change to the plan was to eliminate the rear building and there was no change to the front building. Chairman Ricci confirmed that they talked about the phasing of the front building but their focus was more on the two buildings.

Mr. Blenkinsop asked if there were any landscaping plans for the area before Phase B was built? Mr. Chagnon indicated there are no plans but the streetscape improvements would have to be done and the area would probably be a lawn.

Mr. Coker asked if one side of the building gets built and the economy goes sour, will the applicant have to come back after one year for an extension. Mr. Taintor said that the standard is to begin work and to continue until completion. He was not sure what would happen if they stopped for a long period of time and would have to look into that.

Chairman Ricci asked if they expect any foundation work for Phase B to occur while Phase A was going on? Ms. Ramsay stated they are currently discussing extensions of the foundation walls by 10' so that they are not disturbing tenants later on.

Mr. Hopley asked if the westerly side will have windows before Phase B is constructed. Ms. Ramsey confirmed they will install windows with a solid wall behind them.

Deputy City Manager Hayden suggested a stipulation that in the interim before Phase B is built, that the vacant area shall be loamed and seeded and that they also stipulate that the Parker Street and streetscape improvements shall be constructed before a Certificate of Occupancy is issued for the building.

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

Phyllis Hobson, 20 Islington St. She asked for clarification of the shading on the site plan. She felt this was similar to downtown in its construction. The neighboring buildings have a little bit of green space in front so, in keeping with the neighborhood, she was asking that they not set a pattern of building right up to the sidewalk.

Steve Fowle, 9 Tanner Court. He had not heard anything different so he assumed this is for the same parking arrangement as the last meeting and it was gratifying to see a developer take that parking factor into consideration in the neighborhood. Mr. Taintor pointed out that the developer is providing the additional street width and it is up to the City to provide the parking spaces.

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

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Hayden asked if TAC was in favor of two way traffic on the portion of Tanner Street and Mr. Taintor confirmed that they were.

Deputy City Manager Hayden made a motion to approve with the six stipulations recommended in the Planning Department Memorandum and add that prior to the issuance of a CO for the first building constructed that the area where the second building is to be built is loamed and seeded and that all improvements in the public space are made. She also felt that Stipulation #3 could be revised to add “with a favorable recommendation for two way traffic on Parker Street between Tanner Court and Islington Street.” Ms. Geffert seconded the motion.

Councilor Dwyer was not comfortable with the Parker Street recommendation but was in favor of the motion. She asked for an amendment to Deputy City Manager Hayden’s stipulation. Deputy City Manager Hayden withdrew that portion of her motion and will leave #3 alone.

Ms. Geffert withdrew her second as she thought it was a good recommendation.

Councilor Dwyer seconded the motion.

The motion to approve the site plan as revised through September 9, 2009, passed unanimously with the following stipulations:

- 1) The final design of the retaining wall at the northeast corner of the parking lot shall be subject to approval by the Department of Public Works.
- 2) Any new utility poles, relocated poles, or facilities associated with poles shall be subject to approval by Department of Public Works in conjunction with PSNH.
- 3) The proposed traffic pattern on Parker Street shall be subject to approval by the City Council.
- 4) The proposed easements and fee transfers shall be subject to approval by the Planning Department and Legal Department.
- 5) The revised Site Plans are subject to approval by the Historic District Commission.
- 6) A Construction Management and Mitigation Plan shall be prepared by the Applicant and reviewed and approved by the City, prior to the issuance of a building permit.
- 7) Prior to the issuance of a Certificate of Occupancy (CO) for the first building constructed, the area where the second building is to be built shall be loamed and seeded and all improvements in public space shall be completed. (Stipulation #7 assumes that the building shown on the Site Plans will be developed in two phases as stated by the applicant)

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B. The application of **Karen G. & Thomas S. Carpenter, Owners**, for property located at **139 Brackett Road**, and **Peter B. Schwab, Owner**, for property located at **270 South Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots having the following: Map 206, Lot 15 increasing in area from 7,517 ± s.f. to 8,850 ± s.f. and with 94’ ± s.f. of continuous street frontage on Brackett Road and Map 111, Lot 6 decreasing in area from 41,885 ± s.f. to 40452 ± s.f. and with 30’ ± of continuous street frontage on South Street. Said lots lie in the Single Residence B District (SRB), where a minimum of 15,000 s.f. and 100’ of continuous street frontage is required, and the Historic District A. *(The Board action in this matter has been deemed to be quasi judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived).*

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Tom Carpenter, owner of 139 Brackett Road. They are in the process of buying a small piece of land from their neighbor, Peter Schwab, to provide a little extra space in their back yard. It is 1,433 s.f. area and would increase their lot from .17 to .2 acres and it would decrease their coverage ratio from 24.1% to 20.24%. The piece of property was defined by going from the northeast corner of their property to a corner of the cemetery. It is way in the back of the South Street lot.

Chairman Ricci asked if the stone wall on the west side of property exists today. Mr. Carpenter confirmed that it does and that it belongs to the City.

Ms. Geffert noted there had been an approval for a shed and she asked where that was on the property. Mr. Carpenter confirmed they received approval on May 19th for a 10' x 12' shed but they are not sure exactly where it will go but it would be in accordance with the variance.

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

Mike Chubrich, 65 Brackett Road. He had not met his new neighbor yet and he was just present to make sure the surface water drainage was not adversely impacted. This old subdivision used a surface water swale so that water moved from west to east down across the path and through some covered drains into Little Harbour. The swales have been interfered with and there have been some problems with standing water and mosquitoes in the spring. He wanted to see what was being planned and if there was any raising of the surface that there be some sub surface drainage to make sure there are not additional mosquito breeding grounds on his back lot. Chairman Ricci stated that was not part of their purview under the Subdivision Regulations. Mr. Chubich was looking for a topographical survey. Chairman Ricci confirmed they did not have that survey and it was not a requirement of this lot line revision. Nor did they have the authority to request one under this application as there is no development planned. Mr. Chubrich felt that the Planning Board should require a topographical survey and he would object to this subdivision without a topographic survey.

Vinny Marcasse, 232-234 South Street. He was interested in what is proposed and what is going to happen on this lot. He was concerned about the swamp. Chairman Ricci confirmed that the only thing they are dealing with tonight was the lot line, and not the contours of the lot. Mr. Marcasse has concerns about the swampy area behind his house. Chairman Ricci assured him that the lot line revision would not affect his land.

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

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Hayden made a motion to approve Preliminary and Final Subdivision approval with the three stipulations. Ms. Geffert seconded the motion.

The motion to grant Preliminary and Final Subdivision Approval passed unanimously with the following stipulations:

- 1) The final plat and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;
- 2) Property monuments shall be set as required by DPW prior to the filing of the plat; and

- 3) GIS data shall be provided to DPW in the form as required by the City.

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Mr. Coviello arrived at the meeting at 7:50 pm.

C. The application of **Saco Avenue Professional Building, Inc., Owner**, for property located at **125 Brewery Lane**, for an additional one year extension of Site Review Approval which was granted by the Planning Board on November 18, 2005 and subsequently extended to November 17, 2009, to construct a 4-story, 64' x 240', 15,500 ± s.f., 48-unit residential building, with related paving, utilities, landscaping, drainage and associated site improvements. This extension is to allow the City to complete utility work on the property in connection with a major sewer separation project which is not scheduled to be completed until October of 2010. Said property is shown on Assessor Plan 154 as Lot 2 and lies within a 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:

John Chagnon, of Ambit Engineering, was present with King Weinstein, owner. This request was due to the City's sewer separation project and the Staff Memorandum outlined that they were asking for an extension of their Site Review approval so that the City work can occur prior to their construction. He also pointed out that the City requested to use the property as a staging area for the construction and the applicant graciously agreed and this is a very valuable asset to the sewer construction, and is another reason why they are unable to start their construction.

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. Hopley made a motion to grant an additional one year extension. Mr. Coviello seconded the motion.

The motion to grant an additional one year extension of Site Review Approval to November 17, 2010 passed unanimously.

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III. CITY COUNCIL REFERRALS/REQUESTS

A. 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. This was postponed from the August 20, 2009 Planning Board Meeting. *(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. Taintor stated they were not able to work on this with all of the zoning work. It is not time sensitive so he recommended postponing until February.

Mr. Patenaude made a motion to postpone to February. Mr. Coviello seconded the motion.

The motion to postpone consideration of this request until the Board’s meeting in February 2010 passed unanimously.

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B. Letter from the Music Hall requesting that a section of Chestnut Street in front of the theater (between Congress Street and Porter Street) be renamed Music Hall Way. *(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. Taintor indicated the Department was making a recommendation in favor of this request. There are three blocks of Chestnut Street and the center block has been discontinued and the southern block will be closed to traffic for the African Burial Ground Memorial so this would be the only block remaining open to traffic. There is a concept plan to make improvements to this section of street and help focus on the Music Hall. The recommendation also included a condition that it would be subject to the approval of Public Works, Police and 911.

Deputy City Manager Hayden made a motion to approve the Department’s recommendation. Mr. Coviello seconded the motion.

The motion to recommend that the section of Chestnut Street between Congress Street and Porter Street be renamed “Music Hall Way,” subject to the approval of the Public Works Department, the Police Department, and 911, passed unanimously.

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C. Request from Erika Murphy, of the Common Man, for property located at 96 State 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. Taintor indicated this is a simple projecting sign request. It is in conformance with zoning and is replacing a sign that was there previously.

Mr. Coviello made a motion to recommend approval with the Department conditions. Mr. Patenaude 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, shall 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 Bethany Hayes, of TJ’s Cantina of Portsmouth, for property located at 54 Daniel 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. Taintor indicated this was a simple projecting sign request. There are no zoning or safety issues.

Mr. Coker made a motion to recommend approval with the Department’s conditions. Ms. Geffert 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, shall 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 JASK Realty, for property between Bartlett Street and the U. S. Route One Bypass, to rezone land. *(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. Taintor stated this was a more complicated request. In general they are in favor of rezoning this area as it offers the opportunity to create a new road link between Route One and Borthwick Avenue on one side and Cate and Bartlett Streets on the other side. It provides an additional way to get to and from the by-pass and it would draw traffic off Dennett, Bartlett, Cottage and Woodbury and also the road would become public and open up opportunities for restoring that portion of Hodgson Brook. An issue to consider is what type of rezoning should be considered. They are looking at the gateway district, the business district or a new overlay district. A major issue has to do with how to accomplish this without running into the prohibition on contract zoning. The Table in his Memorandum illustrates the differences. One argument is that if they rezone it they are more likely to get the roadway built but they haven’t completely figured that out yet. Also, they need to know what the actual traffic impact will be and the principal recommendation is that they need a good traffic study before making a recommendation. His recommendation is for some type of postponement to move forward with the traffic study. They have had meetings with staff and DPW and they have tossed around many of these questions.

Mr. Coker asked who will pay for the traffic study? Mr. Taintor pointed out that the person proposing the rezoning does not own all of the land involved in the proposal. Looking at the map, the dark purple area is the proposed area to be rezoned and the City feels it would be appropriate to look at each OR area to the north. As the City is adding a number of parcels, the City should be looking at how to fund the traffic study. The cost does not belong on one property owner.

Ms. Geffert asked if the City was expanding the area under the railroad track? Deputy City Manager Hayden explained that the recent easement that was granted was for the sewer project. Expanding the access under the bridge is a huge undertaking and not being considered at this time.

Councilor Dwyer was in favor of going forward. It seems they may come up with some other needs that they need to fund in order to go forward with the overall zoning map so they should be able to fold them all in together. She doesn't see how they would avoid undertaking the necessary study work. She hoped they would seriously look at the gateway district option. People were enthusiastically in favor of the gateway districts and have asked for them in other areas.

Mr. Coviello asked if there are any industrial uses right now? Mr. Taintor felt there probably are not. There are uses that conform in area but not in use and vice versa. General Business would make the two auto dealers more conforming. The other uses are not industrial uses.

Ms. Geffert wanted to make sure that the City also looked at the Brook when they consider studies. Mr. Taintor added that the area is pretty much paved. The map shows how the road might align which gives space between the right of way and the Brook that would not be developable and would be restored.

Mr. Coker felt it was always good to bring businesses into conformity. He thinks it's a good idea to work on this and talk it out. This is a major step and it warrants their consideration.

Chairman Ricci asked if the Board would like to postpone this to a later date.

Mr. Coviello made a motion to postpone to a time uncertain. Deputy City Manager Hayden seconded the motion.

The motion to postpone to a time uncertain passed unanimously.

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F. Acceptance of easements for Raleigh Way Streetscape Improvements. *(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. Taintor explained that this was part of an on going street improvement process on Raleigh Way. It was discovered that the retaining wall requires an easement from three property owners.

Mr. Coviello asked about the retaining wall materials. David Moore, Assistant Director of the Community Development Department, stated the material would be stone and mortar and would be a nice looking wall. The City will retain ownership and will maintain the wall. The reason they want to work out the easements is so that they can build the retaining wall the most optimal way possible and they feel it was worthwhile to make sure the wall was a sustainable asset over time.

Deputy City Manager Hayden added that the neighborhood was very involved in the design of this wall and the City is very concerned about the aesthetics in Atlantic Heights.

Deputy City Manager Hayden made a motion to recommend to the City Council that it accept easements from Carolyn Marvin, Clarke and Gail Knowles and Julian Whipple to facilitate the construction of a retaining wall along a portion of Raleigh Way. Mr. Coker seconded the motion.

The motion passed unanimously.

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G. Letter from Charles A. Griffin, Esq. regarding release of paper street, portion of McClintock Avenue to Richard B. Duddy and Sue Ellen Duddy. *(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. Taintor requested that they postpone this matter until the October 15th Planning Board meeting as he needs to follow through with some other town departments and abutters. This street is a short dead end street which ends at the Chase home propert, which has high wetland values. Peter Britz, the City’s Environmental Planner, felt there maybe opportunities for trail access or other municipal purposes.

Deputy City Manager Hayden made a motion to postpone to October 15th. Mr. Hopley seconded the motion.

The motion to postpone to the Planning Board meeting on October 15, 2009 passed unanimously.

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IV. NEW BUSINESS

A. Request of Parade Office, LLC for property located at 195 Hanover Street, Lot #2, for a one year extension of Site Review Approval granted on September 18, 2008. *(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. Taintor confirmed that this is the first automatic one year extension. With the economy, there are valid reasons for this request.

Deputy City Manager Hayden 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 September 18, 2010 passed unanimously.

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Mr. Coker made a motion to read B & C together. Deputy City Manager Hayden seconded the motion. The motion passed unanimously.

B. Request of Harborcorp, LLC. for property located off Deer Street, Green Street, Russell Street, Market Street and Maplewood Avenue, for a one year extension of Site Review Approval which was granted (amended) on October 16, 2008. *(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.)*

C. Request of Harborcorp, LLC for property located off Deer Street, Green Street, Russell Street, Market Street and Maplewood Avenue for a one year extension of Preliminary and Final Subdivision Approval granted (amended) on October 16, 2008. *(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.)*

Ms. Geffert made a motion to grant an extension of Site Review approval. Mr. Coviello seconded the motion.

The motion to grant a one year extension of Site Review Approval to October 16, 2010 passed unanimously.

Mr. Coker made a motion to grant an extension of Subdivision approval. Deputy City Manager Hayden seconded the motion.

The motion to grant a one year extension of Preliminary and Final Subdivision Approval to October 16, 2010 passed unanimously.

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D. Request of Karen Kapelos for property located at 3310 Lafayette Road for a one year extension of Preliminary and Final Subdivision Approval granted on October 16, 2008. *(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.)*

Deputy City Manager Hayden made a motion to grant an extension of Subdivision approval. Mr. Coviello seconded the motion.

The motion to grant a one year extension of Preliminary and Final Subdivision Approval to October 16, 2010 passed unanimously.

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E. Informational Report on Adoption of Building Code Revisions by Richard Hopley, Chief Building Inspector.

Mr. Hopley reported that, while the Planning Board had been very active in updating the Zoning Ordinance, his staff had been very active in updating the Building Codes which were last updated in 2003. In 2007 the State mandated that all communities fall under the 2006 Editions of those codes and they are now formally complying with that. On October 5th Mr. Hopley will be making a presentation to the City Council. The amendments are posted on the City website.

Councilor Dwyer indicated that she continues to get requests from people assuming there is nothing about green buildings or sustainability and she wondered if the City Council asked him to identify or cross reference the codes that relate to green building practices. Mr. Hopley attempted to point out to the City Council last month that in many places in all of the documents there are provisions for sustainable building practice. They are not really a green building ordinance but they certainly contain minimum standards for building envelop, cooling equipment and water conservation. Councilor Dwyer noted that it keeps coming up and surely someone in the field has done a cross reference on sustainable building practices that the City could use to show what was being done.

Mr. Coviello stated that sustainability in building design is like a five legged stool. One leg is energy efficiency and that is what the building code is going after. The other legs might be where you are buying your materials from or what are you doing for water quality outside of the structure, for example, but energy efficiency is the main "leg". Mr. Hopley agreed but asked if she wants more specific bullets from the documents showing building efficiency? Councilor Dwyer would like him to identify what changes they can expect for building efficiency. There must be something in the industry that points out the new changes.

Mr. Hopley indicated he would see what he can do. Mr. Coviello felt it would be an impossible task. Councilor Dwyer doesn't want Mr. Hopley to do it himself but she thought someone in the field should have done something they can access.

Deputy City Manager Hayden noted that what Mr. Hopley tried to do was a general overview but they can beef that up a little and give some specific examples to the City Council.

Chairman Ricci added that these are minimum building standards while the residents may be asking for items over and above. Councilor Dwyer was anticipating public comments as people continuously ask what the City is doing for sustainability.

Chairman Ricci felt they have dealt with them and they would need specific feedback to address their concerns as it is a very complex matrix they are dealing with.

Chairman Ricci thanked the Board for their comments.

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V. PLANNING DIRECTOR’S REPORT

Chairman Ricci recused himself from Item A as he sits on the building committee.

A. 600 Lafayette Road (Crossroads House) – Amended Site Review approval to allow the construction of an emergency generator.

Vice Chairman Roberts turned this item over to Mr. Taintor.

Mr. Taintor advised the Board that the Crossroads House had a request to put in an emergency generator, similar to the request approved for Lafayette School for a dumpster. The generator received a variance for a side yard setback and he approved the revised plan.

Mr. Coker asked if this was a typical installation with a concrete pad and Mr. Taintor confirmed that it was.

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B. 2422 Lafayette Road (Southgate Plaza) – Amended Site Review approval for revised lighting.

Mr. Taintor stated this was a request to change some decorative lighting fixtures shown on the lighting plan. There were some issues because they were clear glass lighting with high wattage and David Desfosses asked them to go down to 100 watt lighting to avoid glare and they moved the locations of those light fixtures along the entrance to the plaza. There were no safety concerns so he approved the revised plan.

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VI. ADJOURNMENT

At 8:30 pm a motion to adjourn the public hearing and move into the work session was made and seconded and passed unanimously.

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VII. WORK SESSION – IMMEDIATELY FOLLOWING PUBLIC HEARING:

A. Zoning Map Changes

Chairman Ricci turned the Work Session over to Rick Taintor. Mr. Taintor provided a hand out with various zoning maps. The cover sheet showed the current City Zoning Map for reference and Pages 1

and 2 showed the proposed Gateway District down Lafayette Road. The last three pages (8-10) show existing zoning on outer Woodbury Avenue and the By-Pass north and south of the circle.

He started with discussion about the Gateway District. Ms. Geffert liked it. Chairman Ricci felt the Gateway District was a good thing and was evolving nicely. Councilor Dwyer asked about the depth and whether they should be carrying it further back from the strip. Mr. Taintor explained at this point it was based on lots and existing zoning. He felt they might be able to move further back by Water Country, the other side of Constitution and at the Rye line where there are some deep lots.

Mr. Hopley felt if the intent of the Gateway is to make a path in and out of the City, why would they go deeper and possibly sacrificing industrial land. Councilor Dwyer felt the purpose would be to do the kind of mixed used development where you could have roads through it with the village concept. Mr. Taintor reminded the Board that the Gateway District has the Conditional Use option. It comes down to the choice of having the industrial use there or is it the type of potential industrial use they would want to convert. Mr. Hopley thought they may want to look at part of the Cedars project.

Mr. Coker questioned the possibility of a Gateway District for the Bartlett Street rezoning and how that would fit in. Mr. Taintor had skepticism about it and indicated it would need more work.

Councilor Dwyer felt that the space near the Rye line has the greatest viability for expansion to a potential PUD, as opposed to Water Country.

Deputy City Manager Hayden felt that at some point they have to let this thing go and they can always go back and change it as it evolves. Councilor Dwyer agrees but people freak out about the concept of spot zoning so it's difficult to go back and change things. She would like to put a little effort into it to make sure they don't have a problem down the road. Mr. Taintor felt that if they are comfortable with the general concept, they can look at this area and tweak the lines a little bit.

Page 3 proposed changes to Islington Street and is pertinent to the JASK rezoning request also. The building heights have been a problem so they could pull back the Central Business district to Parker. He also made the area next to Goodwin Park all MRB, just to be consistent. He questioned which zone the Verizon building should be in and he left it in CBB. Mr. Coviello suggested keeping it in CBB for the greater height and more potential but the back of lot should not be in CBB so they may want to split the lot. Mr. Hopley wondered if they may want to scale it down for when Verizon phases it out and it gets redeveloped.

Page 4 shows the Historic District and there are no big issues. They are proposing to expand the district down Islington Street and Lafayette Road.

Mr. Coker believed they would have an enormous fight on their hands. There are a lot of homes that are far from historic. Mr. Taintor confirmed that the map changes were voted on by the HDC. He is not sure whether they may want to separate out the HDC when they present it to the City Council. Mr. Coviello did not feel these are historic properties but they would like a certain look in this area and it so happens they like the look that the HDC has been approving. He wondered if they should include the lot at Bartlett Street where the gas station/repair shop is. Councilor Dwyer thought the problem would be preserving what is there rather than doing what they want so she would not support including

that lot. Mr. Taintor stated they are promoting a quasi-historic look as new development comes in and he was not sure they would even want to preserve that corner lot.

Deputy City Manager Hayden felt it should also be said that these changes have been presented numerous times to the public and they haven't received any comments. She doesn't think they should be changing things at this stage of the game without a consultation with the HDC. The great thing about televising these meetings is that this has been discussed a lot and people watch these meetings at home. Mr. Coker felt that if there was a formal proposal to extend the HDC he suspected people would come out at that point. Chairman Ricci felt that they were diminishing what was truly historic and their definition of historic is getting diluted which doesn't sit well with him. Councilor Dwyer felt they would have to be ready to advise the public of how they define historic. If they want it to mean colonial, they would have to strengthen it. Ms Roberts felt her point was a good one and they need to think about why they are doing this. Chairman Ricci felt that those that really are historic need to be defined and there need to be different categories. Mr. Taintor added that his concept of the historic district is the downtown and the major residential routes leading to the downtown. Mr. Coker felt that Middle Street would fall into that. Chairman Ricci agreed with Councilor Dwyer that they need to have a definition of historic.

Deputy City Manager Hayden first asked if there was a consensus to fill in the Hanover Street "donut hole" downtown. She also indicated that she felt strongly about it being a parcel boundary along Middle Street rather than by footage. If there is not Board agreement on the HDC changes, they need to hold that section out and revisit it. Chairman Ricci felt they need to look at names, districts and definitions. Mr. Taintor felt that meant that for the purpose of presenting the Zoning map changes, they will take out #1 & #2. Councilor Dwyer did not feel right about taking them out as the HDC obviously deliberated over this. When the City Council has its public hearings on this, if it is talked down then it could be taken out at that time. Chairman Ricci does not support the extended HDC at all.

Councilor Dwyer did not realize that tonight was "fish or cut bait" on the Zoning Map. She would like to see more dialogue. It is bad policy to shoot down another Board's recommendation without more dialogue. Mr. Taintor indicated they can go back to the HDC to discuss the map changes.

Mr. Taintor was doing a Work Session with the HDC on solar panels in the HDC and he indicated he would bring this up and advise them that the Planning Board wants to review this with them more. In the course of the next few weeks, he will make changes and bring it back to the Planning Board but he feels maybe they should not recommend any changes to the HDC at this time. They could bring it back next year to the City Council.

Page 5 dealt with Osprey Landing, which is an OR/MV overlay district, put in place to implement a court settlement. It divided the area by lot number into Office Research, office apartments and single family homes. There were owner vs. tenant requirements and affordable housing requirements. It now makes sense to change the districts to reflect how the area has developed in accordance with these requirements. These map changes eliminate many pages in the Zoning Ordinance.

Page 6 dealt with the Albacore Park area and it was suggested that this area be rezoned to Business District or maybe MRB instead of SRB. Deputy City Manager Hayden felt this probably needs a lot more review so they probably shouldn't include this section.

Page 7 dealt with an area on South Street. The original proposal was to change the south side of South Street to GRA so both sides of the street were the same. There was a request between Summit Avenue and Rand Court. Mr. Taintor did not see a compelling reason to change this but it was a request from a property owner in the area. Mr. Coviello asked if they were trying to find sites for workforce housing. Deputy City Manager Hayden voted to not do anything with this. Councilor Dwyer felt the challenge was they would end up with difficult traffic patterns. There was no strong support from the Board on this change.

Mr. Taintor indicated they will finish up with this at next week's work session.

Deputy City Manager Hayden reviewed upcoming Planning Board meetings.

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VIII. ADJOURNMENT

At 9:30 pm a motion to adjourn the work session 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 October 15, 2009.