

**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.

NOVEMBER 19, 2009

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Donald Coker; Anthony Coviello; John Rice; Anthony Blenkinsop; Richard A. Hopley, Building Inspector; and MaryLiz Geffert, Alternate and Norman Patenaude, Alternate

MEMBERS EXCUSED: M. Christine Dwyer, City Council Representative and Cindy Hayden, Deputy City Manager;

ALSO PRESENT: Rick Taintor, Planning Director;

.....
I. APPROVAL OF MINUTES

1. Approval of Minutes from the September 24, 2009 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the October 8, 2009 Planning Board Meeting – Unanimously approved.
3. Approval of Minutes from the October 15, 2009 Planning Board Meeting – Unanimously approved.

.....
II. PUBLIC HEARINGS

*The Board's action in these matters 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.*

A. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Freedom Ring Communications, LLC, Applicant**, for property located at **359 Corporate Drive**, wherein Site Review approval is requested to construct a 2-story 15,000 s.f. addition to the existing 2-story office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 316 as Lot 1 and lies within the Industrial District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Lorden, of MSC Civil Engineers and Land Surveyors, greeted the Board on behalf of Freedom Ring Communication, better known as Bayring Communications. Bayring currently has a 2-story 20,000 s.f. office building with 76 employees and they hope to expand to 120 employees. To accommodate that growth, they are proposing a 15,000 s.f. addition including improvements to pavement, landscaping, lighting, utilities and drainage. Most of the work is being done to the rear of the site. The landscaping in front of the building is a large wooded buffer next to it that will be maintained during construction along with wooded buffer on either side of Corporate Drive and Durham Street which will also be maintained. They will maintain twice the required amount of open space. Currently they have 56 parking spaces which they will increase to 123 spaces. They will add a sidewalk across from the main entrance, up to the intersection of Corporate Drive and Durham Street. They are proposing to add two crosswalks and three tipdown ramps, along with two pedestrian crossing warning signs. They will add landscaping around the building addition and parking areas. They relocated the loading area from the rear to the side of the building. They are adding a storage area on crushed stone with an 8' high chain link fence with vinyl slats. There will be new light poles with full cut off fixtures. There is currently no stormwater treatment on the site and all of the water that runs to the back of the site will be captured in a closed system with curbing, entered into catch basins with deep sumps connected by 12" perforated pipe surrounded in stone to allow for some infiltration. Anything above that infiltration will exit out to one of two sediment forebays to a forested buffer before entering the wetland areas.

With regards to traffic, Mr. Lorden explained they will be utilizing the two driveways, one on Corporate Drive and one on Durham Street. They will be adding stop signs, stop bars and legends to those exits. They received approval from the PDA in September and TAC earlier this month. They are requesting the Board's approval tonight.

Mr. Rice asked if they are pushing out parking in the rear towards the buffer. Mr. Lorden confirmed the parking will be pushed back towards the buffer. He pointed out where it will be located on the Site Plan.

Vice Chairman Roberts referred to parking on Sheet C-2. It looks like 92 spaces are required and they are proposing 123. She asked about the discrepancy. Mr. Lorden stated they feel that additional parking will benefit them.

Mr. Coviello noted that Pease recently went through their wetland evaluation with letter categories and he asked if that was represented at this site. Mr. Lorden confirmed this is a wetland setback of 50'.

Mr. Coviello asked if any showers were planned in the facility. Mr. Lorden stated that none were proposed. Mr. Coviello asked if any employees are biking to the facility and whether there were bike racks outside. He indicated that the City is trying to work on sustainability and a lot of people have started biking to work. Jason Wind, of Bayring, indicated that most employees are from the Rochester-Dover area.

Chairman Ricci referred to the three flared end sections where a rip rap apron is coming out. One says "See detail" but the other two do not. He asked if they are all the same size. Mr. Lorden responded

the ones from the building are sized to take the run off from the roof and estimated what will be coming from the ground water. The sediment forebays pretty much line the entire front where the water comes and they don't have the space to push it out. They will add a size to them. Chairman Ricci also requested that the size be shown on all of them for the guy out in the field. He also asked if they looked at the frame and grade capacities for some of the catch basins. He noted that PCB1 seems to be taking a lot of run off. Mr. Lorden confirmed that they did a grade capacity calculation on that and they are all set. Chairman Ricci asked them to change their detail on the proposed silt fence. The symbols are different on the plan and on the detail and he asked them to be the same in both places.

Mr. Coviello asked if they are adding any site lighting for the pedestrian way. Mr. Lorden stated there is an existing site light at the corner which he pointed out on the plan. There are no wall mounts. Mr. Coviello was satisfied with that.

Chairman Ricci pointed out the Lighting Layout Plan, Sheet 6.1. Mr. Lorden pointed out that the existing lighting was not shown on the photometrics plan. It is only the new site lighting. Mr. Coviello asked staff if they only ask the applicant to show new lighting. Mr. Taintor noted they will look at that with the new regulations which are coming out next month. Chairman Ricci would like to see staff look at the combined lighting.

Ms. Roberts asked if the proposed lighting was dark sky friendly. Mr. Lorden confirmed they are all full cut off compliant.

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 made a motion to recommend approval with a stipulation that they add a bicycle rack in a location that is acceptable to the PDA. Mr. Hopley seconded the motion and included the two stipulations from TAC regarding drainage and the CMMP. Chairman Ricci asked them to include the three items he discussed, the size for the third outlet and the silt fence.

The motion to recommend approval with the following stipulations passed unanimously:

- 1) The final drainage design shall be subject to approval by David Desfosses in the Department of Public Works.
- 2) The applicant shall include a bicycle rack on the site at a location acceptable to the PDA.
- 3) The size of the sediment forebays shall be added to the site plans.
- 4) On Sheet C-4 the silt fence symbol on the legend shall be consistent with the symbol on the plan.
- 5) The applicant shall prepare a Construction Management & Mitigation Plan for review and approval by the City prior to the issuance of a Building Permit.

.....

B. The application of **Sean Mahoney, Owner**, for property located at **27 Austin Street**, and **Pamela Thacher, owner**, for property located at **180 Middle Street**, wherein Preliminary and Final Subdivision approval (Lot Line Revision) is requested between two lots having the following: Lot 28 as shown on Assessor Plan 127 increasing in area from 26,514 ± s.f. to 32,294 ± s.f. and with continuous street frontage remaining at 173' on Austin Street; and Lot 8 as shown on Assessor Plan 127 decreasing in area from 29,596 ± s.f. to 23,816 ± s.f. and with continuous street frontage remaining at 133' on Middle Street. Said lots lie in the Mixed Residential Office District (MRO) where a minimum lot area of 7,500 s.f. and 100' of continuous street frontage is required, and in the Historic District A.

Mr. Rice recused himself from this hearing.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Karen Lovejoy, of Ambit Engineering, presented on behalf of the applicants. She indicated that they are requesting Preliminary and Final subdivision approval. Both lots currently conform to the zoning requirements for frontage and area and will continue to do so after the revision. The setback on Lot 28 is not currently conforming but would be brought into compliance with the lot line relocation. She pointed out the triangular area that they would like to transfer. The building is currently 3' from the property line and it would become more compliant.

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. Patenaude made a motion to grant Preliminary and Final Subdivision approval with the recommended conditions. Mr. Coviello seconded the motion.

The motion to grant Preliminary and Final Subdivision approval passed unanimously with the following conditions:

- 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.

.....

C. The application of **Seacoast Development Group, LLC, Owner**, and **Hodgson Brook Restoration Project, Applicant**, for property located at **505 Route One By-Pass**, requesting a Conditional Use Permit under Article VI, Section 10-608(B) of the Zoning Ordinance to expand the existing riparian buffer by 1,200 s.f. and construct a 6' x 18' vegetated bioretention cell, all within an Inland Wetlands Protection District and Inland Wetlands Protection District Buffer Zone. Said property is shown on Assessor Plan 234 as Lot 5 and lies within the General Business District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Candace Dolan, Coordinator of the Hodgson Brook Restoration Project, was present to address the Board. She was also representing the Seacoast Development Group for the Port Inn, where the project is taking place. She indicated this is part of a Section 319 grant from DES and they are implementing some stormwater technologies in the Coakley Road area, including rain barrels and three tree box filters which filter about 33,000 s.f. of impervious surface. The project is an expansion of buffer and they are essentially doubling it along the gravel stone dust parking lot along Coakley Road. The buffer expansion plan has been done by UNH Cooperative Extension with the help of Dr. Catherine Neal, who wrote the book on buffer repairing and restoration in New Hampshire. The planting scheme was done by UNH graduate students. As part of the expansion, they hope to put in a 16' x 18' bioretention cell designed by the UNH Stormwater Center. They will resolve issues of runoff into the parking lot. The last part would be re-grading and paving the remaining parking lot to direct the flow into the bioretention area, it will minimize the accumulation of sediments in this area and it will create a snow storage pad.

Mr. Coviello asked if they will come back with a site plan for this. Mr. Taintor explained that the conditional use permit is just for the buffer and they will have to come back for the parking lot layout for Site Review. Mr. Coviello asked if this was designed by an engineer. Ms. Dolan confirmed that the bioretention area was designed by an engineer and the buffer restoration was designed by experts at UNH. When they come back for Site Review they will have a stamped plan. Mr. Coviello was concerned about no engineer stamp on the Conditional Use Permit Plan to accept liability should there be any problem.

Peter Britz, City Environmental Planner, explained that they are not doing any work in the parking lot and will only be turning a strip along the creek into an enhanced buffer area and a bioretention area. Mr. Coviello felt this was a fantastic plan but it is private property and they are designing a stormwater system with no engineer stamp on it for liability reasons. As a Board they are setting a precedent that they are not requiring an engineer stamp and it is probably against State law. Mr. Britz further stated that they are not building this to change the surface water flow in the parking lot but to enhance the buffer zone. They all agree that at Site Review they need an engineered plan to deal with that but they are not changing anything on the site under the Conditional Use Permit. Mr. Coviello felt it violates the intent of the joint Board and what they are asking for. He won't continue with his concern because he thinks it is a great project but he felt they are on dangerous ground. Mr. Britz felt they could probably get an engineer stamp as engineers did design the plan.

Chairman Ricci asked when the work was being proposed. Ms. Dolan indicated it would be next spring. Chairman Ricci shared Mr. Coviello's concerns but felt the Site Review filing would satisfy their concern.

Mr. Geffert noted they are also doing planting which is usually site review. She added that she is also very supportive of the project.

Mr. Coker assumed if this was approved, there will be no work until spring and they will see stamped Site Plans prior to any work starting. Chairman Ricci suggested making that a stipulation.

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 made a motion to grant with a stipulation that no work shall be done on site until Site Review is approved by this Board. Mr. Rice seconded the motion.

Ms. Geffert asked for a review of the Conditional Use Criteria for the Board to make sure they have satisfied the criteria. Mr. Taintor reviewed the criteria from the Zoning Ordinance and stated that the Conditional Use Permit process pre-supposes that you are doing some kind of development work and the purpose is to protect the wetlands from the development work and he feels that all of the criteria are met. Ms. Geffert agreed their plans show they are putting in buffer enhancements but their plans are broader than that and her concern is whether their plantings are understood and are minimally intrusive. Chairman Ricci reiterated that Site Review will cover that. Mr. Taintor added that this was reviewed by the Conservation Commission just yesterday at their monthly meeting.

Mr. Britz advised the Board that the Conservation Commission was very supportive of the project. Regarding the vegetation in the buffer, the Zoning Ordinance is not tailored to do a restoration project but their plantings are native plantings that will enhance the buffer from a wetland standpoint, in addition to the bioretention area which will provide function where there is currently gravel and invasive or happenstance species. They will not have a problem getting the engineering issue addressed but the plantings will be an improvement to what is there now. The Conservation Commission voted to recommend approval to the Planning Board. The Conservation Commission also received a Planting Plan, which should have been included in the Planning Board packet. Ms. Geffert wanted to make sure the Planting Plan was included in the Site Review set.

The motion to grant the Conditional Use Permit passed unanimously with the following stipulation:

- 1) No work shall be done on site until Site Review approval is granted by the Planning Board.
-

D. 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 to create parking spaces, and to erect a mixed-use 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. (This application was filed with the Planning Department on July 31, 2009 and postponed to a time indefinite at the August 20, 2009 Planning Board Meeting)

Chairman Ricci read letter into the record from Witch Cove Marina requesting a continuance of their two applications. He asked Rick Taintor to speak to this prior to opening the public hearing as there are two applications on the agenda: one was reviewed last month and one is new but eerily similar.

Mr. Taintor explained that the Conservation Commission had previously voted 3-3 not to recommend Item D to the Planning Board. Yesterday the Conservation Commission voted not to recommend Item

E to the Planning Board. The way in which the applicant could continue to work with the Conservation Commission would be to request a re-hearing of their negative vote but, more likely, to submit a new application, which would be a third application. If they were to continue or postpone discussion of these matters, then the next time they were on the Agenda they would have three applications for the same development. This is unprecedented by having two items on their agenda. He recommends taking action on these applications tonight.

Mr. Coker asked what would prevent the applicant from requesting that they be withdrawn. Mr. Taintor responded that Planning Staff had recommended on several occasions that the applicant withdraw one application in order to reduce confusion, but the applicant wanted to keep both applications alive.

Ms. Geffert asked if the third application will come under the new Zoning Ordinance. Mr. Taintor stated that all applications will come under the new Zoning Ordinance and it will change tidal wetlands to a conditional use permit. Currently tidal wetlands go to the BOA but under the new ZO they will come to the Planning Board. If these two applications are postponed, two will be for inland wetlands only and the newest will be for tidal and inland wetlands.

Mr. Geffert asked what prejudice the applicant would suffer tonight if they were to deny them tonight. Mr. Taintor indicated that Fisher v. Dover can be used if the Board finds the application is not significantly different from a previous application.

Attorney Pelech asked if he could speak on behalf of the applicant. Chairman Ricci stated he could after the application was read into the record. Chairman Ricci asked for a consensus from the Board.

Mr. Coker stated that this has troubled him terribly since this started. In reviewing the memos and minutes of the meetings, there seems to be a continuing pattern with the applications where materials and plans have constantly been changed, revised and added to. He thought this seemed to be the most confusing, convoluted application he has seen in twelve years on the Planning Board and he was not sure that this was not being done intentionally but he thinks this Board needs to put a stop to it in whatever way they can to start this process over. He was losing sight of what this application was all about. They either need to put the applicant on notice or deny the application but this is getting beyond the point of comprehension.

Mr. Coviello stated that he would like to hear both applications tonight. That was the consensus of the Board.

The Chair read the application into the record.

A motion to resume the public hearing was made by Mr. Coviello and seconded by Mr. Blenkinsop. The motion passed unanimously.

Attorney Bernie Pelech appeared on behalf of the applicant and indicated they will withdraw the application. Attorney Pelech did not believe that a vote was necessary.

.....

E. 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 3,605 s.f. of wetland area and an undetermined area of wetland buffer area to create parking spaces, and to erect a mixed use 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. (This application was filed with the Planning Department on October 29, 2009)

The Chair read the application into the record.

Attorney Bernie Pelech appeared on behalf of the applicant and indicated they will withdraw the application.

Rick Taintor was troubled because this afternoon they received a written letter from the applicant to continue indefinitely. Attorney Pelech indicated it was his intent to withdraw if the Board denied their request to continue.

.....

THE BOARD TOOK A FIVE MINUTE RECESS.

.....

III. PUBLIC HEARINGS – STREET NAMES

*The Board’s action in these matters 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.*

A. Public hearing on a request to name a private road off Sagamore Avenue as “Workman’s Road” or “Workman’s Cove,” in order to enhance public safety, emergency response time and convenience for residences and businesses located on said private road. The properties to be affected are currently designated as 910, 911, 912, 913, 919 and 929 Sagamore Avenue, and are identified on Assessor Map 223 as Lots 26, 26-A, 27, 28, 29 and 33.

The Chair read the notice into the record.

Rick Taintor reminded the Board that this was presented last month and staff recommendation was favorable but they felt a public hearing was necessary for comment from those affected by the change. He presented a short slide presentation depicting the properties and the approximate location of the private way off of Sagamore Avenue. The issue is the properties are numbered on Sagamore Avenue, are not visible from the road and often times people have trouble finding them.

Chairman Ricci opened up the public hearing.

Christine Perry, 911 Sagamore Avenue. She heard about this from a neighbor and then received an abutter notice. She has lived there for 16 years and no one has had trouble finding her house. She is confused about where this request came from. She is not sure how this would enhance public safety as

the road has been there for a long time. She acknowledges that “Workie” lived down the dirt road forever. As a resident on the road, changing her address is not convenient. She listed a lengthy list of places where she would have to change her address. If they are driven to rename the street, she doesn’t like “Cove” and prefers “Way”. Harrison Workman was one of the greatest person she ever knew and agrees it should be named after Workie if need be.

Mr. Taintor advised her that this was a request received from Alan Workman who indicated a lot of the residents had an issue with people finding their homes.

Mr. Coker noted that Ms. Perry gave a very clear and concise reason why she doesn’t want it changed but then said Workman’s Way would be the best name. Ms. Perry confirmed she is not in favor of the name change. She doesn’t see any of her neighbors present so she assumes they may think it is a done deal.

The Chairman called for public speakers. Seeing no one rise, he closed the public hearing.

Mr. Coker acknowledged that this was a worthwhile request, acknowledged that Harrison Workman had been a lobsterman for a long time, but considering there was opposition from a resident on the private way making a convincing argument about how much trouble it would be to change her address, he made a motion to recommend to the City Council that they not change the name of the private way..

Mr. Coviello seconded the motion. He was frustrated because he was excited by the neighborhood getting together and getting something resolved and the City will be having this conversation over and over with the 911 street names. He wished they had talked about this with all residents prior to having the public hearing. He cannot support it with one resident against it.

The motion to recommend to the City Council that the name of the private road not be changed passed unanimously.

.....

B. Public hearing on a request to change the name of the portion of Woodbury Avenue between Market Street and the Newington town line to “Market Street.” The properties that would be affected by the requested name change are currently numbered 1303 and 1420–1981 Woodbury Avenue.

The Chair read the notice into the record.

Mr. Taintor stated that this request was a much more extensive name change. He presented a brief slide show pointing out the effected lots and the portion of the road which they are proposing to be changed. This is a request from a City Councilor and came from residents of the residential section of Woodbury to cut down on the truck traffic and traffic going to the commercial section. He showed the directions that Google Maps gives from Interstate 95 to the commercial section of Woodbury Avenue, which send drivers down the residential section of Woodbury Avenue. There are 22 parcels and 46 individual tenants that would be affected. A couple of businesses have contacted the Planning Department and are very concerned about the huge cost they would incur with an address change. Mr. Taintor referred to two letters received from the Parcel Room who object to this name change and who explained what would be involved for them to change their address. The Parcel Room also suggested that if it is for the convenience of the residents who are concerned about this then maybe they should

consider changing the name of their section of Woodbury Avenue. Mr. Taintor also pointed out that the road continues as Woodbury Avenue once it crosses the Newington town line.

Mr. Blenkinsop noted that trucks are prohibited from taking a left from Exit 6 off I-95. Mr. Taintor felt the issue is there are smaller trucks and other vehicles that are causing concerns.

The Chair opened up the public hearing.

Frederick "Ted" Grey, Sagamore Avenue. He felt it was unconscionable that they would consider changing this and they should leave it as is. With adequate signage everyone should be able to get to their destination. They have 22 properties and untold number of businesses that would have to go through an extensive procedure to change their name. We are in a recession and they do not need to make this name change.

Attorney Bernie Pelech, on behalf of Gerber Dental Clinic, 1800 Woodbury Avenue. He wanted to be on record as opposed to the name change. He asked his client for a synopsis of what would be involved in an address change and it would entail redoing all of their radio advertisements, all of their brochures, their website, all yellow page advertising, notification to their insurance companies used for dental insurance, notification to all of their patients and vendors, they would have to change all of their bank accounts, their letterhead, federal and state documents, and are talking about a substantial outlay of financial capital when this is a problem that could be resolved by signage. The City just spent over \$1 million on traffic calming devices on that portion of Woodbury Avenue and it is beautiful and it works. If they change the name to Market Street, he is not going to change his traffic pattern and he will continue to drive up Woodbury Avenue. A sign could be erected indicating that Exit 6 was the residential section and Exit 7 was the commercial section. There are other ways to solve the problem of the residential neighborhood. He hopes the Board will recommend to the City Council to leave the name as is.

Jeff Ballantyne, of The Parcel Room. He stated this would kill them and would probably cost over \$50,000 to change their address. They would have people suing them for changing their address. Changing the name of the street will not change how they are going to get to Woodbury Avenue. They need more signs to direct the trucks. You can get Mapquest and Google to block exits for commercial traffic. He asked them not to change the name.

David Choate, commercial realtor with offices at 500 Market Street. He was speaking against the name change on behalf of Rismar Realty Trust at 1976 Woodbury Avenue, which is the address where Dunkin Donuts and LoMein Seafood are located. He wanted to address unintended consequences. If the name is changed to Market Street and truckers are directed to Exit 7, they will not know which way to turn onto Market Street. He agreed with a lot of points that had already been made by previous speakers and he was not going to repeat them. The cost of a change of address for a business is unimaginable. This is one of the craziest ideas he has heard of in 30 years in Portsmouth. He knows this came from the Frank Jones Neighborhood Association to City Councilor Ken Smith who thought it was a great idea. However, Mr. Choate thought it was a terrible idea and he hopes they will vote to recommend to the City Council not to change the name of the street.

Frank McMullen, 1000 Woodbury Avenue, owner of Portsmouth Gardens. He is a member of the Frank Jones Neighborhood but he is not behind this recommendation at all. He could not fathom asking all

of those businesses to change their address to fix something that he doesn't feel is a problem. He knows it would be very difficult for his business to change his address and is against it.

Lenore Weiss Bronson, 828 Woodbury Avenue. In the last 15 years, on behalf of the neighborhood, she has written 30 to 40 letters to the City but has never written a letter to request this name change. It has come up at neighborhood meetings because of their frustration over truck traffic. It is obvious that Woodbury and Market Street are two different streets and it's a problem. When she heard about this from Councilor Smith, she send an email out and asked the neighbors to come out and discuss it. They have thought a lot about all sorts of possibilities as traffic is funneled through their neighborhood. She felt the State should put up signs saying where the malls are. Trucks come off the traffic circle rather than going up the Spaulding Turnpike, which sends them through their neighborhood. They should get off at Exit 7. They appreciate what was done with Woodbury Avenue but the majority of the people have felt that it does not slow traffic down. The neighborhood children that live near St. Catherine's have to take a bus to New Franklin because of the traffic. She is not advocating for a name change but rather feels they need State signage and stop signs. As a resident of Woodbury Avenue, she thinks they should leave the street names alone and add more signs.

Sherry Brandsema, 865 Woodbury Avenue. She indicated that a lot of people use Woodbury Avenue to walk their dogs or to run and early one morning she saw four trucks on Woodbury Avenue. If the City is looking for an alternative, they should be more proactive in not allowing trucks from Boston or Canada to use Woodbury. Better signage would also be helpful.

Howard Mangle, 1275 Maplewood Avenue. He was in favor of more street signs. The traffic on Woodbury is too fast and anything the City can do to change that would be wonderful.

The Chair called for any further public speakers. Seeing no one rise, he closed the Public hearing.

DISCUSSION AND DECISION

Mr. Coviello made a motion to recommend that the City Council not approve the street name change and recommend that they investigate State and local signage as well as contact the GPS software companies about making that a local route only.

Ms. Roberts thanked everyone who came out and shared their thoughts and ideas. She suggested sending this to the Traffic and Safety Committee to come up with some real solutions besides something as radical as this idea.

Ms. Geffert checked with Google and they do direct people down Woodbury Avenue and she does not support changing the name, but, for the record, if there was a safety issue she would to be able to consider a name change. But, she has not seen a safety issue from Police or Fire where there has been any confusion or errors.

The motion to recommend to the City Council that they not change the street name and that they investigate State and local signage as well as contact GPS software companies about redirecting traffic passed unanimously.

.....

IV. CITY COUNCIL REFERRALS/REQUESTS

*The Board's action in these matters 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.*

A. Request from John Dussi, for The Page Restaurant and Bar, for property located at 172 Hanover Street, for (1) placement and illumination of a temporary sign on the Vaughn Mall; and (2) reconsideration of the Board's recommendation for a projecting sign.

Mr. Taintor indicated that at the October meeting they voted to postpone action because there were outstanding violations. There was a temporary sign that did not fall under the ZO definition that was mounted in the Vaughan Mall with wiring and lighting without any license or electrical permit. Since then the wiring has been removed but the structure is still there and it is a violation so they again recommend to postpone.

Mr. Coviello made a motion to defer until all outstanding issues have been resolved. Ms. Geffert seconded the motion.

The motion to postpone until all outstanding issues have been resolved passed unanimously.

.....
B. Request from Charles A. Griffin, Esq., for Richard B. Duddy and Sue Ellen Duddy, regarding release of a portion of McClintock Avenue (paper street).

Mr. Taintor advised the Board that this came up last month and he recommended against granting the request however Attorney Griffin wanted to submit additional information and meet with Staff. They have discovered that the abutting property owner on the opposite side of the paper street is the City of Portsmouth. If they took half of the 40' paper street and added it to the City's 32' parcel, they would have a 52' strip of land and enough land for access to the large piece of land in the back that might be useful in the future. Mr. Taintor and City Attorney Sullivan met with Attorney Griffin and decided that this was a positive thing for both the Duddys and the City. The Duddy's house currently encroaches on the side setback and this will make it conforming. There is an open question of how much right we have to the land anyway so they are not giving up land but rather are giving up any right they might have in the land. The Department's recommendation was favorable.

Mr. Coker noted this was the first time he ever remembers the City releasing their interest in a paper street. He wants to make sure this is such a unique situation that it makes sense because this is precedent setting. Mr. Taintor explained they achieve the same result with the granting of this as they end up having a piece of land wider than they would need for any access to get to the back land and it does not appear to be wetland. Usually if they are giving up a paper street, they are giving up potential access to something. The City is not being compensated and the question is whether the City has any right or title to the land as the street was never accepted by the City.

Attorney Griffin agreed with Mr. Taintor. What makes this unique is that the City owns the land on the other side of the paper street. The law is that a paper street that has not been opened up within 20

years of dedication, before 1989, then that land is automatically released from public servitude. The 20 year time frame is from 1904 and would have expired in 1924.

Mr. Rice made a motion to recommend to the City Council that they release a portion of McClintock Street. Mr. Coviello seconded the motion.

The motion passed unanimously.

.....
C. Request from Debbie Mughnerini, Applicant, of The Old Stove Bake Shoppe, for property located at 18 Ladd Street, to install a projecting sign.

Mr. Taintor explained that this is a sign that falls within the area requirements of the Zoning Ordinance and the existing bracket is consistent with signs in that general area. They recommend approval of the revocable municipal license, subject to the three conditions listed.

Mr. Coviello made a motion to recommend approval. Mr. Rice seconded the motion.

The motion to recommend approval to the City Council for a revocable license with the following conditions passed unanimously:

- 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.

.....
D. Request from Michael Pouliotte, Applicant, of Traditional Wood Works, Inc., for property located at 207 Market Street, to install a projecting sign.

Mr. Taintor made the same recommendation for this application. This is a projecting sign on an existing bracket, similar to others within the scope of the sign regulations and they recommend approval with the three conditions.

Mr. Coviello made a motion to recommend approval. Mr. Blenkinsop seconded.

The motion to recommend approval to the City Council for a revocable license with the following conditions passed unanimously:

- 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.

.....

V. NEW BUSINESS

- A. Appointment of CIP Sub-Committee.

Chairman Ricci, Paige Roberts and Anthony Blenkinsop were appointed to the CIP Sub-Committee.

.....

- B. Request of Eric Place for Subdivision/Separation of Property Located at 249 and 251 Raleigh Way, pursuant to Article II, Section 10-401-A.4. of the Zoning Ordinance.

Mr. Taintor indicated that this is a very specific provision in the Zoning Ordinance that allows a subdivision of property in accordance with the 1917 plan of Atlantic Heights. It is dividing land and the Zoning Ordinance allows it provided there is written notification to the Planning Board and they vote to accept the notification. In the revised Zoning Ordinance they have changed this and said written notification only has to go to the Planning Director as the Board does not currently have any discretion.

Mr. Coviello asked if this is just a unit that was never divided in Atlantic Heights and if so, do they have to form a condo association to deal with issues. Mr. Taintor has seen this called half-houses with property lines running right through them. Ms. Roberts stated this was designed as WWI workforce housing and was very unusual at the time. Mr. Coviello wondered if they should require a condo association. Mr. Blenkinsop is a former property owner in Atlantic Heights and people just have to work together on issues regarding the house. He doesn't think they would want to step in and start requiring condo associations. It may not be an ideal situation but it generally works.

Mr. Blenkinsop made a motion to accept the notification of the property owners' intent to separate. Mr. Coviello seconded the motion.

The Motion passed unanimously.

.....

VI. PLANNING DIRECTOR'S REPORT

- A. Update on Zoning Ordinance revision.

Mr. Taintor stated that the City Council voted to have the second reading of the ordinance on December 7th. Rather than post the second reading the following day, it was agreed that the posting would happen tomorrow as there was a hearing this week for someone who had a deck on the North Mill Pond and if they had posted this, that person would have had to come back in 2010 for a

Conditional Use Permit. The Council will have a work session on November 30th and they will open the public hearing on December 7th. As soon as it is posted, no building permit can be issued that does not comply with the proposed ordinance. That is another reason to move as quickly as possible. Mr. Taintor went on to explain that there are exemptions if they have a previously approved Site Review plan or subdivision plan. There are some subdivisions trying to keep approvals alive and there is a site plan review extension coming in December that is trying to stay valid.

Mr. Coker wondered, since the applications have been withdrawn for Witch Cove Marina, can they throw away all materials as anything from this point will be new. Mr. Taintor confirmed that was correct.

Chairman Ricci thanked everyone that was present at Monday evening’s City Council meeting.

.....

VII. ADJOURNMENT

A motion to adjourn at 9:00 pm was made and seconded and passed unanimously.

.....

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on December 17, 2009.