

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 P.M.

SEPTEMBER 16, 2010

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Eric Spear, City Council Representative; Donald Coker; John Rice; MaryLiz Geffert; Cindy Hayden, Deputy City Manager; Norman Patenaude, Alternate and William Gladhill, Alternate

MEMBERS EXCUSED: Anthony Blenkinsop; Richard Hopley, Building Inspector;

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the June 23, 2010 Joint Planning Board/Board of Adjustment Work Session – Unanimously approved.
2. Approval of Minutes from the July 15, 2010 Planning Board Meeting – Unanimously approved.
3. Approval of Minutes from the August 17, 2010 Planning Board Meeting – Unanimously approved.

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Chairman Ricci asked for a motion to take items A under Old Business and items B and D under New Business out of order and read them in first. Mr. Coker made a motion to take the three items out of order. Mr. Patenaude seconded the motion. The motion passed unanimously.

II. OLD BUSINESS

A. The application of **Lang and Longmeadow Development, LLC, Owner**, for property located at **126 Lang Road**, requesting Amended Site Plan Approval to relocate one of five proposed multi-unit dwelling units on the site, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 1-1 and lies within the Garden Apartment/Mobile Home (GA/MH) District.

The Chair read the notice into the record.

Mr. Taintor advised the Board that the applicant had submitted a letter requesting to withdraw the pending application so the department recommended that the Board vote to accept the request to withdraw.

Mr. Coker made a motion to accept the applicant’s request to withdraw their application. Mr. Rice seconded the motion.

The motion to accept the applicant’s request to **withdraw** their application passed unanimously.

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B. The application of the **City of Portsmouth, Owner**, for property located at **155 Parrott Avenue**, requesting Site Plan approval for the renovation and expansion of the Portsmouth Middle School, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 128 as Lot 15 & 16 and lies within the Municipal District.

The Chair read the notice into the record.

Mr. Taintor advised the Board that the applicant had requested that this application be postponed to the October 21, 2010 Planning Board meeting.

Mr. Rice made a motion to postpone this application to the October 21, 2010 Planning Board meeting. Mr. Patenaude seconded the motion.

The motion to **postpone** this application to the next regularly scheduled Planning Board meeting on October 21, 2010 passed unanimously.

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D. The application of **Maplewood and Vaughan Holding Company, LLC, Owner**, for property located at **111 Maplewood Avenue**, requesting Amended Site Review Approval for the addition of two accessible parking spaces and the construction of an accessible ramp and walkway along the northern corner of the building to the lower level, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 124 as Lot 8 and lies within the Central Business B (CBB) and Historic District.

The Chair read the notice into the record.

Mr. Taintor stated the accessible ramp and walkway were required as a stipulation of the Planning Board Site Review Approval and there was another minor change relative to a sewer connection. After reviewing this, and after the public hearing notice was published, it was determined that these changes were minor and did not require a Planning Board hearing. Mr. Taintor approved them administratively and no Planning Board action was required.

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III. NEW BUSINESS

A. Proposed street name and numbering changes on Winchester Street.

The Chair read the notice into the record.

Mr. Taintor reminded the Board that they had talked about this last month and, in accordance with the decision that was made, they held a neighborhood meeting with the neighbors. 20 people from the neighborhood attended and all were opposed to the street number and name changes which were suggested. They brought up a number of other issues and concerns about some speeding on Winchester Street, emergency access and water pressure. Because of the opposition, staff is recommending that the Board not recommend any street name or address change at this time and also vote to refer this matter to the Traffic & Safety Committee for possible access and safety changes on Winchester Street and any changes to stipulations in the subdivision plan which brought this to a head.

Mr. Taintor had talked to the DOT district office and received more information on their driveway regulations on Lafayette Road and one solution. He had hoped they might be able to get another driveway off the existing lot located at 3310 Lafayette Road but that is not possible. He felt the subdivision may have to come back to the Planning Board for a review of the stipulations. However, before that they want to go to Traffic & Safety to see what other options there may be.

Mr. Coker asked Mr. Taintor to define more clearly the relocation of the existing barrier at Lafayette Road and Winchester Street. He was on the Planning Board when this street was being developed and he remembered a great deal of discussion about that. Mr. Taintor explained that the traffic barrier was put in because when the traffic light was installed people were cutting through the neighborhood to avoid the traffic light. At the meeting, neighbors discussed relocating that barrier back to the first jog on Winchester Street to provide direct access to the two new subdivided lots which would still prevent it from being a through road. Steve Parkinson did not believe that was advisable as it moved the driveway closer to the signalized intersection.

The Chair opened up the public hearing and called for speakers.

Raymond Hood, of 6 Winchester Street, stated that he attended the neighborhood meeting. He had a petition signed by 26 people who are against any change on Winchester Street. He has lived there 30 years and some of his neighbors have lived there for 30-40 years and they have never had any difficulty receiving mail. The Police Department indicated that the route they would take would require going right through the jersey barriers and he thought the Planning Board should be telling the Police Department about the changes instead of the residents. He spoke to the Fire Department and they use GPS. Mr. Hood stated that they are opposed to any change on Winchester Street for numerous reasons. He handed the petition to the Chair.

Robert Mayberry, 35 Winchester Street. He indicated that the residents were promised things when the street was developed which they never got. His driveway was torn up and it was never redone and they have problems with their water pressure.

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 made a motion to take no action and refer this to the Traffic & Safety Committee with the minutes from tonight’s meeting. Deputy City Manager Hayden seconded the motion.

The motion to recommend no street name or address change and to refer this to the Traffic & Safety Committee passed unanimously.

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C. The application of **Strawbery Banke, Owner, and the Gundalow Company, Applicant**, for property located at **14 Hancock Street (Strawbery Banke)** requesting Site Plan Approval for the temporary construction of a gravel work area, a 10’ x 20’ tool shed and a 35’ x 80’ covered boat staging area, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 104 as Lot 7 and lies within the Mixed Residential Office District (MRO) and Historic District A.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Greg Mikolaities, of Appledore Engineering, addressed the Board. Also present was Nate Piper, Project Manager, of the Gundalow Company. He handed out an aerial photograph. Mr. Mikolaities indicated this application is for the temporary construction of a 19,000 s.f. area for a new gundalow. They plan to start site work this fall to remove the loam and install a gravel base to create a stable work area so they may start construction next spring with launching next fall. They met with TAC on August 31st and they had 3 stipulations. The response to those stipulations can be found on Sheet C-2 as project notes. TAC wanted them to add Note 8, which was to provide an emergency contact number on site; Note 9 was that a temporary water service will be provided with a meter and a back flow device; and Note 10 was that the owner shall contact the Water Division regarding the need for metering of a permanent water service after the project is completed. Mr. Mikolaities indicated that Mr. Piper was present for questions regarding the construction. Mr. Mikolaities indicated this was just a temporary site disturbance and if everything goes as planned they will be launching a boat next fall and the site will be put back to loam and seed.

Mr. Coker recalled that a number of years ago work was halted on the site due to the discovery of old pilings. He asked if this is the location where the old pilings were found. Mr. Mikolaities did not know but they are only taking off 4” of loam so they won’t be excavating into the ground. They are only removing the grass and putting gravel down to create a stable work area.

Mr. Coker believed it was the construction of the Visitor Center that was halted. Mr. Rice added that was why it was built on the other side of Strawberry Banke. Mr. Coker just wanted to make them aware of this. Mr. Mikolaities was happy to work with Strawberry Banke and go back to staff and revise the work limits if they have to.

Ms. Roberts recalled the area that was most sensitive was to the south of this site and closer to the large parking lot to the museum. It looks like the bulk of the site will be in what was called Puddle Dock, i.e. tidal water, so probably most of the area is just fill. She was wondering about any footings for the building. Mr. Milolaities confirmed it is all surface work. .

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

Deputy City Manager Hayden made a motion to grant Site Plan approval. She indicated that if Mr. Coker wanted a stipulation about excavation she agreed they could add one but Strawberry Banke has been deeply involved and she was sure that they know exactly where the area of concern was. Mr. Coker was comfortable without a formal stipulation. Mr. Taintor pointed out that the TAC stipulations have already been included in the plan.

Mr. Rice seconded the motion.

The motion to **grant** Site Plan Approval as presented passed unanimously.

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E. The application of **Richard and Linda Harding, Owners**, of property located at **1808 Islington Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots with the following: Proposed Lot 1 having 64,951 ± s.f. (1.4911 acres) and 140’ of continuous street frontage on Islington Street and Proposed Lot 2 having 17,400 ± s.f. (0.3994 acres) and 100’ s.f. of continuous street frontage on Islington Street. Said property is shown on Assessor Plan 214 as Lot 15 and lies within a Single Residence B (SRB) District.

The Chair read the notice into the record.

Mr. Rice recused himself.

SPEAKING TO THE APPLICATION:

Jeffrey Clifford, of Altus Engineering, was present with the Hardings. He indicated that this application has been before the Board before in 2001 and 2007. The parcel is a 1.78 acre parcel at the corner of Islington St and Plains Avenue. It is the original farmhouse for the whole area. The parcel is zoned SRB. The applicant proposed to divide one lot into two parcels, cutting out 17,400 s.f. from the parent parcel. The configuration was an extension of the adjacent lot. There will be 100’ of frontage and it meets all minimum requirements. The setbacks for the district are 30’ front, 10’ side and 30’

rear. In 2007 they proposed to subdivide a lot much further back and there were concerns about drainage. To address those issues, they reconfigured the proposal to make the house more conventional with the other houses along Islington Street. They presented that to staff and last month they had easements approved by the Planning Board.

Mr. Clifford explained that the reason the landowner needed an easement for the subdivision was because a sewer needs to be extended from Pearson Street to provide access to the area. It made more sense to bring the sewer in to serve the existing home and then go across the existing lot to Lot #2 with a force main tying into the sewer. It is very shallow so they were not sure they would be able to do the gravity sewer hydraulically. The City also had a concern about the drain line that drains from Plains Avenue. The catch basin doesn't work well and only has a 6" outlet. To help the City, the owners granted the City an easement across the back portion of the lot. There is an existing manmade ditch that is recognized as wetlands.

There are three pieces to the sewer easements. One is an easement to get across City land for the force main. There would be an easement across lot #1, which would not involve the City, to provide sewer to lot #2. There is an easement to provide two sewer services to the existing farm house which also includes an existing barn which has a legal apartment in it. It is also proposed to define the right-of-way as shown on the plan. The series of easements are beneficial to both parties.

The driveway for Lot 2 would go out onto Islington Street. Water service would be off Islington Street along with power, cable and telephone. Mr. Clifford went out to check sight distance for the new driveway and it was 500' in both directions and at 30 mph the requirement would be 200'.

Mr. Clifford indicated there is a small shed on the proposed lot line which will be removed, along with the small treehouse.

The drainage for a single family home with a driveway and a garage is about 3,000 s.f. of impervious surface. They are removing a shed which is 216 s.f. Mr. Clifford felt it was important to note that the drainage will go across a wooded buffer from the site and then get into the drainage swale, into a larger wetland to a pond. It will be getting a significant amount of treatment. It is getting slowed down and buffered. He understands that some abutters are concerned about the amount of water going to the wetlands but removing the septic system that currently serves two dwelling units. Using a standard of 70 gallons per person per day of wastewater generation, the two dwelling units would produce 560 gallons per day, or 205,000 gallons per year, which would not be going into the ground water after the sewer is connected. In comparison, the creation of 3,000 s.f. of impervious surface would increase runoff by 77,000 gallons per year. You basically have a 127,000 gallon per year reduction of hydraulic loading to the water shed. Therefore they are not increasing the amount of water going to the wetland. If you get into some theories of low impact development, what they are doing is one of the best things they can do, which is to go into a wooded buffer, disconnecting the impervious by not connecting into a major drainage system.

Mr. Clifford displayed the sewer drawings and showed where the system will go. This will not impede any parking for future uses that the City might consider on their portion of the land.

In closing, Mr. Clifford stated this is a permitted use in the SRB district and is consistent with the other homes in the area. The sewer extension and removal of the septic system will improve groundwater quality. The applicant has cooperated with the City to create a series of beneficial easements and those easements were brought before this Board which recommended approval and on September 7th the City Council approved them. They request preliminary and final approval tonight.

Mr. Coker referred to a letter the Board had received from Edward Beavers, owner of 1618, 1628 and 1674 Islington Street. Mr. Clifford pointed out his properties which were one lot over and closer to the wetlands.

Chairman Ricci asked if there has been any conversation with Mr. Patterson or other abutters about extending the sewer main so that they could also tie in. Mr. Clifford said that they had not dealt with them directly. There was opposition to the project. Chairman Ricci felt it made sense to explore that. Mr. Clifford felt if the Pattersons approached them with a request, they could provide an easement to construct two force mains.

Mr. Coker asked if the Board would see this for Site Plan approval. Chairman Ricci confirmed they would not as it is a residential single lot.

Ms. Geffert asked what the label TBR stood for on the plans in the vicinity of the shed. Mr. Clifford confirmed it stands for "To be removed" and he will add that to the legend.

The Chair opened up the public hearing and called for public speakers.

Attorney John Lyons, representing direct abutters Tom and Carol Patterson, addressed the Board. He submitted a Petition in opposition to the subdivision signed by 22 abutters.

Attorney Lyons first addressed Mr. Coker's question and stated there was a pond out back where all the drainage goes to, on Mr. Beever's property. The sewer line ends on Islington Street near the Pearl Apartments so everyone past that point is on septic. Everyone on the east side of Islington Street have received easements to get into the Melbourne Street sewer. His clients' concerns are drainage and how it will affect their septic system and the issue of safety. This is the third time this application has been before the Board and the lots have now been reconfigured. Last time a full drainage study was requested and that is when the applicants withdrew their application. Not only does significant water run from the Little League ball field across the City property, across the back portion of proposed Lot #1 and to the pond, but significant water runs across proposed Lot #2 as well from the west side of Islington Street to that pond. The problem is that proposed Lot #2 is going to flood his clients' property which is already frequently flooded. The sewer and drainage will become a problem for his clients when a house and driveway go in. The existing leach field for Lot #1 is where proposed Lot #2 is located. He also indicated that where the sewer ends on Pearson Street is the high point and the sewer then runs to the east. Any line which is extended will require a pumping station to get the sewer back in that direction. Attorney Lyons also stated that the apartment in the barn is not a legal apartment. There was a request several years ago when it was being operated for a boat building facility. There was agreement that his client sign for the specific and sole purpose that the gentlemen running the boat shop could have an apartment. The agreement specifically indicated with the City that it could not be sublet. It is now sublet and it is not a legal apartment.

Attorney Lyons stated that his client grew up in this lot and this building was his grandfather's building. The barn area has a basement and it will flood so that water reaches the ceiling in the barn. To allow any sort of development on proposed Lot #2 will create significant flooding and they are in opposition to it as a result of that. They felt drainage studies are required.

Attorney Lyons stated the second problem is safety. His client's driveway is on Islington Street and it is often difficult to see and get out safely, especially with the new road configuration around the ball field. The applicant's house is very close to the street. When someone is parked on Plains, it is next to impossible to see up Islington Street. To add another driveway on proposed Lot #2 will create a significant safety hazard.

Attorney Lyons asked that the Board review the materials he distributed.

Chairman Ricci asked Attorney Lyons to review the photos with the Board.

Tom Paterson, 1736 Islington Street, assisted with the identification.

- #1 – taken from the Patersons' septic system showing how the water drains down.
- #2 – taken from Patersons' house, looking across proposed Lot #2 to the farmhouse.
- #3 – taken at Paterson's back stairs and deck
- #4 - Standing at the bottom of Patersons' back stairs on his deck
- #5 – Standing at the Patersons' driveway, looking across proposed Lot #2

Ms. Roberts asked when the pictures were taken. Mr. Patterson believed they were taken this spring but did not know the exact date.

Mr. Coker was curious about Attorney Lyons' claims that it will cause flooding and it will require a pumping station, and he asked why he was convinced it will aggravate an already bad situation when the applicant's representative has said that the actual amount of groundwater would be less. There are two competing claims and he was trying to sort them out.

Attorney Lyons stated that his advantage is that Mr. Patterson grew up there and Attorney Lyons has had the opportunity to be there for numerous occasions and it floods continually. He knows the pumping station will be needed as it is uphill from Lot 1 to the point where the sewer line ends. He also knows that the representation was by removing the septic and the leach there would be a benefit to the drainage but that does not take into consideration that a house and driveway will be built. Where will the water go? It will only go to one place and that is the Patterson property and the properties the rest of the way down the street, all of whom have septic systems.

Linda Harding, of 1808 Islington Street, stated that she and her husband have lived there since 1999. They tried to do different things with their property. When they bought the house in 1999 it was represented to them as having a separate lot. The Pattersons lived there for many years and they were amazing carpenters. Their house contains the wonderful beams and carpentry from that family. Their house was sold by the Pattersons and she understands it must have been hard. She understands they get a lot of water on the back of their property. The City has twice repaved the roads which raised the

grade and increased the flow. It goes into their basement and does not go any farther because the cellar is the lowest spot. At one point there was a ditch dug by an unknown person along the very back and it fills when they have a really heavy rainstorm. They have spoken to the City about putting in a larger main as the existing storm drain is not adequate for all of the water. She felt this plan will help the runoff. They are removing their shed, they have already ripped up a lot of pavement in front of their house and replaced with grass and flowers and they will be hooking up to sewer. Their apartment is a legal apartment, and the boat shop is now used by her husband. Regarding the impervious covering of the land, Mr. Paterson has paved a good eighth of his property, right up to their property line. She hoped the Board would look at this with a positive attitude and they hope to subdivide their 2 acre lot to construct a house which will mirror the other houses on Islington Street.

Mr. Clifford referred to the two issues Attorney Lyons presented. The City Engineer has the sewer plans which have been approved by DES. It is true that the ground at Pearson is higher, they are going up with the sewer which is a very flat slope at .004% and the grade of the road is going down but they have sufficient cover to put a sewer in. It is done all the time to get a gravity sewer to this point. The Hardings residence will be served by gravity sewer services. The reason they are providing a force main for the new lot is that there is a low spot where the sewer would have to cross the Hardings property and they didn't want to put the sewers only 1' deep. It's better to have it as a force main so that it will not freeze. There will be a pump at proposed Lot #2. Also, the applicant would be open to providing a force main to the Pattersons if they so desire as their septic system is in a precarious situation with the ground water table and how they had it built.

Regarding basement flooding in the Hardings' barn, the grade drops about 5' and it has nothing to do with the area drainage. This would flood in any situation by the way it is constructed. Mr. Clifford was not surprised by the pictures presented as in March of this year there was flooding almost everywhere. It was the worse he had ever seen because the ground water was so high and they had a tremendous amount of rain. The topographic survey of the area indicates that the general drainage is in one direction and the driveway on Paterson property is higher than proposed Lot #2 and the grading in the back is the same. He would propose that they add a stipulation that the applicant will not discharge water onto the Patersons' property. That can be done with some minor swales.

Mr. Clifford felt they are providing a tremendous benefit to the City with the drainage easement and the ditch that helps to drain the area.

Regarding the safety and sight lines, he went out to the site today and took some pictures and he provided the originals to the Board. They show a vehicle 500' from the center of the proposed lot frontage. There are some shrubs along the frontage which will be trimmed back but with the slight curvature in the road there is excellent sight distance. You also must consider queuing at the traffic light and further up Islington Street so there is plenty of time between lights.

Mr. Clifford had talked about the drainage being a net reduction because of the wastewater. That is a balance of the entire year. When you have impervious surfaces, they do not create water but they do have quicker run off. You also must consider with runoff what is the volume of water going to the ground and what is the water balance over time and not just the peak created within a half hour of a storm event. Under a drainage study you are looking at that peak rate of runoff. The peak rate of runoff is attenuated by the slow flow across the woodlands and the very shallow ditch and then a

wetland. When you do a drainage study for something like this you are usually assuming the water may go up 1/100 of a foot. As far as water volume, that is the real problem for an engineer but this is the one project that decreased the volume of water going to a problem area. Mr. Clifford felt that was what a drainage study would show them. Mr. Clifford asked for any questions.

Chairman Ricci asked Mr. Clifford to explain how they are adding a house but they are decreasing runoff. Mr. Clifford explained they are adding runoff, but at the same time are taking away wastewater which is now being discharged through the septic systems and therefore are decreasing the total water balance for the watershed. Chairman Ricci was talking about surface runoff and he asked if they were increasing drainage through the low lying area with proposed lot #2. Mr. Clifford stated they were increasing runoff but decreasing the total water balance.

Mr. Coker asked Mr. Clifford if he considered this area a problem drainage area. Mr. Clifford stated it is low lying, it is flat, it is not that far above the water table so he is not surprised that people have concerns in the area. From all the information it sounds like there is a drainage problem in the area.

Mr. Clifford also wanted to make the point that the back lot is really not developable at this point because of the easement they are providing. So, this subdivision is the last of what they will see from this lot. The other lots were carved off of this piece of land years ago.

Attorney Lyons had two photographs that show how close the farmhouse is to the edge of the road showing no sight line at the intersection of Pearson and Islington. He reminded the Board that not one abutter supports this subdivision.

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

Deputy City Manager Hayden was not sure whether it was within their purview to send a subdivision plan to TAC but they have had issues raised about sewer, drainage and traffic and she was wondering, given the particular situation if they should consider doing so. Then TAC could consider whether a pre and post drainage study was needed. Mr. Taintor felt that TAC was staff and it was within the Board's purview to ask City staff to comment on a plan.

Deputy City Manager Hayden made a motion to postpone any action until the Planning Board hears from City staff relative to sewer, drainage and traffic issues.

Mr. Coker asked for clarification on whether sewer and drainage were two separate issues. Deputy City Manager Hayden confirmed stormwater runoff, sewer and traffic were three separate items.

Mr. Coker seconded the motion.

Mr. Coker was troubled by this as there has been adequate testimony that this is an existing problem. He is not an engineer but he can read drainage calculations and drainage studies and while he hates to put that extra burden on the Hardings, in this instance he would like to see a formal drainage study

done. He was concerned about approving a lot in an area that is already stressed. While there is a net loss in the amount of water going back into the ground, the point is very well taken about the runoff. He felt the runoff could have an impact and that's why he would like to see a drainage study.

Deputy City Manager Hayden was not sure they were going to accomplish any more tonight and the only question was whether they want to stipulate that a drainage study would be required or would they want a vote to postpone it and let TAC decide whether a drainage study was needed or not. Her feeling would be to let TAC decide whether a drainage study would be required.

Chairman Ricci felt that a drainage study would show a minuscule increase in runoff because the proposed house area is small relative to the area of the drainage basin. His opinion is adding a second lot will increase runoff and there is already a problem there. His personal opinion is if the applicant could work with Mr. Paterson and the next abutter to pull septic systems out of use and get them into a municipal sewer, that is a far greater benefit to the environment than adding one more house. He did not necessarily believe it was going to exacerbate Mr. Paterson's problem but pulling septic systems out would be a huge environmental benefit. He did not believe the Board should mandate a drainage study. He agreed that TAC should look at this and decide what to do.

Ms. Geffert agreed with Chairman Ricci. She was 100% behind one less septic system, any way they could get there. She asked if it would be possible to pick up a swale that would deal with runoff from this lot to Mr. Paterson's lot and, secondly, does the city get that drainage easement without the subdivision. If this subdivision plan goes through, the City has some mechanism to address some of the drainage issues that it does not have today.

Mr. Coker agreed that removing a septic system was wonderful but the environmental value is diminished if your basement is full to the ceiling with water. He does not want to aggravate an existing problem.

The motion to postpone and send to TAC for review of stormwater runoff, sewer and traffic passed unanimously.

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F. The application of **Harborcorp, LLC, owner**, for property located **off Deer Street, Green Street, Russell Street, Market Street and Maplewood Avenue**, for an additional one year extension of Site Review Approval which was granted (amended) on October 16, 2008 for the construction of an 83,118 ± s.f. 6/7 story structure consisting of a hotel, convention center, parking garage and 21 residential condominiums, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 28, Assessor Plan 119 as Lot 1-1A, Lot 1-1C and Lot 4, Assessor Plan 124 as Lot 12 and Assessor Plan 125 as Lot 21 and lie within the Central Business A (CBA) District, the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Malcolm McNeill addressed the Board as attorney for Harborcorp. He clarified that the press had recorded this matter as being associated with the Portwalk project however this property is the area currently occupied by the Sheraton Hotel open parking lot. He indicated they are seeking a second one year extension with regard to approval received in 2008. Also present were Chris Thompson, of Harborcorp, Giles Ham, of Vanasse and Associates, and Dennis Moulton, of MSC Engineers. Attorney McNeill explained that a second extension requires a public hearing under Site Plan Review Regulations relative to criteria which basically ask whether there has been a material change in plans or in conditions that should cause them not to extend the approval. This approval took months to obtain, it required HDC approval and the HDC unanimously granted an additional extension on August 5, 2010. The applicant would like nothing more than to not be here and would like to be building this project. In this economy and with a project of this size, capital is just not available. They believe it is in the best interest of the City and the applicant to preserve this project to bring activity, conference center facilities, parking facilities, and a new first class hotel to Portsmouth.

Attorney McNeill stated they appeared before TAC on August 31, 2010, conducted a thorough hearing and received unanimous approval to recommend this to the Planning Board. The conditions contained in Mr. Taintor’s recommendation are TAC stipulations and are basically a continuation of the original stipulations of approval, updated to conform with the passage of time. The substance of the stipulations is the same.

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

Deputy City Manager Hayden made a motion to grant an additional one year extension of Site Plan Approval with the TAC stipulations. Ms. Geffert seconded the motion.

The motion to grant an additional one year extension of Site Review Approval to October 16, 2011 passed unanimously with the following stipulations:

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IV. CITY COUNCIL REFERRALS/REQUESTS

A. Request from John and Anglea Foddrill, of Bliss, for property located at 85 Market Street, to install a projecting sign over City property.

Mr. Taintor advised the Board that the Department recommendation was to recommend to the City Council approval of the revocable municipal license with the three standard conditions.

Deputy City Manager Hayden made the motion as recommended by staff. Ms. Geffert seconded the motion.

The motion to recommend approval of a revocable municipal license, subject to 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.

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B. Request from Yalcin Kaya, of Vonsolln Kaffeehaus, for property located at 79 Daniel Street, to install a projecting sign over City property.

Mr. Taintor advised the Board this was the same as the previous request except that the proposed sign will be on a new sign bracket. It meets all zoning requirements. The Department recommendation was to recommend to the City Council approval of the revocable municipal license with the three standard conditions.

Deputy City Manager Hayden made the motion as recommended by staff. Mr. Coker seconded the motion.

The motion to recommend approval of a revocable municipal license, subject to 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. OTHER BUSINESS

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A. Request for a one year extension of Site Review Approval granted on October 15, 2009 for property located at 215 Commerce Way.

Mr. Taintor explained this was the first one year extension and could be granted without a public hearing.

Mr. Coker made a motion to grant a one year extension of Site Plan approval. Deputy City Manager Hayden seconded the motion.

The motion to grant a one year extension of Site Plan Approval passed unanimously.

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B. Request for a one year extension of Site Review Approval granted on October 15, 2009 for property located at 235 Commerce Way.

Mr. Taintor explained this was the first one year extension and could be granted without a public hearing.

Mr. Rice made a motion to grant a one year extension of Site Plan approval. Deputy City Manager Hayden seconded the motion.

The motion to grant a one year extension of Site Plan Approval passed unanimously.

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C. Appointment of Planning Board Representative to the Historic District Commission.

Chairman Ricci stated a meeting was held with staff this week. They realize that people have very busy schedules and they talked about revising the City regulations on this requirement.

Mr. Taintor explained that the State law says that the Commission member “may” be a member of the Planning Board and the City Ordinance says a Commission member “shall” be a member of the Planning Board. They suggested a recommendation to the City Council that they consider changing the City Ordinance to be consistent with State law.

Chairman Ricci understood that everyone was busy and every year they do more and more. He suggested that they recommend to the City Council that the Commission member “may” be a Planning Board member rather than “shall”. That would still allow a Planning Board member to serve on the HDC in the future if they so desired. Deputy City Manager Hayden agreed that would not preclude the Council from appointing a Planning Board member in the future.

Deputy City Manager Hayden made a motion to recommend to the City Council that “shall” be changed to “may” relative to the appointment of a Planning Board member to the HDC. City Councilor Spear seconded the motion.

The motion passed unanimously.
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Mr. Taintor advised the Board that staff is proposing to schedule a work session with the BOA at the October meeting to discuss signs and the adjustment of zoning district regulations in the individual neighborhoods.

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V. ADJOURNMENT

A motion to adjourn at 8:30 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