

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MAY 17, 2012

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; Anthony Blenkinsop; MaryLiz Geffert; Cindy Hayden, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill;

MEMBERS EXCUSED: John Rice and Brian Groth, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the February 16, 2012 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the March 22, 2012 Planning Board Work Session – Unanimously approved.
3. Approval of Minutes from the April 19, 2012 Planning Board Meeting – Unanimously approved.

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Chairman Ricci asked for a motion to take eight items out of order for postponement purposes. Deputy City Manager Hayden made a motion to take Public Hearings (Old Business) B, C, D, E and G; Public Hearings (New Business) A; and City Council Referrals A and B out of order. Mr. Hopley seconded the motion. The motion passed unanimously.
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B. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **on Spinney Road and Middle Road**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer, including a stormwater detention pond/raingarden, vegetated outlet swale and a level spreader. Said property is shown on Assessor Map 167 as Lot 5 and Assessor Map 170 as Lot 24 and lie within the Single Residence B (SRB) District. (This application was postponed from the April 19, 2012 Planning Board Meeting)

C. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **on Spinney Road and Middle Road**, requesting Preliminary and Final Subdivision Approval to subdivide two lots into nine lots, including a public right-of-way, with the following: Lot 5 on Assessor Plan 167 having 316,165 s.f. (7.258 acres) and Lot 24 on Assessor Plan 170 having 238,601 s.f. (5.478 acres), to be consolidated and subdivided into nine separate lots, ranging in size from 5,000 s.f. to 329,641 s.f. and all with a minimum of 100' of continuous street frontage on Spinney Road or the new proposed public right-of-way. Said properties lie in a Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100' of continuous street frontage. (This application was postponed from the April 19, 2012 Planning Board Meeting)

D. The application of **Lynn J. & Frances T. Sanderson Revocable Trusts, Paul J. Sanderson, Trustee, Owners**, and various other property owners, for property located **off Spinney, Middle, Thaxter, Sewell and Kensington Roads**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between lots as shown on Assessor Map 167 as Lot 5 and Assessor Map 168 as Lot 17, and abutting lots as listed below. Said properties are located in the Single Residence B (SRB) District where the minimum lot size is 15,000 s.f. and minimum street frontage requirement is 100'. (This application was postponed from the April 19, 2012 Planning Board Meeting.)

1. Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson Trustee, Owner
Property located off Spinney, Middle, Thaxter, Sewell and Kensington Roads (Assessor Map 167 as Lot 5 and Assessor Map 170 as Lot 24)
Lot area decreasing in size from 12.74 acres to 11.92 acres
2. Craig S. and Christine Almond Hodgson, Owners
Property located at 165 Middle Road (Assessor Map 168 as Lot 17)
Lot area increasing from .18 acres to .30 acres
Street frontage increasing from 75' to 125' off Middle Road
3. Neal L. and Darlene L. Ouellett Revocable Trust, Neal L and Darlene L. Ouellett, Trustees, Owners
Property located at 124 Kensington Road (Assessor Map 152 as Lot 20)
Lot area increasing from .22 acres to .43 acres
Street frontage remaining at 100'
4. Jeremy D. Martin, Owner
Property located at 199 Middle Road (Assessor Map 168 as Lot 14)
Lot area increasing from .28 acres to .51 acres
Street frontage remaining at 100'
5. Patrick B. and Karen A. Lyons, Owners
Property located at 185 Middle Street (Assessor Map 168 as Lot 15)
Lot area increasing from .13 acres to .80 acres
Street frontage remaining at 50'
6. David and Patricia Gress, Owners
Property located at 14 Sewall Road (Assessor Map 170 as Lot 20)
Lot area remaining at .31 acres to .31 acres
Street frontage decreasing from 135' to 125'
7. Michael Jacques, Patricia Newman and Caroline A. Newman Revocable Trust, Caroline A. Newman, Trustee, Owner
Property located at 342 Spinney Road (Assessor Map 169 as Lot 5)
Lot area increasing from .51 acres to .54 acres

- Street frontage decreasing on Spinney Road from 171.3' to 162.59'
- 8. Joseph G. and Carol S. McGinty, Owners
Property located at 300 Spinney Road (Assessor Map 169 as Lot 6)
Lot area increasing from .69 acres to .70 acres
Street frontage decreasing from 150' to 141.26'
- 9. Patricia O. Sanderson Revocable Trust, David Sanderson, Trustee, Owner
Property located at 248 Spinney Road (Assessor Map 169 as Lot 4)
Lot area increasing in size from 1.31 acres to 1.46 acres

E. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **on Spinney Road and Middle Road**, requesting a Conditional Use Permit under Section 10.725 of the Zoning Ordinance for an Open Space Residential Planned Unit Development (OS-PUD) consisting of nine single family residential structures and five two-unit residential structures, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 167 as Lot 5, Assessor Map 170 as Lots 23 and 24, Assessor Map 171 as Lot 13 and lies within the Single Residence B (SRB) District. (This application was postponed from the April 19, 2012 Planning Board Meeting.)

The Chair read all of the applications into the record.

Ms. Geffert made a motion to postpone all applications to the June 21, 2012 Planning Board Meeting. Mr. Blenkinsop seconded the motion.

The motion to postpone Items B, C, D and E to the June 21, 2012 Planning Board meeting passed unanimously.

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G. Proposed amendments to the Site Plan Review Regulations, Section 3.6. – Drive-Through Facilities, to address screening of drive-through lanes and any other design and performance standards that may appear appropriate. (This hearing was postponed from the April 19, 2012 Planning Board Meeting)

The Chair read the notice into the record.

Mr. Blenkinsop made a motion to postpone this matter to the June 21, 2012 Planning Board meeting. Deputy City Manager Hayden seconded the motion.

The motion to postpone to the June 21, 2012 Planning Board meeting passed unanimously.

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A. Proposed amendments to the Zoning Map regarding the location of the Downtown Overlay District, and to the Zoning Ordinance, Section 10.640 – Downtown Overlay District.

The Chair read the notice into the record.

Ms. Roberts made a motion to postpone to the June 21, 2012 Planning Board meeting. Councilor Novelline Clayburgh seconded the motion.

The motion to postpone to the June 21, 2012 Planning Board meeting passed unanimously.

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A. Letter from Attorney James Nocas, Jr., representing a property owner of the General Porter Condominiums requesting to construct a garage along the rear boundary line of property located at 32 Livermore Street abutting a cemetery.

The Chair read the notice into the record.

Mr. Gladhill made a motion to postpone to the June 21, 2012 Planning Board meeting. Councilor Novelline Clayburgh seconded the motion.

The motion to postpone to the June 21, 2012 Planning Board meeting passed unanimously.

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B. Request by Eric Mart and Kathryn McCallion to rezone property at 1283 Woodbury Avenue from Single Residence B (SRB) to Mixed Residential Business (MRB).

The Chair read the notice into the record.

Mr. Gladhill made a motion to postpone to the June 21, 2012 Planning Board meeting. Mr. Hopley seconded the motion.

The motion to postpone to the June 21, 2012 Planning Board meeting passed unanimously.

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II. PUBLIC HEARINGS – OLD BUSINESS

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 application of **Parade Residence Hotel, LLC, Owner**, for property located at **100 Deer Street (formerly a portion of 195 Hanover Street)**, wherein Amended Site Plan Approval is requested for sidewalk changes in connection with a 11,437 s.f. conference center to be established in space previously approved for retail use, with related paving, utilities, landscaping, lighting, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 22 and lies within the Central Business B and the Historic District. (This application was granted by the Planning Board on February 18, 2010; appealed to the Board of Adjustment which upheld the Planning Board action on April 20, 2010; appealed to the Rockingham County Superior Court where the decision was vacated and remanded on January 27, 2011; and appealed to the New Hampshire Supreme Court where the Superior Court Decision was affirmed on March 23, 2012.) (This matter was postponed from the April 19, 2012 Planning Board Meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor stated that this was a remand from the Court and also something which was postponed last month as a result of a last minute letter received from Attorney Springer. The Board asked for a report back from the Legal Department. One of the issues that was in the letter was probably caused by the way the Legal Notice was written which refers to the General Business District but it is actually the Central Business B District. Therefore, the issue of whether the use requires a Special Exception has been addressed and it does not if it is considered to be a restaurant with a place of assembly with more than 250 occupancy.

This is a very unusual situation as they are looking at the plan that was submitted to the Planning Department on February 10, 2010, over 2 years ago. This application has made its way through the Planning Board, the Board of Adjustment, Superior Court and the Supreme Court and it is now back before the Planning Board. In the view of Mr. Taintor, they are being asked simply to determine if the changes shown on the site plan comply with the Site Plan Regulations based on the Zoning Ordinance that was in effect on February 10th as opposed to the ordinance that was in effect in 2009. The interpretation that was made in the Planning Department was that because the project was still in the process of construction they were reviewing amendments on the basis of the Zoning Ordinance that was in effect when the project was initially approved. This case has clarified that if there was significant change in the character of the development it has to be reviewed using Zoning Ordinance that was in effect at the time of the request for a Site Plan Amendment. The Court determined that the change in a portion of the first floor from retail use to conference use qualified as a significant enough change to require the entire development to now be reviewed under the 2010 Zoning Ordinance.

Mr. Taintor stated that his interpretation was that the 2010 Zoning Ordinance is somewhat more permissive for this development than the 2009 ordinance when they had a convoluted parking credit system. That represented a 128 space increase in the parking requirement and they thought that they had a bank of parking credits which they drew down on. The Court said they could not do that. What happens now is that the number of parking spaces required for the new use, as compared with what they had before, is actually fewer parking spaces. Therefore, there is no issue from Mr. Taintor's point of view in terms of whether this complies with the zoning and he does believe it complies with the zoning as to off street parking. There were no other issues that he was aware of that change significantly from one Zoning Ordinance to the other.

Mr. Taintor's recommendation was to approve the Site Plan under the 2010 Zoning Ordinance. One issue that is one there is whether the conference center was a restaurant and his believe was that, as a conference center is a separate use in the Zoning Ordinance it is not a restaurant. That issue was not brought before the BOA and it was not litigated at the Superior Court so it is not part of this remand. If the conference center is a restaurant, contrary to his interpretation, it would require more parking spaces (one space per 100 s.f. of floor area.)

Tim Levine, on behalf of applicant, addressed the Board and stated that he felt that Rick Taintor did a commendable job explaining the situation and he was available for questions.

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 amended site plan approval under the Zoning Ordinance in effect on February 18, 2010. Mr. Blenkinsop seconded the motion.

Deputy City Manager Hayden asked Mr. Taintor whether he felt the Board should have a vote or just a discussion on whether a restaurant is a conference center. Mr. Taintor did not believe they needed to have a vote on is as he did not believe it was before the Board.

The motion passed unanimously.

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Deputy City Manager Hayden made a motion to move Item F and hear it with other application on this property. Ms. Roberts seconded the motion. The motion passed unanimously.

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III. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Kenneth M. Buttermore, Owner**, for property located at **545 F. W. Hartford Drive**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for 312 s.f. of impact within an inland wetland buffer for the replacement of an existing 12’ x 21’ wood deck with a 12’ x 11’ paver patio. Said property is shown on Assessor Map 250 as Lot 97 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Ken Buttermore, owner of 545 F.W. Hartford Drive, appeared before the Board. He stated that the agenda description was incorrect and he is replacing the existing deck with a 12’ x 22’ paver patio. Their issue is that they have a deck which is even with the ground and in order to put the deck in, they ended up digging a hole and there is a bunch of water that pools around the foundation of the house and underneath the deck which has accelerated wood rot. As a result, they have had to replace the deck very recently and you can see it is starting to rot again. In the wintertime, the water pooling around the foundation causes frost heaves so they are getting cracks in the walls. Therefore, they would like to replace the deck with a patio.

Deputy City Manager Hayden asked if it was the legal notice that had the incorrect dimensions and the his application has the correct dimensions. Mr. Buttermore confirmed that the application dimensions are correct.

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. Blenkinsop made a motion to grant Conditional Use Permit approval. Deputy City Manager Hayden seconded the motion.

The motion to grant Conditional Use Permit approval passed unanimously.

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F. The application of **Michaels Realty Trust, Owner**, for property located at **1390 Lafayette Road**, **ESUM Realty Trust, Owner**, for property located at **1400 Lafayette Road**, and **MacLeod Enterprises, Inc., Owner**, for property located at **1190 Lafayette Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision & Lot Consolidation) is requested between three lots as follows:

1. Lot 7 on Assessor Map 252 consisting of 14,358 s.f. being consolidated with Lot 9 on Assessor Map 252 for a total lot area of 237,001 s.f.;
2. Lot 8 as shown on Assessor Map 252 increasing in area from 111,924 s.f. to 126,989 s.f. with 248.72' of continuous street frontage on Lafayette Road and consolidated Lots 9 and 7 as shown on Assessor Map 252 decreasing in area from 237,001 s.f. to 221,936 s.f. with 529.51' of continuous street frontage on Lafayette Road.

Said properties are located in the Gateway District where the minimum lot size is 43,560 s.f. and the minimum continuous street frontage is 200'. (This application was postponed from the April 19, 2012 Planning Board Meeting)

B. The application of **Michaels Realty Trust and ESUM Realty Trust, Owners**, and **4 Amigos, LLC, Applicant**, for property located at **1390 and 1400 Lafayette Road** requesting Site Plan Approval to construct a 2,500 s.f. one-story bank building with two drive through lanes, a 4,500 s.f. retail building and a 11,944 s.f. Rite Aid Pharmacy store with two drive through lanes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 252 as Lots 7 and 9 and lie within the Gateway (GW) District.

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Attorney Richard Uchita, of Hinkley, Allen and Snyder, representing 4 Amigos, LLC, addressed the Board. This is a 5 acre site on Lafayette Road at the corner of Peverly Hill Road and is located in the Gateway District. It consists of the former Yoken's restaurant site and the Samuels gas station site. To the north is the Comfort Inn site, which has some access rights through the properties. Across the street on Peverly Hill Road is Market Basket.

Attorney Uchita confirmed that they are present for two separate actions. One is to consolidate the gas station lot with the Yoken's lot and to slice off a small wedge of land on the Yoken's parcel to provide more space and land for the Comfort Inn parcel. Secondly, and of great importance and detail, they are present for Site Plan approval.

In terms of the lot consolidation, they have had a chance to review the Staff Memorandum and the recommendations and they did not have any issues with any of those.

Attorney Uchita stated they are looking to develop the front of the site fronting Lafayette Road. The Staff Memo states this has really been an evolutionary process. The users on the site have changed, the lot has changed and there have been design, plan and State highway changes. As noted in the Staff Memo there have been a bevy of TAC Work Sessions and TAC hearing in addition to the City looking at the way they have laid out the site. The City also engaged an independent traffic consultant to look at the driveway and access issue as well as traffic in general. Market Basket also engaged a traffic

engineer to review everything that had been submitted to the City and provide comments. Attorney Uchita felt it was fair to say that this meticulous study and analysis meant they did not get here in the wintertime when started this process but it made them add more property to the site to help with traffic circulation. As a result of comments from the Planning, engineering and Public Works staff, they arrived at a better plan.

Frank Monteiro, Professional Engineer with MHF Design, was representing the applicant. He addressed the Lot Line Adjustment and Consolidation application first. There are three lots involved, which include the former Samuels gas station lot, the former Yoken's lot and the existing Comfort Inn parcel. They are consolidating the gas station lot with the Yoken's parcel. There is a triangular shaped piece of land in the rear that will be transferred from the Yoken's parcel to the Comfort Inn lot and a sliver of land in the front will be transferred from the Comfort Inn lot to the Yoken's parcel. That will result in the Yoken's lot being 5.12 acres and the resulting Comfort Inn lot being 2.89 acres. There are several existing easements that run over the two properties. In addition to cross access easements for shared driveways, there are several utility easements. There is an existing drainage easement along the front that picks up some catch basins and there was another series of catch basins in the rear that run through a drainage easement behind the Comfort Inn parcel. Those easements are going to be reutilized as part of the redevelopment.

Mr. Monteiro next spoke to the Site Plan application: He stated that they have a 5.12 acre lot in the Gateway District and approximately 93% of the lot is paved. They propose to redevelop the parcel into three pad sites along Route 1 with a future pad site at the rear of the lot. This application does not include the future pad in the back as they have not identified that tenant. They are reducing impervious area by 53%. Until the back area is developed they will be removing all pavement and replacing it with loam and seed until such time that it is developed. They have three buildings. The pharmacy is a 12,000 s.f. building. The middle pad is a 4,500 s.f. combined retail restaurant building. The corner will be a bank facility with two drive-up windows. The pharmacy has two drive-up windows to the rear. The entire development will be serviced by 4 driveways. The former development had several driveways, including the gas station on the corner. Some driveways will be closed as a result of this re-development and some will be relocated. They plan a full access shared driveway on Route 1 which is a relocation of an existing driveway that the Comfort Inn has along the common lot line. The second driveway is a right-in/right-out driveway along Route 1 in the center of the frontage which is protected by the existing median in Route 1. There are two access points on Peverly Hill Road. The driveway to the back of the lot will be a full access driveway opposite of West Road. This driveway also accesses the Comfort Inn through an access easement. There will be a fourth right-in/right-out driveway in the center of the frontage on Peverly Hill Road with a raised median to protect that movement.

The three buildings meet all dimensional requirements. Parking spaces have been calculated using retail uses resulting in 91 parking spaces and they are providing 100. Mr. Monteiro reviewed the parking configurations. The pharmacy drive-thru lanes are in the rear with an access aisle and employee parking behind that. All proposed uses are connected by the shared driveway in the rear which will also service the Comfort Inn parcel through an easement.

The pharmacy drive-thru is a low impact use and is more of a convenience. The bank has two drive-thru lanes with a 9 vehicle stack up lane.

Mr. Monteiro indicated that a major component to the plan is pedestrian access. One of the main roadway systems is to connect the entire corner with a pedestrian walkway. There is no sidewalk on

Route 1 until you get past the second driveway. They will connect the sidewalk along the entire site. Internally, they are interconnecting pedestrian access for the three uses. They have a pedestrian crosswalk system that runs across the front of the building as well as a pedestrian sidewalk link in front of the pharmacy and a second pedestrian connection in front of the bank building. At the back of the site the pedestrian access from Peverly Hill will come across the rear of the site with a crosswalk section to link to the hotel.

There will be one trash enclosure in the rear of the pharmacy and a second behind the retail building. The bank will not have their own trash enclosure as they shred their documents.

There will be one free standing sign located off Route 1 at the right-in/right-out driveway which will be shared by the tenants.

The landscaping has evolved so that they have a streetscape plan along both frontages consisting of trees planted 40' on center. The series of trees in front of the pharmacy are supplemental with an understory planting consisting of a variety of evergreen and flowering shrubs. Approaching the corner, they introduce a 3 ½' high masonry stone wall that will run about 170'. This will break up the aesthetics, block headlights of vehicles and act as a buffer to the parking lot and as a backdrop to the tree system that is planned at the corner. When the rear section of the lot is developed there will be supplemental plantings.

They have provided buffering to the dumpsters/trash enclosures with arborvitae and Mr. MacLeod, of the Comfort Inn, asked them to create a buffer along the loading area so they added significant plantings to help buffer his property.

They provided a photometric lighting plan showing a variety of site lights. They are full cut off recessed fixtures on 17' high poles with 3' concrete bases. They have some light fixtures along the shared driveway between the Inn so they will prepare a lighting easement.

With respect to drainage, the current system has some catch basins in the back and the front and there is no treatment to the system. A big benefit of this project is they will change the drainage system significantly. They will not only reduce run-off from this property through some underground infiltration beds but they are going to add some water quality measures, including stormceptors. They designed three underground infiltration systems, one for each building. They are rebuilding the internal driveways, adding catch basins and curbing, and will be collecting all of the run-off from this site through a series of catch basins which will all be treated through stormceptors and infiltrated into the ground water before reconnecting to the existing easements that exist on the property. Overall there will be a significant improvement with a reduction in the rate and volume of flow leaving this property.

The sanitary sewer line will come across the front of the Comfort Inn. They will be re-using it but will need to reconstruct a portion of it. They will inspect the line via video and either clean it or replace it. They will take the sewer manhole and run it back behind the new buildings, installing a sewer main, and each building will have a separate service to that main, all to connect back into the existing sewer easement.

The Comfort Inn has a natural gas service going out to Peverly Hill Road. They will clean that up and put a new service in for the hotel along the common rear driveway. The pharmacy will be serviced with natural gas through a connection on Route 1 and the other two buildings will be serviced off of

Peveryly Hill Road. There are water mains on both streets. They are proposing a new fire and domestic water service connection for the pharmacy. They are installing a new fire hydrant behind the pharmacy. The bank will be serviced by a fire service and a domestic line from Peveryly Hill Road. The retail building will also have a separate service off Peveryly Hill Road.

All electric services will be underground. There are three utility poles they will have to relocate as part of the roadway improvements. There will be separate services for all three building.

They provided architectural renderings for the three building. The architecture is a colonial based clapboard siding, hardy plank type board, with a combination of split faced colored black at the base of the building, solid earth tone colors, and asphalt shingled roof. The architect was present for questions.

Jeffrey Dirk, of Vanasse & Associates, traffic engineers for the project, spoke next. He handed out a copy of the site map to the Board members. Mr. Dirk stated that this project has been very closely scrutinized from a traffic perspective. They have had four sets of traffic engineers reviewing this project. They had the benefit of a pier review by an independent traffic consultant retained by the City, the NHDOT has reviewed the traffic study and another traffic engineer was retained by Market Basket. As a result of all of that review, as well as input from City staff, there have been a number of significant enhancements to not only the site plan but to elements of off site improvements.

Mr. Dirk started by presenting some of the facts and figures and the methodology that they used in conducting the traffic study. The traffic study was submitted at the beginning of the year so their traffic counts were done towards the end of last year. They looked at existing traffic volumes on Peveryly Hill Road, Lafayette Road and the vicinity of the site. They looked at the three signalized intersections starting at the Mirona Road intersection, the signalized intersection at Lafayette Road and Peveryly Hill Road and the southern intersection at Wilson Road and the access into the Lafayette plaza. The NHDOT will be undertaking an improvement project in the next year or so involving the coordination and timing of those three traffic signals to improve the efficiency in movement of traffic along the corridor itself. NHDOT asked them to look at how this project fits into that improvement program and to recommend any changes that may need to be made. Mr. Dirk stated that the study area included the four driveways, they looked at traffic speeds and line of sight and they looked at crash data at all intersections and there were no inherent safety deficiencies. The Peveryly Hill Road intersection had the highest crash level and they are making improvements to reduce those.

Pedestrian and bicycle activity was also evaluated as well as public transportation services. This site is on the Coast bus line. Pedestrian facilities in the areas are being enhanced. Also, the City has an improvement project for pedestrians and bicycles along Peveryly Hill Road through a CMack grant to provide 4' shoulders for bicycle travel along Peveryly Hill Road as well as improved pedestrian access. Lafayette Road has sufficient travel lanes to accommodate a shared travel lane for bicycles and motor vehicles.

This project includes a Rite Aid pharmacy, a combined retail/restaurant building, a bank with a drive through window and 20,000 s.f. of retail space in the rear as a place holder. When they looked at the traffic volumes and assessed the off site impacts they are including not only this plan but also the potential for an additional building on the western portion of the site. On a daily basis the development plus the 20,000 s.f. retail building will add about 1,800 vehicles per day or 900 in and 900 out. They are also looking at the peak hour numbers so when the volumes may be at the highest level on the roadway itself they expect it will add about 180 additional vehicle trips or about 90 in and 90 out. It would be the same level on weekend evenings and Saturday midday. They see the traffic

being distributed fairly evenly on the roadway. They expect each access point on the property will accommodate a quarter of the traffic and, given that they have limitations with medians, the traffic will disburse itself fairly evenly to the four access points. In terms of getting away from the site, 70% of the traffic will come from Route 1 and that is broken into 35% to and from the north on Lafayette Road and 35% to the south. 15% of the balance of the traffic will come from Peverly Hill Road from the west, 5% will come from West Road and 10% will come from Elwyn Road. The way they came up with those numbers is they looked at existing traffic counts and looked at traffic at the plaza next door and assumed that their traffic patterns would be similar.

With all of that in place, they looked at what the impacts of the development would be and geared specific improvements to deal with any areas where they saw a degradation in traffic operations, such as increases in delays or extended vehicle queuing.

In terms of the corridor, the DOT is planning a coordinated signal system along the corridor. When they added their traffic into the three signalized intersections there were no significant impacts shown from the project. The reason for that is the disbursement of traffic. The coordination program of DOT is going to improve the flow of traffic so even after adding their traffic, the traffic will still move efficiently along the corridor.

Mr. Dirk stated that the traffic is going to concentrate at the Peverly Hill Road intersection so the focus of their improvements not only address the impacts from this project but also some long standing improvements identified by City Staff. The gas station property is being added to the project property. Very early on it was identified that trucks have a very difficult time making the turn and they were asked to look at making improvements to that corner. As a result of the purchase of the gas station property they were able to improve the corner radius. They are pulling the corner back about 12' for a larger radius to allow trucks to make an efficient move around the corner. That improves the flow of traffic along Lafayette Road as well as the access to businesses along Peverly Hill Road. In conjunction with that, they will have to rebuild the traffic signal system and they will relocate all of the signalized equipment and the mast arm.

The second improvement is widening Lafayette Road along the west side to allow them to add a dedicated right turn lane to allow traffic to move more efficiently. Traffic will be able to decelerate and safely access the property from the dedicated lane. That also allows them to process more traffic at the intersection and the queue on Peverly Hill Road will be shortened.

They looked at improving pedestrian access in the area by reconfiguring the crosswalks. They will be installing pedestrian push buttons. The relocation of the crosswalk is important as they were asked to try and introduce an exclusive left turn phase onto Lafayette Road north. That is not able to be done today because of the existing "concurrent pedestrian crossing". The combination of adding the right turn movement and moving the crosswalk allows them to get the green left turn arrow in as well as get additional green time to move traffic on Peverly Hill Road.

They are extending the raised median on Lafayette Road past the right-in/right-out driveway to reinforce that they cannot physically make a left turn at the driveway. They are doing the same thing at the West Road intersection to prohibit U-turns from happening. The median will be a serrated flush concrete median. The reason it cannot be raised is that large trucks will need the area to swing wide to complete the turning maneuver.

Mr. Dirk stated they are planning sidewalks around the property itself. They will be installed with a grass strip between the curb line and the sidewalk which will provide a buffer for pedestrians and allows an area to store snow. Because of the proximity of the Peverly Hill Road right-in/right-out driveway to the turn at the intersection, they are widening Peverly Hill Road to create a deceleration lane into the site. This allows traffic to flow unimpeded along Peverly Hill Road. Upon exiting, they are also providing a widened shoulder area to provide an acceleration lane at the second driveway.

Mr. Dirk also added that all facts and figures in their traffic study have been approved by the City's consultant and the Market Basket traffic consultant but the NHDOT has issued conceptual approval.

Attorney Uchita stated that they had an opportunity to go through the Staff report. He noted there may need to be a waiver granted for requesting more than one driveway. He did not know what this Board's practice was with regard to the formality of the waiver. The Site Plan Regulations say one driveway per lot or as recommended by TAC so he is not sure they need to go through the waiver process. The second item was a condition about approval of the easements prior to Planning Board approval. This easement document would allow cross access easements for vehicular or drainage between the Comfort Inn parcel and this parcel. That easement was created in 2004 and was then revised in 2011 when they started their development plans and now needs to be revised even further. Attorney Uchita would like to have a condition that they finalize easements with the City Attorney after Planning Board approval to move this process along.

Mr. Taintor clarified that they revised the Site Plan Regulations recently which eliminated the provision that TAC could recommend a modification. In February they took out the phrase "or as recommended by TAC" so it is necessary for the Board to vote on the waivers. Attorney Uchita appreciated the clarification.

Mr. Hopley stated that they did an excellent presentation. He thought they were addressing the addition of the southbound lane onto Peverly Hill Road and how that will improve the queuing onto Lafayette Road. He thought they said that the queuing issue eastbound on Peverly Hill Road would now have a dedicated left hand turn lane and somehow the two were related but he doesn't understand how because there is a dividing island there.

Mr. Dirk explained that at the same time that the left hand movement has a green arrow, Lafayette Road will have a right green arrow and they are moving at the same time because they are not in conflict. That gives them the ability to move more traffic on Lafayette Road which means they don't need as much green time now for the southbound movement. Those extra seconds can be given to the queue on Peverly Hill Road.

Mr. Hopley asked Mr. Dirk to take him from the site to North on Route 1. Mr. Dirk stated that the most efficient way is to use the West Road intersection. He could also come out of the common driveway on Route 1 where there is a two stage movement. They would come out and wait for a gap in traffic heading southbound, drive into the center area and wait for a gap in traffic going northbound and then make the turn. Mr. Hopley asked if the two stage movement was legal. Mr. Dirk confirmed that it was. Mr. Hopley asked how he would know that the West Road option was available to him. Mr. Dirk stated they would have wayfinding signs on site indicating that it was the preferred way out.

Deputy City Manager Hayden asked how far back did they look at accident data. Mr. Dirk stated three years. Deputy City Manager Hayden noted that was after Yoken's closed. She asked where the closest transit stop was located. Mr. Dirk indicated it was at the plaza itself. Deputy City Manager

Hayden asked about a cyclist travelling south on Lafayette Road and making a right hand turn onto Peverly Hill Road and how wide the breakdown lane was along the front of the site on Route 1. Mr. Dirk responded that the right turn lane was probably at least 12' but maybe closer to 14'. Deputy City Manager Hayden did not mean the right turn lane but asked how far the space is between the edge of the travelway and the curb. Mr. Dirk stated that they have shoulders along the roadway itself of 4' coming south on Route 1. As they head into the intersection they transition into the right turn lane which is the State and Federal standard. There is no designated bike lane with a right turn lane. The 4' shoulder tapers down into a 12' wide right turn lane. At the corner it may taper to 2'. The idea is to have 4' wide shoulders along Peverly Hill Road. As you get past the point where the corner is, they start widening the road to add the deceleration lane to the property and the minimum shoulder width along the frontage is 4'. They are trying to meet up on Peverly Hill Road with what the intention of the City's plan is, which is 4' shoulders on both sides.

Deputy City Manager Hayden asked if she is heading south on Lafayette and she doesn't want to wait for the traffic light, what stops her from taking a right into the site and driving through the lot and taking a right hand turn onto Peverly. Mr. Dirk stated that nothing would stop her from doing that.

Mr. Blenkinsop asked about the median on Peverly Hill Road. Mr. Dirk confirmed the raised median starts at the intersection and ends just before the second driveway. The dark area on the plan shows where they are extending it by the flush serrated concrete. Mr. Blenkinsop assumed when exiting the Peverly Hill Road exit, it will be impossible to go left. Mr. Dirk confirmed it would be physically impossible. Mr. Blenkinsop asked about the dedicated left hand turn that will be added heading east onto Peverly Hill Road. Mr. Dirk confirmed that it is not a dedicated left hand turn lane. You either go straight across to Elwyn or turn left but you will get a green arrow.

Councilor Novelline Clayburgh asked about going north on Route 1 into the site, should she take a left at Peverly Hill Road or should she go down to the common driveway with the Comfort Inn and take a left. Mr. Dirk recommended taking a left at the traffic signal. Their findings indicated that more people will use the traffic signal to enter the site.

Mr. Gladhill asked if the tractor trailer trucks loading at the Rite Aid have to exit at the shared driveway. Mr. Dirk stated that the pharmacy is the only building with big trucks. They will come in by the rear driveway and go around the back along the Comfort inn end of the site and will then maneuver into the loading dock area. The truck will come out the one way exit and will turn either left or right onto Lafayette Road. Those deliveries tend to be off peak hours.

Ken Linsman, co-applicant, stated that there will only be one truck per week. When they leave, they would typically be turning right onto Lafayette Road and heading towards the North Hampton Rite Aid. There would be one truck a week. Mr. Dirk added that most truck routes are right turns as they are easier.

Mr. Hopley referred back to Mr. Blenkinsop's question and the Conceptual Improvement Plan. He thought they had said that the eastbound on Peverly Hill Road would have a dedicated left turn lane and it looks like a 3 lane section. Mr. Dirk confirmed that was correct and what they were doing is providing the green dedicated left turn arrow for that left turn, which they do not have today. Mr. Hopley asked about the purpose of this plan. Mr. Dirk explained that the DOT requires they create a conceptual plan at a 35% design level for conceptual approval. You could not give this to a contractor but once they get their DOT approval, which they now have, they would then do their full design set.

Ms. Roberts asked about the likely reduction in vehicular level of service in Table 10 of their report, particularly the Peverly Hill Road and the project driveway and the north driveway at Lafayette. Peverly Hill Road is current level C to D and the other is projected out at level F. Mr. Dirk stated it assumes the site as it exists today with no traffic coming out of the site except for the hotel which is very low. If they double the vehicles coming out of the driveway, delays will start to happen. Any development on the site will show the delays over current conditions. They are showing that if they make a left hand turn coming out of the driveway, they will experience significant delays and that is the F condition. They will start a queue of about six vehicles and although it doesn't impede the flow within the site it is very important to have other safety valves. If people are familiar with the site, they are not going to use the driveway for a left hand turn, they will use the West Road entrance because they can come out at the traffic signal. Ms. Roberts indicated that also speaks to the need for improved signage.

Deputy City Manager Hayden asked why four driveways are needed. Mr. Dirk stated that the first Route 1 driveway is a common driveway with access for trucks and it also pushes traffic to the Comfort Inn parking field rather than along the front of the building itself and that is a safety improvement. Deputy City Manager Hayden noted that they have another driveway. Mr. Dirk stated their second driveway was at the back of the building. Also, this driveway is important for the truck to get out for it's once a week delivery because it can't re-circulate the site. Deputy City Manager Hayden felt that the truck could not re-circulate the site because of the way the building is laid out. Mr. Dirk stated that was correct.

Mr. Dirk stated that the right-in/right-out driveway on Lafayette Road is important because of its ability to take some traffic out of the intersection. If they didn't have a driveway to service the site itself they would have to push more traffic through the intersection.

The purpose of the right-in/right-out driveway on Peverly Hill Road is to get some of the traffic from the north going into the project with the use of the traffic signal. It is the most efficient movement to get into buildings on site. Second shared access on Peverly Hill Road has to be maintained for the Comfort Inn. It is also needed, because of the median, for traffic from Peverly Hill Road from the west to access the property as well as for traffic to head towards the traffic signal.

Therefore, from a circulation standpoint, all four driveways are critical to the site to have on-site circulation.

Mr. Monteiro stated that, with respect to the truck delivery, they worked very long and hard with TAC to try and minimize truck circulation through the site. Initially they had the tractor trailer coming in and going around the parking lot and coming down to the back of the store. There were several concerns raised about pedestrian access, the large radii that were needed to facilitate that truck movement and so they redesigned the interior portion of the site and forced the trucks around the perimeter of the site and not conflicting with the internal access. They also added a raised median section so that the truck could exit over but discourage others.

Mr. Hopley asked if any thought was given to reversing the direction of the tractor trailer unit and bringing it in off of Lafayette Road and directly to the back of the road so that it would be in position to exit onto Peverly Hill road. Mr. Monteiro felt that the truck would not be able to make the turn to enter from Route 1. It's a WB 67 which is a very large truck and has a very large swing radius. The other issue is that the loading door is at the back of the building which is why the circulation needs to be clock-wise. Mr. Hopley indicated it was a function of the building design. Mr. Monteiro indicated

that the reality is that trucks need to deliver to this store. They made vast improvements to the internal conflicts, which was a main objective of staff.

Mr. Taintor followed up on the bicycle movement. He stated that they really didn't talk about bicycle movement at TAC. His concern is the through movement at the intersection going south on Route 1. There appears to be an emerging bike standard about having a through bike lane that is positioned between the right turn lane and the through lane. He asked what a bicyclist doing who wanted to go straight south on Lafayette Road now that they have the extra wide right turn lane. Mr. Dirk stated that they do not have marked bike lanes so the bicyclist transitions into the travel lane and that is why there is a standard sign that says "begin right turn lane – motorist yield to bicyclists". The signal system itself will have sensors in the pavement to pick up bicyclists and if there are no cars around it will turn the light green for a bicyclist to go through.

Mr. Blenkinsop was concerned with a lack of landscaping in between the buildings which is something they have consistently asked applicants to do. He would like to see trees and landscaping in the parking areas to break things up rather than just having asphalt. Mr. Monteiro responded that they discussed that with TAC and they had some issues with that. This district does not allow any parking between the building and the road. By virtue of not having parking in front, it all has to be on the side. They talked about adding a landscaped island but Rite Aid had a concern with it becoming a tripping hazard for customers walking into the building. People have to physically step over an island so from a safety point of view they don't want an island. Mr. Blenkinsop felt they could put breaks in the island for a walkway. Mr. Monteiro thought they might be able to add something in the middle and make it workable. Mr. Blenkinsop stated he would definitely like to see that. He could not see how an island with trees as a tripping hazard. Mr. Monteiro thought they could take out two parking spaces and put in an island with trees. Their objection was to putting a continuous curb along the length of the parking lot. .

Mr. Hopley referred to the tables on Sheet C 101 and he did not see the analysis for the accessible parking spaces. Mr. Monteiro stated that they looked at that and the handicapped requirement is based on each use rather than total parking. They have three spaces for the pharmacy, a handicapped space on each side of the retail building and the bank has their own individual handicapped space. Each building has at least one van accessible space and the middle building has two. Mr. Hopley asked them to summarize that in their table.

Deputy City Manager Hayden expressed her concerns about pedestrian circulation and safety within the lot. She mentioned the one way arrow in the lane closest to Rite Aide. Mr. Monteiro confirmed they can turn left on any of the aisles. Deputy City Manager Hayden was concerned that vehicles are not going to follow the driveways because there are no curb stops or islands in the parking spaces. There are a tremendous amount of travel lanes and complicated turning movements due to how the buildings are laid out on the site and there are very few spaces where she would feel safe walking. Mr. Monteiro indicated that they have designed this to provide a continuous pedestrian path along the front and they have provided a linkage along each building frontage to connect to the road. Deputy City Manager Hayden was talking about the internal site and being able to safety walk to a building. She asked about pedestrian links to the Comfort Inn site. She asked what the thinking was for where the crosswalk is across the back of the Rite Aid site. Mr. Monteiro stated they went back and forth quite a bit with that and Mr. MacLeod is in the process of modifying the back of his property. They are working with him on the access so that it dovetails into his plans. They debated whether to show a pedestrian connection at this point in time. They decided to show a pedestrian link in the back to line

up with this sidewalk system. They believe this will work fine with the hotel. They agree with TAC that this is probably the best spot at this point.

Deputy City Manager Hayden asked about future pedestrian access in the undeveloped section in the rear. Mr. Monteiro stated that as part of their DOT process they had a retail building planned with a parking lot connection. Deputy City Manager Hayden was more interested in how she would get across those two lines of traffic and whether they had thought about that.

Councilor Novelline Clayburg asked if they had any plans for the existing Yokens sign. Mr. Monteiro stated they do not have plans to reuse it. Also, it is in the State right-of-way. They would be willing to donate it to whoever would like it.

Deputy City Manager Hayden had landscaping questions. She noted there are about 21 Bradford Callery Pear trees which are very bell shaped trees and are 40' on center. They usually like to see trees 30' on center and across the whole edge of the site. Mr. Monteiro stated that they looked at a variety of things and were under pedestrian restraints due to the sidewalk system and they took the frontage that was left and divided it up equally to get to the 40' spacing. If there was a different type of tree they would prefer they could change it. Deputy City Manager Hayden asked why they did not continue the line of pear trees further along the roadway across the back. Mr. Monteiro responded that they had a secondary sign that got removed so they could add a tree there. They discussed how much landscaping they wanted to do in the rear because it would eventually be developed. Deputy City Manager Hayden stated that may not be for 5 plus years down the road. She asked how low the canopies on the pear tree were in relation to sight distances. Mr. Monteiro felt they could trim the bottom and they are probably 4' off the ground or below sight level in a car. They are not close to the driveways for that reason. Deputy City Manager Hayden noted there was almost no landscaping along the Comfort Inn side. Mr. Monteiro stated they will have future connections that may interfere with trees. Deputy City Manager Hayden asked about the very thin line of arborvitae in front of Rite Aid. Mr. Monteiro confirmed that they planted what they asked them to plant and those will get quite large. Deputy City Manager Hayden asked when they were putting together their landscape plan, there are hundreds of very low plants. When she looks at how they are laid out she wondered how they will be protected from plowing and snow piling up. Mr. Monteiro stated they were trying to find a species that will survive on the islands because that is always a problem. There will not be snow storage along Route 1.

Mr. Blenkinsop noted that they said the arborvitae will grow to be 30' tall but the plan says they will be 6' – 8' at mature size. Mr. Monteiro said he would have to check on that. It might take 20 years but the intent was to address a concern from the hotel to screen the loading area.

Chairman Ricci asked about snow storage areas. Mr. Monteiro stated that under this first phase they have more than adequate room in the back. After the site is developed if they cannot handle snow storage it will be trucked off site. Note 15 on plan addresses that.

Chairman Ricci referred to Note 10 regarding dig safe and asked them to add after the phone number "72 hours prior to any excavation".

Chairman Ricci referred to Mr. Blenkinsop's comments regarding landscaping. In between the retail and Rite Aid they have 9 excess parking spaces. He would like to see 4 spaces in the middle with something of substance with landscaping. A nice beefy island would really enhance that.

Chairman Ricci indicated that it took him a while to figure out the two means of egress between the retail and the Rite Aid and he had the same thoughts that Deputy City Manager Hayden had. If they combined the egress and ingress points into one and continue the aisle between Rite Aid and the bank it seems there is a natural travelway that wants to go between those two yet there is parking in the middle. He asked if there was any consideration given to eliminating the two access points and making it one. Mr. Monteiro stated they looked at all sorts of ways to configure the parking. Rite Aid typically wants to have over 70 spaces. Chairman Ricci was not asking them to redesign the plan but he had a strong suspicion they will get complaints about access through this site. From a traffic standpoint it seems to make it much simpler than having two islands 40' apart.

Chairman Ricci moved on to the Grading and Drainage Plan. He found the drainage to be very difficult to read. Typically they would see a reach pipe labeled with the size, length and slope. He was looking at drain manhole #2, which by the way he felt was undersized, and he would like to see a reach table and label them all as R1, R2, etc. He felt the guy in the field trying to build this is going to have trouble figuring this plan out. Mr. Monteiro did not agree and pointed out that they have a table on the plan that they have used hundreds of times. Chairman Ricci asked them to look at drain manhole #2 and the size that they call out for a 4'. They have a couple 15's and a 12 going into that and he wasn't sure the structure was going to be large enough. He asked if they did any grade calculations. He did not see any in the drainage study. Mr. Monteiro stated he could provide that. Chairman Ricci asked if they have test pit data on the plans. Mr. Monteiro stated it was on one of the detail sheets. Chairman Ricci stated, and for the record, that the two points of ingress and egress between the retail and the Rite Aid, are troublesome to him. Two points of access that close together don't make sense to him.

Mr. Taintor asked about the Rite Aid drive-through, as they are coming out of the drive-through, there is a one way exit that narrows to 24' wide and it has a 4' cross hatched area painted on the pavement. He asked why that is so wide if the only people coming out are from the drive-through and why is there no firmer delineation at the edge of the parking stall. Why not narrow that down, turn the area labeled 4" white paint line into a little island like the opposite side by the restaurant, and pull it in to narrow the exit. Mr. Monteiro stated they could narrow that down. Mr. Taintor felt that anything they could do to channel traffic would be helpful.

Deputy City Manager Hayden asked if the project has options on the two small back parcels (the residential properties). Mr. Monteiro confirmed they are part of this purchase. There is a 10' right of way which was for the driveway although the driveway is not in it. Deputy City Manager Hayden did not see a detail for the wall by bank drive-through. Mr. Monteiro indicated they did not provide a detail, just a description. Deputy City Manager Hayden stated they would definitely want to see that. The separation between the front section and the back is an asphalt berm that is about 1' wide and 4" thick. She asked how that would not get plowed up. Mr. Monteiro indicated it was a low profile berm and they are designed for the plow to plow up and over them. They are using that on the internal island is because everything is temporary and they didn't want to formalize that with concrete vertical curb. It will channelize drainage and provide a curb. Deputy City Manager Hayden asked about the internal sidewalks on the site, next to the retail building, how wide is the sidewalk between the edge of the curb and the edge of the bike rack. Mr. Monteiro stated that the sidewalk is 10' wide, the bike rack is 6', leaving 4' beyond that. Deputy City Manager Hayden stated they will need to see 5' clear on their sidewalks. She asked if the outdoor seating tables were fixed or moveable. Mr. Monteiro stated they were moveable as they will be seasonal. Deputy City Manager Hayden was concerned because people will be moving them around and people will be trying to walk on the sidewalk. She had the same type of question at the main doorway entrance into Rite Aid and she asked what the width of the sidewalk was at it's narrowest point. Mr. Monteiro stated it was between 3' – 3 1/2'. Deputy City

Manager Hayden stated that their zoning requires 5' sidewalks. Lastly, she knows that the State has called about a 10' x 10' burial ground believed to be on the site and registered with the State and she asked what they had done with that. Mr. Monteiro stated they have hired an archaeologist to do a Phase I study. Deputy City Manager Hayden stated they would need to see that on the plan with a 25' buffer.

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

David Choate, representing the owner of the gas station property, which is actually Reading Cooperative Bank. This property has been under agreement to the developer since December. They want to try to expedite this as people continue to call them to reopen the gas station. If this doesn't go through the City will have a gas station or some kind of retail use and they would lose all of their roadway improvements. Time is running out with the contract and it is important to move this along. The bank is supportive of this project. Another thing that needs to happen after the property closes is the developer is obligated by the State to drain and remove the tanks. The tanks are fiberglass so there shouldn't be a problem but the longer they sit around the more chance there is for something to happen.

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 wanted to clarify the issue of the four driveways so that there was no confusion by the Board. The previous Site Review Regulations said that "Driveways shall be limited to one per lot or as recommended by the TAC." The City Attorney was present if the Board had any questions but she stated that TAC is advisory on everything to the Planning Board. When they revised that part of the Site Review Regulations they just made it clear to the world. The issue about whether to grant the waiver for the driveways is a very important issue and one that they should probably discuss first.

Mr. Taintor reminded the Board that the Lot Line Revision and Consolidation Plan is a separate issue.

Mr. Blenkinsop stated that, given the issues raised tonight, he was not in a position to vote to approve tonight. He did not know how other members felt but he didn't know if they should discuss the waiver issue regardless.

Deputy City Manager Hayden understood that they have subdivision approval, Site Plan approval and waivers and the waivers are the most critical because if the Board votes to deny the waivers then they do not have a site plan. What they don't want to happen is for the applicant to hear everything tonight and think that maybe next month the Board would grant the waivers and therefore not substantially change their site plan. It would appear to her that if the Board is not in favor of four driveways, then their site plan needs to change substantially.

Chairman Ricci thought it would make sense to vote on the subdivision first as the bulk of the issues are going to be site plan related. Deputy City Manager Hayden was concerned that if the waivers weren't granted, their subdivision plan may change significantly. Chairman Ricci stated they could postpone the subdivision application.

Chairman Ricci asked for a motion for Item F under old business for their Subdivision application. They can then talk about Site Plan approval. Deputy City Manager Hayden added that they could have the City Attorney speak to this if they like. Her concern was that if the Board does not grant the waivers then there is no site plan to act on because it doesn't comply with zoning.

Mr. Blenkinsop was going to make A motion to postpone but indicated he will wait until after City Attorney Sullivan speaks.

City Attorney Robert Sullivan stated that it seemed to him that they are separate questions to be addressed separately although they are inexplicitly tied. His thought was if the Board wanted to proceed first with the subdivision plan then the subdivision approval could be conditioned on approval of the site plan. That way they are moving forward but not moving into the situation that Deputy City Manager Hayden was concerned about.

Deputy City Manager Hayden asked, alternatively, if the Board wanted to vote to postpone that doesn't prejudge anything. City Attorney Sullivan agreed.

Ms. Geffert asked if they are postponing the subdivision and site plan, can they vote on a waiver when they don't have anything to waive. She felt it was important to telegraph to the applicant on their position on the four driveways. If this Board does not have an appetite for four driveways, that has not been clearly established and in all fairness to the applicant they need to do so. Chairman Ricci confirmed that would be done.

City Attorney Sullivan felt that if the Board votes to deny the waivers, the site plan is still before them and they would have to deny the site plan. There is no order that makes any sense in his view other than to voting on the waivers prior to voting on the site plan and that could be tonight or it might be the time for postponement. The waiver vote could be made on its own motion and it seems it would be necessary to vote on the waiver before the site plan.

Mr. Blenkinsop stated he would prefer to postpone the subdivision rather than insert some conditional language about approval.

Motion and discussion on Preliminary and Final Subdivision approval:

Mr. Blenkinsop made a motion to postpone Item F for Preliminary and Final Subdivision approval to the June meeting. Ms. Geffert seconded the motion.

The motion to postpone Preliminary and Final Subdivision approval to the June meeting passed unanimously.

Motion and discussion on the Waiver (for four driveways) Request:

For discussion purposes, Ms. Geffert made a motion to waive Section 3.3.2(3) of the Site Plan Review Regulations to allow four driveways on a single lot. For discussion, Mr. Blenkinsop seconded the motion.

Mr. Blenkinsop asked for clarification about the four driveways not being a permanent right and for a future plan on the rear lot they would be able to say they have to remove one of them. Mr. Taintor was simply saying in his memo that as they do not have a complete site plan at this point for this site, he

suggested that the Planning Board consider whether the granting of this particular case means they are granting it for the future site plan which they do not have before them yet. It may be that in developing the rest of the site they may come up with a better solution than they have right now. Mr. Blenkinsop asked about any concerns about granting the waiver now so that they have the four driveways and the applicant will feel that the Board cannot tell them to remove one as they have already granted the waiver. It sounded like a court battle waiting to happen.

Deputy City Manager Hayden wanted to remind the Board that she has a lot of concern about some of the turning movements. The left in/left out turning movement of the northern driveway on Lafayette Road is treacherous now and she went out this afternoon and waited 7 minutes to get out and that was with trepidation. This is the Gateway District and the purpose of that district is to enhance the visual character and environmental quality of that area of town and to promote pedestrian circulation and public transit. When they look at the waiver, by a vote of six members, they are supposed to be saying that this will not have an effect that nullifies the spirit and intent of the Master Plan or the regulations. She understands why they want the four driveways, because of the way they want to develop their site and financing is probably behind it, but she felt it is making an already challenged traffic situation a lot worse. She will not be supporting the motion.

Ms. Roberts felt that Deputy City Manager Hayden spoke very eloquently to the larger issue that Mr. Roberts was concerned about which is the vision for this development in light of the Gateway District. It seems wholly inappropriate in an attempt to jam the conventional approach into what they are attempting to move forward and progress beyond a sea of parking, very little landscaping and painful left hand turns. She was unhappy with this plan and its large dimensions. Some details are fine but the big picture is inappropriate.

Mr. Hopley was on the fence coming in and he understands everything that has been discussed. He was somewhat swayed by the traffic engineers take on why the number of driveways have been designed the way they are. There is some validity with dedicated right ins and outs to relieve traffic. He is concerned about the increasing amount of traffic onto the shared driveway onto Route 1. He wonders if there is another way to slice the apple in the bigger picture. He was still on the fence.

Ms. Geffert felt they could look at the waiver and not necessarily look at the placement of the driveways. She agrees that the concept of a left hand turn onto Lafayette Road is not positive and she would oppose that in the final site plan. She felt it was dangerous and bad planning and it only gets worse with development on site next to it. Also, she agreed with Ms. Roberts, and did not like the placement of the two driveways on Lafayette Road right before the signal but she felt the Traffic Engineer did a great job of idea of explaining why it would work. She was not adverse to it but she did not like this particular placement or pattern as presented. Therefore, even if she were to vote for the waiver, she wanted to telegraph out that the current layout may need some work.

Mr. Gladhill was uncomfortable with the left hand turn on Lafayette Road, crossing five lanes of traffic. Regardless of how many signs they have directing people to the Peverly Hill Road egress, people are still going to cut across Lafayette Road and it will be dangerous.

Councilor Novelline Clayburgh was not opposed to the four driveways. She lives near the complex and what you have to do to pull onto Lafayette Road is to merge into the middle lane and then wait to merge into the travel lane. The traffic engineer explained why four driveways will work on this site and she thinks it makes sense. She was concerned about internal circulation but, for the site, she felt that the four driveways make sense.

Deputy City Manager Hayden responded to Ms. Geffert's comment and did not understand the logic. The flip side would be if the Planning Board voted to deny the waiver tonight and then either the applicant withdraws their site plan or the Planning Board votes to deny the site plan, the applicant always have the option of coming back with a new site plan, possibly with either five or six driveways and the Board could consider that again based on a different configuration of the site. She is not saying that forever there could not be four driveways but rather she is saying that she is voting against those four driveways as they have been explained and as they relate to the site plan.

Ms. Geffert felt that, in terms of this site plan moving forward, if they deny the waiver then they have effectively denied the site plan. Does that mean they would have another wait period and they could not come back next month with a new site plan. Mr. Taintor stated there is no reason in their regulations that that would happen but in practical terms they probably wouldn't have enough time to get that in. The applicant could also withdraw their application.

Mr. Hopley asked, if there was a denial, wouldn't that force the process to being again, and you would possibly be looking at months. Mr. Taintor indicated that TAC has looked at this so they wouldn't be starting from scratch. They would have to go back to DOT for review of their traffic plan so it would take some time.

Mr. Blenkinsop wanted to get back to making it clear to the applicants that Mr. Taintor felt they are not intended to create a permanent right and he wanted to know how he envisioned making that clear. Right now the motion was not clear that if they were granting those waivers they were not intending it to create a permanent right. Mr. Taintor was raising it as part of the discussion about the site plan rather than the waiver itself. He felt that part of the problem is they don't know about is going to happen with the rear of the site. His feeling was that they need to have some type of contingency that things can be re-considered when they come back. He was thinking that would be included in the motion for the Site Plan. Deputy City Manager Hayden agreed with Mr. Blenkinsop's comment that it was a lawyers dream.

Roll Call on Motion to approve waiver on four driveways (need six votes to carry):

- Councilor Novelline Clayburgh - yes
- William Gladhill –no
- MaryLiz Geffert – yes
- Anthony Blenkinsop–yes
- Vice chairman Roberts – no
- Richard Hopley – yes
- Cindy Hayden – no
- Chairman Ricci – yes

The motion to waive Section 3.3.2(3) of the Site Plan Review Regulations to allow four driveways on a single lot was denied.

Motion and discussion on Site Plan approval:

Mr. Taintor did not believe they could vote on the site plan until they vote on the subdivision plan.

City Attorney Sullivan stated that if the motion is to deny the site plan and that passes, that motion could be made before the subdivision vote as it is not dependent on the subdivision being granted. But the reverse is not true and you cannot approve site plan without first approving the subdivision.

Attorney Uchita asked if they would table the Site Plan application. They understand the direction that the Board has provided and that they need to go back and do more work on the plan. That would allow them time to decide whether to withdraw or modify the plan.

Mr. Blenkinsop made a motion to postpone site plan approval to the June meeting. Mr. Hopley seconded the motion.

Deputy City Manager Hayden felt uncomfortable postponing something that in her mind doesn't exist because it has 4 driveways on it. Mr. Taintor stated that it exists and if they had to vote on it they would have to deny it. By postponing it, they give the applicant the opportunity to have a different waiver request which would make them more comfortable approving the revised site plan.

The motion to postpone site plan approval to the June Planning Board meeting passed unanimously.

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C. The application of **A. Robert McGuire, Jr. and A. Robert McGuire, III, Owners**, for property located at **677 Dennett Street**, requesting Site Plan Approval for the construction of two 3-unit, 3,084 s.f. (footprint) residential buildings on two separate lots, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 161 as Lot 31 for which Subdivision Approval was granted by the Planning Board on February 16, 2012; and lies within the General Residential A (GRA) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, was present on behalf of the applicant. He handed out an exhibit to the Board.

Mr. Chagnon stated that the project is two three-unit buildings at 677 Dennett Street. This lot was received subdivision approval from this Board on March 15th. Each lot will have one three unit building. The buildings meet the zoning requirements for density. The buildings are mirrored and the lots will be served with a common driveway which sits on the lot line, with an easement for access. Each building will have individual parking areas associated with each building. Sidewalks will lead from the parking areas to a common entrance in each building. The sidewalks will lead to the street and there will be a sidewalk that will connect to Woodbury Avenue and go by a relocated bus stop. Each unit has either patio or deck spaces. The site will be landscaped with street trees, fir and maple along the Dennett Street side. There will be a dense planting of spruce trees along Woodbury Avenue and some Tupolo trees opposite the building corners. Arborvitae screening will be provided along the northerly property line and at other intermittent points to screen from the Route 1 By-Pass.

Utilities will be gas, sewer and water from Dennett Street. There will be individual services for each building. The electric service will come from Bartlett Street for Lot 2 and from Woodbury Avenue for Lot 1.

Mr. Chagnon discussed drainage. There will be two rain gardens along the Dennett Street frontage which will handle run-off from the front side of the buildings and one infiltration detention pond on the north side of Lot 2 that will handle the parking lot and rear half of the building drainage. There is an overflow swale that goes to a swale along the Route 1 By-Pass which is for larger storm events. The smaller storm events will be entirely infiltrated on the site. Utilizing the infiltration and the rain gardens and the infiltration basin, they will decrease the peak run-off and volume of run-off in all storms with this proposal.

There will be four light poles on each lot. The front poles are 8' in height and the parking area poles will be 12' in height. They will be unobtrusive but will provide adequate lighting. They are shoebox fixtures.

At TAC they received a favorable recommendation with 4 conditions. Their revised plans addressed those and there are now three additional conditions proposed by staff. Mr. Chagnon handed out an e-mail from DOT as they were required to provide a stone swale all the way to the swale to the by pass to prevent the possibility of erosion. That swale is on DOT property and the email indicates their approval of the design with a slight modification where they were asked to add some rip rap along the highway.

Mr. Blenkinsop asked Mr. Chagnon to discuss the lack of landscaping down Bartlett Street and whether they would be willing to add something between the development and the homes along Bartlett Street. Mr. Chagnon confirmed they would be willing to add some bushes or trees along that line.

Deputy City Manager Hayden asked about the line of white spruce trees along Woodbury Avenue which ends when they reach the guardrail. She asked exactly what is the nature of that easement area. Mr. Chagnon responded that there is a square easement area which DOT will use as a future staging area for the bridge reconstruction. As time goes by DOT will be able to use it as needed and it is not meant to be an area that could be built on and they would not be allowed to plant those trees further down Woodbury Avenue. Deputy City Manager Hayden felt it was too bad to just have the trees end there. Mr. Chagnon confirmed it will be a flat seeded area which they are allowed to use and the guardrail defines the edge of the area. Deputy City Manager Hayden asked about plantings inside of the guardrail that would be inexpensive and making the fence a black vinyl which would look much nicer. Mr. Chagnon didn't think that would be a problem.

Mr. Gladhill noticed that the light on Bartlett Street had been moved closer to Dennett Street. Mr. Chagnon confirmed that because they are moving the pole, they are moving the light with it.

Chairman Ricci asked for a detail on the handicapped signage because it is a residential site.

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 thought the Board might want to give the applicant some direction on Bartlett Street plantings and also the same question on the continuation of the white spruce along the DOT easement on Woodbury Avenue. Mr. Gladhill felt it would be consistent to extend the plantings.

Deputy City Manager Hayden felt that would add about 6-8 spruce street. Mr. Blenkinsop agreed with that, understanding that down the road DOT may have to remove them but that might not happen for a longtime.

Deputy City Manager Hayden made a motion to grant Site Plan approval with the three stipulations recommended in the Memorandum and that a fence detail be added for the 6’ chain link and that it be black vinyl coated, that they continue the line of spruce trees along Woodbury Avenue across the length of the DOT easement, that they add plantings along the Bartlett Street edge for the purpose of softening the line for the houses across the street and that a handicapped sign detail be added.

Mr. Blenkinsop seconded the motion.

The motion to grant Site Plan approval passed unanimously with the following stipulations:

1. The final plan shall be approved by PSNH and the applicant shall consult with DPW on any changes.
2. All easements shall be approved by the City Attorney and recorded prior to the issuance of a building permit.
3. A Construction Management and Mitigation Plan (CMMP) shall be prepared by the applicant for review and approval by the City.
4. A fence detail shall be added to the Site Plan.
5. The line of Spruce trees shall be continued along the DOT easement area along Woodbury Avenue.
6. Plantings shall be added along the edge of Bartlett Street for the purpose of softening the view from the abutting residential houses, to be reviewed and approved by the Planning Director.
7. A handicapped sign detail shall be added to the Site Plan.

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D. The application of **Wright Ave, LLC, Owner, and Fresh Local, LLC, Josh Lanahan, and Michelle Lozuaway, Applicants**, for property located off **Wright Avenue**, requesting Site Plan Approval for the renovation of an existing building for restaurant use with indoor and outdoor seating, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 105 as Lot 18 and lies within the Central Business B (CBB) District and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Michelle Lozuaway, co-applicant, addressed the Board. She indicated they are seeking permission to create a temporary “pop-up” restaurant with outdoor seating where a gas station used to be located. Most recently is was a Rosa’s to-go restaurant. To bring the site up to code they will be:

- adding a handicapped bathroom
- refurbishing the kitchen and dining areas
- repairing the surrounding fence
- adding a gated 8’ buffer fence set back from the abutter’s fence in order to allow him additional privacy

- installing cement curbs as a safety precaution around the outdoor seating area
- installing a bamboo and cinderblock planter fence
- reassigning parking spaces to give them the 12 required spaces and a handicapped space and loading area with appropriate signage
- installation of lighting for customer safety and ambiance

Ms. Lozuaway stated that their hours of operation will be from 11:00 am – 11:00 pm, in the hopes of providing food and beverages for patrons of the Prescott Park Festival. They will arrange for daily waste removal and will keep the area neat and clean. They have used the phrase “beer garden” but only to evoke an image in people’s minds of a casual communal outdoor dining. It is a restaurant for only one season with plenty of outdoor seating. They will be serving homemade pretzels, picnic foods and some foods from their other restaurant, Street, such as burgers, fried chicken, chowder, lobster rolls, and salad. They will serve beer and wine but no hard alcohol. They hope to make this a fun, funky happening and a welcome addition to downtown Portsmouth.

Deputy City Manager Hayden referred to the TAC minutes it appears she indicated that if the major redevelopment of 80 Wright Avenue doesn’t go forward next year they would like to continue for another season and she asked about her thoughts on that. Ms. Louzaway indicated they would love to do that but they will have to see how this season goes and however the HDC has also conditioned that their approval was only for one year and they understand they would have to reapply for a second year.

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 asked Mr. Taintor about the waiver requests. Usually there is an itemized list itemized list but in this case it appears they are asking for a waiver of all Site Review regulations. Mr. Taintor agreed that was pretty much the case. Normally they would have an engineered plan but as this is only for one season it made sense to just say grant all waivers that are necessary to accept the Site Plan.

Mr. Taintor pointed out that the HDC granted approval for one year and TAC recommended Site Plan approval through this calendar year.

Deputy City Manager Hayden felt this was a tough one. She was concerned about what precedent they are setting. She understands what they are trying to accomplish but she is afraid what they are opening themselves up to. She also worries that once someone makes that investment, there will be momentum to come back again in a year, or longer, to extend it.

Chairman Ricci agreed. He has struggled with this and looks to Ms. Geffert and Mr. Blenkinsop for their opinions. Although this proposal seems appropriate, someone else may want to do something very similar and they will have set the precedent.

Deputy City Manager Hayden stated it was the precedent of the waivers, where they don’t have to follow anything in the Site Review Regulations, and the temporary nature that are her concerns.

Mr. Blenkinsop had similar concerns. The waiver issue is a concern because they are waiving everything for 6 months. The next applicant may want it for 12 months. It seems like a great idea and a great place do this but he felt it appears to create a potentially slippery slope.

Mr. Hopley wanted to be clear that they are waiving the fact that they don't have engineered plans presented for this Site Plan set up, and much of the attributes are there already and they are just cleaning things up so is that the message they want to send to the next user who wants to do minimal site development.

Ms. Geffert stated that they are a Planning Board but this isn't planning because it is only 3 months. She would be very specific and grant it for no more than 4 months and she could live with the precedent of four months. They are not doing anything material to the site and no permanent structure is being added.

Mr. Taintor advised the Board that their only concern was the parking plan and they worked that out at TAC. Secondly, they had concerns with the original solid waste method. The plan has evolved quite a bit and TAC has resulted in great improvements to the plan. Even without the fence it would have required site review because the last use was a parking lot and not a restaurant. This would be a lot more activity of a different source and they felt there would be safety issues and sanitary issues.

Mr. Gladhill asked if the site had previously been a restaurant, would it require Site Plan review. Mr. Taintor confirmed that if they were not changing the site, it would not.

Chairman Ricci agreed with Ms. Geffert that this was only a temporary project.

Mr. Taintor felt the Board may want to revise their regulations and try to come up with some process for handling something like this, such as something administrative with TAC.

Mr. Blenkinsop added that he would be more comfortable approving this with a commitment to discuss a process to handle future projects like this.

Ms. Geffert asked them to add a date to the Site Plan.

Chairman Ricci asked what the term of the temporary use would be. Ms. Louzaway responded that they would like it to run until at least the end of October, weather permitting.

Chairman Ricci felt six months, or November 16th, would be a good deadline for the approval to cease.

Motion on waivers.

Mr. Blenkinsop made a motion to grant all waivers from the Site Plan Review Regulations necessary to accept the Site Plan as submitted. Mr. Hopley seconded the motion.

The motion passed with Deputy City Manager Hayden voting in the negative.

Site Plan approval:

Mr. Blenkinsop made a motion to grant Site Plan Approval with the stipulation that approval shall last through November 15, 2012 and, for the record, the applicant has also agreed to that end date.

Ms. Geffert seconded the motion.

1. The Site Plan approval is for a temporary use and shall last no longer than November 16, 2012.

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E. The application of **Summit Land Development, LLC, Applicant**, for property located at **108 Corporate Drive**, requesting Site Plan Approval for the construction of a 1-story, 21,000 s.f. office building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 305 as Lot 3 and lies within the Pease Business/Commercial District

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Matt McCormack, PE, of Hoyle Tanner Associates, was present with Chad Kageleiry of Summit Land Development and Maria Stowell, of the Pease Development Authority. Mr. McCormack stated they are seeking site plan approval for the construction of a one story 21,000 s.f. office building on Pease. This site was previously approved in 1999 and that project consisted of the renovation of the existing BRAC school buildings and the construction of a 3-story 38,000 s.f. building. Those renovations were completed however that building was never constructed. The original location of the proposed building has been shifted due to recently delineated wetlands. By shifting the building they are reducing the impervious area of the previous design by 15,000 s.f. This project is only creating an additional 1,000 s.f. of impervious area that is not impervious today. The building will be used for emergency response operations by Next Era Energy. To facilitate this use they are proposing a 60' antenna tower behind the building which will be enclosed in a 4,800 s.f. storage area. Stormwater run-off from the site will be captured by a network of catch basins and pipes which will convey the stormwater to the existing stormwater system. The existing system is a combination of treatment swales and the large open detention area at the corner of the site. The stormwater system was designed for the original larger building so this is way oversized for the proposed building. Because they are reducing the impervious area by 15,000 s.f. and only adding an additional 1,000 s.f. of imperious area, they are requesting a waiver form the Site Plan Review Regulations to provide a drainage study. They have, however, provided a Stormwater Operation and Maintenance Plan and a dewatering plan at the request of TAC.

Other on-site utilities will include proposed sewer and water and underground electric, cable and data. Other site improvements include the reconfiguration of the parking lot, additional landscaped islands and landscaping around the building.

Mr. Kageleiry has agreed to install sidewalks along Corporate Drive and they have been working with the PDA to install some additional street lighting on the other side of Corporate Drive. They will be renovating the existing monument sign located at the main entrance and in addition to adding landscaping around the building, they will be adding landscaping around the entire parcel.

Mr. McCormack stated that all proposed impervious work within the wetland buffer is already impervious. They will be reducing the impervious area by 15,000 from the original design. They are only creating an additional 1,000 s.f. of impervious area.

Deputy City Manager Hayden asked about the vulnerability of the bike rack in its location. She asked him to look at that. She was also curious about the retaining wall by others and what that meant. Mr. McCormack explained that the retaining wall needs to be stamped by a wall designer and it is not designed yet.

Mr. Hopley noted that there was some discussion at TAC concerning their off site monitoring of fire and sprinkler systems and he didn't see a note on C-5 about how that was going to be accomplished. Mr. McCormack pointed that out on Sheet C-5, Note 22 under utility notes. He has been coordinating with Frank Ott and Carl Roediger and they have not yet determined whether monitoring can be done by the City at that location. If not, they will use a private company.

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

Maria Stowell, of the PDA, wanted to clarify the request for a waiver. The waiver is not required under the PDA regulations and this Board would not be able to vote on a waiver in any event. The PDA has looked at that along with TAC and determined that a drainage study was not necessary.

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 recommend Site Plan approval. Mr. Hopley seconded the motion.

The motion to recommend Site Plan approval to the PDA passed unanimously.

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V. 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.*

C. Request by Attorney John McGee, on behalf of the Trustees of the Arthur MacDonald Trust, for a lot line revision between the Middle School property and 46 & 65 Mark Street.

Mr. Taintor explained that this also includes 82 Court Street. These are items that previously came to the City Council in April and May of last year. As this is not a public hearing there shouldn't be a problem including both properties.

Mr. Taintor stated that the letter from Attorney McGee is specifically about the wording of the staff memo recommendation which used the same wording that was used for the Hess property at 54 Rodgers Street which was to base it on the appraised value of the land. The letter from Attorney Woodman suggests that they use the assessed value of the land.

Jack McGee was present for the Arthur MacDonald Trust as well as Ralph Woodman representing 82 Court Street. They were both concerned about the words “appraised value” and that they would have to go out and get commercial appraisals which could be very expensive. They would like to drop the word appraisals and stop the sentence at “city”. Mr. Taintor has assured him that this is the exact wording that was used for the Hess property.

Deputy City Manager Hayden made a motion to recommend that the City Council approve the transfer of land to the abutters under such terms as may be deemed appropriate to the City, and based on the value of the land as deemed appropriate by the City. Mr. Hopley seconded the motion.

Deputy City Manager Hayden believed that Attorney McGee was exactly right and they did use that language with the Hess’ and it become problematic as they progressed. She felt it was a good suggestion.

The motion passed unanimously.

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VI. PLANNING DIRECTOR’S REPORT

A. New Hampshire Community Planning Grant – Mr. Taintor stated they are gong to pursue a grant from the NH Housing Foundation for a community planning grant. It will help them build on their Master Plan funds to do all sorts of zoning related to economic development, housing, etc.

B. 2015 Master Plan – It is time again to start the next Master Plan. They will be starting in July. Deputy City Manager Hayden added that means updating the Master Plan data and public participation will be a long ways off.

Chairman Ricci thanked the Board for staying late.

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VII. ADJOURNMENT

A motion to adjourn at 10:40 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on June 21, 2012.