

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

6:30 P.M.

DECEMBER 19, 2013

MEMBERS PRESENT: John Ricci, Chairman; John Rice, Vice-Chairman; Nancy Novelline Clayburgh, City Council Representative; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill; Colby Gamester; Elizabeth Moreau, Michael Barker and Jay Leduc, Alternate

MEMBERS EXCUSED: n/a

ALSO PRESENT: Rick Taintor, Planning Director

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I. OTHER BUSINESS

A. Presentation and adoption of Capital Improvement Plan

City Manger John Bohenko stated they would be presenting to the Planning Board the City's proposed six year Capital Improvement Plan for fiscal year 2015 through 2020. The process started this past fall when a Memorandum went out to all department heads, including schools and the Pease Development Authority, asking that they submit their capital needs for the next six years. The Planning Board CIP Sub-Committee, comprised of Chairman John Ricci, William Gladhill and Colby Gamester, met with City Manager Bohenko and various department heads to review their requests. For FY' 15 department heads submitted requests of approximately \$2.9 million that would directly affect the fiscal '15 general fund budget. Last year the City Council approved \$1.4 million for these improvements during fiscal year 2014 budget process. As in prior years, the Board has developed this Capital Improvement Plan with the goal of targeting a stable amount of City property tax revenue to capital projects. In the past, the Board has recommended a target of \$1.2 - \$1.5 million in general fund monies for capital investments on an annual basis. In the last six fiscal years the actual average appropriation for general fund capital outlay has been approximately \$1.1 million which was in response to fiscal constraints but was well below the goal that the Planning Board set. However the constant dollar target has lost value over the years relative to the municipal general fund budgets and therefore, this year, the Planning Board Sub-Committee and City Manager Bohenko are recommending that the City adopt a policy of trying to tie the capital expenditures from the general fund to a percentage of the City's overall budget. Specifically they suggested that the City allocate up to 2% of the prior years general fund budget to capital projects. Therefore, the FY 2014 general fund budget is about \$93 million and the capital expenditure for 2015 would be approximately \$1.8 million dollars. That would be a goal. After reviewing the departmental capital projects, a request totaling \$2.9 million, the CIP Sub-Committee reduced this by about \$1.2 million and is recommending an appropriation of about \$1.7 million or roughly 1.8% of the fiscal 2014 budget. That is below the 2% target that was set. This level of funding is recommended to insure the City can meet its obligations to maintain its infrastructure and the quality of life for its residents. It should be noted that the projects that are bonded require a

separate vote of the City Council, it requires a separate public hearing and a 2/3 vote of the City Council to approve any bonded items.

In addition, those projects identified in the out years for fiscal '16, '17, '18, '19 and '20, are for planning purposes with actual funding not required in fiscal '15. The total Capital Improvement Plan for fiscal '15 is about \$46.3 million, which is funded by a variety of sources, including the general fund, bonding, enterprise funds, State and federal grants, parking revenues and other sources. At this time he asked that various staff members present the details of the CIP for the period of 2015 – 2020. After their presentation, he asked the Board to vote to recommend that it be forwarded to the City Council for their review, in accordance with the City Charter as well as State statute. The City Council will be reviewing this document in a work session on January 27, 2014, with a public hearing scheduled for Monday, February 2, 2014. Adoption of the CIP is scheduled for the February 18, 2014 City Council meeting. He thanked everyone for working on this, especially the sub-committee who worked all day meeting with department heads.

City Manager Bohenko turned the presentation over to City Department heads and staff.

Presenting were: Steven Achilles, Fire Chief; Stephen Dubois, Police Chief; Edward McDonough, School Superintendent; Peter Rice, Director of Public Works; David Moore, Director of Community Development; Rick Taintor, Director of the Planning Department; Alan Brady, IT Coordinator; Brian Goetz, Deputy Director of Public Works; and Terry Desmarias, Water/Sewer Engineer;

City Manager Bohenko asked for questions from the Board, followed by a motion to recommend the CIP to the City Council.

Councilor Novelline Clayburgh asked about repaving the Worth lot and if funds have been set aside for that. Mr. Rice stated that \$100,000 per year has been set aside for parking lot paving. They will accumulate enough money over several years and then put money towards that work.

Councilor Novelline Clayburgh asked if they are planning for sidewalks to go all the way down Route 1 eventually. City Manager Bohenko indicated that one of the challenges is that it is a State road the State has hands off on any sidewalks. Any sidewalks on State roads need to be funded locally. Additionally, they require the City to do the maintenance as well as the liability. They will be working their way down Route 1 but they have a lot of other neighborhood areas that they are working on. They have heard from Maple Haven and they went to work with them. They had a very successful project on Coakley that has linked that neighborhood better to the City with a crosswalk on the by-pass.

Councilor Novelline Clayburgh asked about improvements the fire stations, police station, schools and the waste water treatment plant and how realistic it is that they can afford them over the years. City Manager Bohenko pointed out that many projects are in the out years. They will show the full amortization schedule of how they will affect the budgets, they will do an analysis that shows what they anticipate the budget to increase looking back 10 years of the CPI, and they do not ever want to see their payment to debt service to go above 10% of their budget. He also pointed out that you do not want to get too far behind and it is important to keep your infrastructure in shape.

Ms. Moreau asked about improvements on McDonough Street and if that that includes the flooding problems at the end of Brewster Street. Mr. Rice confirmed it will. The sewer separation will help immensely. City Manager Bohenko also pointed out that other residents in other areas remember the flooding that used to take place. They are trying to get to every area and they can't afford everything

all at once. Federal funding is limited so they have to allocate their resources to get the best bang for their buck.

Mr. Barker asked about parking garage improvements and asked why they don't have an automatic pay-out for credit cards. City Manager Bohenko confirmed they are looking at that option. They have set aside some money for that and he has asked staff to expedite that. Mr. Rice stated they are working on requests for proposals now. Mr. Barker felt there might even be a return on investment. City Manager Bohenko added they will still need security people in the garage but there should be a return on the investment.

Chairman Ricci asked for an update on the Pierce Water Wastewater treatment plant where they were in design stages. Mr. Desmarias confirmed they are in the final design stages and the schedule is still in flux and they are working with EPA. They are looking at construction in September of 2015. City Manager Bohenko felt that one of the aspects that is important to recognize was that some regulatory requirements came out that effected the project where they had to re-look at the whole plant. Because of different technology they ended up with a cost of the plan of about \$65 million as opposed to the original \$30 million. The issue is nitrogen and they are working with EPA to extend the time they have to complete the project.

Chairman Ricci thanked everyone involved for all of their hard work.

Councilor Novelline Clayburgh made a motion to adopt the Capital Improvement Plan and forward it on to the City Council with a favorable recommendation. Ms. Moreau seconded the motion.

The motion passed unanimously.

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Ms. Moreau made a motion to take applications out of order for the purposes of postponement. Mr. Gladhill seconded the motion. The motion passed unanimously.

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 **Borthwick Forest, LLC, Owner**, for property located **between Islington Street and Borthwick Avenue**, requesting Conditional Use Permit approval under the Zoning Ordinance for work within an inland wetland buffer to construct a road from Borthwick Avenue to Islington Street in connection with a proposed subdivision, with 10,700 s.f. of impact to the wetland buffer and 5,800 s.f. of wetland buffer restoration. Said properties are shown on Assessor Plan 233, as Lots 112 & 113 and Assessor Plan 241 as Lot 25 and lie within the Single Residence B (SRB) District and the Office Research (OR) District. (This application was postponed at the October 17, 2013 Planning Board meeting)

Mr. Hopley made a motion to postpone the Conditional Use Permit application to the January Planning Board Meeting. Ms. Moreau seconded the motion. The motion passed unanimously.

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A. The application of the **Hill Hanover Group, LLC, Owner and G. L. Rogers and Company, Inc., Applicant**, for properties located at **181 Hill Street and 317-339 Hanover Street**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:

- a. Assessor Map 125, Lot 14 decreasing in area from 38,305 s.f. to 16,127 s.f. with no change in street frontage; and
- b. Assessor Map 138, Lot 62 increasing in area from 20,574 s.f. to 42,752 s.f. with no change in street frontage.

Said properties lie within the Mixed Residential Office (MRO) and Mixed Residential Business (MRB) Districts where the minimum lot area is 7,500 s.f.

Mr. Gladhill made a motion to postpone the Subdivision application. Ms. Moreau seconded the motion. The motion passed unanimously.

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B. The application of **Ertugrul Yurtseven, Owner**, for property located at **292 Lang Road**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into four lots with the following:

- a. Proposed Lot 4 having 87,153 ± s.f. (2 acres) and 201.36' ± of continuous street frontage on Lang Road.
- b. Proposed Lot 4-1 having 405,342 ± s.f. (9.31 acres) and 384.05' ± of continuous street frontage on Lang Road.
- c. Proposed Lot 4-2 having 177,434 ± s.f. (4.07 acres) and 100' ± of continuous street frontage on Lang Road.
- d. Proposed Lot 4-3 having 140,181 ± s.f. (3.22 acres) and 310.87' ± of continuous street frontage on Lang Road.

Said lot is shown on Assessor Plan 287 as Lot 4 and lies within the Single Residence B (SRB) District where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. (This application was postponed at the November 21, 2013 Planning Board Meeting).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Chris Berry, of Berry Surveying and Engineering, stated that Mr. Yurtseven was looking to subdivide his parcel into five individual lots. Mr. Yurtseven's house will be located on one lot, there will be three additional residential lots and a 12 acre non-buildable lot. They submitted plans two months ago and Mr. Taintor suggested a meeting to reconsider the layout regarding Berry's Brook which runs through the property. Their original plan offered no protection to the wetland system. The City stressed the need for protection and encouraged them to redesign the project. Their final plan has mutual benefits. Mr. Taintor did ask for some minor changes, including that they keep the brook contiguous with the open space so that people could get in to use the brook for recreation if they wanted to. They did a complete topographic survey of the lot, a complete wetland survey of the lot, there is a small mountain ledge in the center, and they have provided detail soil and survey information.

Chairman Ricci asked where in this process they would see erosion control come into play. Mr. Taintor responded that would be part of the final subdivision approval. In order to move the project forward to the Conservation Commission for the required conditional use permit for the driveway, they

are requesting preliminary approval now. As part of the vote they could specify what they would like to see in the final design.

Chairman Ricci did not see detailed soil information other than what type of soils were on the lot. He didn't see copies of test pits. He would be looking for erosion control. He can't make it mandatory but he strongly suggested they have all of their dwellings have their own drywell to take care of their own roof run off. He felt this area is so influenced by storms that he wants to see test pit information, erosion control laid out (silk socks) and he would like to see them implement drywells for roof run off because he assumes there will be no other detention measures in place.

Deputy City Manager Allen stated that, similarly, the plans reference owners and buyers of these lots will use Best Management Practices but they will need something more detailed for construction requirements due to the sensitive area.

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

Chairman Ricci noted that the advertised name was different than what was on the plan. Mr. Berry indicated he will confirm the spelling with the owner. Chairman Ricci indicated they are looking for two votes.

Ms. Moreau made a motion to vote to determine that the revised plan submitted on December 11, 2013, is complete according to the Subdivision Rules and Regulations. Mr. Hopley seconded the motion.

Mr. Hopley asked if this will be re-advertised when they see it again? Mr. Taintor indicated that the purpose of the recommended second vote eliminates the requirement of advertising a second time. Mr. Hopley stated that the correlations of the square footage noted in the advertisement versus what is shown on the revised plan are very different now. Mr. Taintor confirmed they will look at. The original plan that was submitted was a four lot plan and that is how it is advertised and, as Mr. Berry described, they revised the plan that turned into a five lot subdivision with a 12 acre conservation parcel. They can update the notice in the Planning Board memo and the information on line, without re-advertising, they would do that.

The motion to determine that the revised plan submitted on December 11, 2013, is complete according to the Subdivision Rules and Regulations, passed unanimously.

Ms. Moreau made a motion to grant preliminary subdivision approval but to postpone consideration of final subdivision approval until the January Planning Board meeting. Mr. Hopley seconded the motion. There were no stipulations.

The motion to grant preliminary subdivision approval passed unanimously.

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C. The application of **Maplewood & Vaughan Holding Company, LLC, Owner**, for property located at **111 Maplewood Avenue**, requesting Site Plan Approval to construct a 4-story mixed-use building with 40,000± s.f. of building coverage; 94,320± s.f. of floor area, including 14,140 s.f. of commercial use on the 1st floor and 70 residential units on the 2nd – 4th floors; and 104 surface parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 8 and lies within the Central Business A (CBA) District, the Historic District and the Downtown Overlay District (DOD). (This application was postponed at the November 21, 2013 Planning Board Meeting).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Chairman Ricci stated that they opened the public hearing and closed the public hearing at last month's meeting. He confirmed that the public hearing was closed. They will have the applicant address their concerns, they will ask questions of the applicant and then vote.

Colby Gamester recused himself.

Patrick Crimmins, of Tighe and Bond, was the first presenter on behalf of the owner. Also present was the entire project team, available to answer questions. In attendance were: Jamie Pennington and Lisa Bisonette from RJ Finlay, Lisa DeStefano, from DeStefano Architects, Peter Loughlin, the project attorney, Art Stadic from Walker Parking Consultants and Nick Sanders from VHB, traffic consultant.

Mr. Crimmins stated that one question which was raised was the variance and whether or not it had expired. Attorney Loughlin and City Attorney Sullivan have agreed that the legislation passed this summer made this variance still valid.

Another item of discussion was regarding the intersection design. They appeared before Traffic & Safety and received approval and that they should work with City staff for final approval. Last week there were still some details to work through. He had a meeting with DPW on December 6th. There previously was a median island which has been removed and the new design shows no median, they propose to construct the improvements on their side of the street, a crosswalk, crossbar, double yellow line and the change in plan was just striping to delineate the edge. They will further T the intersection and define the edge with a sidewalk, curb and tipdown ramps. The Staff Memorandum indicated concerns with the wide sidewalk but he felt there were ways to work with the City to creatively solve any concerns of the alignment of this intersection.

The next item was regarding parking lifts which will be part of their design below the building. There will be 48 parking lifts. They provided a lay out plan showing the location of the 48 spaces. The excluded spaces are the exterior and the ADA. At the request of the Board, they also provided a lift detail provided by Walker Parking Consultants.

A photometric plan had not yet prepared. The City is still working through the final details of the new fixture. They agree to generate a photometric plan for approval once those details are completed.

Another item was the Plan Set providing off site and on site details. The previous intersection design includes four new sheets showing the site, grading and utilities. The off site sewer improvements were already included on a separate sheet in Vaughan and Green Street. Lastly, with respect to the details, the details in the plan set will all be to City standard with the exception of any detail that may be noted as on-site. On December 6th they met with DPW and he reviewed every detail with David Desfosses and he felt that all issues resolving those details have been met.

There was a recommendation from Staff that the City Council shall accept the land transfer required for this. There are 335 s.f. on the corner of this lot that will be transferred to the City for the alignment and the applicant would agree to a stipulation as such.

An agreement to participate in the pedestrian improvements was discussed quite a bit at the last meeting. They agreed to contribute 50%. VHB prepared a cost estimate for pedestrian improvements for five intersections in the vicinity of this area and that cost was \$65,000. They agree to provide \$32,500. In addition to the \$32,500 monetary contribution they are providing, they are agreeing to construct the pedestrian tip down ramps for around \$14,000. Therefore, with construction costs and with the contributions they are looking at an 80% contribution.

There were questions about how the parking lifts would be maintained. They drafted an Inspection and Maintenance Plan which was included in their packets and it was also provided to the Inspection and Fire Departments.

The Staff recommended that a shared parking plan be reviewed and approved by the Planning and Legal Departments. He stressed that this project does meet the parking requirements of the Zoning Ordinance but, in terms of the shared parking discussions they have had, the applicant is more than willing to continue to work with the Planning and Legal departments to develop procedures for shared parking.

The applicant is agreeable to preparing a Construction Management and Mitigation Plan (CMMP) and also is agreeable to the oversight of an engineer during construction.

Mr. Crimmins asked for questions from the Board:

Chairman Ricci asked if the Fire Department will do the inspections on the lifts or will they have a private company. Mr. Hopley confirmed it would be a private party.

Chairman Ricci asked about the City's development plan for light fixtures. Deputy City Manager Allen confirmed that he spoke with David Desfosses today and they are very close. They just have to decide on a definite fixture and that should be done within the next two weeks.

Mr. Gladhill asked if there might be other alternatives to the intersection for pedestrian safety. Mr. Taintor felt there was a simple plan to have a flush curb and flush cobble bumpout on the left side to make the crosswalk shorter so that it was mountable by trucks but cars would not take that wide sweep and come at more of a T. The only issue is that the intersection is so wide on the one corner so that very large trucks can make the right turn onto Maplewood Avenue without crossing into the other lane. If they kept a cobblestone extension of the curb with a crosswalk through it, they could get rid of 30% of that crosswalk, from 65' which it is now down to 40' which would be much better..

Ms. Moreau had questions about the traffic plan. She asked for clarification on the diagrams for build and no-build. Nick Sanders, of VHB, stated that the build diagram is post development and the no-build is not quite an existing condition as they sat down with City Staff at the beginning and determined there are four other developments in the area and they added those to the existing counts for that area. Also a little bit of traffic gets redistributed at the existing northern site driveway along Vaughan Street as that parking lot gets closed the traffic will be redistributed to the other lot on the eastern side of Vaughan. That is part of the reason the volumes coming in and out of Raynes don't show much of an increase. Ms. Moreau's concerns are that they have higher numbers for no build than after everything is built. How did the volume become less with more built. Mr. Sanders responded that one component was the redistribution of existing traffic but other components of a development like this, when you have a retail and the restaurant-type use, there will be pass-by traffic.

DISCUSSION AND DECISION OF THE BOARD

Chairman Ricci pointed out that the Staff Memorandum addresses a series of stipulations which should be included in any motion.

Deputy City Manager Allen made a motion to approve this application for the purpose of discussion, with the stipulations included in the Planning Staff Memorandum. City Councilor Novelline Clayburgh seconded the motion.

Mr. Hopley referred to the chronology in the Staff Memo about the agreement for the on-site engineer representing the City's interest, the last condition only states that the applicant agrees to pay the services of an over-site engineer. Prior to that, on page 7, it was labeled as Condition 11 and it talked about before the Certificate of Occupancy. Mr. Hopley noted that they want to hire somebody way before that and he wasn't sure if that referred to getting paid or hired. Mr. Taintor responded that the reason he changed that was he moved it up so it now shows that they agree to pay prior to the issuance of a building permit. It is under the first line of the recommendation. Mr. Taintor changed that because Mr. Hopley had brought that concern up previously.

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

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. A Photometric Plan shall be added to the plan set, subject to approval by the Planning Department and Department of Public Works.
2. The applicant shall revise the design for the intersection of Maplewood Avenue and Raynes Avenue to better accommodate pedestrians, subject to approval by the Planning Department and Department of Public Works.
3. The applicant shall submit the final Maintenance and Inspection Plan for the parking lifts to the Fire Department for approval prior to installation.
4. The proposed shared parking plan shall be subject to review and approval by the Planning and Legal Departments to ensure that it complies with the Zoning Ordinance standards for off-street parking for residential uses.
5. The applicant shall obtain City Council approval to accept the land transfer required for the realignment of the intersection of Maplewood Avenue and Raynes Avenue.
6. The applicant shall contribute the following amounts for off-site traffic improvements:
 - (a) Traffic signal at intersection of Russell and Market Streets: \$3,250.00
 - (b) Off-site pedestrian improvements: \$32,500.00

- 7. The applicant shall enter into an agreement with the City to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.
- 8. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) Plan for review and approval by the City’s Legal and Planning Departments.

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III. PUBLIC HEARINGS – NEW 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.*

B. The application of **Craig Welch and Stefany Shaheen, Owners**, for property located at **77 South Street**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, to provide a foundation drain to release sub-surface water pressures in the area of the previously approved house addition, resulting in an additional 350 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 102 as Lot 48 and lies within the General Residence B (GRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, appeared on behalf of Craig Welch and Stefany Shaheen. Mr. Chagnon reminded the Board that they had approved a Conditional Use Permit for the original construction at the site and as part of the construction, the foundation was designed with a foundation drain and they are present to obtain additional impact permitting to allow that drain to flow by gravity out to a point where it will discharge. It is a fairly simple, minor additional impact and the Staff Memo recommends a stipulation that is acceptable to them and they have no intention to put anything into the drain except it will help to take ground water away from the foundation and keep the basement dry.

Chairman Ricci did not see any erosion control measures or seed mix. He assumed the foundation drain was below grade. Mr. Chagnon confirmed that the drain was below grade. He explained that as this is a minor change he only submitted Sheet C-2, however, the original approval had all of their erosion control measures and sequencing on it.

Deputy City Manager Allen asked if they show any type of end wall or outlet and how that was going to be dealt with. Mr. Chagnon indicated that the silt fence is shown on the plan. The outlet is a 4” pipe and it is noted that the outlet will be screened and there will be a backflow preventer near the outlet. He didn’t feel there needed to be a rip-rap apron or anything at that outlet. Deputy City Manager Allen’s concern was if it is just a pipe sticking out of the ground, a lawn mower will run over it and crush it and pretty soon they will lose its effectiveness. Mr. Chagnon added that it does not come out in a lawn but in an area that is vegetated and does probably get weed-wacked once or twice a season. The contractor has indicated that he will slope it back into the ground. It will be in the interest of the property owners to maintain it so it doesn’t get clogged.

Chairman Ricci asked why the silt fence doesn't go around the end of the pipe. Mr. Chagnon stated it was the silt fence for the original project and it should go around this new pipe. He will revise it on the plan.

Deputy City Manager Allen felt they would like to have some protection around the end of a small pipe like this that is susceptible to lawn mowing or getting filled in. Just a couple of stones around it would work. Mr. Taintor asked that there be a stipulation that the final plan will be reviewed by the Environmental Planner.

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 Allen made a motion to grant Conditional Use Permit approval with stipulations as discussed. Ms. Moreau seconded the motion. Stipulations would be to show the silt fence protecting the area where the disturbance will be and a detail for pipe outlet with final plan review by the City Environmental Planner.

The motion to grant amended Conditional Use Permit approval passed unanimously with the following stipulations:

1. The silt fence shall extend around the entire area of disturbance.
2. A detail for the pipe outlet shall be added to the plans.
3. Final plan review and approval by the City Environmental Planner.

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C. The amended application of **143 Daniel Street, LLC, Owner, and Steven Wilson, Applicant**, for property located at **143 Daniel Street**, requesting Site Plan Approval to demolish the "gymnasium" portion of the existing "Army Navy building" and construct two new connected buildings, with the "Daniel Street building" being a 3 ½ story mixed-use building with a footprint of 4,033 ± s.f. and gross floor area of 14,060 ± s.f., and the "Chapel Street building" being a 2 ½ story residential building with a footprint of 2,580 ± s.f. and gross floor area of 7,138 ± s.f., for a total of 15 residential units and 19 lower level parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 105 as Lot 19 and lies within the Central Business B (CBB) District, the Historic District and the Downtown Overlay District (DOD).

The Chair read the notice into the record.

Colby Gamester recused himself.

SPEAKING TO THE APPLICATION:

Jonathan Ring, of Jones & Beech Engineers, addressed the Board. He was present with development team members Steve Wilson and Carla Goodnight. They received HDC approval and a favorable recommendation from TAC. They are proposing to remove the gym and renovate the Army Navy building into residential condominiums and constructing two new structures with retail space and residential. There will be underground parking below the existing gym and the new Chapel Street structure totaling 19 parking spaces for 15 residential units. They have brick sidewalks around the

structure interfacing with the new brick sidewalks that the City had reconstructed. They have planters along the Daniel Street side interspersed with the stairs and ramps on either end. There is an alleyway between the two buildings and some greenspace in the alley and around the building in the parking lot. They have a concrete ramp down to the lower level parking lot which is heated. They have been to TAC and they have addressed all of their comments. The site is mostly building and pavement today and with the landscaped areas they will have less impervious surface after the completion of this project. The roof drains are going out towards the City drains, as they have done in the past. The BOA granted variances to allow this use and vehicle aisles at 20' rather than 24'. They have submitted a request for two waivers which he will address later. They have submitted an Easement Rights Plan which clarifies the ownership of the public right of way area and the easement on the side. They also have an easement for the sidewalk on the other end.

Mr. Ring also mentioned that there is a restrictive covenant they are working on with the City Attorney for the semi private alleyway on the site which they will be allowing the public to pass through.

Councilor Novelline Clayburgh thought they required 1.5 parking spaces for every residential unit. Mr. Taintor confirmed she was correct. Mr. Ring confirmed they have 15 residential units and they are in the CBB downtown overlay district and they reduced four spaces in that zoning district so they are down to 19 spaces. Mr. Taintor explained that in order to account for the small residential units that don't have any parking spaces, they use the 1.5 per unit and subtract the first four spaces. Councilor Novelline Clayburgh assumed this meant that some of the vehicles would be parked on the street. Mr. Taintor agreed if there are 1.5 cars per unit.

Mr. Hopley asked about the new building on Chapel Street and where the rear door would take him. Ms. Goodknight explained that is a deck that does not descend to the ground. Mr. Hopley referred to Site Plan Sheet C-2 shows a door to an at grade deck. Ms. Goodknight confirmed it is over the parking structure. Mr. Hopley asked if it is a door that is solely for that one unit. Mr. Ring confirmed that it was.

Deputy City Manager Allen referred to Sheet C-3 where there was a note about possible future grease traps and he assumed this discussion has been through TAC and DPW, but with the propensity for buildings to turn into restaurants, why is it possible future and he also asked if it was in the building. Mr. Ring confirmed it is in the basement of the existing Army/Navy building. Deputy City Manager Allen mentioned that the 1,000 grease traps are defined as exterior grease traps so that the truck can come in and clean them out. He asked why they have it in the basement rather than someplace where a vacuum truck could get to it and clean it out. Mr. Ring stated they are not planning to have a restaurant but they could have it outside. It was their preference to have it inside the building and it may be mounted on the wall. It needs to come to the sewer and there is a sewer manhole outside of the building on the Chapel side of the building. Mr. Hopley stated that grease traps are required to be 1,000 gallon external and they require them on all commercial buildings now because when the restaurant comes and makes you an offer you just can't refuse, they will come. The City has seen this time and time again. He has a problem with this. Mr. Wilson advised the Board that, at TAC, they were asked to show a location where they could accommodate a grease trap. The area of the lower level of the Army Navy building is a utility area and the sewer main runs right through the room. It is an illustration of how they could accommodate a grease trap and there would be direct access to it.

Councilor Novelline Clayburgh asked if there was any way to put railings or banisters on the stairs. Mr. Ring pointed out where there will be railings along the ramps and a few railings on the ends. They will also have elevators inside the structures.

Mr. Hopley asked if the accessibility on Chapel Street was a grade level entrance. Mr. Ring indicated there are stairs off of the street and there is an elevator that services both buildings.

The Chair opened the public hearing and called for first time speakers:

Diana Guilbert, of 15 Thornton Street, asked if this was the very tall building that faces the bridge. Mr. Ring pointed out the existing building and stated it will 3 ½ stories tall.

Adam Irish, owner of Old Adam on Ceres Street, complimented the development team on the beautiful architecture and design of this project.

Ruth Griffin, of 479 Richards Avenue, remembers when this ugly gym was added to the historic Army/Navy building. Considering where it is located, it will create a more desirable entrance into the City than what is there now. She hopes the Board will grant this application.

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

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to waive the requirements for a traffic impact analysis and a stormwater management and erosion control plan (Sections 3.2 and 7.4.4 of the Site Plan Review Regulations). Deputy City Manager Allen seconded the motion. The motion passed unanimously.

Ms. Moreau made a motion to determine that the application was complete according to the Site Plan Review Regulations. Mr. Hopley seconded the motion. The motion passed unanimously.

Ms. Moreau made a motion to grant Site Plan Review with stipulations. Mr. Hopley seconded the motion and requested that an additional stipulation be added concerning the grease trap. He feels the drawings on C-4 are too vague and leaves too much latitude for future conflict. He would like to stipulate that the notes reflect a 1,000 gallon grease interceptor. As the interceptor is at the bottom of the ramp he is okay with it being inside but it needs to be further defined so that it's not just some wall hung contraption. It is basically a septic tank.

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

Conditions Precedent (to be completed prior to the issuance of a building permit:

1. The easements to and from the City shall be approved by the City Council and recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
2. The proposed restrictive covenant shall be reviewed by the City Legal Department for form and substance and recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
3. As part of the capacity use surcharge determination, an apportionment of costs will be done which allows for additional improvements to the collection system beyond the capacity use surcharge.
4. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.

- 5. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal Department and Planning Department.
- 6. On Sheet C-4 the grease trap note shall be revised to read “Possible future 1,000 gallon grease interceptor” and the internal location must be defined.

Chairman Ricci commended the applicant and the HDC on the design of this project.

As the Planning Board representative to the HDC, Mr. Gladhill added that the applicant worked very hard with the HDC on this design and he felt it was very much a team effort.

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D. The application of **1st Colebrook Bank, Owner**, for property located at **2400 Lafayette Road**, requesting Site Plan Approval to construct a 30’ x 40’, one-story, 1,200 s.f. addition to an existing bank building and expansion and reconfiguration of the parking lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273 as Lot 6 and lies within the Gateway (GW) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, appeared on behalf of the First Colebrook Bank, along with John Pratt. Mr. Weinrieb indicated they are adding a 1200 s.f. addition to the existing bank office on Lafayette Road. Their access is off of the Waterstone property. They have a drive-up and ATM window which they is not changing. They are reconfiguring the parking lot for one way access, adding the addition, and they are only adding 200 s.f. of impervious surface. There really isn’t any stormwater management on the site and it sheets off onto the Waterstone property. They are adding two yard drains and increasing the water quality as it leaves the property.

There were some stipulations raised at TAC which they addressed. In the Staff Memo there is one additional comment about replacing the existing lights which they are not proposing to replace in perimeter of the ATM and drive up window. They do not have an objection to that additional stipulation.

Chairman Ricci asked if they looked at the capacity of the yard drains. Mr. Weinrieb confirmed they are 10” in diameter. Because there are depressed areas adjacent to it, in a small storm event it would raise 6” inches so they will get some detention but on a larger storm event they will still get detention and it will continue to flow through. There is enough capacity so that in a 25 year event storm it is not going to overflow into the sidewalk or the parking lot. Chairman Ricci asked if the design intent is that on the larger storms the yard drains in there and it restricts flow going out.

Councilor Novelline Clayburgh asked if the addition is for office space. Mr. Weinrieb confirmed that was correct.

Mr. Hopley wanted to commend the architect team that recognized that even banks require public bathrooms accessible out front.

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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 Allen made a motion that the application is complete. Ms. Moreau seconded the motion. The motion passed unanimously.

Deputy City Manager Allen made a motion to grant Amended Site Plan approval with the stipulations in the Staff Memo. Ms. Moreau seconded the motion.

The motion to grant Amended Site Plan Approval passed unanimously with the following stipulation:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. The applicant shall revise the plan to show all existing and proposed exterior lighting will be dark sky friendly and shall comply with section 10.1144 of the Zoning Ordinance.

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E. The application of **Harborcorp, LLC, Owner**, for property located on **Russell Street, Deer Street and Maplewood Avenue**, requesting Design Review for a proposed 5-story mixed use development with a footprint of 72,680 ± s.f. and gross floor area of 390,831 ± s.f., including a hotel/event center with 141,781 s.f. of event center space and 98 hotel rooms, 14 residential condominiums, a 40,000 s.f. retail supermarket, and 660 parking spaces (490 spaces in a garage structure and 170 below-grade spaces serving the retail use); with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 21, Assessor Map 118 as Lot 28 and Assessor Map 124 as Lot 126 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor suggested that the applicant in both the design review hearings before them tonight make a presentation, the Board open the public hearing for public comment, and then continue the public hearing to the January Planning Board meeting to give the Board an opportunity, in the case of Harborcorp, to have it's Work Session on January 9th, and then come back for the continuation of the public hearing.

Mr. Taintor explained that at the November meeting the Planning Board it was agreed to hold a Work Session on January 9th with the Historic District Commission, the Economic Development Commission and the Planning Board to really dig into some of the details with the applicant. The public is welcome to come but the next public hearing after tonight would be at the Planning Board's next meeting on January 16th.

Chris Thompson of Harborcorp was present, along with the development team. Mr. Thompson stated that his team has been part of Portsmouth's history for over 25 years. In the early 1980's, his step-father, Steve Griswold and his partners, developed the Sheraton Harborside Hotel. They have been part of Portsmouth for a long time and will continue to be part of Portsmouth for a long time to come. Steve Griswold and his team believed that smart development that gives back to the community is the only kind worth pursuing and that all projects that their team has been involved with should be projects that are committed to great design and that should stand the test of time. They believe the Sheraton

falls into that category. Who would care more than they do about having a great new building next to this great old building. Who would be more invested than they are in getting the uses, traffic and the parking just right and creating something that embraces the great neighborhood at the north end of this incredible City. They believe that neither smart development nor great design is a solitary endeavor. Building a project that would add to the vitality of the community is a collective effort and that is where they begin tonight. He presented renderings of the project. This project which is just about 60' is a story lower than the Sheraton right next to it. They will have many meetings ahead of them and the purpose of this presentation is to share their design intent and to solicit feedback. Based upon feedback from tonight's meeting, and future meetings, they anticipate revising materials for submittal in advance of their upcoming Work Session and, following that, to file a formal Subdivision and Site Plan application for Planning Board review.

Mr. Thompson commented on a powerpoint presentation. He indicated that the land is currently a tired surface parking lot and certainly not the highest and best use of property in this part of the City. They hope the land will be much improved with their proposed project. One feature of the project is to integrate the Market Street corridor improvements with their project. They envision small "parks" at the entrance to Russell Street.

The project consists of a Whole Foods with a lower level of 170 parking spaces. There are entrances to and exits from the garage at three points (one off of Russell, one off of Deer and one off of Maplewood). It is approximately 40,000 s.f. and they consider it an important community gathering space with healthy food choices.

The parking garage, in addition to the 170 lower level parking spaces, will have 488 spaces on the ground and upper levels to accommodate the existing Sheraton and new project demand and 115 spaces will be made available to the City of Portsmouth for public parking.

The conference center and hotel will be approximately 13,000 s.f. with a 10,000 s.f. world class conference center and 3,000 s.f. of breakout rooms that will seat as many as 750 banquet style.

Lastly, there will be 14 residential units.

Mr. Thomson indicated that the next speaker would be Agnes Vorbrodt to speak about the sustainability goals of the project and how that has informed their thinking about design.

Agnes Vorbrodt started by talking about their vision for the project. Portsmouth is a beautiful City and they would like to be part of it and to enhance it. The concept they created addresses some of the needs and wants of the community, such as bicycle routes, pedestrian walks, liveable and walkable pleasant streets. They would like to engage the Board and the residents to make this project a success and they welcome any input. A big part of their approach is LEED. LEED has been a good practice for a number of years and many buildings are certified. They are trying to take an extra step and go for a deep green, meaning all of their design decisions are being styled on not only the building but how their design can enhance the community, how it can enhance the people within the building and how it can enhance the environment. The site is very open right now and very urban so there is not room for insects and small animals so they are trying to bring more diversity to the site. They are still in the design process and are all very excited about the opportunities that come with this project. She wanted to highlight that the construction will be low impact and they will be trying to not disturb the environment and the residents as much as possible. The appearance of the entire project, the appearance of the block, was based on new urbanism rules. This is what LEED is based on and one of

the key elements of this is community. They are looking to create a gathering place for the community to encourage community involvement which will promote the collaboration of meeting people and the feeling of the community which is so amazing in Portsmouth. They will be creating a place that will form memories, like the Sheraton has been doing next door for 25 years. They also envision a place that embraces Portsmouth's cultural heritage. They will also be integrating the work of local artists. There will be a park to bring children to be exposed to and fall in love with art. Also, they will be creating outer spaces as there are no parks in this section of the city. This will allow a place for people to go outside and relax or have their lunch in a healthy, pleasant, vegetated environment. They are designing welcoming architecture, just as the Sheraton has been for years. There will be trees which create a human scale. Also, answering the community requests, they are trying to promote and create safe places for both pedestrians and bicycles, to reduce the carbon footprint. They are looking to integrate a number of environmental elements to their project, including a green roof, they will be using mostly native species which are not only well adjusted to the site so they don't need irrigation but they will also promote and bring back the bio-diversity that is desired in a healthy environment. One other item which is very much related is bringing the health food market, bringing local home grown food to the community which will reduce travel time and emissions related to transportation. The materials that they are using will be green materials, which are low impact which have low energies which means they are not processed as much and energy used to create these materials does not have a strong environmental footprint. They are looking to see if there is an opportunity to use reclaimed wood. Also by using low energy materials, they will improve the air quality for the employees who will work inside the building. Ms. Vorbrodt stated they are working to make a positive change to something that is not sustainable at the moment and they are hoping to enhance the community.

Mr. Thompson confirmed that their commitment to Portsmouth has been a very real and longstanding one and hospitality has been a core part of their business and they envision that as part of their development effort as well. They are a group that stays with their projects for the long haul and do not "build and flip". They are reaching out with the goal of having an engaged process that tries to invent a new gathering place for Portsmouth, that functions as a hub for the evolving north end neighborhood, a place for residents and visitors to love, to remember and to return to and ultimately to have a shared outcome that they can all be proud of.

Mr. Thompson briefly walked through the overall approach to the project. There are green space pockets on either side of Russell Street that fold in several other green space pockets. There is a reconfiguration of Russell Street into a more traditional T intersection which functions as a traffic calming and pedestrian enhancement measure. That was consistent with planning from when they really envisioned the development of that project and they worked with the City Council on the approach to the land swaps on either side of Russell Street that would affect that reconfiguration. He displayed the plan for the first floor and pointed out the entrances to the hotel, conference center and residential core were located. The second level includes the second level of Whole Foods and the hotel lobby area and additional hotel support space and the hotel restaurant. This is a boutique hotel which he felt was important and would give more opportunity for responsive type of design and architecture which engages with the look and feel and character of Portsmouth which he felt was important, both inside and outside. The project is 60' or under and the parking garage continues along with the rest of the project to that height. The third level is the conference center welcome area and additional hotel space, fitness area and pool. Also included is the pre-function area for the conference center and the 10,000 s.f. of ballroom space with the 3,000 s.f. for breakout space for small meetings or events. The fourth and fifth levels are 98 hotel rooms and residential units. They will have a valet parking service.

Mr. Thompson stated they wanted to keep their first presentation short however they have other members of their design present: Steve Bushy, Civil Engineer with FST; Giles Ham, Traffic Engineer with Vanesse & Associates; Bill Hopkins, Project Architect; and Pat Carroll, Landscape Architect. Mr. Thompson stated this has been a long process in the making, one they have been working on since the Sheraton was developed.

Chairman Ricci called for questions and feedback from the Board.

Mr. Taintor reviewed what the design review phase was for. The name is confusing. The review is in the context of site review and not design review, and includes the typical site plan impacts which they typically review (utilities, landscaping, lighting, circulation, traffic, parking etc.) The purpose is to provide the Board with an opportunity to review what is being proposed, to provide the applicant with enough information to understand the concerns of the Board members, abutters and the public, and it is intended to insure that the essential characteristics of the site and its specific requirements of local regulations are thoroughly reviewed and it gives the Planning Board an opportunity to determine whether or not the development has the potential for regional impact.

Deputy City Manager Allen noticed their limit of work stops at the intersection of Russell and Deer, however on their previous proposal and on some of these plans it shows the angled parking and the one way traffic on Deer Street. He asked in connection with T'ing up the intersection on Deer Street whether there had been any consideration of T'ing up Market Street also. Mr. Thompson clarified that the first iteration of this project with the Weston redevelopment effort, which was before Portwalk and other development, there was a lot of discussion about the prospect of Deer Street, between Russell and Market, becoming one way. They have not proposed that because a variety of things have changed since their first approval. If it seems appropriate, they are willing to consider it but they are not coming forward with it at this time. Other than treating the other intersection with fairly substantial landscaping and ways to make it an attractive park to tie into the Market Street corridor improvements, they did not take it any further.

Mr. Gladhill felt that a lot of pedestrians would be using their side of Maplewood Avenue to go between the Northern Tier and downtown and he asked if there was any consideration to not having the parking spaces on the first floor that face Deer and Maplewood in order to make it more pedestrian friendly. Maybe it could be shops or offices. Mr. Thompson felt that was a good suggestion. The Western project did have ground floor retail and they have had a version of this project with that. They are attempting to create an opportunity for more parking and were trying to contribute to the solution to that. He also mentioned that might be a good opportunity for sited art, either inside or outside.

Mr. Leduc mentioned the parking concerns along Maplewood. Along Maplewood, they have a sidewalk broken up with entrances and exits into the parking garage from Maplewood but it doesn't connect to the Whole Food side on Russell Street. Mr. Thompson confirmed that was correct. The parking area off of Russell Street goes exclusively into the lower level. Mr. Leduc referred to the Maplewood side of the parking garage where they have sidewalk moving across Maplewood, an entryway, and island and an exit-way, so pedestrians have to cross those two pathways and then get across the accessway to what is left of the sidewalk and then they are at the railroad tracks. To him, that was a concern as it was such a long stretch. Train tracks aren't used very often but when they are it creates some congestion. He thought they may want to extend and have a little more space between the railroad tracks so that the pedestrians can cross away from that area. Regarding truck flow, the rear accessway is the way into the loading area and he was concerned the trucks coming out onto Maplewood would need enough room so that they are not crossing the yellow line into the other lane

of oncoming traffic. They are then forced to go up Maplewood, out of the City, and they will come to Buzzy's Gas Station and Maplewood turns into a no-truck zone so they will be forced onto Route 1 South towards the traffic circle. He was just pointing out the obvious and concerns from his perspective. He was looking for comments on their LEED certification and why the parking garage is located where it is as it seems a little out of place to Mr. Leduc.

Mr. Thompson agreed that the Maplewood strip is one that bears some additional reflection. They held the same garage footprint that had been part of the original site plan. The garage functioned well relative to the rest of the site so they used that again. It also allowed for, on the lower level, a viable way to meet the retail space.

Mr. Leduc noted that the grading on the current parking lot varies quite a bit, at a severe angle, and he asked how they will deal with that.

Steve Bushey, Project Engineer from FST Inc of South Portland, stated there are some issues on the Maplewood side. They will end up reconstructing the sidewalk on the Maplewood/Deer Street and will need to have some very careful thought about how they are going to make the passing from the tracks, through the entrance exiting area and with trucks exiting. They have some drainage and sewer line work to re-route so they will be reconstructing that portion of Maplewood. From that piece of work they will end up addressing the grading issues from the Deer Street intersection down to the railroad tracks.

Councilor Novelline Clayburgh asked about the capacity of the conference center. Mr. Thompson stated for a seated banquet event it is 750 people. Councilor Novelline Clayburgh mentioned that she is part of some Italian American groups in the area, and it would be nice if some sort of homage could be paid to the Italian American neighborhood that used to be there. Mr. Thompson would be delighted to do that. He also mentioned that when the Sheraton Hotel was built, they built a bench as a memorial to the families.

Mr. Rice asked about the sidewalks. He didn't feel that it looks pedestrian friendly. Going around the corner from Deer Street and down Russell Street, it appears that the sidewalk narrows or almost gets blocked. Mr. Thompson responded that is an area they have been working hard on how to create more of a pedestrian corridor through there.

Pat Carroll, Project Landscape Architect, from Carroll Associates, in Portland, indicated he was correct to point out that the section on Russell Street is particularly narrow and the sidewalks are shown on the site plans as 7'-8' wide. They are looking at ways to widen that to 10' - 12' wide to make it more pedestrian friendly.

Ms. Moreau asked if they had given any thought to trying to open the space up. Mr. Thompson confirmed that they have. One feature of the last design was a passage through the garage opposite Portwalk. There are challenges with that as you have to contend with the railroad on the other side. They could look at doing something inside the building envelop. He likes the idea of breaking up the long façade and is something they have heard loud and clear from a lot of folks and they are interested in considering ways to do that effectively.

Deputy City Manager Allen followed up on Mr. Rice's comment and noted that they have the drive entrance and it looks like it is almost a 100' wide crosswalk into the parking lot entrance off of Russell Street. He felt some sort of break up of that would be good, possibly with a safety island.

Mr. Taintor referred to the skywalk that connects to the Sheraton and he was thinking about some conference centers he has been to where the skywalks and the connections from parking are open to the public. He asked if someone could park in the public parking, walk through the conference center, walk through the skywalk into the Sheraton and get to Bow Street. Mr. Thompson stated that was something they had not actively contemplated but was an interesting idea. That might solve how to connect one side of the neighborhood to the other.

Mr. Ricci asked if they anticipate building this project all at once or will it be phased. He also asked what the start to finish duration that they expect for construction. Mr. Thompson confirmed it was their expectation that it will all be built together in a 24 month building period.

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

Joe Calderola, of 170 Dennett Street, asked to present a slide show. Chairman Ricci denied his request. It had never been done before the he did not want to start a precedent. Mr. Calderola felt that the applicant had been allowed to make a slide presentation so he should be able to as well.

Mr. Leduc mentioned that the applicant had filed weeks ago and followed a process, rather than just showing up tonight with a slide show like Mr. Calderola. He felt that was a bad comparison and it was unfair.

The Chair stated that he was not the voice of the entire Board. He didn't want to set a precedent, he wanted to be sensitive to the public and he didn't want anyone thinking they were not part of this process. They will have multiple occasions to present. He asked Mr. Taintor about whether they should call a vote on this subject. Mr. Taintor felt it was up to the Chair and there was also a continued public hearing in January so they could receive the presentation in advance and have it presented then. Chairman Ricci confirmed they were not going to act on this application tonight and there will be no vote tonight. If the public hearing was not being closed, Mr. Calderola stated he was fine with presenting next month.

Mr. Calderola gave a summary of his presentation. He stated that he took the time to read the statute and the criteria. He felt there were at least 10 specific requirements that have not been submitted and the plans were riddled with errors. Elevators don't line up, there are different versions of the east wing in the plans, and nothing about drainage from the roof. He felt this was a nice preliminary plan but there was no drainage on the plan at all.

Mr. Taintor wanted to be clear that the Board is not going to vote on this project at end of Design Review. There is no determination as to whether the project is complete or whether all the issues have been met. The purpose is for the Board and public to identify the issues that need to be addressed. It makes no sense to look for a drainage study at this point as they don't want a project that has been engineered. They want a project that can be changed. This is not a Site Plan Review application and there is no application before the Board. It is a pre-application submission and is not held to the same standard. The purpose is to get these issues out so that they can help design that application. He asked Mr. Calderola if he understood that and he confirmed that he did.

Mr. Calderola felt that the requirements stated the specific calculations may not be provided but that every item in the site plan requirements needs to be addressed in some general way so that the

Planning Board can bet a handle on the direction that it is going. He will present his slide show at the next meeting.

Raymond Will, a resident of Dover, indicated that he served in the past on the Portsmouth Planning Board when they had a zoning change to the Central Business District to the height of 60'. He wanted more clarification on the design review process and was concerned that the public may not understand. Although the process was explained in the staff memorandum, he didn't believe the public had access to that. Also, the City Council and the HDC provide a packet at the meeting for the public to view at the meeting. He suggests at future Planning Board meetings that a packet be made available.

Mr. Taintor confirmed that the Department always put the PDF staff memorandum on the website and in this particular case, due to work load in the Planning Department, he did not complete the memorandum until Tuesday and it was posted on the website on Tuesday. All of the applications were posted since last Friday, including the site plans. These are available on PlanPortsmouth.com and there is an area for all current applications. Anyone can call the Planning Department at any time for assistance.

Mr. Will also felt it was reasonable for residents to alert the Planning Department if they would like to make a slide show presentation.

Mr. Will indicated that he did not vote for the zoning change to 60' and others have the same concerns as there is now a Conditional Use Permit process. Zoning runs with the land and his concern is less about an individual project but about a building that is so broad that it maximizes the regulations. His concerns are that the Sheraton will not be their neighbors forever. Finally, Site Review criteria 15 concerns him and he does not believe there is adequate open space. He would like to see the area developed but not like this, maxed out to the limits.

Paul Mannle, of 1490 Islington Street, had two concerns. One concern was the garage location and the proximity to the railroad tracks and he felt they should flip the design. His second concern was the height without proper approvals.

Jerry Zelin, of 70 Kensington Road, felt that Design Review serves two purposes: to allow the developer to have a project vested so it is exempt from any further amendments to ZO so that the developer will be "grandfathering" the project from any amendments to the Zoning Ordinance that may be adopted. The second purpose is to solicit input from the Board and the citizens. He felt Mr. Calderola should have been allowed to present his slide show to point out the deficiencies in this application. His criticism of the proposal: Is this the development that they want here. He compared the dimensions of this project to the project that everyone loves to hate, Portwalk III, and stated this building will be bigger by a significant amount and will be of an unprecedented scale. This is one continuous building with three separate uses. He referenced the Northern Tier Study which was done some years ago and the City Master Plan which encouraged a pedestrian friendly scale in this area. He would like to see the project broken up into three separate buildings. Lastly, the height should be 45' rather than having the entire building flat roofed and 60' high.

Matt Zoloman, of 37 Hanover Street, where he operates a home office. He has positive comments about the project. He likes being in the City and he likes the new buildings that are popping up. More people will be better for his business. His house is one of the little houses on the Hill. He felt the project will be very nice.

Adam Irish, owner of Old as Adams, at 33 Ceres Street. Mr. Irish asked what kind of legacy does the Board want to leave with the City. Every building that is built will remain for hundreds of years. The problem with development is that they are looking at rules and regulations rather than looking at what is out there and what matters. He felt the City is moving in the wrong direction. He is not opposed to development and encourages more parking and a grocery store but people are coming to see a historic town. Is this project as good as Portsmouth wants to be. The Planning Board members have the power and they need to own their decision.

Christian Davidson, of 1275 Maplewood Avenue, stated that she remembers the north end before the bulldozers came. She thinks the Sheraton is built well and is a nice design. The horse shoe design provides for trees and parking. But there are things they forget with this project. The phase "mixed use" is the buzz word but the boutiques and retail downstairs didn't work. She doesn't believe people will go "all the way over" to this project to shop either. She feels a 98 room hotel is too big. She thinks this would be a very bad area for a convention center and the perfect location would be on Pease. She also felt that it needs a varied roofline.

Arthur Clough, 425 Pleasant Street. He saw that Joe Calderola was not allowed to present a slide show and he wants to know what the rules were on public speakers. He felt that people who have compelling things to say should be able to speak with whatever tools that everybody else is allowed to speak with. He is concerned about the size of the building and felt it was unfair and unproductive to not listen to Mr. Calderola's slide show.

Barbara Boulas, 170 Dennett Street. She pointed out that people have appeared before the City Council and made a slide presentation and also at the HDC meetings. She didn't understand why somebody cannot present a slide show tonight. She did not feel that this project was in compliance with the City Master Plan and she felt it was too big.

Joan Jones. She was thrilled with the prospect of having a grocery store downtown, which has been lacking for sometime. She did feel that the size, scale, footprint and height all seem to be too large. She believed the Master Plan called for having retail space on the first floor. She felt having three separate buildings would be better. She felt the application is incomplete with unanswered questions.

Diana Gilbert, 15 Thornton Street, walks past this site all of the time. She wanted to know what the development would look like coming from the other direction. She felt it was difficult to evaluate the project with the plans provided and in the context of the other buildings. They will have a landscape of enormous buildings that have nothing to do with the neighborhoods. Also, she felt all of these projects will put enormous pressure on the City's infrastructure. She would like to see the buildings split up.

Chairman Ricci asked to poll the Board to see if they would like to allow the slide presentation, rather than him making the decision on his own as this is a new request for them.

Councilor Novelline Clayburgh stated that she has been involved for many years with the City and she has never witnessed a video presentation at a meeting. She felt it should be looked into as it will set a precedent.

Mr. Barker felt it would be good to take a vote. He stated this is a new issue that had not been raised before and it raises some questions. The points raised by the public about the public being able to present in the same way that the applicant presented were a valid point in his mind. The hearing is being left open until next month so he feels it is reasonable to wait until next meeting.

Ms. Moreau wanted to reiterate that this is something new and has never been done at previous meetings. In fact, the City Council actually limits the time that the public area allowed to speak and they don't do that. She would like to have a legal opinion to know if there is anything in their statutory language that says whether or not this is acceptable or not acceptable before she would make a decision.

Deputy City Manager Allen clarified that during the public hearing before the City Council there isn't a time limit, only at the public comment session at the beginning of the meeting. He probably would have said okay to a five minute presentation but he is now hearing some good points for precedent setting. There will be plenty of opportunities in the future to present public comment on this application. Therefore, he was perfectly fine with holding off for the City Attorney look at this.

Mr. Leduc wanted to clarify that they are asking the City Attorney to review this regarding precedent setting or just whether they will allow presentations. Mr. Leduc would like to see the presentation but would prefer that it be submitted ahead of time. Chairman Ricci confirmed that would all be part of Attorney Sullivan's review. Chairman Ricci just wanted to make sure they do the best that they possibly can and he wants to keep it that way.

Mr. Gladhill indicated that the HDC has allowed a slide show presentation recently but there were a lot less people at the public hearing so there was time for the slide show presentation and that should also be a consideration.

Chairman Ricci asked if there was a consensus from the Board that they will not close the public hearing tonight, they will speak to the City Attorney for his opinion and they will report back at the January meeting. All Board members indicated that they were agreeable to that.

Blair McCracken, of 212 Pleasant Street, felt that a food market coming to downtown was a plus. He also felt that the underground parking was a plus. That is how they do it in Europe. The green space is good too. But, the building is one solid block and as the Charrette showed, people enjoyed the infill where the movie theater was (6-16 Congress Street). The roof line was varied and it graduated in height to match the surrounding buildings. The Portsmouth Herald showed a photo recently produced by a company in Kittery showing how the streets would look when these projects are completed and it all looked very cavernous. He doesn't believe there is enough parking to support the convention center.

Dick Bagley, of 213 Pleasant Street, indicated he was very confused about process which was new in March of 2013. He read Mr. Taintor's memorandum and he had concerns about process and what Mr. Taintor and the Planning Department does. He felt that Mr. Taintor's Staff Memorandum and the process was deceptive and there was no transparency.

Barbara DeStefano, of 99 Hanover Street, spoke strongly in favor of this building. This is only the very beginning of this project and concerns that people have can be addressed as the project goes on. This is a win-win situation. She lives downtown and is glad to see a high quality food store in the area. When people come to a convention center they come to the City and shop, spend money, eat in the restaurants, all creating increased business downtown. There will be much needed parking created, jobs will be created and it will increase the tax base. She hopes this is approved.

Ron Zolla, of 1 Michael Soucy Drive, wanted to point out an observation that the pedestrian flow around the building and Russell Street is very narrow. Usually they tend to put the parking close to the entryways of the buildings, i.e. Whole Foods and the hotel. It was hard to tell without many plans being displayed, but all parking is away from the entryway of the hotel. Therefore, he felt more work needed to be done to address that. His second question was about the parking. The City will have unfettered access to 115 parking spaces but he asked about the shared parking plan and the hours of Whole Foods. What benefits will come to the City regarding parking. He felt this is a great town with wonderful Board members and he was impressed with the issues and concerns that were brought up tonight. He appreciates it is very early in the process and a lot of intelligent people will be working on this.

Karen Bouffard, of 114 Maplewood Avenue, stated that her concerns are size, mass and scale of the building and the entrance/exit onto Maplewood Avenue and the traffic flow as well as the walkability aspect.

Ester Kennedy, 41 Pickering Avenue, was speaking as a citizen. She encouraged the Board to consider future means of communications and for them to keep an open mind. She referred to Mr. Rice's comment on the walkability around the building and she was also concerned with that. She felt with a reduction in building size would allow more room for walkability. She encouraged them to look at the massing, the walkability, the sidewalks and determine whether this project meets the Master Plan.

Duncan McCallum, of 536 State Street, was concerned that this project exceeds the 45' height limit which was passed by the City Council this summer. Mr. McCallum spoke at great length regarding the process that the City went through regarding that height limit change. He felt the structure was too massive and should be disapproved.

Bill Healy, who lives ½ mile from the project, came with two concerns. He was concerned about the City sewer capacity. He is also concerned about what will occur tonight and whether Design Review will be approved. He also suggested there was not enough information to make a decision on design review.

Robin Rousseau, of 871 Middle Road, asked if they are taking a vote on whether this project meets the design criteria. Mr. Taintor stated they do not take a vote. The only vote is whether the design process has ended. Mr. Taintor read from the Design Review regulations that quote State statute and added that once the design review process is closed, it is then up to the applicant to request a public hearing.

Ms. Rousseau indicated that she made calls before the meeting to see if the applicant called any neighborhood groups. People from "Portsmouth Now" said they were not contacted prior to tonight's meeting. She would like to see this process held in abeyance until the applicant has worked with the neighborhood groups.

Chairman Ricci noted that it was 11:10 pm and he asked the Board how they would like to proceed. Ms. Moreau stated she was happy to stay as long as they want. Mr. Gladhill asked for a 5 minute break. Chairman Ricci indicated they would first finish the public speakers for this item. The Board was agreeable.

Margaret O'Roarke, of Sheffield Road, indicated she was still confused regarding the design review process. She understood that after tonight this project will not be vested. Mr. Taintor indicated that was incorrect and indicated what vests the process is the when the legal notice of a public hearing is

posted, which happened 10 days ago. That vests the project from zoning change and that part of the State Statute. The 60' height is under the jurisdiction of the HDC.

Thomas Neis, of 419 Richards Avenue, felt there should be clear rules of what people can do at a public hearing and that Mr. Calderola should have been give his slide show. With respect to this project, it is very similar to their 2005 project and has a lot of the same flaws. He likes the grocery store in downtown and he likes the fact that a private developer understands he should provide parking. He is concerned about the height, doesn't feel there is enough parking for the uses in the building and does not believe the traffic flow works very well.

John Gilbert, 15 Thornton Street, stated that he walks downtown and feels that the traffic on Maplewood Avenue will be much worse. The building is too big and he is concerned about the City infrastructure. He was also concerned about the vesting issue. Chairman Ricci again confirmed that this is just in the very preliminary stages of the process. Mr. Taintor added that before this Site Review process comes to the Planning Board it will have to get through the Technical Advisory Committee first. Mr. Gilbert's major concern was the traffic load.

Seeing no further first time speakers, the Chair called for second time speakers:

Joe Calderola brought up his slide show again and Chairman Ricci clarified what he had said. Mr. Calderola stated that Design Review has only been presented for a few projects. In this case, he did not know the vesting occurred with the legal notice and asked if it was determined that the application did not meet the criteria, was the legal notice vested.

Jerry Zelin felt that vesting occurs when submission occurs for Design Review and some people do not understand what the vesting means. He understood that if the design review application was properly filed, this project would be exempt from any zoning amendments adopted by the City Council. Mr. Taintor believed that the State law refers to publication of a public notice before the Planning Board. Mr. Zelin indicated that his point was that the consequence of vesting is that the project is exempt from any future changes in zoning. He suggested that since the developer gave them a very benign picture of the façade, they should also project on the screen for the public the full elevations of the facades provided in the plan set which the Planning Board received. That would answer a lot of people's questions about what this will look like to a pedestrian walking from different directions.

Chairman Ricci indicated he will take one last speaker and the public hearing will continue hearing on January 16th. He wanted to be sensitive to the hour an the two applications following this one as well as the Board Members.

Dick Bagley referred to his prior comments regarding transparency and bias, he does not understand what will happen on January 9th at the joint work session. Mr. Taintor stated the intent of the January 9th Work Session will be to present this project to the other Boards that will be working with this project. Sometimes with the big projects one Board gets ahead of the other one. There may or may not be a presentation by the applicant but there will not be any give and take with the applicant. It's a Work Session similar to what the HDC does. In terms of whether the developer could submit more information, it is always possible for the applicant to provide more information and it happens with any application. Whatever additional information that they receive, it will be posted on the City web site.

Arthur Clough asked if the January 9th Work Session could be rescheduled to allow them to finish this public hearing.

Chairman Ricci felt the process has been set. The public is welcome to attend but they just will not accept public input. The public can then come back to the January 16th Planning Board meeting. This is a complex and difficult project and the idea is to get the other boards together. No decision will be made on January 9th either.

Mr. Rice made a motion to postpone this hearing until the January Planning Board meeting. Councilor Novelline Clayburgh seconded the motion. The motion to postpone to the January 15, 2014 Planning Board meeting passed unanimously.

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5 MINUTE RECESS WAS TAKEN.
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F. The application of **30 Maplewood Avenue, LLC, Owner**, for property located at **30 Maplewood Avenue**, requesting Design Review for a proposed 3 ½ story mixed use building with a footprint of 14,370 ± s.f. and gross floor area of 46,535 ± s.f., consisting of first floor office space and 16 covered parking spaces and 20 residential units on the 2nd, 3rd and top half stories, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, presented on behalf of the applicant. Also present were Paul McEachern, Project Attorney and Steve Kelm, Project Owner. Mr. Chagnon pointed out that there was an existing building on the site and the Board previously approved some site elements as well as an addition to the building on the west side. This proposal is to construct an additional free standing building on the north end of the property as the corner of Deer Street and Maplewood Avenue. There is an access from the sidewalk along Maplewood Avenue and Deer Street and underground first level at-grade parking in the back, accessed by Bridge Street. The rest of the building will be first floor retail. They submitted a letter listing the square footages of the building and some design highlights.

Mr. Chagnon reviewed the specific items that are required under Design Review, and specifically Section 2.5.4.3. They have an Existing Conditions Plan with boundary lines. There are no wetlands on the site and it is not in the flood hazard area. They have submitted a plan view of the exterior of the building, showing elevations showing the building materials. The project has been through HDC beginning in 2010, and as a result they have changed the building a number of times. There is an existing curb cut on Bridge Street that accesses the existing parking lot which will not change. An opening on Deer Street will be curbed in to create on-street parking and a new dumpster area on site. Otherwise curb lines will not change. Sidewalks will be reconstructed in brick. They have shown the location of off-street parking. There is a water line which feeds the building from Deer Street which they propose to reuse that water line to service the new building and tap a new water service for the existing building off Maplewood Avenue. Sewer will be served with two new sewer connections out to Maplewood Avenue. Power is identified. They have worked with PSNH and there will be a new

switch gear and transformer area located on the Bridge Street side of the project to replace the transformer on Maplewood. Gas service will come off of Deer Street.

Addressing their stormwater management, he noted that the site is currently paved. There is an existing catch basin which ties into some drains that go to Bridge Street. They are proposing to catch roof run off and tie it into the system. The site is well developed with landscaping and they will try to save as many trees as possible along the exterior edges of the property.

There is currently no specific parking lot lighting and they would propose exterior building lighting. They were required to put in new City street lights on the southerly half of the block as part of their previous approval and they assume that would continue with this project. They don't care to have a brightly lit parking area but would look to the board for suggestions.

This is a fairly flat site and they do not anticipate changing the grades at all. Open spaces are shown on the plan and are well over the requirement.

Ms. Moreau asked Mr. Chagnon to review the parking area and asked how many parking spaces do they have for that building. Mr. Chagnon responded that all parking on the site will be used by both buildings. There is a little bit more than the minimum required (see parking calculation on Sheet C-3). The intent is that the spaces will be shared between the two buildings. The spaces will actually be at ground level and the building would be above.

Mr. Gladhill asked if the VFW uses any of their parking spots. Mr. Chagnon indicated there is an informal agreement for shared spaces and those spaces are not included in the counts.

Mr. Hopley noted they have not gone to TAC yet and no restaurants are proposed but he asked about any plans for a grease trap. Mr. Chagnon felt there were opportunities to put grease traps in and they have already planned on that. They will perfect that as their design continues on.

Mr. Leduc noted that they should include the property line type in their legend.

Chairman Ricci asked if they could do a Photometric Plan of the two buildings to see if they could get away with not putting pole lights in the parking lot. He would prefer to see them handle that with fixtures off of the building.

Mr. Taintor asked if building elevations were submitted. Mr. Chagnon confirmed that they were submitted.

Chairman Ricci advised the Board that they can either close the public hearing or they can continue the public hearing to January.

Ms. Moreau noted that the room had been full of speakers on another Design Review hearing earlier this evening and if there was public concern she felt they would have stayed and spoken at this hearing also. Therefore, she was in favor of closing the public hearing.

Mr. Leduc was sensitive to the tension in the City and felt it would be better to keep the public hearing open.

Mr. Gladhill felt they were coinciding with the HDC and they won't be reviewing it until February and it might change as a result of HDC comments. Chairman Ricci felt, regardless of what they vote tonight, it will have to change and they still have to come back with their site plan.

Mr. Gamester felt it was acceptable to vote that the design review stage is complete. There was plenty of the public present who should have been aware of this but no one stayed for this hearing. Also, the submissions for this project were much better and more completed than Harborcorp.

The general consensus was to call for third and final time speakers and close the public hearing.

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 Allen made a motion to vote that the design review process has ended. Mr. Rice seconded the motion.

The motion that the design review process has ended passed unanimously.

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IV. PLANNING DIRECTOR'S REPORT

None.

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V. ADJOURNMENT

A motion to adjourn at 12:02 am 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 April 17, 2014.