

MINUTES

PLANNING BOARD

PORTSMOUTH, NEW HAMPSHIRE

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

October 15, 2015

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; David Allen, Deputy City Manager; Jay Leduc; Colby Gamester; Robert Marsillia, Chief Building Inspector; Michael Barker; and Jack Thorsen, City Council Representative

MEMBERS EXCUSED: William Gladhill

ALSO PRESENT: Rick Tainter, Planning Director and Jessa Berna, Associate Planner

I. APPROVAL OF MINUTES

1. Approval of Minutes from the September 17, 2015 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the September 24, 2015 Planning Board Meeting – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. Site Plan Review

- 1) The application of Tanner Bridge Development, LLC, Owner, for property located at 40 Bridge Street. Ms. Moreau made a motion to determine that the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Barker seconded the motion. The motion passed unanimously.

- 2) The application of One Way Realty, LLC, Owner, and 406 Highway 1 Bypass, LLC, Applicant, for property located at 406 Route 1 By-Pass. Ms. Moreau made a motion to determine the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Barker seconded the motion. The motion passed unanimously.

MINUTES, Planning Board Meeting on October 15, 2015

- 3) The application of Hillcrest at Portsmouth, LLC, Owner, for property located at 3201 Lafayette Road. Ms. Moreau made a motion to determine the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Barker seconded the motion. The motion passed unanimously.
- 4) The application of Eport Properties 1, LLC, and the National Society of Colonial Dames, Owners, and Aland Realty Group, Applicant, for property located at 173-175 Market Street and 165 Ceres Street. Ms. Moreau made a motion to determine the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Barker seconded the motion. The motion passed unanimously.

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III. 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 955 Sagamore Realty Trust, Owner, for property located at 955 Sagamore Avenue, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

- 1. Proposed lot #1 having an area of 64,600 ± s.f. (1.48 acres) and 141.82’ of continuous street frontage on Sagamore Avenue and 171.49’ of continuous frontage on Sagamore Grove; and**
- 2. Proposed lot #2 having an area of 22,500 ± s.f. (.5163 acres) and 107’ of continuous street frontage on Sagamore Grove.**

Said property is shown on Assessors Map 201 as Lot 1 and is located in the Waterfront Business (WB) district which requires a minimum lot size of 20,000 s.f. and 100’ of continuous street frontage. (This application was postponed at the August 20, 2015 Planning Board Meeting.)

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Weeks was present to speak on behalf of application. He said he was at the August meeting, but there were not enough voting members, so the application was postponed. He gave the Board a plan. The plans in front of the Board were for Preliminary Approval. It is not a 24,000 square foot lot because of the request for septic approval which requested the lot be extended. That is the only change in the materials provided at the August meeting. They are in the process of working on how the water line will run to the building. He was there asking for Preliminary Subdivision Approval and will not come back for Final Approval until it has gone through TAC. He said John Chagnon was also present.

MINUTES, Planning Board Meeting on October 15, 2015

Acting Chair Moreau asked the Board for questions. Hearing none, she opened the discussion to the public. See no public speakers, she closed the public hearing. Mr. Tainter said there were two votes required for this application.

MOTION: A Motion was made and seconded to find that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations and, therefore, to waive compliance with Section IV.10 of the Subdivision Rules and Regulations, requiring that the preliminary plat show all utilities serving the proposed subdivision.

The motion passed unanimously.

MOTION: A Motion was made and seconded to grant Preliminary Subdivision Approval, and to postpone consideration of Final Subdivision Approval to the Planning Board meeting on November 19, 2015, to allow for review and recommendation by the Technical Advisory Committee.

The motion passed unanimously.

Mr. Tainter requested hearing Applications B & C together.

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A Motion was made and seconded to hear both Public Hearings, Old Business, Items B and C together. The motion passed unanimously.

Chairman Ricci recused himself from Public Hearings, Old Business, Items B and C.

B. The application of Chinburg Developers, LLC, Owner, for property located at 1163 Sagamore Avenue, and the City of Portsmouth, Owner, for property located off Sagamore Avenue, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer for demolition of an existing clubhouse and construction of 11 residential units including a private access drive, storm water/drainage structures and sewer upgrade along Sagamore Avenue, with 9,682 ± s.f. of total impact to the wetland buffer (7,295 ± of impact for on-site improvements, 649 ± for off-site storm water/drainage structures and 1,738 ± for off-site sewer improvements along Sagamore Avenue). Said properties are shown on Assessor Plan 224 as Lot 17 and Assessor Plan 223-0025-000B, and lie within the Mixed Residential Office (MRO) District and the Municipal (M) District. (This application was postponed at the September 17, 2015 Planning Board Meeting.)

C. The application of Chinburg Development, LLC, Owner, for property located at 1163 Sagamore Avenue, requesting Site Plan Approval for the demolition of existing building and the construction of 11 single family dwellings and a private roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District. (This application was postponed at the September 17, 2015 Planning Board Meeting.)

MINUTES, Planning Board Meeting on October 15, 2015

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Chinburg Development, LLC, was present to speak on behalf of the applicant. He said they were ready to go forward with the application for 1163 Sagamore Avenue for redevelopment of the Moose lodge into 10 residential units. The area is currently serviced with a driveway off Sagamore Avenue that goes to a parking lot on the property. There are wetlands to the west. The next step is a demo plan to remove the paved parking area, as well as the club. The site layout has a reconstruction of the driveway. It will be moved to the south which will be part of the TAC process. They had originally proposed 11 units, but one has been eliminated to accommodate an abutter so it is now a 10 unit proposal. The units are single-family condominium ownership. There are utilities off Sagamore Avenue for water going to the units. Currently, the sewer is located off to the south of Sagamore Avenue. The project will take the existing sewer and extend a section by gravity, and extend to come to the project entrance. There are propane facilities throughout the project for heat. Electric is all by underground lines.

Impervious area in the project will be decreasing. The plan with grading is to have a closed drainage system off the driveway. There is a fully developed landscaped plan. Each unit has a full landscape design. The project has obtained almost all other necessary approvals. TAC recommended the project subject to some changes to the plans. Changes involve moving the road entrance, adding a catch basin on south side, added channel protection to outfall to protect from erosion to city property. There is a stipulation about sewer being approved by DPW. That has occurred. There is a stipulation about long term maintenance for drainage and drainage features. There are four separate building types. There is an area that shows existing driveway outfalls onto City property, and they will be maintaining that. The plan will be submitted for approval. The proposed stipulations are acceptable to the applicant. Number 8 should be removed because it did occur.

Acting Chair Moreau asked if the Board if they had any questions for the applicant.

Mr. Allen asked if there was something about trash removal in the application. Mr. Chagnon said yes, there will be private trash pickup.

Mr. Allen asked about water services, if there are access agreements for shutoffs for individual water services. Mr. Chagnon said yes, they will grant an easement so those can be accessed.

Mr. Marsilla asked what the schedule will be for building, and if there will be any phasing. Mr. Chagnon said they will do all roadwork at the beginning of the project and construct as the lots are sold.

Mr. Tainter said Stipulation 2 should be carried forward.

Acting Chair Moreau asked what will happen with the other piece of land that jets out in the plan.

MINUTES, Planning Board Meeting on October 15, 2015

Mr. Chagnon said it will be left as it is. There are utilities that run through that section and the utility company will probably maintain it.

Acting Chair Moreau opened the Public Hearing. Seeing no one rise, she closed public hearing.

Acting Chair Moreau said there will be two separate votes. One for the Conditional Use Permit and one for Site Plan.

MOTION: A motion was made and seconded to grant the Conditional Use Permit as presented.

The motion passed unanimously.

MOTION: A Motion was made and seconded to grant the Site Plan Approval with the stipulations addressed.

Mr. Tainter said there are a series of documents and stipulations. He listed through the stipulations. There are three necessary Easement Deeds. It was requested to add in stipulation 2.

Mr. Allen said this is not being built as a City street. He recommended adding it be referred to as a private street. He also suggested the title of plan be referred to as Condo Plan.

Mr. Tainter said it indicates in the plans that any plan that shows a new street is referred to as a private driveway.

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

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

1. The following note shall be added to Sheet C3 (Site Layout Plan):

This site plan and all dwelling units within the site are subject to the following restrictions:

1. The driveway shown on the plan as providing access from Sagamore Avenue to the dwellings within the property shall remain private and shall be maintained, repaved and plowed at private cost and expense. No unit owner or association formed to maintain the common responsibilities of the property shall in the future petition the City of Portsmouth to accept or lay out said private driveway as a public street.
2. All pipes, structures and other infrastructure within the boundaries of the parcel for providing water supply, sanitary sewer service or stormwater management shall remain private and shall be maintained, repaired and replaced at private cost and expense. No unit owner or association formed to

MINUTES, Planning Board Meeting on October 15, 2015

maintain the common responsibilities of the property shall in the future petition the City of Portsmouth to accept ownership of or to maintain, repair or replace such infrastructure.

3. The City of Portsmouth does not provide certain municipal services, including trash collection, on private driveways or streets, and any such services shall only be provided to the property within the Sagamore Avenue right of way.
 4. The above restrictions are binding upon all purchasers of dwellings within the property and shall remain in effect in perpetuity unless otherwise released or amended by the City of Portsmouth.
2. The following notes shall be added to Sheet C3 as required by Section 2.13(3) of the Site Plan Review Regulations:
- “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
3. The following notes shall be added to Sheets LA-1.0 through LA-1.4 as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
- “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
 3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
 4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.

MINUTES, Planning Board Meeting on October 15, 2015

5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”
4. The applicant shall confirm with the Fire Department whether a second water service is needed to each dwelling for the sprinkler system, and shall modify the Utility Plan if required.
5. The common driveway serving the dwellings within the site shall be labeled as a private driveway, and not as a private road, and shall be designated as such in all easements, declarations and other legal instruments relating to the development.
6. The Standard Boundary Survey & Proposed Easement Plan, Sheet C3 (Site Layout Plan) and Sheets LA-1.0 through LA-1.4 (Landscape Plans) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
7. The Declaration of Covenants, Restrictions and Easements shall be subject to approval by the City Attorney and shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
8. The recording book and page of the Declaration of Covenants, Restrictions and Easements shall be referenced in the condominium declaration.
9. The following easement deeds shall be subject to approval by the City Attorney and the City Council, and shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department:
 - a. Access Easement Deed from Chinburg Development LLC to the City of Portsmouth, for the purpose of reading, maintaining and replacing water meters and to shut off water supply in connection with its provision of water service to individual units within the Property.
 - b. Easement Deed from Chinburg Development LLC to the City of Portsmouth, for pedestrian access to allow the public to cross a portion of the Property to allow the public from Sagamore Avenue to access trails on the abutting property owned by the City, as shown on the “Standard Boundary Survey & Proposed Easement Plan” included in the plan set.
 - c. Easement Deed from the City of Portsmouth to Chinburg Development LLC, for the purpose of constructing and maintaining drainage lines, pipes, swales and/or channels for the collection and distribution of runoff water from the Property, as shown on the “Standard Boundary Survey & Proposed Easement Plan” included in the plan set, as

MINUTES, Planning Board Meeting on October 15, 2015

said plan may be revised for approval by the Department of Public Works and the Planning Department.

- 10. A plan for long-term maintenance of the drainage improvements shall be incorporated into the condominium documents and shall be subject to review and approval by the City Attorney and the Environmental Planner.
- 11. The final sewer design shall be subject to approval by the Department of Public Works through the sewer permit process.
- 12. The applicant shall secure approval by the New Hampshire Department of Transportation of the improvements in the State right-of-way, and any easement required to complete such improvements shall be recorded in the Registry of Deeds.
- 13. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
- 14. 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 on site and in the public right-of-way.

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D. Proposed amendments to Site Plan Review Regulations, Section 2.5 (Application Requirements), relative to site development within a Character District. (This matter was postponed at the September 17, 2015 Planning Board Meeting.)

Mr. Tainter said on Page 6 they have outlined a proposed amendment. There was a separate application procedure. The amendment will add four items to the Site Plan Application, including applicable building height standards (Zoning Ordinance, Sec. 10.5A21.20 and 10.5A43.30, and Regulating Plan) and proposed building height; applicable special requirements (Zoning Ordinance, Sec.10.5A21.30 and Regulating Plan) if any, and demonstration of compliance; proposed building form and building type (Zoning Ordinance, Sec. 10.5A43); and proposed community space, if applicable (Zoning Ordinance, Sec. 10.5A46).

Chair Ricci asked for questions from Board. Hearing none, he opened the public hearing. Seeing no one rise, he closed the public hearing.

MOTION: A Motion was made and seconded to amend the Site Plan Review Regulations, Section 2.5.4 – Site Plan Specifications and Required Exhibits and Data, by inserting the new item 3(q):

- (q) For sites within a Character District or Civic District, the following additional information shall be included in the plan set:
 - Applicable building height standards (Zoning Ordinance, Sec. 10.5A21.20 and 10.5A43.30, and Regulating Plan) and proposed building height.

MINUTES, Planning Board Meeting on October 15, 2015

- Applicable special requirements (Zoning Ordinance, Sec. 10.5A21.30 and Regulating Plan), if any, and demonstration of compliance.
- Proposed building form and building type (Zoning Ordinance, Sec. 10.5A43).
- Proposed community space, if applicable (Zoning Ordinance, Sec. 10.5A46).

The motion passed unanimously.

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IV. PUBLIC HEARING – NEW BUSINESS

A. The request of 955 Sagamore Realty Trust to rezone 22,500 s.f. of property at 955 Sagamore Avenue from Waterfront Business (WB) to Single Residence B (SRB).

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Weeks was present to speak on behalf of 955 Realty Trust as a referral from the City Council for Planning Board review. He provided the Board with a packet of exhibits. He went through the exhibits. What is currently SRB was rezoned in 2010. He explained how this land cannot be used for a waterfront business. The approval of this will be good for both the City and the proposed buyer.

Chairman Ricci recused himself from this vote, so Acting Chair Moreau asked the Board for questions. Hearing none, she opened the discussion to the public. Seeing no public speakers, she closed the public hearing.

Mr. Tainter added a stipulation that rezoning take effect no sooner than this being recorded at Rockingham County Registry of Deeds.

MOTION: A Motion was made and seconded to recommend that the City Council amend the Zoning Map by rezoning from Waterfront Business to Single Residence B the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 10/9/15, containing 24,000 s.f.; provided that the rezoning shall take effect no earlier than the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

The motion passed unanimously.

Mr. Thorsen said if you look at the map you could get impression that this could be a waterfront business opportunity. He said he would like to see evidence come forward that says you can’t really get to the water because of the structure of the land. It would help with making the decision.

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MINUTES, Planning Board Meeting on October 15, 2015

B. The request of Nathan Aviezri Revocable Trust to restore voluntarily merged lots located at 75 Monroe Street (Map 168, Lot27) to their pre-merger status.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Francis Bruton said he was looking for a recommendation to the City Council.

The area is depicted as 5 lots. He showed a map with configuration of lots. The previous plan depicts those 5 lots. In the early 1920's a portion of those lots were conveyed out. At that time they were still individual lots, however, in 2004, there was a perimeter survey done. He is asking for a recommendation to City Council to unmerge two lots but the applicant will merge the two lots that will become unmerged into one lot that is buildable. He said if you stand out there you get a feel that this is a lot that is very similar to other lots in the area. It would fit well in the area.

Mr. Thorsen asked for clarity of the merging. He said you can't unmerge partially.

Mr. Bruton said what was merged was all of lots 30, 32 and 33 and a portion of 34 and 35. There were no zoning requirements at the time in the 1920s.

Mr. Thorsen said of the 5 lots, are any two of those lots not unmergable because of the building that is there.

Mr. Bruton said yes 30, 32 and 33 are unmergable.

Mr. Thorsen said they might have to defer to more legal expertise here. There might be a legal technicality.

Ms. Moreau asked if Mr. Thorsen was agreeable to the stipulation that the other three lots can never be merged. Mr. Thorsen said yes.

Chair Ricci asked what the status is with the sewer line. Mr. Tainter said there are two private sewer lines.

Chair Ricci opened public hearing. Seeing no one rise, he closed the public hearing.

Mr. Tainter gave some background. He said the last time this came up there was concern raised and the decision was made to defer to Planning Board for recommendation. He suggested making a determination based on info if the Board thinks there has been a voluntary merge. If the Board thinks it was involuntary, they can recommend. He thinks they should get a legal opinion.

MOTION: A Motion was made and seconded to report to the City Council that there has not been any overt action or conduct that indicates that owner regarded the two lots as merged with the remaining three lots, and to request that the City Attorney provide an opinion as to whether these two

MINUTES, Planning Board Meeting on October 15, 2015

lots may be restored to their premerger status separately from the remaining three lots prior to the matter being placed on the City Council agenda for action.

Mr. Thorsen said he doesn't think the statute would allow unmerging the five lots. That it is really not following the statutes, but is acceptable for recommendation back to Council.

The motion passed unanimously.

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C. The request of Gerald Zelin to amend the Zoning Ordinance to prohibit casino gambling, keno, or other games of chance, in hotels and motels.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Gerry Zelin spoke about the Zoning Ordinance that allows hotels and motels to operate recreationally, but doesn't prohibit gambling. He would like to amend the ordinance to put precise language prohibiting gambling, keno, or other games of chance in hotels and motels. He was proposing to amend ordinance's definition of "recreational facilities" to prohibit gambling, keno, and other games of chance in hotels and motels. He thinks introducing gambling to this area would dramatically change the area.

Chair Ricci asked the Board for questions. The Board had no questions for Mr. Zelin.

Chair Ricci then opened public hearing.

Patrick Healy, a Sagamore Avenue resident, thought Mr. Zelin is trying to put something together to stop gambling in the future. He was in favor of this.

Patricia Bagley, Portsmouth resident, agrees with Mr. Zelin's proposal. She said they need to clarify the language in the ordinance. She said she hopes the Board understands and supports this idea.

Chair Ricci closed the public hearing.

MOTION: A Motion was made and seconded to recommend the City Council amend the definitions of "hotel" and "motel" in Section 10.1530 of the Zoning Ordinance by inserting the phrase "but shall not include casino gambling, keno or other games of chance" in each definition following the words "recreational facilities".

Mr. Thorsen said this wording only just closes off a loop hole. He said it is possible that someone could argue recreational facilities and have it overturned. He said he is in favor of it.

Mr. Barker said this is a non-issue. To put it on the City Council's plate is a waste, as they have a full agenda.

MINUTES, Planning Board Meeting on October 15, 2015

Ms. Moreau said she is concerned with other money situations being clumped in to this.

Chair Ricci said he agrees it is a bit out of place.

The motion passed with a 5-3 vote (Moreau, Barker, and Ricci voting against).

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D. The application of 270 West Condominium Association, Owner, for property located at 270 West Road, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland and wetland buffer for the restoration of wetlands that were altered by the removal of trees, saplings, and stumps, with 12,932 + or – s.f. of impact to the wetlands and 11,088 + or – s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 267 as Lot 19 and lies within the Industrial (I) District.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Tainter said the Conservation Commission met on this on October 14th.

Mark Jacobs was present to address the application. He said the property is in the former Iofolla gravel pit area. He said back in the spring they cut trees and stumped in an area of 1200 square feet. They also impacted around 11,000 s.f. of adjacent upland buffer. Without this permit, they can't restore the site. If the Board approves tonight, they will start restoration tomorrow.

Chairman Ricci opened the public hearing. Seeing no one rise, he closed public hearing.

MOTION: A Motion was made and seconded to grant the Conditional Use Permit with the following stipulation: The applicant shall monitor invasive species as described in the "Wetland and Buffer Zone Restoration Program – 270 West Road, Portsmouth, NH" dated August 18, 2015, and shall remove any invasives that are inhibiting growth of the installed specimens.

The motion passed unanimously with the following stipulation:

- . 1. The applicant shall monitor invasive species as described in the "Wetland and Buffer Zone Restoration Program – 270 West Road, Portsmouth, NH," dated August 18, 2015, and shall remove any invasives that are inhibiting growth of the installed specimens.

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E. The application of Margaret Coate, Owner, for property located at 110 Clinton Street, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the wetland buffer for the construction of a 24' x 24' garage with attached breezeway to

MINUTES, Planning Board Meeting on October 15, 2015

house, with 2,250 + or – s.f. of total impact to the wetland buffer. Said property is shown on Assessor Map 158 as Lot 4 and lies within the General Residence A (GRA) District.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Chris Albert, from Jones & Beach, was present to speak on behalf of the applicant. He asked the Board to approve a Conditional Use Permit. The applicant had obtained a Conditional Use Permit for this in the past, but it expired. So, they were back again to obtain the permit so the project can get started. Conservation Commission had recommended to approve the day prior. They were back with this again after three years.

Chairman Ricci asked the Board if they had questions for the applicant. He asked what the applicant is proposing for erosion control.

Mr. Albert said there would be a silt fence.

Chairman Ricci said the Board prefers silt socks and asked the applicant if they would modify to a silt sock. Mr. Albert said they would.

Chairman Ricci opened the public hearing and called for speakers.

Francis Clinton, an abutter, spoke in favor of the applicant.

Joe Skies, an abutter, also spoke in favor of this application.

Chairman Ricci closed public hearing.

Motion: A Motion was made and seconded to grant the Conditional Use Permit as shown on the revised plan dated 10/12/15, with the silt sock detail change.

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

1. Silt socks shall be used instead of silt fences, and a detail for a silt sock shall be provided on the plan.

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F. The application of Portsmouth Submarine Memorial Association, Owner, for property located at 600 Market Street, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer, for proposed rehabilitation of the existing submarine dry basin, with 250 + or – s.f. of total impact to the wetland buffer. Said

MINUTES, Planning Board Meeting on October 15, 2015

property is shown on Assessor Map 209 as Lot 87 and lies within the Single Residence B (SRB) District.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Tracy Tarpe, GZA scientist, gave an overview. She said the site hosts the Albacore Submarine. The site was developed in the 1980's for the submarine. The dry basin was constructed in 1985. Since then, erosion has impacted the walkway and fencing around the site. There is also silt in the basin. They are proposing repairing the walkway. All work is outside the buffer. There are no impacts to wetlands and no impacts to vegetative buffers.

With no questions from the Board, Chairman Ricci opened public hearing. Seeing no one rise, he closed public hearing.

Motion: A Motion was made and seconded to grant the Conditional Use Permit as shown on the revised plan submitted to the Conservation Commission on October 14, 2015, with the following stipulation: The plan set shall be revised to include a revision date.

The motion passed unanimously with the following stipulation:

1. The plan set shall be revised to include a revision date.

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G. The application of Tanner Bridge Development, LLC, Owner, for property located at 40 Bridge Street, requesting Site Plan approval to demolish the existing building and construct a three-story, 5,590 s.f. mixed-use building with 10 below grade parking spaces with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 52 and lies within Character District 4 and 4-LI (CD4 & CD4-LI), Downtown Overlay District (DOD), and Historic District.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon from Ambit Engineering was present to represent the applicant. He said they received ZBA approval this year. The property is at 40 Bridge Street. The plan calls for removal of the existing building and replacing it with a new building. The parking spaces will be on the basement level. There are plans for landscaping and a walkway. There will be a recessed front entry door and site entry door. The utilities will connect under the sidewalk from the street. The condition of utilities on Bridge Street are in need of work. Bridge Street was at one time a much smaller street. There will be bike racks for residents in the basement. The garage entry way will be facing the street. There is a

MINUTES, Planning Board Meeting on October 15, 2015

system in place for traffic on Bridge Street. The project did receive variances as needed for entrance width and the entrance on Bridge Street.

Steven McHenry, Architect, passed out a proposed layout and picture of building and explained the aesthetics.

Mr. Chagnon said they made changes suggested by the TAC, including bicycle amenities, and met with City staff and reworked the bike arrangement to provide meter racks. The sidewalk is wide enough to allow for on sidewalk bike parking. Plans have been revised to reflect that. There will be a trigger system for lights for pedestrians and cars. TAC wanted the Planning Board to discuss if it was appropriate to have street lights on this stretch of Bridge Street. Recommendations are fine with the applicant.

Mr. Thorsen asked if there was any discussion on garage noise. Mr. Chagnon said it was not brought up at any meetings.

Ms. Moreau asked if the issue with 7 Islington Street regarding parking had been resolved. Attorney Steve Roberts, from Hoefle, Phoenix, said there is still a dispute that has been pending since 2013.

Ms. Moreau also wanted to make sure 10 parking spots are going to this building. Mr. Roberts said yes, they are.

Ms. Moreau recommended putting a crosswalk across the entrance by the garage.

Mr. Marsilla asked if they will be putting back up power in the building, like a generator. Mr. Chagnon said he doesn't believe so, but he can let the architectural team look into that.

Mr. Allen asked about electrical power from the transformer underground, and asked if there is an agreement between the abutter on that. Mr. Chagnon said there is a note on the plan that this needs to be addressed.

At this point, Chair Ricci opened the public hearing.

Attorney Sharon Somers was present to speak on behalf of the property owner adjacent to the subject property. This adjacent property is operating as a medical treatment facility, located directly adjacent to the driveway of the proposed building. They offer water, aroma, oxygen, etc. treatments. People come in from all over world for these treatments. They can be one to six week long treatments. Peace and quiet is critical. They went to the TAC meeting and raised these issues. She said in order to get to underground parking, some sort of rock removal will be required and it will be noisy and potentially have impact on stone under her client's building. It is critical there is close coordination between her client and the applicant. She said they do support the TAC recommendations that have been made. They look forward to working with the applicant when the Construction Management & Mitigation Plan is prepared.

MINUTES, Planning Board Meeting on October 15, 2015

Ed Carrier, of 7 Islington Street, said he thinks they have arrived at a place where they have got a plan for their abutting building. He said himself and other residents from 7 Islington Street look forward to working with the developer and getting this project built safely. Their house was built in 1720. You can't rebuild something like that. He wants to be sure that as excavation and construction go forward, something doesn't happen to his house. There is a lot of history in this house. They are having some legal difficulties in determining parking which residents believe they purchased at then time of purchasing the condominiums at 7 Islington. A direct route to the parking would be safer and more accommodating. He said he looks forward to working with the developer, however their major concern is their home.

Chairman Ricci called for final time speakers. Seeing no one rise, he closed the public hearing.

MOTION: A Motion was made and seconded to determine whether it is appropriate to install streetlights in this area. Mr. Marsilla said he will meet with developers to go over construction details and they can talk about excavation techniques. Chairman Ricci said the location of the generator is an issue. Mr. Tainter said if it takes place in the building it doesn't have to go on the site plan.

The motion to determine that streetlights should be installed in this area passed unanimously.

MOTION: A motion was made and seconded to grant Site Plan approval with the following stipulations.

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

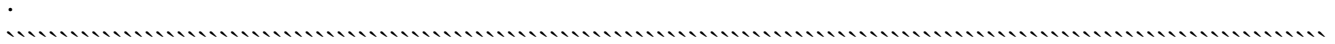
1. Details for lighting fixtures shall be added to the plan set.
2. The plan shall include at the garage driveway an audible alarm during daytime hours and a flashing light during nighttime hours to warn pedestrians of entering and exiting vehicles.
3. The plan shall show a crosswalk across the site driveway to provide a visual warning to vehicles entering and exiting the garage.
4. The following two notes required by Section 2.13(3) of the Site Plan Review Regulations shall be added to Sheet C2:
 - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
5. The final details on the method of supplying electricity to the building shall be approved by the Department of Public Works.

MINUTES, Planning Board Meeting on October 15, 2015

- 6. The final details on the Fairpoint/Comcast service to the building shall be approved by the Department of Public Works.
- 7. The final details for water, sanitary sewer and stormwater utilities shall be approved by the Department of Public Works as part of the permit process for each utility.
- 8. The final locations and type of lighting shall be approved by the Department of Public Works.
- 9. Sign types and locations for parking warning signs shall be approved by the City
- 10. Sheet C2 (Layout and Landscaping Plan) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
- 11. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments. The CMMP shall address blasting and vibration monitoring for the historic structures close to the site, and shall maintain pedestrian access from the rear of 7 Islington Street to Bridge Street.
- 12. 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 on site.

Conditions Subsequent (to be completed prior to the final release of security):

- 13. Utility work shown on the plan as to be done by the City will be done on the City’s timeline, which is uncertain because funding is not guaranteed. If the project needs the utilities earlier than the City’s timeline, the developer shall pay the cost.



H. The application of One Way Realty, LLC, Owner, and 406 Highway 1 By-Pass, LLC, Applicant, for property located at 406 Route 1 By-Pass, requesting a Conditional Use Permit for a Gateway Planned Development consisting of a new 3-story building containing a brewery, pub and office. Said property is shown on Assessor Map 172 as Lot 2 and lies within the Gateway (GW) District.

I. The application of One Way Realty, LLC, Owner, and 406 Highway 1 By-Pass, LLC, Applicant, for property located at 406 Route 1 By-Pass, requesting Site Plan Approval to demolish the existing building and construct a new 3-story building (brewery, pub, and office) with a footprint of 5,857 + or – s.f. and gross floor area of 20,033 + or – s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 172 as Lot 2 and lies within the Gateway (GW) District.

The Chairman read the notices into the record.

MINUTES, Planning Board Meeting on October 15, 2015

SPEAKING TO THE APPLICATION:

John Chagnon spoke on behalf of the applicant. He said they have an existing condition plan. The property currently has a single story building surrounded by asphalt. On the south side is railroad track. There is a demo plan for the removal of existing building and pavement. There is a drainage feature. The plan calls for the building to be constructed along the frontage of the property. There will be no parking in the front setback, it's all in the back. There will be handicapped parking at the entrance. The Utility and Grading Plan shows not much change. It will be re-graded. They will be introducing a swale for treatment run-off from the north side. Utilities do come across the adjacent lot which is privately owned. The landscaping plan shows all the landscaping improvements. Adjacent property is for sale and could be redeveloped in the future. He received recommendation from the TAC with some adjustments about utilities. Gateway District site plan requirements call for sidewalk access. In this case, there is no sidewalk on the By-pass, there is no bike access, so they did put an 8-foot sidewalk connection on the north side of the site plan. Regarding landscaping, current plans show a different species, one bush was a non-native so it was replaced. Submitted in the package is a trip generation calculation as well as the gateway standards as applied to the site. He said they meet the gateway standard and they are fine with all the stipulations in the staff memo.

Chair Ricci asked the Board if they had questions for the applicant.

Mr. Marsilla asked if DPW is ok with a single grease trap. Mr. Chagnon said yes they are.

Mr. Allen said it looks like they have both the restaurant and sampling coming from the brewery going into the same manhole. He asked if there is something internal that will take care of sampling. Mr. Chagnon said they are working with DPW on that.

Chairman Ricci opened public hearing. Seeing no one rise, e closed public hearing.

Mr. Tainter said the Gateway Plan development allows the Planning Board to modify standards. There a couple items not strictly in compliance with standards.

MOTION: A Motion was made and seconded to find that modifications to the specific standards and requirements set forth in the Zoning Ordinance, Section 10.730 – Gateway Planned Development, will promote design flexibility and overall project quality, and that such modifications are consistent with the purpose and intent set forth in Section 10.731; and therefore to modify the standards and requirements as follows:

ZO Reference	Requirement and modification
10.735	<ul style="list-style-type: none"> • Must demonstrate ability to attain national certification. • Applicant states that project “meets the spirit of this requirement.”

MINUTES, Planning Board Meeting on October 15, 2015

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- | | |
|-----------|---|
| 10.736.32 | <ul style="list-style-type: none"> • Must provide at least one 8-foot pedestrian walkway throughout the project site connecting off-street parking to building entrance. • Plan includes 8-foot walkway along north building façade, but no walkway to off-street parking spaces. |
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The motion passed unanimously.

MOTION A Motion was made and seconded to find that the proposed project is consistent with the purpose and intent of the Gateway Planned Development provisions as set forth in Section 10.731;

The motion passed unanimously as follows:

- (a) The proposed project is consistent with the purpose and intent of the Gateway Planned Development provisions set forth in Section 10.731; and
- (b) The proposed project meets the GPD standards in Section 10.730 (as modified by the Board for this project); and
- (c) The anticipated impacts of the proposed project on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional development of the site.

MOTION: A Motion was made and seconded to grant the Conditional Use Permit approval subject to the stipulations of Site Plan Approval.

The motion passed unanimously. .

Motion: A Motion was made and seconded to grant Site Plan Approval with the following stipulations:

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

1. Add the following notes to Sheet C2 (Site Layout Plan) as required by Section 2.13(3) of the Site Plan Review Regulations:

- “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
- 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”

MINUTES, Planning Board Meeting on October 15, 2015

2. Add the following notes to Sheet L1 (Proposed Landscape Master Plan) as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
 - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
 3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
 4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
 5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”
3. Sheets C2 (Proposed Layout Plan) and L1 (Proposed Landscape Master Plan) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
4. The applicant shall TV the sewer line to the main to verify that the sewer is acceptable for re-use. The video inspection shall be delivered to the Department of Public Works for review and approval.
5. The project requires an industrial discharge permit issued by the Department of Public Works, and shall be subject to the requirements of the permit which may involve surcharge or testing requirements.
6. The project requires additional permits for utilities to be issued by the Department of Public Works, which may take precedence over these plans for water and sewer.
7. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
8. 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 on site.

MINUTES, Planning Board Meeting on October 15, 2015

Conditions Subsequent (to be completed prior to the final release of security):

- 9. The landscaping strip along the northwest property line may be replaced with a sidewalk in coordination with development of the abutting parcel, subject to administrative approval of an amended site plan.

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J. The application of Hillcrest at Portsmouth, LLC, Owner for property located at 3201 Lafayette Road, requesting Site Plan approval to replace up to 80 manufactured homes over the next 10 years, to create a 20’ x 20’ yard waste compost site, and to create 5 new pad sites for future homes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 7 and lies within the Gateway (GW) District, Garden Apartment/Mobile Home (GA/MH) District and Rural (R) District.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernie Pelech was present to speak on behalf of Hillcrest LLC. He said they started this process a year ago. 80% of the homes in Hillcrest are placed in the wetlands buffer. They were placed there when there was no wetlands buffer requirement. Since October 2014, they have been limited and not been able to receive permits to replace homes. There are now 15-20 vacant sites that are waiting for new modular/mobile homes. They have had an opportunity to review the staff memo. They have no issues but asked Mr. Tainter for some clarification.

Mr. Tainter said they have a situation where the Planning Board is being asked to approve Site Plan approval for something that is not in the ordinance. This was intended to be a mobile home park, not a modular home park. He said the application isn’t clear and asked if they are asking for phasing.

Attorney Pelech said they are not seeking approval for all 80 units. They will replace an average of 10 a year. He said he thinks it would be proper to do it in a phased manner. As far as the Zoning Ordinance goes, this is a unique situation. They have no problems with Mr. Tainter’s stipulations as long as an approval will allow them to move forward. He said they have a lot of support from residents there. There have been a lot of improvements with the new ownership.

Corey Caldwell said Hillcrest contains 213 sites. There are 16 vacant sites. There are 108 units targeted for replacement. Owners intend to replace 5-10 units per year. The park is 66 acres in size. He went through the maps and explained, saying anything without a hatch is a unit to be replaced. Note the quantity of plantings in the rain garden on the site. There was some discussion earlier about the larger homes. Mobile homes are evolving into more manufactured homes. There will be an increase in impervious area. There will be offsetting with 89,000 square feet of plantings.

MINUTES, Planning Board Meeting on October 15, 2015

Glenn Gidling, from Hillcrest, identified what homes might get replaced. He said in regards to spacing, it is complex to do on plan because there are existing units that they are not sure when they will be replaced. He said they have a lot of data, as they have done a lot of surveying out there.

Mr. Tainter asked why with unit 114 there is any reason it has to be expanded within the wetland buffer. Mr. Gidling said under the former system of homes being replaced, they were allowed to expand up to 25%. It is how it has been working out there. Once they have the ordinance, they would be able to tell if they have room to move it up.

Mr. Tainter asked what the Planning Board is actually being asked to approve. There are proposals on the plan with houses actually touching.

Mr. Gilding said most replacement homes will probably be the same size.

Ms. Moreau said they can give approvals as long as the criteria are met.

Mr. Allen said there are no rain gardens on these plans. They are ill defined. Rain gardens are in areas that are already impervious. He said he is uncomfortable with this plan. Attorney Pelech said the Conservation Commission suggested placing the rain gardens where they sit on the plan. They said they would rather have numerous smaller rain gardens instead of large rain gardens.

Mr. Barker asked why they are trying to approve a 10-year plan tonight when there isn't enough info. Mr. Tainter said there are two separate things, one being a Conditional Use Permit. The other issue is the increase in building activity has created issues because they realized that the park as it is right now is not permitted for what it is.

The applicants need a Site Plan approval to move forward.

Ms. Moreau opened public hearing. Seeing no one rise, she closed the public hearing.

Mr. Gidling said the Planning staff and Conservation staff asked them to do this process. He volunteered to do this to help streamline the process. 80% of units out there are in the wetlands buffer. He said they were asked to have a master plan. A Conditional Use Permit every time to put in a new house shouldn't be necessary.

Mr. Tainter said they are grandfathered for what they have now.

MOTION: A Motion was made and seconded to postpone this matter until they have some set standards from the Planning Department.

MINUTES, Planning Board Meeting on October 15, 2015

The motion passed unanimously to postpone consideration of this application to the Board’s November meeting in order to allow the Planning Department staff to develop recommended standards for site development.

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K. The application of Dilorenzo Lafayette Ledgewood Real Estate, LLC, Owner and Tuscan Brands, LLC, Applicant, for property located at 581 Lafayette Road, requesting Site Plan approval to renovate an existing 14,366 s.f. building with two additions to the front (one 8’ x 10’ addition and one 8’ x 36’ addition), one addition to the rear (10’ x 80’ addition), and two outdoor seating areas (one 1,277 s.f area in the front and one 1,261 s.f. seating area to the side), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 229 as Lot 8B and lies within the Gateway (GW) District.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon was present to speak on behalf of the applicant. He said they went in front of the ZBA on September 22 and obtained variances for the project. On September 29 they received the TAC approval with stipulations. There is pavement still on the site and the entrance is on Ledgewood Drive. The building itself will be reused. There will be minor additions in the back and front of the building. Utilities are served by Portsmouth City water and sewer. There will be drainage improvements. A full landscape design has been done. There were architectural plan changes made as advised from the TAC. They added fencing outdoors. They do need to add more around the patio area. They will be relocating the bike racks. They will review drainage pipes as recommended by the TAC. There were other issues from the TAC related to traffic. There are working with the City to identify what they need to do to move forward. They will be doing a study of traffic counts. They do need to review and approve the waiver for two driveways. They would like to keep the two driveways. They have no problems with the staff memo.

Ms. Moreau said she is concerned with the entrance at Ledgewood Drive as it used to be right turn only.

Mr. Gamester asked in regards to the site layout plan if there is any separation between Bowl O Rama traffic that circles around. Mr. Chagnon said it will continue to be a shared use. Mr. Gamester said he is concerned with traffic flow. He asked what can be done to control traffic around the whole area. Mr. Chagnon said sidewalks will encourage people to slow down.

Ms. Moreau suggested adding a stop sign to help slow people down.

Chairman Ricci opened the public hearing. Seeing no one rise, he closed public hearing.

MINUTES, Planning Board Meeting on October 15, 2015

MOTION: A Motion was made and seconded to find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations and, therefore, to waive compliance with Section 3.3.2(3) of the Regulations in order to allow two driveways on the lot.

The motion passed unanimously.

Motion: A Motion was made and seconded to grant Site Plan Approval with the following stipulations:

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

1. Amend the plan set as follows:
 - a. Replace the at-grade planter strip around the outdoor seating areas with a fence and/or raised planter structure at least 4 feet high, including gates, to prevent entry other than from inside the restaurant.
 - b. If the doors from the restaurant into the outdoor seating area are necessary to provide emergency egress from the restaurant, the paths from the doors to the gates at the perimeter of the seating area shall be kept open (including snow clearing) and illuminated at all times while the restaurant is open. A note shall be added to Sheet C3 regarding this requirement.
 - c. Show sidewalk tip-downs at both driveways. Crosswalks as currently shown are not required, but are acceptable if deemed necessary by the applicant.
 - d. On Sheet C3, show the correct setbacks from lot lines to the pergolas: approximately 55 feet in the front, and approximately 30 feet on the side facing Ledgewood Drive.
 - e. Add a stop sign at the property line with the adjacent parcel, at the end of the one-way segment of the circulation aisle.
 - f. Add the following notes to Sheet C3 as required by Section 2.13(3) of the Site Plan Review Regulations:
 - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”

MINUTES, Planning Board Meeting on October 15, 2015

- g. Add the following notes to Sheet L-1 as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
- “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
 3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
 4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
 5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”
- h. Revise the site plans and/or the building elevations to ensure that all plans and elevations are coordinated in terms of the number, size and locations of entry doors and pergolas.
2. Sheets C3 (Site Layout Plan) and L-1 (Landscape Plan) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
 3. The applicant shall prepare a traffic study covering Lafayette Road from the Route 1 Bypass to Greenleaf Avenue for review and approval by the Traffic Engineer. Any improvements identified in the study shall be completed by the applicant as part of the project.
 4. The applicant shall have the drainage pipes reviewed and televised if necessary.
 5. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments. The CMMP shall address blasting and vibration monitoring for the historic structures close to the site.
 6. 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 on site.

Conditions Subsequent (to be completed prior to the final release of security):

MINUTES, Planning Board Meeting on October 15, 2015

- 7. The proposed pergola and plaza structure on private, City and State property is approved subject to the issuance of all required variances (for setbacks from lot lines), licenses, easements and/or permits from the appropriate agencies.

The motion passed unanimously.

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L. The application of Eport Properties 1, LLC, and The National Society of Colonial Dames, Owners, and Aland Realty Group, Applicant, for property located at 173-175 Market Street and 165 Ceres Street, requesting Amended Site Plan approval to construct a 5-story, 3,616 s.f. (footprint) addition to an existing building which will include three new dwelling units, office and commercial space and 6 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 118, as Lots 3, 4 & 5, and lies within Character District 5 (CD5), the Downtown Overlay District (DOD) and the Historic District.

The Chairman read the notice into the record.

SPEAKING TO THE APPLICATION:

Christopher Erickson was present to speak on behalf of the applicant. They will be putting utility lines underground on Ceres Street. Overhead wires will be going underground. They will also be adding a dumpster enclosure. He talked about putting two manholes and a sewer line that goes through. There is a delineated grate change. He showed where a grease trap would go. He talked about putting in two sewer services that are dedicated to the building. There was a bike rack, which it was agreed in the TAC could be moved. It will go where the City would like it to go. They are open to that stipulation. They are also open to stipulations that were presented by the TAC.

Mr. Marsilla asked about backup power for ventilation. He said they will need it. He also asked how close the south elevation is to the adjacent lot line. Mr. Erickson said the windows are 5 feet away. Mr. Marsilla said within 5 feet you can't have any openings. He said it is a significant issue.

Chairman Ricci opened the public hearing. Seeing no one rise, he closed the public hearing.

MOTION: A Motion was made and seconded to grant Amended Site Plan Approval subject to the stipulations in the Planning Board memorandums, and that any unprotected openings within close proximity of the property lines have to follow requirements.

The motion passed unanimously with the following stipulations:

MINUTES, Planning Board Meeting on October 15, 2015**Conditions Precedent (to be completed prior to the issuance of a building permit):**

1. Sheet C-2 (Site Plan) shall include an acknowledgement that the utility pole on the Market Street sidewalk is too close to the corner of the new building to guarantee that the building will not be impacted by sidewalk plows. The applicant shall design the building to be robust enough to withstand a minor impact from a plow.
2. The plan shall include at the garage driveway an audible alarm during daytime hours and a flashing light during nighttime hours to warn pedestrians of entering and exiting vehicles.
3. The following notes shall be added to Sheet C-2 as required by Section 2.13(3) of the Site Plan Review Regulations:
 - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
4. The following notes shall be added to Sheet L1 (Landscape Plan) as required by Sections 2.13(3) and 2.13(4) of the Site Plan Review Regulations:
 - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
 3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
 4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
 5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”
5. The applicant shall provide an easement to the City for the sewer line through the building, to be subject to review and approval by the Legal Department.

MINUTES, Planning Board Meeting on October 15, 2015

6. The applicant shall enter into a legally binding agreement indemnifying the City in case of a break in the sewer line passing through the building.
7. The bike rack shall be provided by the applicant at a location to be determined by the City.
8. Unprotected openings in proximity to a property line must comply with the 2009 International Building Code.
9. Sheet C-2, Sheet L1 and the sewer easement shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
10. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
11. 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 on site.

V. PLANNING DIRECTOR'S REPORT

Mr. Tainter reminded members about the CIP process, saying it is a slightly different process this year. There will be a meeting December 2 and December 9.

Next week's meeting Planning Board Work Session is postponed until November 12.

VI. ADJOURNMENT

A Motion was made and seconded and unanimously granted to adjourn the meeting at 11:20pm. .

Respectfully Submitted,

Nicole Piper, recording secretary

These minutes were approved at the November 19, 2015 Planning Board Meeting.