

Planning Board

Minutes

June 8, 2009

Planning Board Members Present: Denis Hebert, Peggy Lamson, Michael Marconi, Cliff Abbott, Tom Bobotas, Jack Pare, Chris Cross (8:10 pm), Cosmas Iocovozzi (7:30 pm)

Also Present: Town Planner Tom Morgan

Commencement: Chairman Hebert opened the meeting at 6:35 pm

PUBLIC HEARINGS:

Proposal by Thomas Aspinwall to erect at 12,00 square foot office/industrial building behind the Exit 4 Gulf Station near the corner of Nimble Hill Rd & the Spaulding Turnpike, Tax Map 7, Lot 20, and Map 12, Lot 15.

Aspinwall spoke on the status of the project. He stated he had spoken to Dori Wiggin from DES and she suggested a retaining wall next to the entrance ramp. This would minimize the square footage of wetlands and make the project a minimal impact project. This would eliminate some of the parking spaces.

Chairman Hebert stated that there were already more than enough parking spaces.

Aspinwall will be appearing before the conservation commission on Thursday, June 11th. He has already obtained a wetlands variance from the zoning board.

Morgan explained that since there will be a driveway crossing a roadway, a special exception is required. The zoning board cannot grant the special exception until the conservation commission has made a recommendation on the project.

The hearing will be continued to the July 13, 2009 meeting.

Proposal by Todd Adelman and Mary Alice Baer for a lot line adjustment at 518 & 521 Shattuck Way, Tax Map 7, Lots 2 & 4

Attorney Pelech spoke and reference correspondence sent by Peter Loughlin dated June 8, 2009. He stated that Attorney Loughlin has reviewed all deeds and suggested some modifications. He further explained that Attorney Loughlin had concerns that the two parcels subject to the conservation easement were separated by the 50' strip which is not subject to the easement. He suggested that section of the 50' strip should be subject to the conservation easement as well. Attorney Loughlin also suggested the conservation easement retain the right to install utilities as required.

Chairman Hebert asked that all documents and plans be reviewed by Attorney Loughlin prior to recording.

Doreen Stern stated she did not feel it was appropriate for the board to vote on the proposal tonight. She was not aware of the proposed changes until now. She voiced her concerns that if the 50' strip were subject to the conservation easement it would create a parking issue with people trying to park in her driveway.

Chairman Hebert explained that the board had just received the letter from Peter Loughlin tonight with the proposed changes. He feels overall the project has come a long way from the original proposal and all parties will benefit from the proposal. He stated the Sterns should be given time to review the changes.

Pare stated that the planning board is a land use board and the issue of parking should be a police matter.

Chairman Hebert asked what contractual agreements were in place for the Sterns and the Baers. Attorney Pelech replied that in return for the land conveyance, the parties have agreed to give up their rights to the ROW across the street – this is contingent upon the planning board's approval of the plan.

Morgan asked John Chagnon what changes had been made to the site plan from the previous plan. Chagnon replied that notes had been added to the plan which further detail the conveyed area subject to the conservation easement. The ownership name was also changed from Bernard to KWA, LLC.

Morgan asked when a revised plan incorporating the changes suggested by Attorney Loughlin could be ready. Chagnon replied that a revised plan could be ready tomorrow. Morgan said he would like the board to have the revised plan at least one week before the meeting.

Attorney Pelech stated he will make the changes to the conservation easement and forward to Morgan. Morgan will distribute to the board members and the abutters.

Marconi stated since the letter from Peter Loughlin was received last minute, he would like to have the hearing continued to give the Sterns enough time to review the changes.

Doreen Stern asked what her liability would be if someone were to get hurt in the driveway.

Chairman Hebert replied that she should consult with her attorney.

The hearing is continued to the June 22, 2009 meeting.

Proposal by Todd Adelman for office/warehouse construction at the site of the former Flagstones Restaurant at 521 Shattuck Way, Map 7, Lot 2.

Kelly Davis of Sumner Davis Architects presented conceptual drawings of the project.

Davis said originally they had talked about 2 buildings with a total square footage of 44,000 sq. ft. The current concept is the same square footage, but the size of each individual building has changed Building 1 would be 11,000 sq. ft and building 2 would be 33,000 sq. ft. Building 1 would be a two story building and building 2 would be a three story building. Davis further explained that the building would be of modern design with a lot of glass and an exterior of some type of metal panel system.

Chairman Hebert explained that they will need a stormwater plan. He also questioned the modern design of the building.

Cosmas Iocovozzi joined the board at 7:30 pm.

Adelman explained that he has travelled a lot in Europe and found the modern architecture extremely well done. He does not want a building design like some of the recent buildings that have gone up on Pease. This will be a well done project.

Bobotas asked about the flex use space in the buildings and whether Adelman will occupy any of the space.

Adelman replied that it would depend on how the timeline of the project would progress in relation to the terms of his current lease.

Bobotas suggested that with the amount of glass proposed on the project there is the potential of glare from the sun and this should be considered.

The hearing is continued to the July 13^m 2009 for site plan review.

NEW BUSINESS:

Proposal by the Birchtree Center and Urstadt Biddle to locate a school for autistic children at the former Portsmouth Rehabilitation facility off West Park Drive.

Attorney Pelech explained that the zoning board of adjustment granted the use variance for this project.

Shannon Alther of TMS Architects presented plans of the project. Alther pointed out the pathway that will link pedestrian traffic and control vehicular traffic. He further explained the traffic flow showing a one way zone with a circular pattern around the pickup/drop-off location. There will be speed bumps and stop bars to control the area.

Fire Chief Greenleaf spoke in favor of the project. He stated the fire trucks would not have a problem getting in and out of the area. Chief Greenleaf visited the area and presented photographs he had taken of the area to the board. He said there is no traffic in that area and the Iparty truck comes in to the loading area through the Iparty side of the lot.

Marconi voiced his concern about adequate fire emergency plans because of the children in the building.

Chief Greenleaf replied that the whole building would have to have a sprinkler system and the entire building would have to have a fire alarm system. Chief Greenleaf stated that because it is a school, there are strict guidelines to follow with formal inspection plans, flammability requirements, etc.

Chris Cross joined the board at 8:10 pm.

Pare asked if there were any discussions regarding a walkway to the main area of the mall.

Andrew Albrecht of Urstadt Biddle explained that the two malls had agreed to participate and contribute to the connecting pathway, but they have not formalized anything regarding the walkway to the main area of the mall.

Chairman Hebert stated he is not comfortable approving a plan without safe passage.

Discussion of procedure for public hearing and whether the plan is substantially complete.

Morgan stated that voting on the plan as complete and the public hearing can be done at one meeting. He will notify the abutters.

Marconi made a motion that the proposal go to public hearing on June 22, 2009, Abbott seconded , all in favor – motion carried.

Attorney Pelech asked what would be needed to make the plan complete regarding the walkway.

Christine Guarino, Executive Director of the Birchtree Center stated that a crossing guard is present and with the students at all times and there is a 1 to 1 student/teacher ratio at all times.

Pare stated that board was not aware of Birchtree's procedure regarding the crossing guard and therefore felt the walkway to the main mall area was not necessary. Pare also said he would like to see a grading plan for the pedestrian pathway.

Chairman Hebert stated they would also need see a lighting plan and further requested a copy of Birchtree's operating procedures.

Proposal by Westinghouse to construct a radiograph bunker and evaporator room at 178 Shattuck Way, Tax Map 20, Lot 3.

Richard Talbot, Facilities & Maintenance Manager at Westinghouse, presented the plans for the project. He explained that an existing concrete structure currently operating as a sandblast facility will be converted to a radiographic inspection facility. In order to access the 2nd story of the structure, an outside stairwell will be needed. This will require zoning board approval for a setback variance. Talbot further explained that a single story building attached to an existing building will be constructed to house the wastewater evaporation facility. This will free up the manufacturing space where the evaporation facility is currently located. Talbot said the state permitting process for a radiographic inspection facility will take approximately 8 months and they have started that process.

Lamson made a motion that the proposal go to public hearing on June 22, 2009, Marconi seconded, all in favor – motion carried.

Minutes of May 18, 2009

Marconi made a motion to approve the minutes of May 18, 2009, Lamson seconded, Bobotas abstained, - all others in favor – motion carried.

Cosmas Iocovozzi left the meeting at 8:50 pm.

Correspondence:

- Letter from Attorney Loughlin to Charlie Smart dated 05/29/09 regarding sign violations at 2025 Woodbury Avenue.
- Request from Paul Griffin of Great Bay Marine for a seasonal tent structure.

Chairman Hebert asked Morgan to invite Mr. Griffin to the next meeting.

Cosmas Iocovozzi rejoined the meeting at 9:00 pm

- Letter from the selectman to the planning board regarding requesting the planning board to meet with COAST.

Chairman Hebert asked Morgan to invite COAST and the selectmen to the July 13, 2009 meeting.

Other Business:

Morgan stated he has been contacted by Ocean Properties regarding the potential project on International Drive. They would like to appear at the July 13, 2009 meeting.

Marconi made a motion to adjourn, Lamson seconded – all in favor – motion carried.

Meeting adjourned at 9:10 pm.

Respectfully submitted,

Melia Perreault
Recording Secretary