

Call to Order: Chair Morton called the meeting to order at 7:15 p.m.

Present: Matt Morton, Chair, Jill Newick, Edna Mosher, Chris Cross, and Tom Morgan, Town Planner. Russell Cooke arrived at 7:34 pm, meeting officially called to order. Secretary was late.

Correspondence: No new business at this time.

Minutes: Mosher moved to accept minutes, Newick seconded. Motion was carried.

Public Hearings: Call to order for Hearing at 7:15 pm. Chair advised the applicant that there were only four members present, other member said he would be late. Applicant has the right to wait because there were not five members. Applicant chose to wait a few more minutes. Board member arrived at 7:34 pm. Meeting called to order.

1) A request by Thomas Butler and Michael Haberski to construct a 64-room hotel behind Mitchell's Exxon, Tax Map 7, Lot 20, and Map 12, Lot 15. The applicant is proposing to build on a 1.14 acre lot and on a 1 acre lot where a minimum of 120,000 square feet is required by Article VI of the Zoning Ordinance. The applicant also proposes no side yard setback adjacent to the Exxon Station where Article VI requires a minimum setback of 30 feet. Chair asked if there were better plans that could be presented to the Board. He had a hard time reading the plans that were presented. Applicant did have other plans they could present. Chair advised Board he would be out of the area for a few weeks. Applicant chose to wait until he got back to reschedule their hearing request. Meeting will be rescheduled the end of March - mid April.

2) Message center Management, Inc. proposes to erect a 140-foot high telecommunications tower on land owned by the Pease Development Authority (PDA) at 182 Arboretum Drive on the Pease International Tradeport. The site is atop Beane's Hill adjacent to the City of Portsmouth's water storage tank on the west side of the Spaulding Turnpike, near Walmart. The proposed tower requires a Special Exception pursuant to Part 303-A(e) of the PDA Land Use Controls. Applicant withdrew request per Town Planner.

3) Farley White Interests propose a 107,000 square foot expansion of the office building at 100 Arboretum Drive. The proposed expansion requires a variance in order to allow only three loading berths where a minimum of eighteen are required by Section 307.02(b) of the PDA Land Use Controls. There was discussion regarding the request and the need for eighteen loading berths in an office building. Marie Stowell, who is in charge of Engineering for the PDA felt the requirement was unreasonable. After discussion by the Board members and review of variance requirements, the variance was granted to the applicant.

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John Springer, Attorney representing Nancy and John Haborstroh were looking for a

variance for a structural setback from Article X, Section 7 of the Zoning Ordinance. After applicants had received their first variance, they had to get DES approval. They received that approval and then had to get a building permit from the Town. It was at that time they found they needed this additional variance. DES asked the Haberstrohs to decrease the walkway from ten feet to six feet which they have done. DES gave approval on 10/3/05 as a Minor Impact project. Frank Richardson of DES came out to view the project. Applicant stated it is very steep back down to the water, thus the need for the walkway.

Bernard Christopher, 29 Dumpling Cove, suggested that the plans be put up so everyone could see the proposal. Peggy Lamson, Chair of the Conservation Commission felt they should show where the salt marsh is in comparison to request. Barbara MacDonald said she would like to look at a professionally developed set of plans.

Attorney Springer outlined the 100' line of sea grass. Ms. Lamson had pictures she felt might show more clearly the area.

Chair stated he was looking for plans done and presented by an architect.

Mr. Christopher, an abuttor did not have concern regarding what the applicants are doing. He felt it was a vast improvement. Ms. Lamson stated the Conservation Commission has not taken a position. Their only concern is the marsh and that there is no impact on the banking. Attorney stated that at a Conservation Committee meeting the Haberstrohs stated that the building will be 100' beyond the salt marsh.

After more discussion by various people the Chair closed the Public Hearing at 8:40 pm. Attorney Springer presented the five criteria for the variance. Mosher stated that the Boccia case clinched it for her. Chair stated he had a hard time seeing that the structure would be of damage to the wetlands. Newick reminded Board that the applicants did reduce the size of the patio at the request of DES. Crosse said DES ruled it a Minor Impact project.

Cooke made a motion that plan be approved based on plans outlined on the Board with a certified copy presented to the Board. After discussion, Cooke withdrew his motion. Cross moved variance be accepted ,
Mosher seconded. After review of variance requirements, motion was carried.

Newick moved, Mosher seconded, that meeting be adjourned. Motion carried, meeting adjourned at 9:10 pm.

Respectfully Submitted,

Sandra W. Sweeney

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